

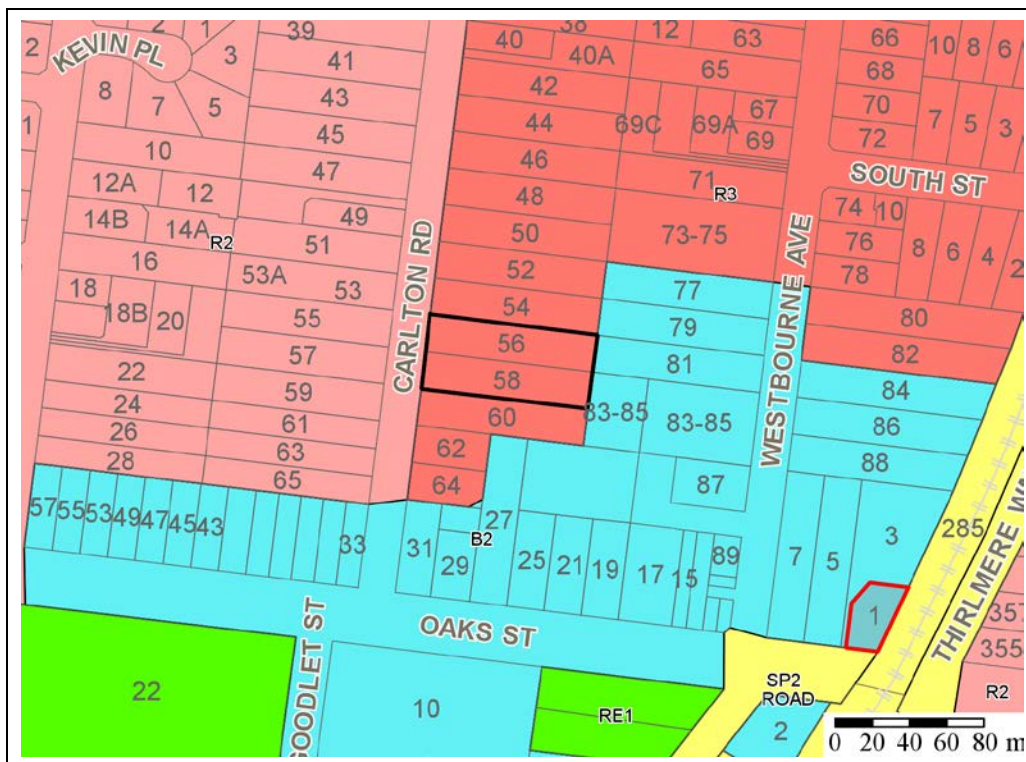
Report of Planning and Economy to the Ordinary Meeting of Council held on Monday 18 September 2017

PE1 - Development Application No: DD010.2016.00000808.001 for Multi Dwelling Housing containing 2 Single Storey and 12 Two Storey Dwellings and Strata Subdivision – 56 & 58 Carlton Road, Thirlmere

PLANNING AND ECONOMY

PE1 **Development Application No: 010.2016.00000808.001 for Multi Dwelling Housing containing 2 Single Storey and 12 Two Storey Dwellings and Strata Subdivision – 56 & 58 Carlton Road, Thirlmere**
 277598 DD010.2016.00000808.001

Planning & Economy



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LOCATION MAP N

DEVELOPMENT INFORMATION

Development Application No:	010. 2016.00000808.001
Property Details:	56 & 58 Carlton Road Thirlmere.
Applicant:	Accurate Design.
Owner:	Ruxley Bay No.3 P/L & others
Proposal Details:	Tree removal and construction of multi dwelling housing containing 2 x single storey and 12 x two storey dwellings and strata subdivision.
Zone:	Wollondilly Local Environmental Plan 2011 - R3 Medium Density Residential

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EXECUTIVE SUMMARY

- Consent is sought for tree removal and construction of multi dwelling housing containing 2 x single storey and 12 x two storey dwellings and strata subdivision at 56 & 58 Carlton Road Thirlmere.
- A total of forty (40) submissions of objection were received.
- The application has been 'called up' by Council for determination.
- Under legislation, a person who makes a relevant planning application or public submission is required to disclose any reportable political donations. The disclosure requirements extend 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

The application was lodged with Council on 1 November 2016. The application proposes a number of variations to the Wollondilly Development Control Plan 2016 (DCP).

On the 15 November 2016, the applicant was requested to provide a written request seeking to justify the proposed variations to Council's DCP.

The application was advertised from 12 to 30 January 2017, including notification to neighbours. The original advertisement and notification incorrectly described the development as proposing a total of 12 dwellings, rather than 14 dwellings. Consequently, the notification period was extended to 6 February 2017, and amended notification letters sent to neighbours. Forty (40) objection letters were received.

On 25 January 2017, the applicant was requested to provide additional engineering details in respect to driveways and manoeuvring space on-site, and of stormwater modelling for the development.

On 10 February 2017, the applicant was advised of a number of issues arising from assessment of the application in respect to access to parking areas, provision of private open space and provision for the collection of domestic waste by collection vehicles.

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On 20 February 2017, amended plans and a written request seeking to justify the DCP variations were received. On 21 February, plans of on-site manoeuvring were submitted, and on 22 February, drainage design details were submitted.

On 22 February, the applicant was advised that the proposed variations to the DCP in respect to solar access, private open space and the front setback were unlikely to be supported, and were advised that the proposed amendments regarding waste services had not been adequately addressed.

On 6 April 2017, further amended plans and an additional written submission seeking to justify the DCP variations were submitted.

The amended plans were re-notified to neighbours from 3 to 18 May 2017.

On 11 May, the applicant was advised of matters that were not addressed in the amended plans, and in particular, the provision of garbage bays for the storage of waste bins and satisfactory arrangements for collection of bins.

On 16 May, the request for variations to the DCP was submitted to Council's internal Variations Review Panel. The Panel supported the variations subject to amended plans providing for a privacy screen on the first floor balcony to Dwelling 6, and a landscape plan for the front setback area, proposing planting consistent with the streetscape.

Amended architectural plans were submitted on 7 June.

A Landscape Plan was submitted on 13 June 2017, in accordance with Council's request of 16 May 2017.

The plans were amended to incorporate bin bay structures in the front setback area, in accordance with Council's request for appropriate method for garbage services for the proposed development. The amended plans were notified from 27 July 2017 to 11 August 2017 to previous objectors. No further submissions were received.

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1.1 DESCRIPTION OF SITE AND SURROUNDING AREA



Figure 1. Aerial Imagery (Source - NearMap 28 May 2017)

The subject land is described as Lots 69 and 70, Section C, DP 1569, 56 and 58 Carlton Road, Thirlmere. The site is rectangular in shape, has an area of 3,642m². The western boundary has a 40.23m frontage to Carlton Road.

The site is vacant except for a small dilapidated shed.

The site is zoned R3 Medium Density Residential, with adjoining land to the north and south also zoned R3. Adjoining land to the east (rear boundary) is zoned B2 Local Centre. Land on the western side of Carlton road is zoned R2 Low Density Residential.

1.2 DESCRIPTION OF DEVELOPMENT

The application proposes tree removal and construction of multi dwelling housing containing 2 x single storey and 12 x two storey dwellings and strata subdivision.

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Units 1 - 12 are two storey. Units 13 and 14 are single storey. There are 3 x two bedroom 6 x three bedroom and 5 x four bedroom dwellings as follows:

- Two bedrooms: Units 2, 6 and 7.
- Three bedrooms: Units 1, 3, 4, 5, 13 and 14.
- Four bedrooms: Units 8, 9, 10, 11 and 12.

Units 1 to 5 have street frontage, in two separate structures, with Units 1, 2 and 3 on the northern side and Units 4 and 5 on the southern side of the single driveway that provides access to all onsite parking behind the front five units. The driveway also provides pedestrian access to Units 7 to 14. All units have single garages and there are 5 visitor parking spaces.

The garages to Units 1, 2 and 3 are contained in a detached structure that also contains the garage to Unit 6, and Unit 6 living areas above on the first floor. A similar detached structure contains the garages to Units 4, 5 and 7 with Unit 7 living areas above.

Units 8 and 9 are attached, as are Units 10 and 11. Unit 12 is a detached structure. The single storey Units 13 and 14 are detached, and are designed as accessible dwellings.

The proposal includes three variations to Council's DCP in respect to the front setback, the private open space area for proposed dwellings 6 and 7 and the garbage bin bays.

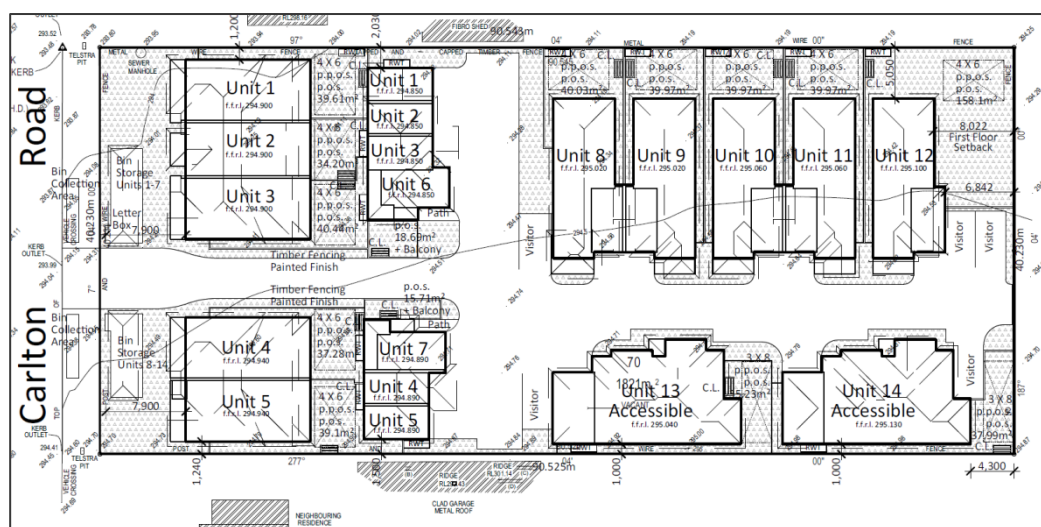


Figure 2. Proposed Site Plan

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Consultation

- Development Engineer – Supported subject to conditions
- Building Surveyor - Supported subject to conditions
- Contamination Officer - Supported subject to conditions
- Waste Management Officer - Supported subject to conditions
- No external agency referrals were required.

1.3 SECTION 79C ASSESSMENT

1.3.1 PROVISIONS OF RELEVANT ENVIRONMENTAL PLANNING INSTRUMENTS

State Environmental Planning Policy (BASIX)

A valid BASIX certificate was submitted with the application. The application complies with the SEPP.

State Environmental Planning Policy No. 55 – Remediation of Land

A Phase 1 investigation of the site was required due to the identification of some imported fill on the site. The Phase 1 Preliminary Environmental Site Assessment (Envirotech 9 July 2015) recommended preparation of a Phase 2 report due to the unknown nature of the imported fill.

A Targeted Phase II Site Investigation (Envirotech 10 August 2016) was submitted with the application. The report concluded the land was suitable for the proposed development.

It is noted that there is a small dilapidated shed on the site that wasn't considered in the Phase 2 assessment. Consent condition recommended to require addendum to Phase 2 report following demolition of the shed.

Sydney Regional Environmental Plan No 20—Hawkesbury-Nepean River

The proposed development is considered to be consistent with the aims of the plan and complies with the relevant planning policies and recommended strategies in respect to water quality and quantity, subject to compliance with recommended conditions of consent.

Wollondilly Local Environmental Plan, 2011

The land is zoned R3 Medium Density Residential under Wollondilly Local Environmental Plan (the LEP). Multi dwelling housing is permissible with consent.

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The application is considered to be consistent with the aims of the Plan (Clause 1.2) and the zone objectives, which include:

- To provide for the housing needs of the community within a medium density residential environment
- To provide a variety of housing types within a medium density residential environment
- To encourage the provision of affordable housing.

The application has not provided details in respect to:

- trees proposed to be removed (clause 5.9)
- the extent of cut and fill proposed (clause 7.5). It is expected that the extent of earthworks will be capable of management to acceptable outcomes, subject to provision of details and consent conditions.

Clause 2.6 of the LEP requires consent for strata subdivision.

Clause 4.3 and the Height of Buildings Map specify a maximum building height of 9m for the site. The proposed building height is 7.2m, and complies.

Clause 5.9 requires consent for the removal of trees, where specified in an adopted Council development control plan. This is considered below.

Clause 7.1 requires Council to be satisfied that the essential services are available to the site. The site is serviced by town water, reticulated sewerage and electricity.

1.3.2 PROVISIONS OF RELEVANT DEVELOPMENT CONTROL PLANS

The development proposal is subject to Wollondilly Development Control Plan 2016 (the DCP) Volume 1 – General and Volume 4 - Residential Development.

Part 3 of Volume 1 provides for the consideration of variations to the controls set out in the DCP.

Part 2 of Volume 4 provides general requirements for all residential development. Part 3 of Volume 4 provides specific land use controls. The relevant general controls are assessed in the table on page 29.

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Three variations to the DCP are proposed by the development. These variations were reviewed by Council's internal Variation Review Panel and are recommended for support. The variations are:

Proposed Variation: Front Setback

Volume 4, Clause 3.17 Medium Density Development Setbacks Control 18, requires the front setback to be the average of the setback on the two adjoining lots, plus or minus 10%.

Based on the existing setbacks on the adjoining lots, a minimum setback of 10.9125m is required.

The application proposes a front setback of 8.5m to Carlton Road.

The variation is 2.4125m, or 22%.

Compliance with the control is considered unreasonable because:

- The development as proposed seeks to achieve development consistent with the zone
- Strict compliance with the setback requirement would limit the development potential of the site and would be considered to be contrary to the intent of the zone objectives.

In the circumstances, the adoption of a setback to Carlton Rd of 8.5m for this development is considered appropriate for achieving the objectives of the standard and the variation is supported.

Proposed Variation: Private Open Space

Clause 3.17 Medium Density Development Private Open Space Control 29 requires that a minimum principal area of private open space must be provided for each dwelling with the following characteristics:

- Width no less than 3 metres in any direction
- Must be directly accessible from, and adjacent to, a habitable room, other than a bedroom (ie. a living area)
- Have an area no less than 24 square-metres.

Dwellings 6 and 7 have an entry at ground level, but are otherwise located at first floor level.

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Proposed private open space is a combination of a small ground level area adjacent the entry and first floor balconies with access from living areas. The application proposes:

- Dwelling 6 Balcony areas = 18m^2 , ground floor private open space = 18m^2 , total = 36m^2
- Dwelling 7 Balcony area = 11m^2 , ground floor area private open space = 15m^2 , total = 26m^2 .

The numerical standards of the DCP are satisfied, in that more than 24m^2 of private open space is provided for each dwelling if the ground floor private open space is added to the balcony areas. Only the balconies are accessible from the living areas, meaning there is a variation to the DCP.

The calculation for private open space, excluding the ground floor areas, highlight the following variations:

- Dwelling 6 = 25% (24m^2 required, 18m^2 proposed)
- Dwelling 7 = 54% (24m^2 required, 11m^2 proposed).

The development satisfies the DCP private open space provisions for multi dwelling housing in respect to 12 of the 14 dwellings.

The proposed balconies for dwellings 6 and 7 provide an adequate private open space area and will be accessible from the living areas of the dwellings. The balconies will have adequate visual and acoustic privacy.

It is considered that the proposed balconies satisfy the DCP objectives for private open space. The variations are supported.

Proposed Garbage Bin Bays

In assessing the application, and in discussion with the Team Leader Waste Management, the applicant was advised that the development was required to incorporate a bin bay adjacent the front boundary of the site, to facilitate waste collection.

In the absence of arrangements with Council's waste collection provider, the development would have resulted in up to 28 wheelie bins being placed at kerbside on collection day. This has the potential to create conflict between kerbside parking and waste collection operations.

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The preferred arrangement is for the bins to be stored within a bin bay structure adjacent the front boundary and the waste collector will wheel the bins out of the bays on collection day, and return them after emptying.

This approach to waste services for multi dwelling housing and residential flat buildings is the preferred method in many Council areas as a means to avoid the problems with too many bins at kerbside on collection day.

The applicant submitted amended plans consistent with the request.

The DCP does not provide clear controls in respect to the provision of bin bays.

Control 45 provides:

The development shall be provided with on-site waste management facilities to allow for:

- a) the collection of domestic waste from each dwelling; and
- b) the storage of the waste out of sight of any publically accessible place, dwelling window, area of private open space and area of common open space; and
- c) the collection of domestic waste from the development by waste collection vehicles; and
- d) An area at the front of the lot immediately adjoining the public road shall be dedicated for the Council Communal Rubbish Collection service. In this regard the area shall be void of trees/landscaping and the like to enable a suitable area for rubbish to be placed during the collection.

The proposal is considered to be a suitable and preferred design for the proposed development.

The DCP Volume 4, Clause 3.17, and Controls 18 and 19 specify front setbacks to “proposed dwellings”. The bin bays are detached structures and are not “dwellings”, and it is considered that Controls 18 and 19 do not apply to the bin bay structure.

Control 26 provides:

Awnings and other building features that do not form a wall of a room may be located between the building setback to a primary and/or secondary road and shall not extend more than 1.5m in front of that building setback.

The proposed bin bays are not building features, but there is no other control in the DCP that would reasonably apply.

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Consequently, the proposed bin bays are either:

1. Not a variation to the DCP, as there is no relevant control that relates to bin bays, and the structures are provided in accordance with Control 45 relating to Waste Management, or
2. A variation to Control 26, which requires “building features” to extend no more than 1.5m in front of the building setback. In this case, the variation sought is to allow the structures to be 7.3m in front of the setback, a variation of 387%.

If the proposed bin bays are considered to be a variation, then the variation is justified because:

- a) The structures are to satisfy the DCP provisions in respect to Waste Management,
- b) The proposed structures are supported by the Team Leader Waste Management as the preferred arrangement for bin storage and waste collection from the site,
- c) The proposed structures are consistent with the preferred method of managing waste services for sites containing multi dwelling housing and/or residential flat buildings, and
- d) The DCP objectives will be achieved.

Volume 4 – Residential Development		
	Relevant Provisions	Comment
2.10 Special Requirements for Parking areas near dwellings		
Objectives		
1	To ensure that access doors located near dwelling vehicle parking areas are designed to minimise the risk of a low speed roll over incident.	
2	To ensure that dwellings have an effective barrier to prevent people from coming into conflict with motor vehicles.	
3	To protect the safety of our children.	
Controls		
1	Where a door is provided which has direct access (within 3 metres) to a parking area, the door shall be consistent with the following requirements:	
a)	The door leaf shall swing into the dwelling and not into the garage or parking area; and	All units other than 6 and 7 comply. Consent condition recommended requiring modification to garage access door to swing into dwelling and not garage.

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Volume 4 – Residential Development		
	Relevant Provisions	Comment
b)	No sliding or concertina door of any type shall be used; and	Complies.
c)	The door leaf shall be fitted with a hydraulic self-closing fixture that is a minimum size 2 spring strength in accordance with AS4145.5. Note: In the case of unusually high or heavy doors, windy or draughty conditions, or special installations a larger power size of door closer should be used; and	Consent condition recommended.
d)	Any door latch or passage set shall be installed at a minimum of 1500mm above finished floor level; and	Consent condition recommended.
e)	Any bolt or function that could, in normal usage, render a door leaf non-self-latching shall not be incorporated. Note: A non-self-latching bolt (e.g. a dead bolt) will prevent the door from closing if left protruding while the door is open. Any electrically operated locking devices or bolts shall be self-latching in the event of power failure and any activation switches installed 1500mm above finished floor level; and	Consent condition recommended.
f)	If pairs of doors are used both leaves are to be self-closing and self-latching and shall include a selective sequence closing device. Note: For the purpose of this control a parking area includes, but is not limited to an attached or detached garage, car port or an open hardstand car parking space.	No pairs proposed.
2.11 Stormwater		
Objectives		
1	To ensure that stormwater from buildings is collected and conveyed in a manner that does not cause environmental harm.	
2	To retain, as far as practicable, natural stormwater flows.	
Controls		
1	Stormwater from new dwellings (other than water to be recycled for use on site) must be directed to at least one of the following to Council's specifications: <ul style="list-style-type: none"> ▪ Street drainage system; 	Complies – consent condition recommended.

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Volume 4 – Residential Development		
	Relevant Provisions	Comment
	<ul style="list-style-type: none"> ▪ Drainage easement; ▪ Natural drainage path. <p>Council may consider the use of absorption trenches or similar on large lot residential or rural lots where one of the measures above cannot be satisfied.</p>	
3	The proposed dwelling and any associated stormwater drainage measures shall account for the existing drainage patterns of the area and shall not contribute to any localised ponding, nuisance flooding on adjoining properties, or impacts to overland flow or natural drainage paths.	Capable of complying – consent condition recommended.
4	All stormwater disposal systems shall be in accordance with Council's Engineering Design Specifications.	Consent condition recommended.

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3.17 Medium Density Development other than Residential Flat Buildings		
	Control	Comment
Density		
1	Residential development to which these provisions apply must achieve a minimum density of 25 lots per hectare rounded down to the nearest dwelling.	The development proposes 14 dwellings on a site with an area of 3,642m ² . This equates to a density of 38 dwellings per ha, which complies.
2	Residential development to which these provisions apply must not exceed a maximum density of 45 lots per hectare rounded down to the nearest dwelling.	Complies.
Building Design		
4	The total portion of the site covered by all pools, buildings and paving shall not exceed 75% of the site area.	The application proposes a site cover of 64%. Complies.
7	Dwellings which front the street shall adopt a traditional orientation where living rooms, front door entries, paths to entry, verandas and the like address the street rather than neighbouring properties.	Complies.
8	The design of any medium density development shall ensure that the development contributes to the visual	Complies.

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3.17 Medium Density Development other than Residential Flat Buildings		
	Control	Comment
	interest of the street and shall avoid long rows of attached dwellings, long straight driveways and uniform roof designs throughout the development.	
9	The front façade of any dwelling fronting the street must actively address the street. In this regard the front facade shall include a combination of at least two (2) of the following:	Complies.
i)	an entry feature or portico;	Yes
ii)	bay windows;	
iii)	the use of a balcony, deck, pergola, terrace or verandah along the frontage;	Yes
iv)	Roof overhangs;	Yes
v)	Awnings over windows which blend with the design of the dwelling;	
vi)	A combination of other architectural features suitable to Council which enhance the front façade of the dwelling.	Yes
10	The front façade of any dwelling in the development must feature a personal access door.	Complies.
11	The front façade of any dwelling in the development must have no stretch of blank wall greater than 5.0m in length.	Complies.
12	A side or rear façade of any dwelling in the development must have no stretch of blank wall greater than 12.0 metres.	Complies.
13	No more than 50% of the front façade of any dwelling in the development shall be garage doors.	Complies.
14	The number of garage doors forming part of any dwelling that are visible to the street shall be limited to 2. In this control a double garage door shall be counted as 2 doors.	Complies.
15	The front façade of any dwelling which has frontage to a public road shall be provided with at least one habitable room with a window looking out onto the public road.	Complies.
16	Medium density developments must not:	
i)	Be mirror reversed;	Complies.

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3.17 Medium Density Development other than Residential Flat Buildings		
	Control	Comment
ii)	Have a repeated façade;	Complies.
iii)	Locate garages at the centre of the building's front façade; nor	Complies.
iv)	Present an excessively bulky front façade.	Complies.
17	One dwelling per five provided in a medium density development (rounded down) shall be provided as an adaptable dwelling in accordance with AS4299 Adaptable Housing. Plans which demonstrate compliance with this standard shall be submitted with any development application for a Medium Density Development.	Units 13 and 14 are adaptable dwellings. Consent condition recommended requiring Units 13 and 14 to comply with AS4299.
Setbacks		
18	Where there is a dwelling on each adjoining lot, the setback for the dwelling(s) fronting the primary road shall be the average setback of the existing adjoining dwellings plus or minus 10%. Such a setback shall be no less than 4.5m .	Variation proposed. See assessment in body of this report.
19	Where there is a dwelling on one adjoining lot the front setback for the dwelling(s) fronting the primary road shall be plus or minus 10% of the setback of the adjoining dwelling. Such a setback shall be no less than 4.5m.	Variation proposed. See assessment in body of this report.
21	The minimum side setback for any dwelling shall be 0.9m from land not included in the development.	Complies.
22	The minimum rear setback for any dwelling from land not included in the development shall be 8.0m for a two (2) storey dwelling and 3.0m for a single storey dwelling or a single storey part of a two (2) storey dwelling.	Complies.
24	Any garage attached to a dwelling shall be setback a minimum of 1 metre behind the front building line of the dwelling or 5.5 metres from the front street boundary, whichever is greater.	Complies.

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3.17 Medium Density Development other than Residential Flat Buildings		
Control		Comment
25	For dwellings not fronting the street, any garage attached to the dwelling shall be located no less than 1 metre behind the front building line of the dwelling.	Complies.
26	Awnings and other building features that do not form a wall of a room may be located between the building setback to a primary and/or secondary road and shall not extend more than 1.5m in front of that building setback.	Complies. See discussion in body of the report in respect to the proposed garbage bin bays within the front setback area.
27	Eaves and other building features that do not form a wall of a room may be located within the side and rear building setbacks but shall not extend more than 450mm into that building setback.	Complies.
Private Open Space		
29	A minimum principal area of private open space must be provided for each dwelling with the following characteristics:	
a)	Gradient no steeper than 1:20 (Rise:Run)	Complies.
b)	Width no less than 3 metres in any direction	Variation proposed. See assessment in body of this report.
c)	Must be directly accessible from, and adjacent to, a habitable room, other than a bedroom (i.e. a living area)	Variation proposed. See assessment in body of this report.
d)	Have an area no less than 24 square-metres.	Variation proposed. See assessment in body of this report.
e)	Must not be located in the front building setback	Complies.
f)	Not be used for clothes drying, effluent disposal or garbage storage	Variation proposed. See assessment in body of this report.
Solar Access		
31	Sunlight is to be available to at least 50% of the dedicated private open space area of all dwellings in the development for at least 3 hours between 9:00am and 3:00pm on 21 June.	Complies
32	Any dwelling within a medium density development shall not result in less than 3	Complies.

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3.17 Medium Density Development other than Residential Flat Buildings		
Control		Comment
	hours of sunlight to the habitable rooms of an adjoining dwelling and 50% of the private open space area of any adjoining property between 9:00am and 3:00pm on 21 June.	
Parking, Access and Vehicle Safety		
33	A minimum of one (1) parking space shall be provided on the site for each dwelling. Such a space, or spaces may be an open hard stand space or a carport or garage, whether attached to or detached from the dwelling.	Complies.
34	An open hard stand car parking space must measure a minimum of 2.6m wide by 5.4m long.	Complies.
35	A minimum of one (1) visitor parking space per three (3) dwellings (rounded up) must be provided wholly on the site. Such a space or spaces may be an open hard stand space or car port or a garage, whether attached to or detached from the dwelling. Visitor parking must be appropriately signposted on the site.	Complies.
36	A minimum of one (1) parking bay measuring a minimum of 2.6m by 5.4m shall be located on the site and dedicated as a vehicle wash bay. The wash bay shall be within adequate distance of a water source (i.e. a tap) and shall drain to a landscaped area on the site.	Space available. Consent condition recommended.
37	Garages shall have sufficient area to accommodate a parking space of 2.6m x 5.4m per allocated parking space.	Complies.
38	Garage doors shall have a minimum width of 2.4 metres.	Complies.
39	The width of any access driveway and the overall design of the development shall enable vehicles to enter and leave the site in a forward direction.	Complies.
40	Provision shall be made for footpaths/sharepaths/cycleways to be provided to the nearest available network connection to the village centre in	Consent condition recommended requiring concrete footpath construction to Oaks St.

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3.17 Medium Density Development other than Residential Flat Buildings		
Control		Comment
	accordance with Council's Design Specifications.	
Landscaping		
41	At least 10% of the area of the site shall be formally landscaped with an automated water system to be provided.	Consent condition recommended.
Privacy		
42	Wherever possible, dwellings shall be designed to avoid overlooking the main areas, private open space areas and windows of habitable rooms of adjoining dwellings.	Complies.
43	The outlook from second storey windows, balconies, stairs, landings, terraces or decks is to be screened where a direct view is available into the private open space areas of an existing adjoining dwelling to prevent overlooking.	Complies.
44	A window that has a sill height of 1.7m or more above the floor level within the room shall be taken to have no potential for overlooking.	Complies.
Waste Management		
45	The development shall be provided with on-site waste management facilities to allow for: a) the collection of domestic waste from each dwelling; and b) the storage of the waste out of sight of any publically accessible place, dwelling window, area of private open space and area of common open space; and c) the collection of domestic waste from the development by waste collection vehicles; and d) An area at the front of the lot immediately adjoining the public road shall be dedicated for the Council Communal Rubbish Collection service. In this regard the area shall be void of trees/landscaping and the like to enable a suitable area for rubbish to be placed during the collection.	Complies. Complies. Complies Complies

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1.3.4 DRAFT AND/OR PLANNING AGREEMENTS ENTERED OR OFFERED TO ENTER INTO

Nil

1.3.5 WOLLONDILLY DEVELOPMENT CONTRIBUTIONS PLAN 2011

Development Contributions are payable in accordance with Council's Development Contribution Plan 2011.

The amount payable per dwelling is determined by calculating the Contribution for 14 multi-unit dwellings and subtracting the credit for the two existing lots..

New dwelling units - 14 x \$13,787.55	\$193,025.70
Credit for two lots – 2 x \$20,000.00	<u>\$40,000.00</u>
Increase (June 2017)	\$153,025.70

1.4 IMPACT OF THE DEVELOPMENT

Head of Consideration	Comment
Natural Environment	No significant impacts.
Built Environment	The proposed development is considered to be consistent with the proposed future desired street character having regard to the zoning of the land for medium density development.
Social Impacts	The development will provide for a range of housing choice in Thirlmere.
Economic Impacts	No significant direct impacts.

1.5 SUITABILITY OF THE SITE

The site is considered to be appropriately zoned for the proposed development. Essential services are available to the site. It is considered that the site is suitable for the propose Development.

1.6 SUBMISSIONS

The application was advertised from 12 January 2017 to 6 February 2017. Amended plans were re-notified from 24 January 2017 to 6 February. Forty (40) submissions of objections were received. Amended plans were notified from 3 May 2017 to 18 May 2017 and further amended plans notified from 27 July 2017 to 11 August 2017.

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Below is a summary of the issues and comments.

Submission Details	Comment
Over development	DCP 2016 imposes a minimum density requirement of 25 dwellings per hectare and a maximum of 45 dwellings per ha. The proposed development will have a density of 38 dwellings per ha, and complies with the DCP. The DCP also imposes a maximum site cover of 75%. The proposed development will have a site cover of 55%, and complies with the DCP.
Oppose two storey development	A 9m height limit applies to the site under the provisions of Wollondilly LEP 2011. The proposed development will have a height of 7.2m, and complies with the LEP.
Rural character	The site is zoned "Medium density residential". It is unreasonable to expect development to maintain a rural, or low density, character, which would be contrary to the purpose and objectives of the zone.
Traffic impacts	Traffic generation from the proposed 14 dwellings is not considered to be significant and will not cause a requirement for upgrade of the local road system.
Parking	The proposed development complies with Council's requirements for the provision of off street parking.
Privacy	Units 1 to 7 incorporate high sill or obscured glass windows in the side elevations on the first floor level. Units 8 to 12 provide side setbacks of 5.05m for walls at first floor level, which contain windows for bedrooms, which are considered to be low use rooms during daytime, minimising overlooking of the neighbour property.

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Submission Details	Comment
	It is considered the development will protect the privacy of adjoining properties.
Impact on natural light and ventilation	Shadow diagrams indicate impacts from overshadowing are limited to the front of the adjoining lot, No. 60 Carlton Rd. The impact has been assessed and is considered to be reasonable in the circumstances. The development will not significantly impact on natural ventilation of adjoining properties.
Impact of bins on collection days	The development will potentially generate 28 wheelie bins at kerbside on collection day, which would not be able to be accommodated within the street frontage of the site. This issue will need to be addressed in consultation with Council's Waste Services Officers.

Planning & Economy

1.7 THE PUBLIC INTEREST

The proposed development is considered to be consistent with the medium density zone and development objectives for the site. It is considered to be in the public interest to approve the development.

FINANCIAL IMPLICATIONS

The development is subject to the provisions of Wollondilly Development Contributions Plan 2011.

Development contributions apply to the proposed development.

Subject to payment of the required developer contributions, the proposed development will not have a significant financial impact on Council.

ATTACHMENTS INCLUDED IN A SEPARATE BOOKLET

1. Amended Plans submitted with the application.

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RECOMMENDATION

1. That Development Application No: DD010.2016.00000808.001 for Multi Dwelling Housing containing 2 Single Storey and 12 Two Storey Dwellings and Strata Subdivision at 56 & 58 Carlton Road, Thirlmere be approved subject to the following conditions:

1. COMPLIANCE

(1) Approved Use and Works

Development Consent is granted for the Tree Removal and Construction of Multi Dwelling Housing Containing Two Single Storey and 12 Two Storey Dwellings and Strata Subdivision at Lot: 69 and Lot 70 Sec: C DP: 1569, 56 and 58 Carlton Road THIRLMERE.

(2) Approved Plans

Development shall take place in accordance with the following endorsed plans submitted in respect of Development Application No. 010.2016.00000808.001, except where varied by the following conditions:

Architectural Plans prepared by Accurate Design and Drafting

Job No.	Plan Title	Sheet No.	Rev	Date
14085-7	Perspective Views	2/34	H	14-06-17
14085-7	Site Plan	5/34	H	14-06-17
14085-7	Ground Floor Plans Units 1, 2, 3 & 6	12/34	H	14-06-17
14085-7	First Floor Plans Units 1, 2, 3 & 6	13/34	H	14-06-17
14085-7	Elevations Units 1, 2, 3 & 6	14/34	H	14-06-17
14085-7	Elevations Units 1, 2, 3 & 6	15/34	H	14-06-17
14085-7	Section A-A, B-B & C-C	16/34	H	14-06-17
14085-7	Ground Floor Plans Units 4, 5 & 7	17/34	H	14-06-17
14085-7	First Floor Plans Units 4, 5 & 7	18/34	H	14-06-17
14085-7	Elevations Units 4, 5 & 7	19/34	H	14-06-17
14085-7	Elevations Units 4, 5 & 7	20/34	H	14-06-17
14085-7	Section D-D & E-E	21/34	H	14-06-17
14085-7	Ground Floor Plans Units 8 & 9	22/34	H	14-06-17
14085-7	First Floor Plans Units 8 & 9	23/34	H	14-06-17
14085-7	Ground Floor Plans Units 10, 11 & 12	24/34	H	14-06-17
14085-7	First Floor Plans Units 10, 11 & 12	25/34	H	14-06-17
14085-7	Elevations Units 8 to 12	26/34	H	14-06-17
14085-7	Elevations Units 8 to 12	27/34	H	14-06-17

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Job No.	Plan Title	Sheet No.	Rev	Date
14085-7	Elevations Units 8 to 12	28/34	H	14-06-17
14085-7	Section F-F & G-G	29/34	H	14-06-17
14085-7	Ground Floor Plans Units 13 & 14	30/34	H	14-06-17
14085-7	Elevations & Section H-H Unit 13	31/34	H	14-06-17
14085-7	Elevations Unit 14	32/34	H	14-06-17
14085-7	Bin Storage	33/34	H	14-06-17
14085-7	Landscape Plan	34/34	H	14-06-17

Drainage Concept Plans prepared by D & M Consulting

Job No.	Plan Title	Sheet No.	Rev	Date
16681E	Driveway Plan	C2	E	11/8/17
16681E	Drainage Concept Plan	C3	E	11/8/17
16681E	Tank Plan Detail & Section Detail	C4	E	11/8/17

(3) Supporting Documents

Development shall take place in accordance with the recommendations of the following reports:

- Statement of Environmental Effects dated October 2016, Statement of Environmental Effects Addendum dated February 2017 and Statement of Environmental Effects Addendum dated April 2017, prepared by Michael Brown Planning Strategies.
- Environmental Site Assessment (Targeted Phase II Site Investigation) prepared by Envirotech Environmental and Engineering Consultancy Services, dated 10th August.
- BASIX Certificate Number 766773M dated 26 October 2016.

(4) Construction Certificate Required

This Consent does not permit the commencement of site works. A Construction Certificate must be obtained. For details about obtaining a Construction Certificate, contact Council's Building Services Section.

Works shall not commence on the site, including the placement of temporary buildings, site excavation, filling, removal of trees 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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(5) Development and Building Design

- a) Prior to the issue of the 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 8:00am and 10:00am Monday to Friday on 02 4677 1100 if further clarification is required.
- b) Finished surface details, including the proposed external colour of the building, are to be submitted with the Construction Certificate for approval by the Principal Certifying Authority (PCA). The PCA must be satisfied that the finishes are the same as shown on the approved plans.
- c) The Construction Certificate application plans shall comply with the Development Control Plan requirements "Section 2.10 Special requirements for parking near dwellings., including, for any door that has direct access within 3m of a parking area (including a garage):
 - i. The door leaf shall swing into the dwelling and not into the garage or parking area; and
 - ii. The door leaf shall be fitted with a hydraulic self-closing fixture that is a minimum size 2 spring strength in accordance with AS4145.5; and
 - iii. Any door latch or passage set shall be installed at a minimum of 1500mm above finished floor level; and
 - iv. Any bolt or function that could, in normal usage, render a door leaf non-self-latching shall not be incorporated.
- d) The Construction Certificate application plans include an amended landscaping plan incorporating not less than two street trees to be planted across the frontage of the site. Species selection shall be approved by Council and be consistent with existing street trees in the vicinity of the site. The plans shall include details of the planting schedule, provide for advanced species to be planted, and good practice soil preparation, and protection of the trees to ensure survival of the plants to maturity.

(6) General Construction Requirements

- a) 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.

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- b) Toilet facilities are to be provided, at or in the vicinity of the work site, 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.
 - c) An appropriate fence preventing public access to the site shall be erected for the duration of demolition or construction works.
 - d) Disposal of construction and building waste material shall be undertaken in accordance with the Waste Management Plan approved by Council or a nominated Accredited Certifier.
 - e) There shall be no burning of builder's rubble, felled trees or other material on site.
 - f) Dust shall be controlled so that it will not leave the construction site.
 - g) Topsoil stripped from the construction site is to be stockpiled and protected from erosion until re-used during landscaping.
 - h) 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.
 - i) Any damage to the Council footway, road or other land shall be restored in accordance with Council's specifications prior to the issue of any Occupation Certificate for the development.
- (7) **Occupation Certificate Required**
The building shall not be occupied or used until an Occupation Certificate is issued by the Principal Certifying Authority.
- (8) **Subdivision Certificate**
The Strata subdivision Certificate shall not be issued until an Occupation certificate has been issued.

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2. DEMOLITION

- (1) 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.
- (2) 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.
- (3) 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”.
- (4) 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.

3. REMEDIATION WORKS

- (1) Following demolition of the existing shed on the site and prior to the issue of any construction certificate for the development and addendum to the Phase 2 Site Investigation shall be submitted to Council in relation to the area of the shed. If any of the results obtained exceed the site acceptance criteria in the NEPM Guidelines (2013) then the area shall be suitably remediated or a category ‘A’ Site Audit Statement issued under the Contaminated Land Management Act, 2008 shall be provided to Council which confirms that the site is suitable for “Residential with accessible soil, including garden (minimal home grown produce contributing less than 10% fruit and vegetable intake) excluding poultry”.
- (2) The updated Phase 2 Site Investigation and Site Audit Statement (if required) shall be provided to Council prior to the issue of any Construction Certificate for the development. A Sampling Analysis Quality Plan shall be provided to Council for approval prior to the commencement of the further site investigation”.
- (3) An environmental consultant is to be engaged to oversee and document all stages of remediation works, in order to prepare a validation report at the completion of works.

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4. CONSOLIDATION OF LOTS

- (1) Lots 69 and 70, Section C, DP 1569 shall be consolidated into one lot and written notification as to the registration of such consolidation at Land and Property Information is to be submitted to Council prior to release of the Construction Certificate.

5. BASIX REQUIREMENTS

- (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 shown in the BASIX Certificate, referred to in condition 1.(3), are fulfilled.
- (2) The builder shall certify that all BASIX commitments have been fulfilled, prior to the issue of the Occupation Certificate.

6. SALINITY MANAGEMENT

- (1) A salinity assessment is to be carried out for the site prior to the issue of the Construction Certificate. The assessment shall be completed in accordance with "Site Investigations for Urban Salinity" published by the Department of Land and Water Conservation 2002. Electrical conductivity levels of the soil are to be calculated using the EC (1:5) method.
- (2) Recommendations from the assessment are to be incorporated into the development design and identified in the engineering plans.
- (3) Certification of compliance with the Salinity Assessment Report shall be submitted to the Principal Certifying Authority after placement of the concrete footings and slabs, and prior to any further building work.

7. WASTE MANAGEMENT

- (1) A Waste Management Plan for the development is to be submitted to the Council or a nominated Accredited Certifier for approval prior to the issue of any Construction Certificate. The Waste Management Plan is to be in accordance with the provisions of Council's Waste Minimisation and Management Guidelines.
- (2) The Waste Management Plan shall be implemented throughout the construction phase of the development.

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- (3) The site shall be managed in accordance with the Waste Management Plan for the life of the development.
- (4) The garbage bin bays shall be provided with a tap and hose fitting and shall be designed to drain to a dry basket arrestor which shall be connected to sewer, to allow for washing out the bay. The design of the system is to be submitted to Sydney Water for approval as part of the Section 73 application.
- (5) The development shall be deemed to require a Special On-Property Collection, requiring the mobile bins to be collected from the bin bay on collection day, and the emptied bin returned to the bin bay immediately after being emptied so that no bins are left on the road or verge at any time.
- (6) Submission of an appropriate instrument on the title shall be submitted with the strata subdivision certificate, for approval by Council, specifying the requirement for the Body Corporate and individual strata unit holders to enter into arrangements with Council for the provision of a Special On-Property Collection service as required by condition 7.(5).

8. LANDSCAPING

- (1) Contiguous landscaped areas within proposed common property and an area of greater than 50m² shall be provided with an automatic irrigation system.
- (2) Certification that landscaping of the site has been completed in accordance with the approved Landscape Plan listed in Condition 1.(3) and as amended by condition 1.(5)(d), and installation of the irrigation system required by condition 8.(1), shall be submitted to the Principal Certifying Authority prior to issue of the Occupation Certificate.
- (3) Landscaping of the site and street trees shall be maintained for the life of the development in accordance with the Landscape Plan.

9. SERVICES AND INFRASTRUCTURE

- (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 dwelling within the development in accordance with Section 5.2 of the NSW Address Policy.

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- (2) Prior to the commencement of any plumbing and/or sanitary drainage work where Wollondilly Shire Council is the appropriate regulatory authority, separate approval must be obtained under Section 68 of the Local Government Act 1993.
- (3) Written approval from Sydney Water is to be obtained prior to the commencement of works.
- (4) A Section 73 Compliance Certificate under the Sydney Water Act 1994 must be submitted to the Principal Certifying Authority prior to the issue of an Occupation Certificate.

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.

- (5) Electricity supply is to be made available in accordance with the requirements of Endeavour Energy. In this regard, written confirmation from Endeavour Energy that suitable arrangements have been made shall be submitted to the Principal Certifying Authority prior to the release of the Occupation Certificate.
- (6) All power and services provided to the development within the site shall be underground.
- (7) Letter boxes shall be provided to each dwelling to the satisfaction of Australia Post.

10. FENCING

Fencing shall be constructed behind the building line on the side boundaries and for the full length of the rear boundary. Such fencing shall have a height of 1.8 metres and be of timber lapped paling construction (or similar, i.e. pre-coloured metal panels).

11. POSSIBILITY OF ABORIGINAL RELICS

During excavation or site works, should any Aboriginal relics be unexpectedly discovered, then all excavation or disturbance to the area is to stop immediately and the National Parks and Wildlife Service (NPWS) should be informed in accordance with Section 91 of the National Parks and Wildlife Act, 1974.

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12. 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 Specification.
- (2) Engineering design plans and stormwater drainage calculations, for the road drainage, access driveways, carparking and drainage construction, shall be submitted to Council or the nominated Accredited Certifier.

The plans must be approved prior to the issue of a Construction Certificate for any works associated with this development. All levels are to be reduced to Australian Height Datum. All design parameters shall comply with the requirements of Council's Design Specifications.

- (3) Engineering and design plans for the work in the public road shall be approved by Council as the roads Authority prior to issue of the Construction Certificate.
- (4) A certified "Works as Executed" plan from a Chartered Professional Engineer or Registered Surveyor is to be submitted to Council (for the public road works) or the nominated Accredited Certifier before the final inspection for the Certificate of Practical Completion and before any issue of an Occupation Certificate.

The "Works as Executed" plan must certify that the works have been constructed in accordance with the approved drawings and to the levels specified.

- (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 (for the road works) or the nominated Accredited Certifier.

The measures shall be in accordance with Council's Construction specification and the Department of Housing's "Blue Book". The plan is to be approved by Council or the nominated Accredited Certifier.

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- (6) A “Traffic Management Plan” that details suitable safety measures that will be implemented whenever work is being undertaken in the public road reserve shall be submitted to Council with the 138 Consent application. The safety precautions are to be in accordance with the requirements of the RTA’s “Traffic Control at Work Sites” manual.

The plan is to be prepared and endorsed by a person with current RTA certification.

- (7) This consent authorises both engineering and building works to be undertaken. A separate Construction Certificate shall be issued for each category of works, that is, a separate Engineering Construction Certificate (for any on-site detention, inter-allotment drainage, public road works, etc) and a separate Building Construction Certificate (for all works relating to the erection and fit-out of a structure).

A CONSTRUCTION CERTIFICATE FOR THE CIVIL WORKS MUST BE ISSUED PRIOR TO THE ISSUE OF A BUILDING CONSTRUCTION CERTIFICATE WITH THE CERTIFIED PLANS OF THE CIVIL ENGINEERING WORKS ALSO INCORPORATED INTO THE BUILDING PLANS.

- (8) Engineer’s Certification shall be provided to Council or the nominated Accredited Certifier for all civil works carried out within the private property prior to any occupation of the development or the issue of any Occupation Certificate.

13. 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.

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- (3) Where it is necessary to convey collected stormwater runoff from one lot through another in order to facilitate suitable disposal, an interallotment drainage easement not less than 1.5m wide is to be acquired that confers appropriate drainage rights.
- (4) The person who has the benefit of this consent shall, at no cost to Council, carry out necessary amplification or upgrading of the downstream system.

A 375mm diameter pipe shall be installed from the existing drainage line at North Street intersection to the subject site. This drainage line shall be located 2.0 metres off the existing kerb and gutter and include pits to connect with the existing kerb and gutter and drainage system. Details are to be included on the engineering plans for approval by Council prior to the issue of a Construction Certificate.

- (5) The applicant shall provide stormwater drainage generally as shown on the concept plan prepared by D&M Consulting Pty Ltd, Drawing Number 16681E, dated 11/8/17.

14. CARPARKING/LOADING/ACCESS

These conditions have been imposed to:

- (a) Ensure that adequate provision is made for off street parking, appropriate to the volume and turnover of traffic generated by the development.**
 - (b) Ensure that adequate manoeuvring space is provided for parking areas, loading bays and entry to facilities.**
- (1) The internal driveways, car parking spaces and manoeuvring areas are to be constructed using exposed aggregate concrete or other coloured or textured finish and shall be compatible with the external colours, materials and finishes of the dwellings.
 - (2) A detailed plan showing the dimensions, grades and finishes of all parking, driveway and manoeuvring spaces shall be submitted with the Construction Certificate to demonstrate compliance with Australian Standard AS2890.1(2004). All dimensions are to be measured from the inside face of kerbs and edging to driveway, parking spaces and manoeuvring areas.

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- (3) The development is to be provided with five visitor concrete car parking spaces and access thereto. 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.
- (4) A minimum of one (1) parking bay measuring a minimum of 2.6m by 5.4m shall be located on the site and dedicated as a vehicle wash bay. The wash bay shall be within adequate distance of a water source (i.e. a tap) and shall drain to a landscaped area on the site.

15. 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 to the site through the construction of layback gutter crossings/concrete footpath crossings 6.0 metre wide in accordance with Council's Construction Specifications.
- (2) All obsolete vehicular crossings must be reconstructed as kerb.

Note: Any adjustment to services shall be at the expense of the applicant.

- (3) The existing kerb and gutter is in poor condition and will not sustain the development of this site without considerable damage. Therefore the kerb and gutter shall be reconstructed including the existing road shoulder pavement for a minimum width 2.0 metre width for the full frontage of the site. Details shall be included on the engineering plans.
- (4) A concrete footpath 1.5 metres wide shall be constructed from the driveway access to the site to connect with the pathway in Oaks Road. Details shall be included on the engineering plans.
- (5) In accordance with Section 138 of the Roads Act a 138 Consent Certificate must be obtained from Council's Infrastructure Planning Section a minimum 7 days prior to commencement of work. A fee is payable for issue of this Consent Certificate.
- (6) 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.

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16. 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.

17. EARTH FILL

These conditions have been imposed to ensure the safe disposal of fill:

- (1) All filling on the site, including footpath areas, shall be compacted to not less than 95% Standard Compaction.
- (2) A report on the site filling is to be submitted in accordance with Wollondilly Shire Council's Construction Specification by an appropriately qualified Geotechnical Engineer or Soil Scientist.

Such a report shall be supported by a survey plan of the site indicating the areas filled and depth of fill in relation to the lot boundaries.

- (3) There shall be no encroachment onto adjoining lands by fill placed near boundaries.
- (4) Notice shall be provided to Council one or two business days prior to the commencement of land filling works and within two business days of the completion of such works.
- (5) Surface stormwater shall be controlled in such a manner that no significant alterations to existing flows onto adjoining properties occur.

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- (6) Only fill characterised as VENM or ENM under the guidelines of the NSW Environmental Protection Authority may be used in this development. Copies of validation reports for all fill used shall be retained and presented to Council on request.
- (7) Where Council cannot be satisfied that the fill is suitable for its proposed use with regard to potential contamination the filled area shall not be used and works in that area shall cease until the fill is validated to the satisfaction of a NSW EPA accredited Site Auditor.

18. INSPECTIONS

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

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:

- 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.
- When subsoil drainage lines have been excavated and drainage pipe laid prior to placing filter material.
- 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.

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.

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19. SUBDIVISION PLANS

- (1) 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.

20. OCCUPATION & USE

- (1) The building shall not be occupied until an Occupation Certificate is issued by the Principal Certifying Authority.
- (2) The premises shall be maintained in a clean and tidy state at all times.

21. SECTION 94 CONTRIBUTIONS

- (1) Payment of a Contribution 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 current amount payable (June 2017 quarter) is:

(i) Open Space, Sport & Recreation (Shire)	\$1,693.59
(ii) Open Space, Sport & Recreation (Precinct)	\$69,098.37
(iii) Library & Community Facilities (Shire)	\$7,981.03
(iv) Library & Community Facilities (Precinct)	\$10,288.54
(v) Transport & Traffic (Roads & Intersections)	\$56,063.30
(vi) Transport & Traffic (Cycleways)	\$412.81
(vii) Bushfire Protection	<u>\$201.11</u>
	\$145,738.76
(viii) Plan Administration	<u>\$7,286.94</u>
TOTAL	\$153,025.70

- (2) 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.

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22. PRESCRIBED CONDITIONS

(1) Compliance with Building Code Of Australia and Insurance Requirements Under The Home Building Act 1989

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, and
- 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.

(2) Erection of Signs

The following conditions are prescribed in relation to a development consent for development that involves any building work:

- a) A sign must be erected in a prominent position while building work or remediation work is being carried out:
 - 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.
- b) Any such sign is to be maintained while the remediation work and building work, is being carried out, but must be removed when the work has been completed.

(3) Notification Of Home Building Act 1989 Requirements

The following conditions are prescribed in relation to a Development Consent for development that involves any residential building work within the meaning of the Home Building Act 1989.

- a) 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.
- b) 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.

23. ADVICE

- (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. that require alterations shall be altered at the applicant's expense and to the satisfaction of Council and the authority concerned.
- (2) 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.
- (3) 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.

Report of Planning and Economy to the Ordinary Meeting of Council held on Monday 18 September 2017

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- (4) 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.
2. That persons who made submissions be advised of Council's decision.