

DEFERRED COMMENCEMENT CONSENT

Environmental Planning and Assessment Act 1979

Application Number: DA13/0878
Authority: Council

APPLICATION DETAILS

Applicant: JMH Living Designs
PO Box 74
CARINGBAH NSW 1495

Land Description Lot 14 DP29614, Lot 1 DP 504124 & S/P12620
10-14 Moani Avenue, Gymea

Proposed Development: Demolition of Existing Dwellings, Construction of a Residential Flat Building Containing 24 Units and Strata Title Subdivision

Date of Determination: 20 December 2013

Under Section 80(3) of the Environmental Planning and Assessment Act 1979 Sutherland Shire Council grants a “**DEFERRED COMMENCEMENT**” consent for DA13/0878 as described above, subject to the conditions specified in this notice. This consent does not operate until the applicant satisfies Council, in accordance with the Regulations, as to the matters specified in the deferred commencement condition/s.

The following conditions of consent have been imposed to reduce or eliminate any detrimental effects that the proposed development might have on the environment including or amenity of the area.

PART 1 - DEFERRED COMMENCEMENT CONDITIONS

To enable the submission of further information to clarify or resolve specific aspects of the proposed development this Development Consent is issued as a "Deferred Commencement" Consent under the provisions of Section 80(3) of the Environmental Planning and Assessment Act as amended. The Consent does not operate until the applicant satisfies the Council as to the following matters.

The required information must be submitted within 12 months of the date of issue of this development consent.

Note- Under the provisions of Clause 95A(5) of the Environmental Planning and Assessment Regulation 2000 upon submission of the required information, Council must advise in writing whether or not it is satisfied as to the relevant matters.

1. Deferred Commencement Condition

- a) Evidence shall be provided that a new 3.0 wide Easement for Drainage in favour of Council has been created parallel and adjacent to the southern boundary of the subject site and that all necessary pipes, pits and other related works both within the new Easement within the public area have been completed in a satisfactory manner. Alternatively, the Applicant may enter into a written agreement with regard to the easement relocation and pipeline construction compliant with Council's terms and conditions.

2. Design Changes Required

The following design changes must be implemented:

- i) The ground level carparking area shall be modified to include two (2) additional adaptable carparking spaces (noting that the dedicated carwash bay is not required in this development).
- ii) In conjunction with the changes required in i) above, car space 'P12' shall be relocated to the north by 1.2m and take measures to ensure pedestrian safety around.
- iii) The pedestrian entry to the building shall be relocated so as to be in accordance with preliminary plans tabled at the IHAP Meeting. A direct entry path off Moani Avenue is to be considered subject to BCA and Flood Measures (refer DWG 13_26A A02 [6/12/2013-10:29]) The letterboxes shall also be relocated to align with the new building entry.
- iv) The path and stairs located to the south of the new entry shall be rotated 90° to be against podium and the area landscaped.
- v) The external wall of the carpark level shall be finished in a dark, recessive colour in contrast to the finish of the residential buildings above.
- vi) The podium level portico structure at the top of the stairs shall be extended so as to provide covered access between the two residential buildings without extending further eastward.
- vii) Courtyards to apartments P12, 13, 14 and 15 are to be revised to have a minimum 5m depth. The adjoining communal area shall be modified accordingly to provide a 1.5m wide landscaped area to separate these spaces. Privacy screening shall also be incorporated along the northern edge of the amended courtyard.

- viii) Following from vii) above, the pedestrian access shall be maintained to the eastern external stairs which are able to be relocated to the north to suit the new path location.
- ix) Cityview 2 & 3 and Parkview 14 should be replanned to improve residential amenity of these units as shown on preliminary plans tabled at IHAP Meeting (Refer DWG- 13_26 A04- [6/12/13 - 10:29]).
- x) Entry Area (stair and lift) to be better addressed as shown in preliminary plans tabled at the IHAP Meeting (Refer DWG- 13_26 A03/A04/A05 - [6/12/13- 10:29])

PART 2 - CONDITIONS OF CONSENT

3. Approved Plans and Documents

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

<i>Plan number</i>	<i>Reference</i>	<i>Prepared by</i>	<i>Date</i>
13_26 A01	Site plan and roof plan	JMH Living Design	17.9.2013
13_26 A02	Carpark floor plan	JMH Living Design	17.9.2013
13_26 A03	Ground floor plan	JMH Living Design	17.9.2013
13_26 A04	First floor plan	JMH Living Design	17.9.2013
13_26 A05	Second floor plan	JMH Living Design	17.9.2013
13_26 A06	Loft floor plan	JMH Living Design	17.9.2013
13_26 A07	East & west elevations	JMH Living Design	17.9.2013
13_26 A08	North & south elevations	JMH Living Design	17.9.2013
13_26 A09	Sections	JMH Living Design	17.9.2013
13_26 A14	Construction & waste management plan	JMH Living Design	17.9.2013
2007-09-D1 DA4	Concept stormwater management plan	Alan Dean & Associates	Sept 2013
2007-09-D2 DA4	Flood Inundation Plans	Alan Dean & Associates	Sept 2013
2007-09-D3 DA4	Easement sections and plans	Alan Dean & Associates	Sept 2013
13-2699 L01 Rev J	Existing tree plan	Zenith Landscape Designs	17.09.13
13-2699 L02 Rev J	Levels & surfaces - Carpark level	Zenith Landscape Designs	17.09.13
13-2699 L03 Rev J	Levels & surfaces - Ground floor	Zenith Landscape Designs	17.09.13
13-2699 L04 Rev J	Planting - Carpark level	Zenith Landscape Designs	17.09.13
13-2699 L05 Rev J	Planting - Ground floor	Zenith Landscape Designs	17.09.13
13-2699 L06 Rev J	Details plan	Zenith Landscape Designs	17.09.13

and any details on the application form and on any supporting information received with the application except as amended by the following conditions.

Note: The following must be submitted to Sutherland Shire Council prior to the commencement of any building work.

- i) A Construction Certificate.
- ii) Notification of the appointment of a Principal Certifying Authority and a letter of acceptance from that Principal Certifying Authority .
- iii) Notification of the commencement of building works with a minimum of 2 days notice of such commencement.

4. Requirements of Authorities

A Requirements from Other Authorities

The development must be undertaken in accordance with the requirements of Transport NSW - Railcorp as follows:

- i) Noise and Vibration
An acoustic assessment is to be submitted to Council prior to the issue of a construction certificate demonstrating how the proposed development will comply with the Department of Planning's document titled "Development Near Rail Corridors and Busy Roads- Interim Guidelines"
- ii) Stray currents and electrolysis from rail operations
Prior to the issue of a Construction Certificate, the Applicant is to engage an Electrolysis Expert to prepare a report on the Electrolysis Risk to the development from stray currents. The Applicant must incorporate in the development all the measures recommended in the report to control that risk. A copy of the report is to be provided to the Principal Certifying Authority with the application for a Construction Certificate
- iii) Use of lights and reflective materials
The design, installation and use of lights, signs and reflective materials, whether permanent or temporary, which are (or from which reflected light might be) visible from the rail corridor, must limit glare and reflectivity to the satisfaction of RailCorp. The Principal Certifying Authority shall not issue the Construction Certificate until written confirmation has been received from RailCorp confirming that this condition has been satisfied.
- iv) Demolition, excavation and construction impacts
Prior to the issue of a Construction Certificate a Risk Assessment/Management Plan and detailed Safe Work Method Statements (SWMS) for the proposed works are to be submitted to RailCorp for review and comment on the impacts on rail corridor. The Principal Certifying Authority shall not issue the Construction Certificate until written confirmation has been received from RailCorp confirming that this condition has been satisfied.

No metal ladders, tapes and plan/machinery, or conductive material are to be used within six (6) horizontal metres of any live electrical equipment. This applies to the train pantographs and 1500V catenary, contact and pull-off wires of the adjacent tracks, and to any high voltage aerial supplies within or adjacent to the rail corridor.
- v)

Crane and other aerial operations

Prior to the issuing of a Construction Certificate, the Applicant is to submit to RailCorp a plan showing all craneage and other aerial operations for the development and must comply with all RailCorp requirements. The Principal Certifying Authority shall not issue the Construction Certificate until written confirmation has been received from RailCorp confirming that this condition has been satisfied.

vi) Environmental conditions

During all stages of the development, environmental legislation and regulations will be complied with.

During all stages of the development extreme care shall be taken to prevent environmental harm within railway corridor. Any form of environmental harm to areas within the railway corridor or legislative non-compliance that arises as a consequence of the development activities shall remain the full responsibility of the Applicant.

During all stages of the development extreme care shall be taken to prevent any form of pollution entering the railway corridor. Any form of pollution that arises as a consequence of the development activities shall remain the full responsibility of the Applicant.

vii) Drainage

Given the development site's location next to the rail corridor, drainage from the development must be adequately disposed of/managed and not allowed to be discharged into the corridor unless prior approval has been obtained from RailCorp.

Rainwater from the roof must not be projected and/or falling into the rail corridor and must be piped down the face of the building which faces the rail corridor.

viii) Fencing

Prior to the commencement of works appropriate fencing shall be installed along the rail corridor to prevent unauthorised access to the rail corridor. Details of the type of fencing and the method of erection are to be to RailCorp's satisfaction prior to the fencing work being undertaken. RailCorp may provide supervision, at the developer's cost, for the erection of the new fencing.

A copy of the GTA and any further requirements of the Approval Authority are attached to this development consent. These requirements must be incorporated in the application for Construction Certificate where required.

5. Public Place Environmental, Damage & Performance Security Bond

A. Before Construction

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

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

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

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

The value of the bond is \$30,000.

Note: Bond amount includes a non refundable administration fee which must be paid separately.

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

B. After Occupation

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

6. Council Property Security - Demolition Works Only

A. Before Works

At least two days prior to the commencement of demolition works the person acting on this consent must provide security to Sutherland Shire Council to the value of \$10,000 against damage caused to any Council property or the environment as a consequence of the implementation of this consent. The security may be provided by way of a deposit or bank guarantee to Council. A non refundable inspection / administration fee is also payable at the time of lodging this security deposit with Council.

It is the responsibility of the person acting on this consent to notify Council of any existing damage to public areas in the vicinity of the development site by the submission of a current dilapidation report supported by photographs. This report must be submitted at least two days prior to the commencement of works. Should any public property sustain damage during the course of the implementation of this consent Sutherland Shire Council may carry out any works necessary to repair the damage and the cost of these works will be deducted from the security.

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

B. After Occupation

A request for release of the security deposit may also be made to Sutherland Shire Council after all demolition work has been completed using the 'Bond Release Request Form, accompanied by a current dilapidation report including photographs and signed by the owner or any person entitled to act on the consent.

SECTION 94 CONTRIBUTIONS

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

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

7. Monetary Contribution for Shire-Wide Open Space and Recreational Facilities

A. Before Construction

Pursuant to Section 94 of the Environmental Planning and Assessment Act 1979 and Sutherland Shire Council's Contributions Plan - Shire Wide Open Space and Recreation Facilities 2005, a monetary contribution of \$108,256.94 must be paid to Sutherland Shire Council toward the cost of land identified for acquisition and works contained in the Works Programme of the Contributions Plan.

This contribution has been assessed and calculated in accordance with the Shire Wide Open Space and Recreation Facilities 2005, Contribution Plan on the basis of 24 proposed Residential Flat Units, Apartments etc, with a concession for one (1) existing allotment and nine (9) existing Residential Flat Units, Apartments etc.

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

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

8. Community Facilities, Shire Wide 2003 Plan

A. Before Construction

A monetary contribution of \$18,302.73 must be made for the cost of providing community facilities.

This contribution has been assessed pursuant to s.94 of the Environmental Planning and Assessment Act, and the Sutherland Shire Contributions Plan - Community Facilities in the Sutherland Shire, after identifying the likelihood that this development will require or increase the demand for community facilities within the shire. It has been calculated on the basis of 24 proposed Residential Flat Units, Apartments etc, with a concession for one (1) existing allotment and (9) existing Residential Flat Units, Apartments etc.

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

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

9. Detailed Landscape Plan - Greenweb Restoration

A. Design

A Detailed Landscape Plan must be prepared by a qualified landscape designer or Landscape Architect.

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

The plan must be prepared in accordance with Sutherland Shire Development Control Plan 2006 and the Sutherland Shire Environmental Specification 2007 (Landscaping Parts 1-5).

As the subject site is identified as being within a Greenweb Restoration area, all new tree plantings must be indigenous species and 50% of understorey plants must be indigenous species. All indigenous species must be selected from Council's 'Native Plant Selector' available on council's website (www.sutherlandshire.nsw.gov.au <<http://www.sutherlandshire.nsw.gov.au>> and search for Native Plant Selector).

The Detailed Landscape Plan must be based on the Concept Landscape Plan No.s 13-2699 L01 to L05, Revision J, prepared by Zenith Landscape Designs, dated 1.5.13 and must also include the following amendments:

- i) The main pedestrian entry, ramps and stairs on the landscape plans shall be amended in accordance with the revised architectural plans as per Condition No.3(iii) and 3(iv).
- ii) The planter boxes and hedge planting in the communal ground floor courtyard shall be amended in accordance with the revised architectural plans as per Condition No.3(vii) and 3(viii). Privacy planting within the planterboxes immediately to the north of units 'Parkview 12, 13, 14 & 15' shall be provided. Two (2) additional indigenous canopy trees shall be provided in the courtyard.
- iii) The planter boxes on the ground floor communal courtyard shall be amended to provide a soil volume of 3mx3mx1000mm depth for each tree, 600mm depth for shrubs and 500mm depth for tufted plants and groundcovers.

- iv) The proposed communal clothes drying area in the south east corner of the site shall be relocated nearer to the external stair providing access from the podium level. An additional communal drying area shall be provided on the podium level and be located so as not to be visible from the street. The two communal drying areas shall achieve a total line length of 60 linear metres.
- v) One drying rack, set below the balustrade, shall be provided for every balcony accessed from the living areas on the ground, first and second floor levels. Fold-down drying racks shall be provided for ground floor courtyards in units Parkview 12, 13, 14 & 15.
- vi) Seats in the ground floor courtyard shall be located under canopy trees.
- vii) Greater biodiversity, especially in the selection of tree species, is required. Note that *Eucalyptus racemosa* shall be substituted for *E. haemastoma*. Guidance should be taken from Council's online 'Native Plant selector'.
- viii) The five (5) proposed *Tristaniopsis laurina* (Water Gum) street trees shall be deleted and an additional two (2) *Corymbia gummifera* (Bloodwood) shall be planted within the front setback between the driveway and the entry.
- ix) Two (2) additional large indigenous trees shall be planted along the southern boundary facing the railway line.
- x) The communal open space areas must be provided with a water-efficient irrigation system and five (5) taps, connected to a pump and the rainwater tank to enable effective landscape maintenance. One (1) tap shall be provided on each side of the building on the lower ground level and one (1) tap shall be provided in the ground floor courtyard.
- xi) Details of a 12 months maintenance programme.

B. Before Construction

The Detailed Landscape Plan required to comply with 'A' above must accompany the documentation forming part of the Construction Certificate.

C. During Construction

During any works the applicant must engage a suitably qualified Landscape Designer or Landscape Architect to oversee the landscape works. This person must check the landscape construction works at regular intervals and oversee any design changes due to unforeseen circumstances.

D. Before Occupation

Certification must be provided by a qualified Landscape Designer or Landscape Architect that all landscaping works have been carried out in accordance with 'A' above.

E. Ongoing

All landscaping works required by 'A' above must be maintained for 12 months or until the trees are covered by Council's Controls for Preservation of Trees and Bushland Vegetation (SSCDCP Chapter 4).

Note: If difficulty is experienced sourcing suitable indigenous plants from other suppliers, seeds of local provenance are available from:

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

10. Street Planting

Street tree planting is not required as part of this development. The five (5) *Tristaniopsis laurina* street trees shown on Dwg No.13-2699 L04, Revision J, prepared by Zenith Landscape Designs, dated 1.5.13, shall be deleted.

11. Removal of Trees

A. Design

The removal of trees identified on the approved landscape Dwg No. 13-2699 L01, Revision J, prepared by Zenith Landscape Designs, dated 1.5.13 as "existing tree to be removed" is approved, unless otherwise specified.

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

12. Tree Retention and Protection

A. Before Works

Before the commencement of any works on the site a supervising Arborist must be engaged to oversee the measures for the protection of existing trees as listed below.

Note: An Arborist is a person with current membership of the National Arborists Association of Australia at a grade of General Member, Affiliate Member or Life Member or alternatively a person who has obtained a TAFE Certificate in Horticulture (Arboriculture) Level 5.

The following trees as marked on the Plan No.13-2699 L01 prepared by Zenith Landscape Designs dated 1.5.13 must be retained and protected:

Tree No.	Tree Species (botanical and common name)	Location on site
1	Pine Tree	Neighbour's property, western boundary
2	Cotoneaster	Neighbour's property, western boundary
3	<i>Jacaranda mimosifolia</i> (Jacaranda)	Neighbour's property, near SW corner of site
11	<i>Cinnamomum camphora</i> (Camphor Laurel)	Neighbour's property, near SE corner of site
18	<i>Eucalyptus robusta</i> (Swamp Mahogany)	NE corner of site.

The trees identified for retention must be protected by the following measures:

- i) To preserve Tree 18, the footings on the eastern façade of the proposed building within the dripline of the tree must be isolated pier and beam construction. The piers must be hand dug and located such that no roots of a diameter greater than 50mm are severed or injured in the process of any site works during the construction period. The beam must be located on or above the existing soil levels.
- ii) Protective fencing constructed of 1.8m high chain wire mesh supported by robust posts must be installed in the locations as marked on the Plan No.13-2699 L01 prepared by Zenith Landscape Designs dated 1.5.13 for each tree referenced above. Signage must be erected on the fence with the following words clearly displayed "TREE PROTECTION ZONE, DO NOT ENTER".
- iii) The tree protection zone within the protective fencing must be mulched with a maximum depth 75mm of suitable organic mulch (woodchips or composted leaf chip mulch) and kept regularly watered for the duration of the works subject to this consent.
- iv) No development or associated activity is permitted within the fenced tree protection zone for the duration of works subject to this consent. This includes vehicular or pedestrian access, sheds, washout areas, excavations, backfilling, installation of services (including stormwater), removal of top soil, stockpiling of soil or building materials.
- v) Any approved works within this tree protection zone must be under the direction and to the satisfaction of an Arborist.
- vi) Where site access/egress is required over the roots of trees identified for retention and protection, provide hardwood rumble boards over a 200mm thick layer of wood chip.

B. During Construction

- i) The tree protection measures detailed in 'A' above must be maintained during construction.
- ii) If the trees identified for retention in 'A' above are damaged or destabilised during construction then works must cease and Council's Tree Assessment Officer (ph. 9710 0333) must be contacted to assess the trees and recommend action to be taken.

13. Imported 'Waste Derived' Fill Material

In order to ensure that imported fill is of an acceptable standard for environmental protection purposes:

A. Design

The only waste derived fill material that may be received at the development site must be:

- i) Virgin excavated natural material (within the meaning of the Protection of the Environment Operations Act 1997).
- ii) Any other waste-derived material the subject of a resource recovery exemption under cl.51A of the Protection of the Environment Operations (Waste) Regulation 2005 that is permitted to be used as fill material.

B. Prior to Commencement / Issue of Construction Certificate

Any waste-derived material the subject of a resource recovery exemption received at the development site must be accompanied by documentation as to the material's compliance with the exemption conditions and must be provided to the Principal Certifying Authority on request.

14. Disposal of Site Soils

A. During Works

All soils excavated from the subject site are to be classified under the NSW Department of Environment and Climate Change Waste Classification Guidelines (2009). Testing is required prior to off site disposal.

In accordance with DECC Waste Classification Guidelines (2009) materials identified for off site disposal must be removed by a suitably qualified contractor to an appropriately licensed waste facility

Note: Attention is drawn to Part 4 of the NSW DECC Waste Classification Guidelines (2009) which makes particular reference to the management and disposal of Acid & Potential Acid Sulfate Soils.

B. Prior to Occupation or Commencement of Use

Evidence that the requirements specified in 'A' above have been satisfied must be provided to the Principle Certifying Authority prior to the issue of an Occupation Certificate. Where an Occupation Certificate is not required this evidence must be provided to the satisfaction of Council's Manager Environmental Science.

15. General Odour Condition

A. Ongoing

The use and operation of the premises must not cause the emission of any odours that, by reason of its level, nature, character or quality is likely to be harmful to or interfere unreasonably with the comfort of a person who is outside the premises.

16. Dewatering of Excavation

Any water from excavations to be discharged to Council's stormwater system must meet the following criteria:

- a) It shall not contain a concentration of suspended sediment exceeding 50 mg/L.
- b) It shall have a pH of between 6.5-8.
- c) It shall comply with the ANZECC Guidelines for Marine and Freshwater Quality, for Protection of Aquatic Ecosystems (95% protection level).

Water testing shall be carried out to ensure compliance with the above by a suitably qualified environmental scientist, and results provided to Council upon request. A permit may be required to discharge water to Council's stormwater system. Consultation with Council shall be undertaken prior to discharge of any water to stormwater.

17. Approvals Required under Roads Act or Local Government Act

A. Before Construction

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

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

18. Design and Construction of Works in Road Reserve

The implementation of this Consent generates a need for works to be completed in the road reserve.

A. Before Construction

To enable the scope of works to be determined and alignment levels issued an application for a detailed frontage design must be submitted together with the required fee, under the Roads Act 1993 and/or the Local Government Act 1993.

The works required will be determined using the following criteria:

- i) Infrastructure construction and reconstruction required to facilitate both pedestrian and vehicular access into and around the site.
- ii) Construction and reconstruction of stormwater infrastructure to facilitate drainage of the site and minimise impacts to the site and adjoining properties as a result of the development.
- iii) To ensure that infrastructure relevant to the proposed development meets current standards and specifications.
- iv) To mitigate any impacts the development may have on traffic and pedestrian safety.
- v) To satisfy the requirements of any Development Control Plan or any other relevant Council Plan.
- vi) To ensure there are adequate transitions between newly constructed and existing infrastructure.

B. Before Occupation

All works required in the road reserve as required in the detailed frontage design provided by Council must be completed before occupation of the development.

19. Site Management Plan

A. Before Commencement of Works including Demolition

An Environmental Site Management Plan must accompany the application for a Construction Certificate. If demolition is to commence prior to the issue of a Construction Certificate the applicant must submit to Sutherland Shire Council a separate Demolition Site Management Plan. These plans must satisfy the Objectives and Controls of Sutherland Shire Development Control Plan 2006 relating to environmental site management and must incorporate the following throughout demolition and construction:

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

B. During Works

The site management measures set out in the above plan must remain in place and be maintained throughout the period of works and until the site has been stabilised and landscaped.

20. Pre-commencement Inspection

A. Before Works

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

The purpose of the meeting is to:

- i) Ensure safe passage for pedestrians, Work and Hoarded Zones are maintained in accordance with Council requirements;
- ii) Check the installation and adequacy of all traffic management devices;
- iii) Confirm that the supervising engineer has a copy of Council's Specification for Civil Works Associated with Subdivisions and Developments.

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

21. Supervising Engineer

A. Before Construction

The applicant must engage an appropriately qualified supervising engineer to supervise construction of any:

- i) road frontage works
- ii) construction / installation of stormwater drainage
- iii) rainwater harvesting
- iv) rainwater reuse facilities
- v) all other works that form part of a subdivision

B. During Construction

The engineer must supervise the works as listed above to ensure compliance with:

- i) Council's current "Specification for Civil Works Associated with Subdivisions and Developments" for works in the public area
- ii) any frontage works design approved by Council
- iii) all relevant conditions of development consent
- iv) any Consent issued under the Roads Act for this development
- v) appropriate design parameters in applicable Australian Standards

C. Before Occupation

The engineer must certify the Works-as-Executed drawings or provide a separate certification that the requirements of this condition have been met.

22. Internal Driveway Profile

A. Before Construction

An Access Application must be made to Council to obtain footpath crossing and boundary alignment levels before commencing the final design of internal driveways, paths and car park area.

B. Design

The internal driveway profile must be designed to:

- i) Provide adequate sight distance for the safety of pedestrians using the footpath area.
- ii) Align with Council's issued footpath crossing levels.
- iii) Comply with AS2890.1(2004) in relation to the design of vehicular access, parking and general manoeuvring for the B85 vehicle.

Certification by an appropriately qualified person to the effect that these design requirements have been met must accompany the application for a Construction Certificate.

23. Parking Areas and Access

A. Design

All vehicular access, car parking and manoeuvring areas must be designed and constructed to comply with Australian Standard AS/NZS2890.1:2004 and modified by the following:

- i) Parking bays shall not be caged or enclosed

B. Before Construction

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

24. Car Park Design

A. Design

The car park area must be designed in accordance with AS/NZS 2890.1:2004, and with AS4299 - 1995 (as amended) in relation to car spaces for adaptable dwellings and incorporate the following:

- i) A minimum headroom of 2.2m (or 2.50m in relation to car spaces for adaptable dwellings) measured from the parking floor to the underside of any beam, ventilation duct or service conduit, or to the underside of any door including a security door and fittings when those doors are in an open position.
- ii) The proposed security door fitted to the car parking area entrance must be independently mounted on rubber pads to prevent vibration noise transmission through the concrete walls and / or columns.

B. Before Construction

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

25. Drainage Design - Requirements

A. Design

A detailed drainage design must be prepared in accordance with the relevant requirements of the Sutherland Shire Development Control Plan 2006 (Chapter 8 - Ecologically 'Sustainable Development'; Section 5 (Stormwater Management) and the National Plumbing and Drainage Code (Australian Standard AS3500 Series) and the BASIX Certificate issued against this development.

The design must include;

- i) A detailed drainage design supported by a catchment area plan and drainage calculations (including a Hydraulic Grade Line Analysis).
- ii) A layout of the drainage system showing existing and proposed pipe sizes, type, class, grades, lengths, invert levels, finished surface levels and location of all pipes with levels reduced to Australian Height Datum.
- iii) The building must be designed to as to achieve a minimum floor level of 500mm above the level of the surcharging stormwater generated by a storm event of 1 in 100 year recurrence interval, flowing along the adjoining overland escape route. Certification to this effect must be provided by an Accredited Certifier and this must accompany the Construction Certificate.

B. Before Construction

- i) Certification issued by an appropriately accredited person to the effect that these design requirements have been met must accompany the application for a Construction Certificate.

C. Before Occupation

- i) Certification must be provided from a registered surveyor to the effect that:
 - a) All civil engineering works required by this development consent have been carried out in accordance with the terms of the development consent and the approved engineering drawings with regard to location and level.
- ii) Certification shall be provided from the supervising engineer acting as an Accredited Certifier, to the effect that:

- a) All civil engineering and stormwater works associated with development have been carried out in accordance with the terms of the development consent, the approved engineering drawings and in the case of public works with any Council issued approvals under the Roads Act 1993 or Local Government Act.
- b) The construction of the drainage system for the proposed development has been carried out generally in accordance with relevant approvals and has been carried out in order that stormwater runoff downstream is not increased as a result of the development.
- iii) Works-as-Executed drawings certified in the above manner and containing all relevant information shall accompany the application for the Subdivision / Occupation Certificate shall confirm the location and level of all approved engineering works.

D. Ongoing

The constructed stormwater drainage system shall be:

- i) Kept clean and free from silt, rubbish and debris.
- ii) Be maintained so that it functions in a safe and efficient manner.
- iii) Not be altered without prior consent in writing of the Council.

Note: Council has the ability to enforce conditions of consent and may inspect the facility, and issue fines or orders if these requirements are not being complied with.

26. Design of Structures Adjoining Drainage Easements

A. Design

The walls of the residential flat building or of any structure adjoining the easement must be designed to withstand all necessary forces should excavation be required within the easement down to the existing pipe invert levels.

B. Before Construction

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

27. Footing Design Adjoining Easements

A. Design

All footings within 2m of the required 3.0 wide Easement for Drainage must be designed in such a manner that they are supported by foundations set at a minimum of 300mm below pipe invert levels or, alternatively, founded on sound rock.

B. Before Construction

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

28. Noise Control During Construction and Demolition

To minimise the impact on the surrounding environment:

A. During Works

The LAeq sound pressure level measured over a period of 15 minutes when the construction or demolition site is in operation, must not exceed the ambient background level (LA90 15min) by more than 10dB(A) when measured at the nearest affected premises.

29. Construction Phase Site Stability (including potential damage to adjoining properties)

A. Before Works

In order to minimise potential construction phase impacts (such as vibration damage and/or loss of support to buildings / structures on properties in close proximity to the development site) a comprehensive Geotechnical Engineers Report must be prepared detailing all relevant matters including (but not limited to) any necessary constraints to be placed on the type and usage of earth moving machinery and equipment, building plant and equipment, and methods of excavation, shoring, underpinning and support (whether temporary or permanent).

This geotechnical report must be provided to the person undertaking the excavation and the Principal Certifying Authority.

B. During Works

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

30. Public Utilities - Subdivision

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

A. Before Construction

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

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

31. Linen Plan of Subdivision to Conform with Development Consent

A. Before Subdivision

- i) The Linen Plan of Subdivision must conform with Council's Development Consent No. DA13/0878.
- ii) Strata Plan No.12620 at No. 14 Moani Ave must be extinguished prior to occupation and/or use of the development.

32. Allocation of Common Property

A. Ongoing

Common property must not be allocated by the Owners Corporation for the exclusive use of a proprietor. No modification may be made to a Plan of Strata Subdivision without the prior development consent of Council.

33. Garbage, Recycling and Green-waste Storage Area

To ensure the proper storage of waste from the premises:

A. Design

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

B. Before Construction

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

C. Before Occupation

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

D. Ongoing

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

34. External Lighting - (Amenity)

To ensure that any lighting on the site does not cause a nuisance to neighbours or motorists on nearby roads:

A. Design

All lighting must be designed in accordance with Australian Standard AS4282 - Control of the Obtrusive Effects of Outdoor Lighting.

B. Ongoing

All lighting must be operated and maintained in accordance with the Standard above.

35. Noise Control - Residential Air Conditioning Unit / Heat Pump Water Heater

To minimise the noise impact on the surrounding environment:

A. Design

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

B. Ongoing

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

36. Rail Noise and Vibration Design Criteria (Residential & Noise Sensitive Receivers)

To minimise the impact of noise on the occupants from the adjoining rail corridor:

A. Design

The building must be designed to meet the internal noise level criteria provided in:

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

B. Before Construction

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

C. Before Occupation

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

37. Noise and Vibration Control - Residential Car Park

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

A. Design

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

B. Before Occupation

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

38. Building Ventilation

To ensure adequate ventilation for the building:

A. Design

The building mechanical and / or natural ventilation systems must be designed, in accordance with the provisions of:

- i) The Building Code of Australia;
- ii) AS 1668 Part 1 - 1998;
- iii) AS 1668 Part 2 - 1991;

- iv) The Public Health Act - 2010;
- v) The Public Health Regulation 2012;
- vi) AS 3666.1 - 2002;
- vii) AS 3666.2 - 2002; and
- viii) AS 3666.3 - 2000.

B. Before Construction

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

C. Before Occupation

- i) Certification must be provided by a qualified mechanical ventilation engineer that the installation of the ventilation system has been carried out in accordance with 'A' above.
- ii) Occupation of the premises must not occur until a registration application has been submitted to Council's Environment and Health Regulation Department for any cooling tower / warm water system

D. Ongoing

The ventilation system must be operated and maintained in accordance with 'A' above.

39. Demolition Work

To ensure that demolition of structures is carried out in an environmentally acceptable and safe manner:

A. Before Commencement

If works involve the removal of more than 10 square metres of asbestos material, a bonded asbestos licence is required. A friable asbestos licence is required to remove, repair or disturb any amount of friable asbestos. For further information contact the NSW Workcover Authority.

B. During Works

- i) The demolition of the existing building must be carried out strictly in accordance with Australian Standard 2601 - The Demolition of Structures.
- ii) The applicant must ensure that the demolition contractor has a current public risk insurance coverage for a minimum of \$5 million. A copy of the Policy must be submitted to the Council prior to demolition.

To ensure that the removal and transportation of any asbestos material, regardless of the quantity, is carried out in an environmentally acceptable and safe manner, all work must comply with the following:

- a) Work Health and Safety Act 2011;
- b) Work Health and Safety Regulation 2011;
- c) Safe Work Australia Code of Practice - How to Manage and Control Asbestos in the Workplace;
- d) Code of Practice for the Safe Removal of Asbestos 2nd Edition [NOHSC:2002(2005)];

- e) Workcover NSW 'Working with Asbestos - Guide 2008';
- f) Protection of the Environment Operations Act 1997; and
- g) Protection of the Environment Operations (Waste) Regulation 2005.

Asbestos waste in any form must be disposed of at a waste facility licensed by the Department of Environment Climate Change & Water to accept asbestos waste.

40. Dilapidation Report - Adjoining Properties

A. Before Works

To assist in the resolution of any future disputes about damage to properties adjoining the development site, the Applicant or principal contractor must provide dilapidation reports on buildings / structures located on adjacent properties and any other properties identified by a geotechnical report. The reports must be provided to the Principal Certifying Authority and to the owners of the properties that are the subject of the report prior to the commencement of any work.

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

41. Design Requirements for Disabled Access

A. Design

A report prepared by a suitably qualified Access Consultant must be submitted with the Construction Certificate, demonstrating that the development complies with the requirements of AS1428 - Design for Access and Mobility.

42. Design Requirements for Adaptable Housing

A. Design

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

43. Verification of Design for Construction - SEPP 65

A. Design

Design verification must be provided by a registered Architect pursuant to SEPP 65 stating that the design intent approved by the Development Consent has been maintained in the building / architectural plans submitted with the Construction Certificate. This must accompany the application for a Construction Certificate.

B. Before Occupation

Prior to the issue of the final Occupation Certificate design verification must be provided in accordance with SEPP 65.

44. BCA Assessment Report

A. Before Construction

A Building Code of Australia (BCA) Assessment Report shall be submitted with the Construction Certificate. This report shall be prepared by an appropriately qualified person and incorporate the recommendations and comments included in the BCA Assessment Report prepared by Christopher Summers & Associates dated 19 September 2013. The report shall confirm the proposed developments compliance with all relevant requirements of the BCA.

45. Certification Requirement of Levels

A. During Construction

At the following stages of construction:

- i) Prior to the pouring of each floor or roof slab,
- ii) Upon completion of the roof frame.

A registered surveyor must provide the Principal Certifying Authority with Certification that the stage of structure complies with the development consent in respect of levels.

B. Before Occupation

The certification referred to above must form part of the application for an Occupation Certificate.

46. Sydney Water - Notice of Requirements

A. Before Occupation / Prior to issue of Subdivision Certificate

- i) The applicant must obtain a Notice of Requirements under the Sydney Water Act 1994, and submit the Notice to the Council.
- ii) A Compliance Certificate under s73 of the Sydney Water Act, 1994, must be submitted to Council by the Principal Certifying Authority. Sydney Water may require the construction of works and/or the payment of developer charges.

Advice from Sydney Water:

An application must be made through an authorised Water Servicing Coordinator. For details see the Sydney Water web site at www.sydneywater.com.au/customer/urban/index/ or by telephone 13 20 92.

Following application a "Notice of Requirements" will be forwarded detailing water and sewer extensions to be built and charges to be paid. Please make early contact with the Coordinator, since building of water / sewer extensions can be time consuming and may impact on other services as well as building, driveway or landscaping design.

47. Sydney Water - Referral Requirements

A. Before Construction

The plans approved as part of the Construction Certificate must be submitted to a Sydney Water Quick Check agent or Customer Centre to determine as to whether the development will affect Sydney Water's sewer and water mains, stormwater drains and / or easements, and if further requirements need to be met. Plans will be stamped appropriately.

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

- Quick Check agents details - see Building Development and Plumbing then Quick Check; and
- Guidelines for Building Over / Adjacent to Sydney Water Assets - see Building Development and Plumbing then Building and Renovation.

48. Dial Before You Dig

A. Before Construction

Underground assets may exist in the area that is subject to your application. In the interests of health and safety and in order to protect damage to third party assets please contact Dial before you dig at www.1100.com.au or telephone on 1100 before excavating or erecting structures (This is the law in NSW).

It is the individual's responsibility to anticipate and request the nominal location of plant or assets on the relevant property via contacting the Dial before you dig service in advance of any construction or planning activities.

49. Permitted Hours for Building and Demolition Work

A. During Works

To minimise the noise impact on the surrounding environment all building and demolition work must be carried out only between the hours of 7.00am and 6.00pm Monday to Friday inclusive, 8.00am and 3.00pm Saturdays. No work must be carried out on Sundays and Public Holidays.

50. Toilet Facilities

A. During Works

Toilet facilities must be available or provided at the work site at a ratio of one toilet plus one additional toilet for every 20 persons employed at the site before works begin and must be maintained until the works are completed.

Each toilet must:

- i) be a standard flushing toilet connected to a public sewer, or
- ii) have an on-site effluent disposal system approved under the Local Government Act 1993, or
- iii) be a temporary chemical closet approved under the Local Government Act 1993

51. Provision of Letter Box Facilities

A. Design

Suitable Letter Box Facilities (including Owners Corporation in case of strata units) must be provided in accordance with Australia Post specifications.

52. Car parking Areas

A. Ongoing

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

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

53. Car Parking Allocation

A. Before Subdivision

Car parking must be allocated to individual strata lots as part of their unit entitlement.

Visitor parking facilities must be designated as common property on any strata plan.

Parking must be allocated on the following basis:

- — Residential dwellings: 24 spaces
- — Residential visitors: Five (5) spaces

B. Ongoing

The car-parking provided must only be used in conjunction with the dwellings and/or tenancies contained within the development and not for any other purpose.

END OF DETERMINATION

for J W Rayner
General Manager
Sutherland Shire Council

Attached are the prescribed conditions that must be complied with under the Environmental Planning and Assessment Regulations 2000.

PRESCRIBED CONDITIONS

Division 8A of the Environmental Planning and Assessment Regulation Prescribes the following conditions of development consent

S98 Compliance with Building Code of Australia and insurance requirements under the Home Building Act 1989

(cf clauses 78 and 78A of EP&A Regulation 1994)

- (1) For the purposes of section 80A (11) of the Act, the following conditions are prescribed in relation to a development consent for development that involves any building work:
 - (a) that the work must be carried out in accordance with the requirements of the Building Code of Australia,
 - (b) in the case of residential building work for which the Home Building Act 1989 requires there to be a contract of insurance in force in accordance with Part 6 of that Act, that such a contract of insurance is in force before any building work authorised to be carried out by the consent commences.
- (1A) For the purposes of section 80A (11) of the Act, it is prescribed as a condition of a development consent for a temporary structure that is used as an entertainment venue, that the temporary structure must comply with Part B1 and NSW Part H102 of Volume One of the Building Code of Australia.
- (2) This clause does not apply:
 - (a) to the extent to which an exemption is in force under clause 187 or 188, subject to the terms of any condition or requirement referred to in clause 187 (6) or 188 (4), or
 - (b) to the erection of a temporary building, other than a temporary structure to which subclause (1A) applies.
- (3) In this clause, a reference to the Building Code of Australia is a reference to that Code as in force on the date the application is made for the relevant:
 - (a) development consent, in the case of a temporary structure that is an entertainment venue, or
 - (b) construction certificate, in every other case.

Note. There are no relevant provisions in the *Building Code of Australia* in respect of temporary structures that are not entertainment venues.

S98A Erection of signs

- (1) For the purposes of section 80A (11) of the Act, the requirements of subclauses (2) and (3) are prescribed as conditions of a development consent for development that involves any building work, subdivision work or demolition work.
- (2) A sign must be erected in a prominent position on any site on which building work, subdivision work or demolition work is being carried out:
 - (a) showing the name, address and telephone number of the principal certifying authority for the work, and

- (b) showing the name of the principal contractor (if any) for any building work and a telephone number on which that person may be contacted outside working hours, and
 - (c) stating that unauthorised entry to the work site is prohibited.
- (3) Any such sign is to be maintained while the building work, subdivision work or demolition work is being carried out, but must be removed when the work has been completed.
- (4) This clause does not apply in relation to building work, subdivision work or demolition work that is carried out inside an existing building that does not affect the external walls of the building.
- (5) This clause does not apply in relation to Crown building work that is certified, in accordance with section 109R of the Act, to comply with the technical provisions of the State's building laws.
- (6) This clause applies to a development consent granted before 1 July 2004 only if the building work, subdivision work or demolition work involved had not been commenced by that date.

Note. Principal certifying authorities and principal contractors must also ensure that signs required by this clause are erected and maintained (see clause 227A which currently imposes a maximum penalty of \$1,100).

S98B Notification of Home Building Act 1989 requirements

- (1) For the purposes of section 80A (11) of the Act, the requirements of this clause are prescribed as conditions of a development consent for development that involves any residential building work within the meaning of the Home Building Act 1989.
- (2) Residential building work within the meaning of the Home Building Act 1989 must not be carried out unless the principal certifying authority for the development to which the work relates (not being the council) has given the council written notice of the following information:
 - (a) the case of work for which a principal contractor is required to be appointed:
 - (i) the name and licence number of the principal contractor, and
 - (ii) the name of the insurer by which the work is insured under Part 6 of that Act,
 - (b) in the case of work to be done by an owner-builder:
 - (i) the name of the owner-builder, and
 - (ii) if the owner-builder is required to hold an owner-builder permit under that Act, the number of the owner-builder permit.
- (3) If arrangements for doing the residential building work are changed while the work is in progress so that the information notified under subclause (2) becomes out of date, further work must not be carried out unless the principal certifying authority for the development to which the work relates (not being the council) has given the council written notice of the updated information.

- (4) This clause does not apply in relation to Crown building work that is certified, in accordance with section 109R of the Act, to comply with the technical provisions of the State's building laws.

S98E Condition relating to shoring and adequacy of adjoining property

- (1) For the purposes of section 80A (11) of the Act, it is a prescribed condition of development consent that if the development involves an excavation that extends below the level of the base of the footings of a building on adjoining land, the person having the benefit of the development consent must, at the person's own expense:
- (a) protect and support the adjoining premises from possible damage from the excavation, and
 - (b) where necessary, underpin the adjoining premises to prevent any such damage.
- (2) The condition referred to in subclause (1) does not apply if the person having the benefit of the development consent owns the adjoining land or the owner of the adjoining land has given consent in writing to that condition not applying.

Please be advised if this consent is for an entertainment venue, then there are further prescribed conditions that apply under clauses 98C and 98D of the Environmental Planning and Assessment Regulation.

NOTES

1. This Notice of Development Consent is issued by Sutherland Shire Council as the Authority responsible in respect of development under the provisions of the Sutherland Shire Local Environmental Plan 2006.
2. The cutting down, lopping, injury and destruction of trees is regulated by Sutherland Shire Local Environmental Plan 2006 and Sutherland Shire Development Control Plan 2006. A person who contravenes, causes or permits the controls in relation to trees to be contravened is guilty of an offence. Trees designated to be removed on the approved plans under this consent may be removed unless specified otherwise in the conditions in this consent. All other trees on the site covered by Council's controls referred to above must be retained.
3. Section 82A of the Environmental Planning and Assessment Act confers on an applicant who is dissatisfied with the determination of the application the right to lodge an application with Council for a review of such determination. Any such review must however be completed within six (6) months from this determination. Should a review be contemplated sufficient time should be allowed for Council to undertake public notification and other processes involved in the review of the determination.

Note: Review provisions do not apply to Complying Development, Designated Development, State Significant Development Integrated Development or any applications determined by the Joint Regional Planning Panel or the Land and Environment Court.

4. Division 8 (Appeals and Related Matters) Part A of the Environmental Planning and Assessment Act 1979 confers on an applicant who is dissatisfied with the determination of the application a right of appeal to the Land and Environment Court of New South Wales.
5. This consent will lapse unless the development is physically commenced within three (3) years from the Date of Operation of this consent (i.e. the date on which the Deferred Commencement condition is deemed to have been satisfied by Council), in accordance with Section 95 of the Environmental Planning and Assessment Act 1979 as amended.

DECISION

Pursuant to the provisions of Section 80(1)(a) of the Environmental Planning and Assessment Act 1979, Development Application No DA13/0878 is determined by the granting of approval subject to the conditions outlined in the Development Assessment Report attached to Council's file.

Signed: Mark Adamson
(Manager – West Assessment Team)

Date: 20 December 2013

Sutherland Shire
COUNCIL



Slavco Bujaroski - 97100167
File Ref: DA13/0878

18 December 2014



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ABN 52 018 204 808

Office Hours
8.30am to 4.30pm
Monday to Friday

Dear Sir / Madam

Deferred Commencement Consent No. DA13/0878

Proposal: Demolition of Existing Dwellings, Construction of a Residential Flat Building Containing 24 Units and Strata Title Subdivision

Property: 10 Moani Avenue, Gymea, 12 Moani Avenue, Gymea, 14 Moani Avenue, Gymea

This letter is to confirm that the information you provided in relation to the "Deferred Commencement" condition of the above consent satisfies that condition. Accordingly, in accordance with Clause 95(5) of the Environmental Planning and Assessment Regulation 2000, DA13/0878 the consent operates from the date of this letter.

The consent will lapse three years from the above date unless the development is physically commenced prior to this date.

Further information can be obtained by contacting Council's Development Assessment Officer Slavco Bujaroski on 9710 0167 or email sbujaroski@ssc.nsw.gov.au and quote the application number in the subject.

Yours faithfully

Peter Barber
Director – Planning & Environment Division
for J W Rayner
General Manager