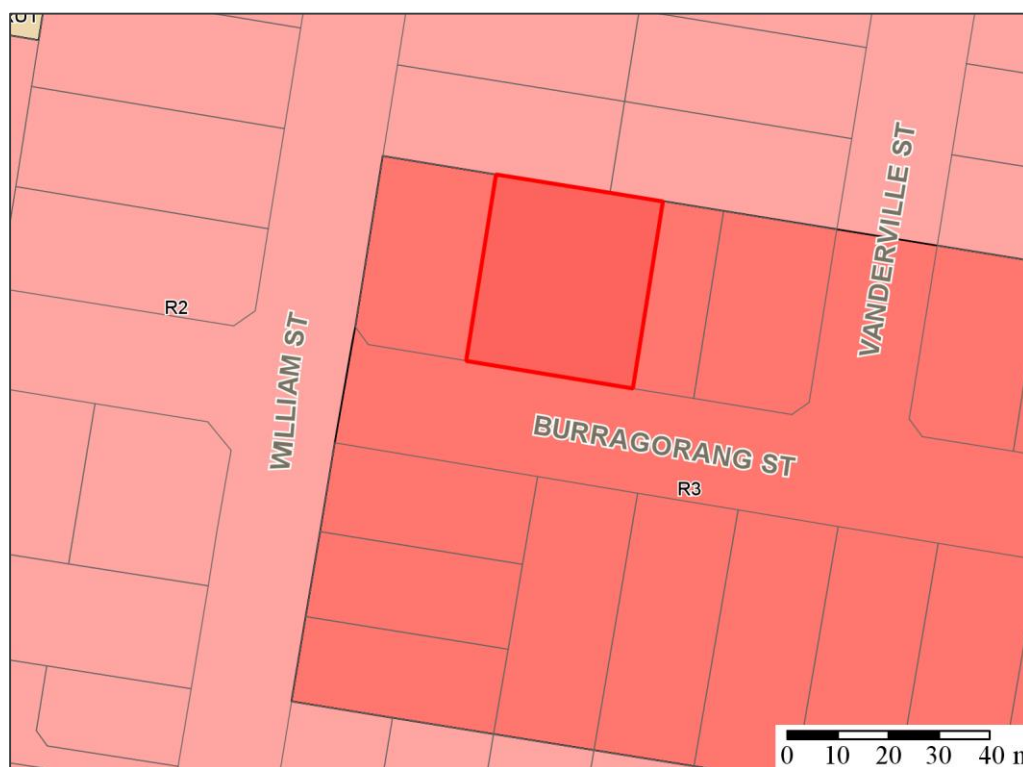


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269974 010.2016.00000590.001



LOCATION MAP **N**

(Showing zoning of subject property and zoning of adjoining lands/area)

DEVELOPMENT INFORMATION

| | |
|------------------------------------|--|
| Development Application No: | 010.2016.00000590.001 |
| Property Details: | 23 Burragorang Street, The Oaks |
| Applicant: | Reggie's Residential Design & Drafting |
| Owner: | C E & D J Gordon |
| Proposal Details: | Multi Dwelling Housing (5 units) |
| Zone: | R3 Medium Density Residential |

Growth

Sustainable and Balanced Growth
Report to the Ordinary Meeting of Council held on Monday 19 February 2018

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EXECUTIVE SUMMARY

- The purpose of this report is to provide an assessment of the proposed Multi Dwelling Housing proposal.
- The application has been 'called up' by Council for determination.
- One (1) submission was received during exhibition.
- Under legislation, a person who makes a relevant planning application or public submission is required to disclose any reportable political donations. The disclosure requirements extends to any person with a financial interest in the application or any associate of the person making a public submission. No disclosure of political donation has been made in association with this application.
- It is recommended that the application be approved subject to conditions.

REPORT

BACKGROUND

16 August 2016

The proposal was received by Council on the 16 of August 2016.

31 August 2016

The application was publically advertised from 31 August 2016 until 15 September 2016. One (1) submission was received.

28 September 2016

The application was re-advertised from 28 September 2016 until 14 October 2016 due to amended plans being provided. No further submission were received.

21 March 2017

On the 21 March 2017 a report was considered by the Variations Panel regarding variations in respect to Clauses 3.17.19, 3.17.24 and 3.17.36 of Development Control Plan (DCP) 2016 Volume 4. A proposed 4.5m front setback for the two buildings fronting Burragorang Street was not supported. The non-provision of a vehicle wash bay was also not supported.

Design of the development in respect to garage setbacks was not considered to be a variation of Clause 3.17.24.

As a result of the Panel's deliberations a meeting was held with the proponents with a view to negotiating amended plans demonstrating an improved design and amended proposal.

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18 April 2017

Amended plans were provided by the applicant. The proposed change was a 7m front setback for the western building containing Units 1 and 2. This was achieved by relocating a car space from the rear to the front.

4 May 2017

Amended plans were considered at a Variation Panel Meeting held on 4 May 2017.

A 4.5m front setback for the larger building adjacent to the eastern boundary containing three (3) units was not supported. The non-provision of a vehicle wash bay was also not supported.

At the request of the Panel a further meeting was held with the proponents with a view to negotiating the submission of amended plans demonstrating a superior design and greater setback for the larger building adjacent to the eastern boundary containing three (3) units.

A meeting was held on Friday 26 May 2017.

27 June 2017

Amended plans were submitted on 27 June 2017. The only significant change was to the building containing units 3-5 (the eastern structure). A setback of 5.85m is proposed for the external wall of the building with a front verandah setback 4.5m. As a result of this change the Burragorang Street elevation was altered. At the meeting held on Friday 26 May 2017, it was suggested that the proponents provide a detailed landscape plan that would demonstrate a softening of the front façade, and to provide an elevation that was not mirror reverse, which also included complementary but different external finishes and colours.

The amended plans above were not supported. The Panel was of the view that the requirements of 3.17.20 were appropriate to the proposed development. Clause 3.17.20 states:

'Where there is no dwelling on an adjoining lot the front setback for the dwelling(s) facing the primary road shall be 4.5m for a lot with an area less than 900m² and 6.5m for other residential lots.'

It is the Applicant's position that it was inappropriate to require a car wash bay when a nearby development had not included one. Research had shown that the nearby development was assessed under a previous DCP which did not contain provisions requiring a car wash bay. The Panel took this into account in its deliberations. The non-provision of a vehicle wash bay was also not supported.

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CONSULTATION

| Referral | Outcome |
|----------------------|--|
| Development Engineer | Conditions in respect of engineering and construction specifications, drainage/stormwater, car parking/access, public roads, erosion and sediment control and inspections are recommended. |
| Building Surveyor | The proposal is considered to be a Class 1a development. Conditions in respect of a Construction Certificate, Occupation Certificate, access doors to the garages and inspections are recommended. |
| Water NSW | Referral to Water NSW was required (as the proposal is a Module 3 grouping) to establish that the proposed development could achieve a neutral or beneficial effect on water quality. The proposal has been referred to Water NSW. Council has received an additional information request from Water NSW requiring the submission of a small-scale Stormwater Quality Modelling Certificate (S3QM) to demonstrate that NorBE can be achieved. Council cannot issue Development Consent until concurrence from Water NSW is received. |

Growth

1.1 Description of site and surrounding area

The Statement of Environmental Effects (SoEE) describes the site as follows:

“The property has an area of 1255m². The allotment is generally rectangular in shape.

Existing on the subject land is a single storey dwelling. There is one tree located along the western boundary and two trees within the front section of the subject site. These trees will be required to be removed as part of this application to construct the dwellings and driveway.

The subject land is generally level, with a fall from east (RL 101.5) to the west (RL 99.5).

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Vehicle access to the property is from Burragorang Street, which is a short distance from the corner of John Street, The Oaks. The subject land adjoins existing residential dwellings and the area is residential in nature. To the east of the land is The Oaks Shopping Centre. The Centre offers a limited range of services and facilities. The Centre is approximately 150m from the subject site or about a 3 minute walk.

The Oaks Primary School is located at the intersection of these streets.”

1.2 Description of Development

The existing dwelling on the land is proposed to be demolished. Three (3) eucalypt trees including two (2) street trees are to be removed.

It is proposed to construct five (5) multi dwelling housing units in two (2) separate buildings. Units 1, 2, 4 and 5 will consist of 4 bedrooms. Unit 3 has three bedrooms. All Units have multiple living spaces and internal garage. Three external on-site parking spaces will also be provided.

1.3 Section 79C Assessment

This proposal has been assessed under the relevant Legislation and planning controls, please see below for additional information.

1.3.1 Provisions of Relevant Environmental Planning Instruments

State Environmental Planning Policy No. 55 - Remediation of Land

The proposal has been reviewed under SEPP55 and no contamination issues have been identified with a site inspection or a review of the property file.

State Environmental Planning Policy (Sydney Drinking Water Catchment) 2011)

Council has received an additional information request from Water NSW requiring the submission of a small-scale Stormwater Quality Modelling Certificate (S3QM) to demonstrate that NorBE can be achieved. Council cannot issue Development Consent until concurrence from Water NSW is received.

Wollondilly Local Environmental Plan 2011

Characterisation: Multi dwelling housing
Zone of land: R3 Medium Density Residential
Permissibility: Multi dwelling housing is permitted with Council's consent.

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Zone objectives:

| Objective | Comment |
|--|---|
| R3 | |
| <ul style="list-style-type: none"> To provide for the housing needs of the community within a medium density residential environment. | Housing would be provided in the proposed medium density multi dwelling housing development. |
| <ul style="list-style-type: none"> To provide a variety of housing types within a medium density residential environment. | <p>Housing variety is provided because:</p> <p>There is a mix of dwelling sizes that whilst being three (3) or four (4) bedrooms are more compact than typical single dwellings.</p> <p>Land area per dwelling is approximately 255m² which is less than a typical single dwelling parcel.</p> |
| <ul style="list-style-type: none"> To encourage the provision of affordable housing. | Housing of the type proposed is likely to be more affordable than a typical dwelling house. |

LEP Clauses

| Clause | Comment |
|---|--|
| Part 2 Permitted or prohibited development | |
| 2.7 Demolition requires consent | Development consent is being sought for the demolition of the existing dwelling. |
| Part 4 Principal development standards | |
| 4.1 Minimum subdivision lot size | Subdivision is not proposed at this stage. The minimum lot size applicable to the land is 975m ² . Site area is 1,255m ² . |
| 4.3 Height of buildings | Maximum building height permitted is 9m. The proposed building height above natural ground level is 8.5m. |
| Part 5 Miscellaneous provisions | |
| 5.9 Preservation of trees or vegetation | Three (3) eucalypt trees are proposed to be removed. |
| Part 7 Additional local provisions | |
| 7.1 Essential services | Reticulated water, sewage and electricity are provided to the site. |

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| Clause | Comment |
|----------------|---|
| 7.5 Earthworks | <p>Earthworks would be required to carry out construction. Maximum level of fill is proposed to be 1m. Proposed maximum cut is 0.5m. These works:</p> <ul style="list-style-type: none"> ▪ Are unlikely to have any adverse effect on existing drainage patterns and soil stability in the locality. ▪ Would not affect future use or redevelopment of the land. ▪ Can be conditioned in respect of any proposed fill imported to the site (and this is unlikely to occur). ▪ Should have no detrimental effects on the existing and likely amenity of adjoining properties. ▪ Are unlikely to disturb relics. ▪ Are not in proximity to any watercourse or environmentally sensitive area. |

Growth

1.3.2 Provisions of Relevant Draft Environmental Planning instruments

No Draft Environmental Planning Instruments are identified as relevant to this proposal.

1.3.3 Provisions of Relevant Development Control Plans

Volume 1 - General

| Relevant Provisions | Comment |
|--|--|
| 1. Objectives - General considerations for all development | <p>To ensure that developments do not unreasonably impact on their surrounds.</p> <p>The current proposed development is considered to not meet this objective as it would unreasonably impact upon the landscape/streetscape of the area because:</p> <ul style="list-style-type: none"> ▪ The majority of dwelling houses in the street are single storey even acknowledging that a couple of dwellings have additions where a minor section of the building is two (2) storeys. ▪ The two (2) multi dwelling housing buildings are two (2) storeys. ▪ Site coverage is significantly greater than the majority of dwelling houses although two (2) newer single storey dwellings to the east have greater site coverage than the older ones in the area. |

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| Relevant Provisions | Comment |
|---------------------------|---|
| | <ul style="list-style-type: none"> ▪ Bulk of the proposed multi dwelling housing unit structures (both buildings) is significantly greater than typical residential development in the area. ▪ Building materials and style are not particularly compatible with existing development in the area although it is acknowledged that there is a significant variety of designs in the street. |
| 2. Controls | <p>Consideration has been given to the relevant controls including road and traffic hazards and land contamination.</p> <p>Surrounding uses should not detrimentally affect amenity.</p> <p>Suitability of the road network has been considered. The road network can satisfactorily cater for the traffic generated by an extra dwelling.</p> <p>Concurrence from the Subsidence Advisory NSW is not required.</p> |
| 3. Variations to the plan | <p>Variations, initially not applied for were eventually considered by Council's Panel on three (3) occasions but were not supported.</p> <p>See section earlier in the report titled "Background".</p> |
| 4. Community engagement | <p>The application was advertised for 15 days from 31 August 2016 to 15 September 2016.</p> <p>Re-advertising occurred from 28 September 2016 to 14 October 2016 One submission was received.</p> |
| 10. Tree removal | <p>Three (3) eucalypt trees are proposed to be removed.</p> |
| 11. Landscaping | <p>A landscape plan has been submitted with the application. Plants listed are not included in Council's recommended species.</p> |

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Volume 4 - Residential Development

| Relevant Provisions | Comment |
|--|---|
| Part 1 - Preliminary | |
| 1.2 Objectives | |
| 1. Visual Character and Amenity | <p>The proposed development will impact upon the landscape/streetscape of the area because:</p> <p>The majority of dwelling houses in the street are single storey. A couple of dwellings have additions where a minor section of the building is two (2) storeys. Site coverage is significantly greater than the majority of dwelling houses although two (2) newer single storey dwellings to the east have greater site coverage than the older ones in the area.</p> <p>Bulk of the proposed multi dwelling housing unit structures (both buildings) is significantly greater than typical residential development in the area. The two (2) multi dwelling housing buildings are two (2) storeys. Building materials and style are not particularly compatible with existing development in the area, although it is acknowledged that there is a significant variety of designs in the street.</p> <p>It is acknowledged that the R3 zoning is likely to result in a long term change to the streetscape/townscape of the area.</p> |
| 2. Vehicular Access, Car Parking and Traffic | <p>Proposed car parking would not be safe and practical for occupants as sliding doors are specified for access from the units to the garages. Council's Building Surveyor has recommended conditions requiring compliance with the DCP.</p> |
| 3. Encouraging Healthier Lifestyles | <p>Living areas of the five (5) units have access to private open space.</p> <p>Common open space is provided between the street and the building line.</p> |

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| Relevant Provisions | Comment |
|--|--|
| 4. Crime Prevention Through Environmental Design | Solar access levels are adequate. Potential passive surveillance of Burragarang Street is adequate. |
| 5. Privacy | Ground floor lounge rooms for four of the proposed dwellings units are separated by a 6m wide driveway with little screen planting that is predominantly 0.5m to 1m high . Upper floors consist mainly of bedrooms and bathrooms with limited potential to overlook private open space areas. |
| 6. Water Sensitive Urban Design | Stormwater is proposed to be directed to the street. A 10,000 litre underground tank is proposed so that roof water would be directed to it and overflow would then go to the street. |
| 11. Social Equity | Unit 3 is proposed to be an adaptable dwelling. |
| 12. Housing Delivery | Multi dwelling housing would provide an alternative housing form in the locality. |
| PART 2 – General Requirements For All Development | |
| 2.7 Driveways | Driveway and open car park surfaces are not formally specified although the implication is that they would be concrete. A condition can be applied requiring the driveways be concrete if the application was to be approved. |
| 2.10 Special Requirements for Parking areas near dwellings | Sliding doors linking the garages to the dwellings. This is contrary to DCP requirements. Council’s Building Surveyor has recommended conditions requiring compliance with the DCP. |
| 2.11 Stormwater | Roof stormwater overflow from an in-ground tank is directed to the street system. Stormwater runoff from the driveway and open car park area is directed to the street system. |

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| Relevant Provisions | Comment |
|---|---|
| PART 3 - Specific Land Use Controls | Comment |
| 3.13 Retaining Walls | <p>Maximum fill proposed is 1m.</p> <p>Cut will be a maximum of 0.5m.</p> <p>Retaining walls up to 900mm in height are proposed to be in front of the dwellings along the eastern and western side boundaries. Retaining walls up to 900mm in height are shown along the entire eastern and western boundaries and the majority of the rear boundary.</p> |
| 3.17 Medium Density Development other than Residential Flat Buildings | <p><u>Density</u> Minimum density is three (3) dwellings and maximum density is five (5) dwellings. Five (5) multi dwelling housing units are proposed.</p> <p><u>Building Design</u> On the basis of calculations provided on the plans the total proportion of the site covered by all buildings and paving is 66.4% of the site area.</p> <p>Maximum fill proposed is 1m.</p> <p>Cut will be a maximum of 0.5m.</p> <p>Dwellings 1 and 5 front the street and adopt a traditional orientation where living rooms, front door entries, paths to entry and verandahs address the street.</p> <p>Site frontage is 33.485m and depth is 37.545m. The building containing Units 1 and 2 is 23.13m long. The building containing Units 3, 4 and 5 is 29.915m long. The driveway between the buildings is straight and runs almost the entire depth of the block (36.5m) with landscaping providing little relief. Roof lines are broken up to some extent but there are long uninteresting elevations adjacent to the eastern and western side boundaries. The elevations facing the street and visible along the driveway from Burragorang Street are more articulated but overall the buildings have a bulky appearance.</p> |

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| Relevant Provisions | Comment |
|---------------------|--|
| | <p>Front facades of Units 1 and 5 incorporate verandas and roof overhangs.</p> <p>A personal access door is provided at the frontage of all units.</p> <p>There is no stretch of blank wall greater than 5.0m in length on the front facades of the units.</p> <p>Side and rear façades of the proposed dwellings have no stretch of blank wall greater than 12.0m.</p> <p>Garage doors occupy far less than 50% of the front facades and no garage door is located on the street frontage elevation.</p> <p>There are three (3) garage doors along the western elevation of the building containing Units 3, 4 and 5. These doors may be obliquely visible from Burragorang Street. Landscaping is unlikely to screen them.</p> <p>Units 1 and 5 have views from habitable rooms to Burragorang Street.</p> <p>Front street facades of the two (2) buildings are not exactly mirror reversed but are very similar.</p> <p>Western and eastern facades whilst not exactly repeated are also very similar.</p> <p>Elevations facing the street and visible along the driveway from Burragorang Street are articulated but overall the buildings have a bulky appearance as compared to surrounding development.</p> <p><u>Setbacks</u> Minimum front setback is 4.5m which is contextually unacceptable. A more appropriate setback from the street would be a minimum of 6.5m, especially as the existing dwellings in the street are predominantly single storey. A 4.5m setback would require a variation.</p> |

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| Relevant Provisions | Comment |
|---------------------|---|
| | <p>The current proposal creates a bulk and scale that is not appropriate to the streetscape. Current only one other site within the R3 zoning has a medium density development which has been constructed at a single storey height (17 Burragarang Street).</p> <p>Rear and side setbacks comply with the DCP standards. Garages for Units 2, 3 and 4 are not setback 1m from the front building line.</p> <p><u>Private Open Space</u> Complying private open space areas are provided for each dwelling.</p> <p>Living areas have access to private open space.</p> <p><u>Solar Access</u> Solar access to private open space areas would comply with Council’s minimum standards.</p> <p><u>Parking, Access and Vehicular Safety</u> Five (5) parking spaces of adequate dimensions are provided, one (1) for each dwelling.</p> <p>Three (3) visitor spaces of adequate dimensions are provided. Two (2) are required.</p> <p>Clause 3.17.36 Medium Density Development of DCP Volume 4 requires a minimum of one (1) parking bay measuring a minimum of 2.6m by 5.4m to be located on the site and dedicated as a vehicle wash bay. A wash bay is not proposed to be provided. In this regard the SoEE states:</p> <p><i>‘Vehicle wash bay not provided, as it is considered that this is not environmentally friendly and all vehicles should be washed at an approved carwash.’</i></p> <p>As it is proposed to provide three (3) visitor spaces when two (2) are required one of these could be utilised for a vehicle wash bay.</p> |

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| Relevant Provisions | Comment |
|---------------------|---|
| | <p>The information submitted in the SoEE is not an acceptable solution with the closest vehicle wash bays located in Camden and Picton. In addition the off sight location of a vehicle wash bay is not a solution to a requirement for medium density development.</p> <p>Garage doors have a minimum width of 2.7m. Unit 3, being a nominated adaptable dwelling, has a garage door width of 3.3m.</p> <p>Minimum driveway width is proposed to be 6m.</p> <p>No paved footpath to the shops to the east exists. In this regard the SoEE states:</p> <p><i>'Footpath can be provided at front of property, but no footpath connecting to shops.'</i></p> <p>Council's Development Engineer has not recommended any conditions in respect of the footpath.</p> <p><u>Landscaping</u> Slightly more than 10% of the site is proposed to be formally landscaped. The majority of the formal landscaped area is between the building line and the street frontage.</p> <p>This landscaping has been recommended to be increased in size or the small shrubs to be replaced with substantial trees to soften the look of the proposal from the streetscape.</p> <p>Provision of an automated water system could be conditioned if the application were to be approved.</p> <p><u>Privacy</u> Privacy is not considered to be an issue as the two (2) units on the western and northern sides of the land have bedrooms and bathrooms on the upper level. These rooms may have the potential to overlook the yard areas of the dwellings to the west and north but they are not living areas.</p> |

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| Relevant Provisions | Comment |
|---------------------|--|
| | <p>Also the dwelling to the west is on a corner block so the yard areas are visible from both streets.</p> <p>Telstra infrastructure is situated on the site to the east of the land.</p> <p><u>Waste Management</u> A bin storage area shown in a location clear of private open space can be provided for each dwelling. The bin storage area for Unit 4 is located well away from the dwelling.</p> |

Growth

1.3.4 Draft and/or Planning Agreements entered or offered to enter into

No Draft or Planning Agreements have been entered or offered into in relation to this proposal.

1.4 Impact of the Development

| Head of Consideration | Comment |
|-----------------------|---|
| Natural Environment | The development would cause minimal adverse impact on the natural environment. Two healthy Eucalypt street trees would be removed to allow for construction of the driveway. It would be preferable if these were retained. At the very least they should be replaced with appropriate species for street planting. In this regard the landscape plan does not indicate any street tree planting. |
| Built Environment | Building bulk, extent of setbacks from the front property boundary and external materials and finishes incorporated in the proposed development are not considered to be compatible with the existing character of the locality. The proposed buildings are unsympathetic to the overall arrangement of the built environment. |
| Social Impacts | <p>Alternative forms of housing would be offered close to The Oaks commercial area.</p> <p>Approval of the proposed development would set an undesirable precedent in terms of the quality of medium density residential development in the locality.</p> |

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| Head of Consideration | Comment |
|-----------------------|---|
| Economic Impacts | Construction of the proposed development would offer some local shorter term employment opportunities and increase the viability of existing commercial and community facilities. |

1.5 Suitability of the Site

It is considered that the current proposed multi housing development is not appropriate for the site due to the unreasonable impact on the surrounding neighbourhood, visual character and amenity because:

- The majority of dwelling houses in the street are single storey even acknowledging that a couple of dwellings have additions where a minor section of the building is two (2) storeys. The two (2) multi dwelling housing buildings are two (2) storeys.
- Site coverage is significantly greater than the majority of dwelling houses although two.
- Newer single storey dwellings to the east have greater site coverage than the older ones in the area.
- Building materials and style are not particularly compatible with existing development in the area although it is acknowledged that there is a significant variety of designs in the street.
- Bulk of the proposed multi dwelling housing unit structures (both buildings) is significantly greater than typical residential development in the area.
- Within the proposed development privacy is a concern because ground floor lounge rooms for four of the proposed dwellings units are separated by a 6m wide driveway with little screen planting that is predominantly 0.5m to 1m high.

The site would be considered suitable for a multi housing development provided that:

- Greater consideration was given to design so as to minimise impacts on the surrounding neighbourhood so that the transition to medium density development was achieved through good quality design incorporating the following principles:
- Reducing building bulk utilising greater articulation of the external façade such as varying setbacks along all elevations incorporating features such as balconies, verandahs and patios and utilising a variety of compatible building materials.
- Giving consideration to varying setbacks of one and two story buildings components to reduce visual bulk and scale.
- Adopting a minimum front setback from Burragorang Street of 6.5 metres minimum for both buildings.

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- Provision of appropriate landscaping to provide visual relief of the front elevations.
- Achieving the relevant objectives and complying with the pertinent controls for medium density development as prescribed in DCP 2016.

1.6 Submissions

A total of one (1) submission was received for this proposal.

| Submitter Comment | Assessor Comment |
|---|---|
| <p>The proposal has poor architectural design due to limited use of the northerly aspect, the building height not reflecting the existing development in the neighbourhood and the use of white colour on the exterior that would create glare.</p> | <p><u>Northerly Aspect</u></p> <p>Longer elevations of the proposed units are oriented east-west. This results in the narrower southern elevations of the two (2) buildings facing the street and the garage doors being located on the western and eastern elevations.</p> <p>It is agreed that an altered design could take more advantage of the northerly aspect. Solar access to private open space areas would comply with Council's minimum standards.</p> <p><u>Building Height</u></p> <p>Concern in respect of the proposed building height relates to impacts on northerly outlooks and the scale of the proposed structures as compared to existing development.</p> <p>It is agreed that the proposed development will impact upon the landscape/streetscape of the area because:</p> <p>The majority of dwelling houses in the street are single storey. A couple of dwellings have additions where a minor section of the building is two (2) storeys</p> <p>Maximum building height permitted is 9m. Proposed maximum building height above natural ground level is 8.5m.</p> |

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| Submitter Comment | Assessor Comment |
|---|---|
| <p>The type of air-conditioner and their placement should be such to ensure minimal noise impact. As such the authors of the submission would like to be informed of the planned placement and type of air-conditioners to be used.</p> <p>Inadequate car parking facilities.</p> | <p>It is acknowledged that the R3 zoning is likely to result in a long term change to the streetscape/townscape of the area. Building height in itself is not considered to be an issue that warrants refusal of the application. Building bulk however is a concern.</p> <p><u>Colour and Glare.</u></p> <p>It is proposed that the external walls of the two (2) buildings would be painted Dulux 'Lexicon' which is a predominantly white colour. Unacceptable glare is likely to result.</p> <p>Council's DCP does not include provisions relating to colour. If the application was to be approved a condition could be applied requiring the applicant to submit details of an external colour scheme that would not have an unacceptable impact on amenity by creating unreasonable glare.</p> <p>It is acknowledged that in the future the buildings could be repainted without the need to obtain consent.</p> <p>The BASIX Certificate submitted with the application states that air conditioning is to be provided to each unit as follows:</p> <p>'1-phase air conditioning EER 3.0 - 3.5 (zoned)'.</p> <p>Placement of the air conditioning units would be dealt with at the Construction Certificate stage.</p> <p>It is noted that the authors' of the submission live on the other side of Burragorang Street to the east of the property that is directly opposite of the proposed development site.</p> <p>It is suggested that:</p> <p>"The percentage of households with 2 cars or more in the Wollondilly Shire is 68% compared to Greater Sydney of 44%.</p> |

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| Submitter Comment | Assessor Comment |
|--|---|
| <p>Council should replace the two (2) street trees proposed to be removed.</p> | <p>(Council website, 2011 Census). These statistics suggest 4 of the 5 units will have two vehicles. The allocated single garage per unit and 3 'visitor' car spaces is inadequate. As a result of this inadequate design there will be an increase of cars parked on the street. This will not only reduce our ability to use roadside parking in front of our residence but also impact on relatives and friends when visiting."</p> <p>Proposed car parking for the development complies with DCP provisions.</p> <p>The plans indicate that it is proposed to remove two (2) eucalypt street trees to allow for a driveway crossing. It is agreed that the trees should be replaced by the developer and located on the eastern side of the new driveway. This matter could be conditioned if the application was to be approved.</p> |

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1.7 The Public Interest

It is considered that the development is not in the public interest as it will set an undesirable precedence in respect of the quality of design of medium density development in the locality. The building bulk, extent of setbacks from the front property boundary and external materials and finishes incorporated in the proposed development are not considered to be compatible with the existing character of the locality. The proposed buildings are unsympathetic to the overall arrangement of the built environment.

The Disability Access to Premises - Buildings Standards 2010 applies to all applications lodged on or after 11 May 2011.

One of the five units of the multi dwelling housing development would be provided as an adaptable dwelling in accordance with AS4299 Adaptable Housing.

FINANCIAL IMPLICATIONS

The development will give rise to an increase in demand for public services and facilities under Council's Contributions Plan.

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ATTACHMENTS INCLUDED IN A SEPARATE BOOKLET

1. Site Plan (Issue E)
2. Elevations, units 1 to 2 (Issue C)
3. Upper Floor Plan, units 1 to 2 (Issue C)
4. Elevations, units 3 to 5 (Issue E)
5. Upper Floor Plan, units 3 to 5 (Issue E)
6. Landscape Plan (Issue C)
7. Lower Floor Plan, units 1 to 2 (Issue C)
8. Lower Floor Plan, units 3 to 5 (Issue E)

RECOMMENDATION

That the application be determined under delegation following the resolution by the applicant of the following matters to the satisfaction of the Manager Development Services:

1. Reduce the scale of the development in order to comply with the front and rear boundary setback requirements in Wollondilly DCP 2016 including demonstrated compliance with Clause 3.17.20.
2. Plans shall be amended to provide a vehicle wash bay in accordance with Water NSW's specifications.
3. An updated Landscaping Plan is to be provided which includes formalised landscaping for visual relief to the streetscape.
4. Concurrence from Water NSW shall be required as either a deferred commencement or prior to the approval of this application.
5. One of the units is required to provide complete accessibility in accordance with AS4299 Adaptable Housing.

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DRAFT CONDITIONS OF CONSENT

1. COMPLIANCE

These conditions are imposed to ensure that the development is carried out in accordance with statutory requirements, the conditions of consent and the approved plans to Council's satisfaction.

(1) Development Consent is granted for the Demolition of Structures and Construction of five (5) Multi Dwelling Houses at Lot: 1 DP: 542003, No. 23 Burragorang Street, The Oaks.

(2) Development shall take place in accordance with the following plans:

| Description | Drawn by | Drawing No: | Revision No | Date |
|--------------------------------|--|-------------|-------------|------------|
| Site Plan | Reggie's Residential Design and Drafting | 1968 | Issue E | 28.07.2016 |
| Elevations, unit 1 to 2 | Reggie's Residential Design and Drafting | 1968-3 | Issue C | 28.07.2016 |
| Upper Floor Plan, units 1 to 2 | Reggie's Residential Design and Drafting | 1968-2 | Issue C | 21.07.2016 |
| Elevations, units 3 to 5 | Reggie's Residential Design and Drafting | 1968-6 | Issue E | 28.07.2016 |
| Upper Floor Plan, unit 3 to 5 | Reggie's Residential Design and Drafting | 1968-5 | Issue E | 28.07.2016 |
| Landscape plan | Reggie's Residential Design and Drafting | 1968-9 | Issue C | 28.07.2016 |
| Lower Floor Plan, unit 1 to 2 | Reggie's Residential Design and Drafting | 1968-1 | Issue C | 28.07.2016 |

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| Description | Drawn by | Drawing No: | Revision No | Date |
|--------------------------------|--|-------------|-------------|------------|
| Lower Floor Plan, units 3 to 5 | Reggie's Residential Design and Drafting | 1968-4 | Issue E | 28.07.2016 |

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Submitted in respect of Development Application No. 010.2016.00000590.001 lodged on 16 August 2016, except where varied by the following conditions.

- (3) Where any work associated with this consent has the potential to disturb neighbours through the generation of noise, dust, odour, vibration or through deliveries to the site the person with control over the works shall advise the occupants of all adjoining and potentially affected properties of the timing and duration of such works. The land owner has the ultimate responsibility for ensuring that anybody undertaking works under this development consent on their behalf is aware of this requirement and completes the task required by this condition.

2. DEMOLITION

These conditions have been imposed to ensure that the demolition of buildings is carried out with regard to public and environmental safety.

- (1) All demolition works that proposed to demolish (or partially demolish) any building, structure or installation that:
- Is over 15 metres in height
 - Is a chemical installation
 - Involves a tower crane on site
 - Involves a mobile crane with a rated capacity of more than 100 tonnes
 - Has structural components that are pre-tensioned or post-tensioned
 - Involves floor propping
 - Involves explosives
 - Is between four metres and 15 metres in height involving mechanical demolition such as using excavators, bulldozers or cranes
 - Is between 10 metres and 15 metres in height and affects its structural integrity involves the use of load shifting machinery on suspended floors
 - Shall be undertaken by a licensed demolisher who is registered with SafeWork NSW (formerly WorkCover Authority of NSW). Details shall be submitted to Council or the nominated Accredited Certifier prior to the commencement of demolition works.

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- (2) Any demolition works involving asbestos removal must comply with all legislative requirements including the publication How to Safely Remove Asbestos – Code of Practice (December 2011- WorkCover NSW & Safe Work Australia), SafeWork NSW and NSW Environment Protection Agency (EPA) requirements.
- (3) Any demolition works must be undertaken by a certified demolition contractor under the NSW Environmental Protection Agency (EPA).
- (4) Any work involving lead paint removal must not cause lead contamination of air or ground.
- (5) All demolition material shall be disposed of in accordance with a waste management plan to be submitted and approved by Wollondilly Shire Council prior to the commencement of the demolition work.
- (6) Demolition works shall not create general nuisance by reason of inadequate dust, noise or environmental controls.
- (7) All demolition works should be carried out in a way that ensures that waste is managed in a manner consistent with the “NSW Waste Avoidance and Resource Recovery Strategy 2014-21” (copies can be obtained from the EPA website at <http://www.epa.nsw.gov.au/warr/index.htm>).
- (8) Care should be taken when demolishing building structures likely to have been treated with pesticides to avoid contact with the top 10 - 20mm of soil. The top layer of soil should not be left exposed where children or other sensitive individuals may come into contact with it.
- (9) Demolition shall be carried out to Australian Standard AS2601-2001 – The Demolition of Structures and the WorkCover Authority of NSW publication “Demolition work code of practice July 2014” including provision for:
 - Appropriate security fence or builders hoarding shall be installed to prevent public access to the demolition works
 - Induction training for onsite personnel
 - Management of asbestos, contamination and other hazardous materials
 - Dust control
 - Disconnection of gas and electrical supply
 - The demolition shall not hinder pedestrian or vehicle mobility in the locality
 - Control of water pollution and leachate, including the cleaning of vehicle tyres in accordance with the Protection of the Environment Operations Act, 1997.

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- (10) Fire fighting services onsite shall be maintained at all times during demolition works.
- (11) The demolition by induced collapse, the use of explosives or onsite burning is not permitted.
- (12) During demolition works all materials and equipment shall be kept entirely within the site and not on adjoining property, footpaths and roads.
- (13) All demolition work shall be restricted to between the hours of 7.00am and 6.00pm Mondays to Fridays (inclusive), 8.00am to 1.00pm Saturdays, and prohibited on Sundays and Public Holidays.
- (14) Certification is to be provided by the Demolition Contractor that the demolition work has been carried out in accordance with the above conditions. Such certification is to be provided to Council or the nominated Accredited Certifier prior to the issue of any Construction Certificate.

3. DRINKING WATER CATCHMENTS

These conditions are imposed to protect the integrity of the drinking water catchment in which the subject land is located.

(1) AWAITING INFORMATION FROM - Water NSW

4. BUILDING DESIGN

These conditions have been imposed to ensure that the appearance/construction of building works complies with the aims and objectives of Council's relevant Development Control Plans, Policies and relevant Statutory Regulations.

- (1) All materials and colours to be used in the external construction of the proposed building shall be consistent throughout the total development and/or match those of the existing development.
- (2) Highly contrasting coloured brickwork shall only be used on sills, window heads, string courses etc.

5. BASIX CERTIFICATES

These conditions have been imposed to ensure that the BASIX affected development fulfils the commitments listed in each relevant BASIX Certificate issued for the development.

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- (1) In accordance with clause 97A(2) of the Environmental Planning and Assessment Regulation, 2000, it is a condition of this development consent that all the commitments listed in BASIX Certificate No.748823M are fulfilled.

In this condition:

- a) relevant BASIX Certificate means
- i) a BASIX Certificate that was applicable to the development when this 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 consent when this consent is modified); or
 - ii) if a replacement BASIX Certificate accompanies any subsequent application for a construction certificate, the replacement BASIX certificate; and
- b) BASIX Certificate has the meaning given to the term in the Environmental Planning and Assessment Regulation, 2000.
- (2) All construction works, including any insulation requirements or other specific requirements shall comply with the relevant BASIX Certificate prior to the issue of any Occupation Certificate.

6. CONSTRUCTION GENERAL

These conditions have been imposed to ensure that all construction work is undertaken to an approved standard and related approvals.

- (1) Prior to the issue of any construction certificate, sufficient information must be forwarded to Council or the nominated Accredited Certifier illustrating compliance with the relevant provisions of the Building Code of Australia. Where Council is to be the nominated Accredited Certifier Council's Building Services Section may be contacted between 8:30am and 10:30am Monday to Friday on 02 4677 1100 if further clarification is required.
- (2) Construction shall not commence on the site, including the placement of temporary buildings, site sheds, earthworks, site excavation, filling or other site preparation works (with the exception of site survey work), prior to the issue of a Construction Certificate by Council or a nominated accredited Certifier.

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- (3) All construction and building work shall be restricted to between 7:00am and 6:00pm Mondays to Fridays (inclusive), 8.00am and 1.00pm Saturdays and prohibited on Sundays and Public Holidays unless written approval to vary the hours of work is granted by Council.
- (4) Toilet facilities are to be provided, at or in the vicinity of the work site on which work involved in the erection or demolition 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. These facilities are to be provided prior to the commencement of any works and:
- (a) Must be a standard flushing toilet; and
 - (b) Must be connected:
 - (i) to a public sewer, or
 - (ii) if connection to a public sewer is not practicable, to an accredited sewage management facility approved by the Council, or if connection to a public sewer or an accredited sewage management facility is not practicable, to some other sewage management facility approved by the Council.

In this condition:

Accredited sewage management facility means a sewage management facility to which Division 4 of Part 2 of the Local Government (General) Regulation 2005 applies, being a sewage management facility that is installed or constructed to a design or plan the subject of a certificate of accreditation referred to in clause 41 of the Regulation.

Approved by the Council means the subject of an approval in force under Division 4 of Part 2 of the Local Government (General) Regulation 2005.

Sewage Management Facility has the same meaning as it has in the Local Government (General) Regulation 2005.

- (5) An appropriate fence preventing public access to the site shall be erected for the duration of construction works.
- (6) A garbage receptacle must be provided at the work site before works begin and must be maintained until the works are completed. This receptacle must have a tight fitting lid and be suitable for the reception of food scraps, papers, etc.

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- (7) A demolition/construction waste storage area (bins or bays) must be provided. This area shall separate demolition/construction waste into categories such as hard waste (e.g. bricks, concrete, tiles), soft waste (e.g. timber, gyprock, metal, glass) and light waste (e.g. paper, plastic, pods). The light waste storage area must be enclosed so as to prevent the material from escaping the enclosure.
- (8) The doors with direct access into the garage attached to the dwelling shall comply with the following:
 - (a) The door leaves shall swing into the dwelling and not into the garage or parking area; and
 - (b) No sliding or concertina door of any type shall be used; and
 - (c) The door leaves shall be fitted with a hydraulic self-closing fixture that is a minimum size 2 spring strength in accordance with AS4145.5; and
 - (d) Any door latch or passage set shall be installed at a minimum of 1500mm above finished floor level; and
 - (e) Any bolt or function that could, in normal usage, render a door leaf non-self-latching shall not be incorporated; and
 - (f) Door leaves shall include a selective sequence closing device.

7. ENGINEERING & CONSTRUCTION SPECIFICATIONS

These conditions have been imposed to ensure that developments within the Shire are of a standard which is both safe and acceptable to Council and members of the public.

- (1) All works are to be designed and carried out in accordance with Wollondilly Shire Council's adopted design and Construction Specifications.
- (2) Engineering design plans for driveway, car parking, and stormwater drainage shall be submitted to Council or the nominated Accredited Certifier. The plans must be approved prior to the issue of a Building Construction Certificate for any works associated with this development. All levels are to be reduced to Australian Height Datum. Design parameters shall comply with the requirements of Council's Design Specifications.
- (3) The Engineering Design Plans for the Civil Works must be approved prior to the issue of a Building Construction Certificate with the approved plans of the Civil Engineering Works also incorporated into the Building Plans.

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- (4) In accordance with Section 138 of the Roads Act, a 138 Consent Certificate must be obtained from Council's Infrastructure Planning Section a minimum of 7 days prior to commencement of work. A fee is payable for issue of this consent.
- (5) A "Soil and Water Management Plan" (SWMP) that outlines the measures that will be taken to limit and contain sediment laden runoff during construction shall be submitted to Council with the Engineering Plans. The measures shall be in accordance with Council's Construction Specification and the Department of Housing's "Blue Book".
- (6) Prior to any occupation of the development or the issue of any Occupation Certificate.
- (7) Engineer's Certification shall be provided to the nominated Accredited Certifier for all civil works (driveway, car parking, drainage etc.) carried out within the private property.

8. DRAINAGE/STORMWATER

These conditions have been imposed to ensure drainage/stormwater is appropriately managed.

- (1) Stormwater runoff from and through the property is to be appropriately managed so as to control nuisance, damage and hazard during storm events.
- (2) Stormwater runoff from all impervious surfaces on the property shall be collected and conveyed to a point suitable for integration with either the natural or constructed stormwater drainage system. A piped drainage system shall be provided to convey runoff from storms up to the 10% AEP. Defined overland flow paths shall be provided to safely convey runoff from storm events up to the 1% AEP. A detailed drainage design shall be provided on the Engineering design plans.
- (3) The applicant shall provide drainage generally as shown on the submitted plans by D & M Consulting Pty Ltd plan No. 16642 sheets C1 and C2 dated 10/08/16, stormwater discharge to the kerb in Burrangorang Street shall not exceed 25lt/sec. Details shall be included on the engineering plans for approval by Council or the nominated Accredited Certifier prior to issue of the Building Construction Certificate.

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9. CARPARKING/LOADING/ACCESS

These conditions have been imposed to:

- (1) Ensure that adequate provision is made for off street parking, appropriate to the volume and turnover of traffic generated by the development.
- (2) Ensure that adequate manoeuvring space is provided for parking areas, loading bays and entry facilities.
- (3) Provision shall be made for vehicles to access and leave the site in a forward direction. A suitable manoeuvring area within the site shall be provided. Details, including turning paths for delivery vehicles, shall be shown on the Engineering design plans for approval.
- (4) The development is to be provided with car parking as generally shown in the plans by Reggie's Residential Design and Drafting Plan No. 1968 dated 20/04/16. Such spaces are to measure not less than 2.6m x 5.5m and are to be constructed and marked in accordance with Wollondilly Shire Council's adopted Design and Construction Specification.

10. PUBLIC ROADS

These conditions have been imposed to ensure all public road works required by the development are provided to an adequate standard.

- (1) Provision of vehicular access 5 metres wide, through the construction of layback gutter crossings/concrete footpath crossings in accordance with Council's Design Specification. All redundant vehicular crossings must be reconstructed as kerb.
- (2) Note: Any adjustment to services shall be at the expense of the applicant. Prior to the construction of the crossing, approval shall be obtained from Council's Works Section. A property entrance application shall be submitted to Council with payment of the current fees for the access construction.
- (3) The person having the benefit of this consent shall undertake all reasonable efforts to protect the public road pavement from damage during the course of construction work. Restoration of any damaged road or footway shall be at the applicant's expense.
- (4) All damaged kerb on the frontage of the development shall be replaced with barrier kerb. Details shall be included on the engineering plans.

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11. EROSION AND SEDIMENT CONTROL

These conditions have been imposed to minimise the impact of the Development on the environment and on adjoining properties.

- (1) All disturbed areas are to be stabilised by turfing, mulching, paving or otherwise suitably stabilised within 30 days of completion.
- (2) Vehicle access is to be controlled so as to prevent tracking of sediment onto adjoining roadways, particularly during wet weather or when the site has been affected by wet weather.
- (3) Erosion and sediment control devices are to be installed prior to any construction activity on the site. These devices are to be maintained for the full period of construction and beyond this period where necessary.
- (4) Topsoil stripped from the construction site is to be stockpiled and protected from erosion until re-used during landscaping.

12. INSPECTIONS

These conditions have been imposed to ensure that construction works are undertaken to an approved standard.

- (1) Building works shall be inspected by the Principal Certifying Authority at critical stages of construction to ensure they comply with the Building Code of Australia and associated approvals. Where Wollondilly Shire Council is nominated as the Principal Certifying Authority these inspections shall include:
 - Pier holes before pouring of concrete
 - Steel reinforcing before pouring of concrete
 - Wet area damp proofing and flashing before lining
 - Structural steel work before covering
 - Stormwater drainage before backfilling
 - Floor, wall and roof framing before any internal cladding or lining is fixed
 - Completion of building work before occupation or use.
- (2) The engineering works shall be inspected by the Principal Certifying Authority at the following stages of construction to ensure they comply with Council's Construction Specification and associated approvals:

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- Prior to commencement of any construction work on the site, after erosion and sediment control and traffic control measures are implemented.
- When drainage lines have been laid, jointed and bedded, prior to backfilling.
- Prior to pouring of the drainage pits, when the formwork and steel is in place.
- Prior to pouring vehicle crossing slabs, when formwork and steel is in place.
- Prior to pouring concrete to driveway/car park slabs, when formwork and steel is in place.
- At practical completion of works.
- At final completion of works (minimum of 12 months after date of issue of practical completion certificate).

Note: It is the responsibility of the applicant or contractor to notify the Principal Certifying Authority when inspections are required. Failure to notify may lead to additional work being required prior to issue of inspection certificates. A minimum of 24 hours notice is required for inspections where Council is the Principal Certifying Authority.

13. SERVICES

These conditions have been imposed to ensure that an adequate level of services and infrastructure are provided for this development.

- (1) Prior to the issue of the Subdivision or Construction Certificate in connection with a development, the developer (whether or not a constitutional corporation) is to provide evidence satisfactory to the Certifying Authority that arrangements have been made for:
 - (i) the installation of fibre-ready facilities to all individual lots and/or premises in a real estate development project so as to enable fibre to be readily connected to any premises that is being or Department of Planning and Environment – Planning Circular PS 17-005 2 / 3 may be constructed on those lots. Demonstrate that the carrier has confirmed in writing that they are satisfied that the fibre ready facilities are fit for purpose; and
 - (ii) the provision of fixed-line telecommunications infrastructure in the fibre-ready facilities to all individual lots and/or premises in a real estate development project demonstrated through an agreement with a carrier. (Note real estate development project has the meanings given in section 372Q of the Telecommunications Act).

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- (2) Provision is to be made for the supply of telephone services to all proposed lots in accordance with the requirements of Telstra or NBN Co. In this regard, written confirmation from Telstra Australia or NBN Co. that arrangements have been made shall be submitted to the Principal Certifying Authority prior to the release of the Subdivision Certificate.
- (3) A Section 73 Compliance Certificate under the Sydney Water Act 1994 must be obtained.

Application must be made through an authorised Water Servicing Co-ordinator. Please refer to the Building Developing and Plumbing section of the web site www.sydneywater.com.au then refer to “Water Servicing Co-ordinator” under “Developing Your Land” or telephone 13 20 92 for assistance.

The Section 73 Certificate must be submitted to the Principal Certifying Authority prior to the issue of any Subdivision Certificate for the development.

- (4) Letter boxes shall be provided to each dwelling to the satisfaction of Australia Post.
- (5) All power and services provided to the development within the site shall be underground.
- (6) All of the letter boxes for the development shall be contained in the one structure which shall be constructed from materials that are complimentary to those used in the buildings on the site. The letter box structure shall be to the satisfaction of Australia Post and shall be positioned so that it does not obstruct sight lines for vehicles entering or leaving the site or adjoining land. A concrete or other pathway constructed from materials complementary to the development shall link the letter box structure to the rest of the development.
- (7) Clothes lines shall be provided for each dwelling at the rate of 12 lineal metres of line and shall not be visible from a public place.
- (8) The proposed dwelling shall be connected to the reticulated sewerage system prior to the release of the Subdivision Certificate.

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14. OCCUPATION & USE

These conditions have been imposed to ensure the development and associated activities/operation are acceptable in terms of the amenity of the neighbourhood and the public interest whilst maintaining its functional operation.

- (1) The dwellings shall not be occupied or used until an Occupation Certificate is issued by the Principal Certifying Authority.

15. LANDSCAPING

These conditions have been imposed to reduce the impact of any development activity on the landscape/scenic quality through vegetation works and maintenance.

- (1) A detailed landscape plan, drawn to scale by a person with horticultural qualifications or similar (such qualifications must be endorsed on the plans) shall be submitted to and approved by Council or a nominated Accredited Certifier prior to the release of the Construction Certificate. This plan must include the following:
 - (a) All existing and proposed site structures.
 - (b) All existing vegetation.
 - (c) Details of proposed earthworks including mounding, retaining walls and planter boxes.
 - (d) Location, number and type of proposed plant species.
 - (e) Details of planting procedure and maintenance.
 - (f) Details of drainage and watering systems.
 - (g) Provision of only native species that are endemic to the region.
 - (h) Details of compliance with the landscaping requirements of other conditions of this consent.

NOTE: By resolution of Council on 19 July 2010 all plants used in landscaping must be native species endemic to the area and the planting of conifers is not permitted.

- (2) Landscaping within the front setback shall be installed with a mixture of shrubs and trees. All trees shall have a minimum pot size of 150 litres and the nominated trees shall have a minimum height of 1.5 metres (5 foot).
- (3) Landscaping is to be installed in accordance with the Approved Plan prior to the release of the subdivision certificate. The landscaping must be maintained in accordance with the details provided on that Plan at all times.

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16. FENCING

These conditions are imposed to ensure that any fencing has a minimal effect on the landscape/streetscape/environment of the locality.

- (1) All fencing is to be installed in accordance with the provisions of State Environmental Planning Policy (Exempt and Complying Development Codes) 2008.

17. SECTION 94 CONTRIBUTIONS

These conditions have been imposed to ensure the adequate provision of public facilities required as a result of the development.

- (1) Payment of a Contribution for 5 dwellings in accordance with the Wollondilly Section 94 Contribution Plan 2011, the cost of which will be determined and payable at the time of the release of the Construction Certificate.

The developer contributions payable are:

| | | |
|-----------------------------------|----------------|----------|
| Open Space, Shire, | \$161 x 3.3 = | \$531 |
| Open Space, Precinct, | \$1499 x 3.3 = | \$4947 |
| Library/Community, Shire | \$759 x 3.3 = | \$2505 |
| Library/Community, Precinct, | \$83 x 3.3 = | \$274 |
| Transport & Traffic, Roads/Inter, | \$4693 x 3.3 = | \$15,487 |
| Traffic & Traffic, Cycleway, | \$113 x 3.3 = | \$373 |
| Bushfire Protection, | \$19 x 3.3 = | \$63 |
| Companion Animal, | \$0 = | \$0 |
| Stormwater Drainage, | \$0 = | \$0 |
| Plan Admin, | \$366 x 3.3 = | \$1208 |
| Total | | \$25,388 |

These figures are reviewed quarterly in accordance with the provisions of the Contributions Plan and an updated figure must be obtained from Council at the time of payment.

18. STREET ADDRESSING

These conditions are imposed in order to ensure the development complies with the requirements of the New South Wales Address Policy as published by the Geographical Names Board of New South Wales.

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- (1) Prior to the issue of a Construction Certificate for the development an application for street addresses shall be submitted to Council for each individual within the development in accordance with Section 5.2 of the NSW Address Policy.

19. SUBDIVISION PLANS

These conditions have been imposed:

To ensure the submission of Subdivision Plans to the specifications of Land and Property Information for registration.

To submit the required documentation for the creation of property restrictions and easements as specified.

- (1) A letter from a Registered Surveyor shall be submitted to Council certifying that no services of Public Utility or waste water disposal presently connected to existing buildings straddle proposed boundaries after subdivision.
- (2) Submission to Council of the Linen Plan of Subdivision together with nine (9) copies suitable for certification by the General Manager and lodgement at Land and Property Information. A fee for the release of the Subdivision Certificate applies.
- (3) The development shall be completed in accordance with the relevant plans and conditions of consent prior to the release of the Subdivision Certificate.

20. PRESCRIBED CONDITIONS

These conditions are imposed as they are mandatory under the Act.

- (1) COMPLIANCE WITH BUILDING CODE OF AUSTRALIA AND INSURANCE REQUIREMENTS UNDER THE HOME BUILDING ACT 1989
- (a) 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:

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- (i) that the work must be carried out in accordance with the requirements of the Building Code of Australia,
 - (ii) 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.
- (b) 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 .
- (c) This clause does not apply:
- (i) 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
 - (ii) to the erection of a temporary building, other than a temporary structure to which subclause (b) applies.
- (d) 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:
- (i) development consent, in the case of a temporary structure that is an entertainment venue, or
 - (ii) 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.

(2) Erection of signs

- (a) For the purposes of section 80A (11) of the Act, the requirements of subclauses (b) and (c) are prescribed as conditions of a development consent for development that involves any building work, subdivision work or demolition work.
- (b) 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:

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- (i) showing the name, address and telephone number of the principal certifying authority for the work, and
 - (ii) 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
 - (iii) stating that unauthorised entry to the work site is prohibited.
- (c) 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.
- (d) 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.
- (e) 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.
- (f) 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 of the Environmental Planning and Assessment Regulation 2000 which currently imposes a maximum penalty of \$1,100).

(3) NOTIFICATION OF HOME BUILDING ACT 1989 REQUIREMENTS

- (a) For the purposes of Section 80A (11) of the Act, the requirements of this condition 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.
- (b) 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:

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- (i) in the case of work for which a principal contractor is required to be appointed:
 - (aa) the name and licence number of the principal contractor; and
 - (ab) the name of the insurer by which the work is insured under Part 6 of that Act.

- (ii) in the case of work to be done by an owner-builder:
 - (aa) the name of the owner-builder; and
 - (ab) if the owner-builder is required to hold an owner-builder permit under the Act, the number of the owner-builder permit.

- (c) If arrangements for doing the residential building work are changed while the work is in progress so that the information notified under sub-condition (b) 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.

- (d) 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.

21. ADVICES

- (1) During the course of construction, care must be taken to prevent damage to any public utility or other service and the applicant will be held responsible for any damage caused by him or his agents, either directly or indirectly. Any mains, services, poles, surface fittings etc., which require alterations shall be altered at the applicants expense and to the satisfaction of Council and the authority concerned.

- (2) The following service providers should be contacted before commencement of construction to establish their requirements:
 - Dial before you dig (various services) 1100
 - Telstra (telephone) 1 800 810 443
 - Endeavour Energy (electricity) 131 081
 - AGL (gas) 131 245
 - Sydney Water (water & sewer) 132 092.

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- (3) This Consent does not permit the commencement of construction unless a Construction Certificate has been issued. For details about obtaining a Construction Certificate contact Council's Building Services Section for building works or Council's Infrastructure Planning Section for subdivision works.
- (4) At all times work is being undertaken within the public road, adequate precautions shall be taken to warn, instruct and guide road users safely around the work site with a minimum of disruption.
- (5) The developer and any contractor or sub-contractor used to carry out any work authorised by or out of this approval on Council owned or controlled land, is to carry the following insurance, copies of which are to be produced to Council upon request:
 - Motor Vehicle Insurance (comprehensive or property damage) for all self propelled plant, as well as valid registration or RMS permit (Including CTP insurance). Primary producer's registration is not registration for use on Public Road construction work.
 - Workers Compensation Insurance.
 - Twenty Million Dollar Public Liability Insurance.
- (6) A defects liability period of twelve (12) months will apply from the date of the issue of the certificate of practical completion by Council or, in the case of a public road, twelve (12) month from the registration of the road as a public road. A 10% maintenance bond or a minimum of \$1,000, whichever is greater, is to be lodged in accordance with Council's construction specification for work that is to become the property of Council.