DEVELOPMENT CONSENT
Environmental Planning and Assessment Act 1979

Application Number: DA17/0623
Authority: Delegated Authority

APPLICATION DETAILS

Applicant: M Cubed Design
22 Westbourne Street
BEXLEY NSW 2207

Land Description: Lot 13 DP 10147
147 Parraweena Road, Miranda

Proposed Development: Demolition of existing structures and construction of dual occupancy with swimming pools together with two lot Torrens Title subdivision

Date of Determination: 14 August 2017
Date of Operation: 14 August 2017
Date of Lapsing: 14 August 2022

Under Section 80 of the Environmental Planning and Assessment Act 1979, Sutherland Shire Council has determined DA17/0623 as described above, by the granting of development consent subject to the conditions specified in this notice.

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

### 1. Approved Plans and Documents

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

<table>
<thead>
<tr>
<th>Plan number</th>
<th>Reference</th>
<th>Prepared by</th>
<th>Date</th>
</tr>
</thead>
<tbody>
<tr>
<td>2/15</td>
<td>Site Plan</td>
<td>M Cubed Design</td>
<td>16 May 2017</td>
</tr>
<tr>
<td>3/15</td>
<td>Ground Floor Plan</td>
<td>M Cubed Design</td>
<td>16 May 2017</td>
</tr>
<tr>
<td>4/15</td>
<td>1st Floor Plan</td>
<td>M Cubed Design</td>
<td>16 May 2017</td>
</tr>
<tr>
<td>5/15</td>
<td>Roof Plan</td>
<td>M Cubed Design</td>
<td>16 May 2017</td>
</tr>
<tr>
<td>6/15</td>
<td>South &amp; East Elevations + Front Fence Detail</td>
<td>M Cubed Design</td>
<td>16 May 2017</td>
</tr>
<tr>
<td>7/15</td>
<td>North &amp; West Elevations</td>
<td>M Cubed Design</td>
<td>16 May 2017</td>
</tr>
<tr>
<td>8/15</td>
<td>Section A-A + Pool Sections</td>
<td>M Cubed Design</td>
<td>16 May 2017</td>
</tr>
<tr>
<td>9/15</td>
<td>Construction Management Plan</td>
<td>M Cubed Design</td>
<td>16 May 2017</td>
</tr>
<tr>
<td>11/15</td>
<td>Subdivision Plan</td>
<td>M Cubed Design</td>
<td>16 May 2017</td>
</tr>
<tr>
<td>17-1298/1</td>
<td>Landscape Concept Plan</td>
<td>Captivate Landscape Design</td>
<td>19.5.17</td>
</tr>
<tr>
<td></td>
<td>Handmarked Tree Plan</td>
<td></td>
<td>07.08.2017</td>
</tr>
</tbody>
</table>

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

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

i) A Construction Certificate.

ii) Notification of the appointment of a Principal Certifying Authority and a letter of acceptance from that Principal Certifying Authority.

iii) Notification of the commencement of building and/or subdivision works with a minimum of 2 days’ notice of such commencement.

Under section 109E(2) of the Environmental Planning and Assessment Act 1979, please note that Sutherland Shire Council must be appointed as the Principal Certifying Authority for all subdivision works.

### 2. Design Changes Required

#### A. Before Construction

The following design changes must be implemented:

i) The eastern facing windows of the ground floor guest room and first floor bedroom 2 are to be deleted and replaced with high light windows with a minimum sill height of 1.5m from FFL.
ii) A storage area with a minimum volume of 6m\(^3\) must be provided to each dwelling. The storage space must be located within the dwelling and must not result in any increase in gross floor area.

iii) The separation between the outside edge of the swimming pool coping and the side boundary of each dwelling must be increased to a minimum of 1m. Amendments to the swimming pool area to align with this condition must not result in a decrease in landscaped area. Direct access between the front and rear yard of each dwelling outside of the pool area must be maintained.

Details of these design changes must be included in documentation submitted with the application for a Construction Certificate.

3. Public Place Environmental, Damage & Performance Security Bond

A. Before Issuing of any Construction Certificate

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

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

In the event that the dilapidation report is not submitted 2 days prior to commencement and the public area sustains damage the person acting on this consent may be held liable.

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

The value of the bond is 8,800.

Note: Bond amount includes a non-refundable administration fee which must be paid separately if security is provided by way of a deposit with Council or a bank guarantee.

Use of Bank Guarantee - As bond releases may occur under different timeframes only one bond amount/bond purpose is permitted on a Bank Guarantee. Multiple bonds will require multiple bank guarantees to be lodged.
B. After Occupation
A request for release of the bond may be made to Sutherland Shire Council after all works relating to this consent have been completed. Such a request must be submitted to Council on the ‘Bond Release Request Form’ signed by the owner or any person entitled to act on the consent and must be accompanied by a current dilapidation report including photographs.

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

4. S94A 2016 Plan - Sutherland Shire
A. Before Construction
Pursuant to s.80A(1) of the Environmental Planning and Assessment Act 1979, and Sutherland Shire Council Section 94A Plan 2016, a contribution of $6,501.00 must be paid to Sutherland Shire Council towards the cost of works contained in the contribution plan. The amount to be paid is to be adjusted at the time of the actual payment, in accordance with the provisions of the Section 94A Development Contributions Plan.

The rate used to index the contribution rate and outstanding contributions is the Consumer Price Index (All Groups Index) for Sydney. Outstanding levies will be adjusted on the first of July each year in accordance with the following formula:

The formula to review a contribution rate is:

\[
\text{Adjusted Contribution} = \frac{\text{Current Contribution} \times \text{Current CPI}}{\text{Previous year's CPI}}
\]

Payment must be made before whichever is the first to occur:
- the issue of a construction certificate, or
- the release of the subdivision certificate/ linen plan, or
- the commencement of the use/occupation of the premises.

5. Approvals Required under Roads Act or Local Government Act
A. Before Construction
No occupation or works are to be carried out on public land (including a road or footpath) or access provided over a public reserve adjacent to the development site without approval being obtained from Sutherland Shire Council and the necessary fee paid under the Roads Act 1993 and/or the Local Government Act 1993. These approvals must be to the satisfaction of Council for the required development works and may include but are not limited to the following:

- Detailed Frontage Works including construction of a driveway, footpath, etc.
- Road openings and restoration to provide services to the development.
- Work Zones and Hoardings.
- Skip Bins.
• Shoring / Anchoring.
• Standing of cranes, concrete pumps, etc.

Note: All Plans and Permits are required to be on site, at all times and may be requested by council officers at any time.

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

6. Site Management
   A. Before Commencement of Works including Demolition
      The applicant is to ensure appropriate measures are in place to satisfy the objectives and controls of Sutherland Shire Development Control Plan 2015 relating to environmental site management and must incorporate the following throughout demolition and construction:

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

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

7. Supervising Engineer
   A. Before Construction
      The applicant must engage an Accredited Certifier in civil engineering works or a Charter Civil Engineer to supervise construction of any:

      i) Road frontage works.
      ii) Construction / installation of stormwater drainage.
      iii) Rainwater harvesting & reuse.
      iv) All other works that form part of a subdivision.

   B. During Construction
      The engineer must supervise the works as listed above to ensure compliance with:

      i) All relevant conditions of development consent.
      ii) Any Consent issued under the Roads Act for this development.
C. Before Occupation
The supervising engineer must certify the works required in “A” above were undertaken and completed in accordance with the requirements of this Development Consent and to their satisfaction.

8. Works Required in the Road Reserve
A. Design
An Access Application must be made to Council to obtain footpath crossing and boundary alignment levels before commencing the final design of internal driveways, paths and car park area. The proposal must comply with the levels issued by Council and a copy of the issued levels must accompany the application for a Construction Certificate. The design of works within the road reserve must include the following:

i) The crossing/s must be 3m wide.
ii) The crossings must be separated by 6m, measured wingtip to wingtip.
iii) All redundant crossings and associated laybacks must be removed and replaced with an integral kerb and gutter.
iv) Minimum 500mm clearance required from driveway edge to the power pole.
v) Provide a pedestrian footpath for the full frontage of the property.

B. Construction
All works within the Road Reserve must be undertaken in accordance with the requirements of the Roads Act approval issued by Council.

C. Prior to Occupation
Prior to the occupation of the development or the issue of any Occupation Certificate the works required by the Roads Act approval must be completed to the satisfaction of Council or the Supervising Engineer (where one has been appointed).

9. Drainage Design - Detailed Requirements
A. Design
The stormwater drainage system must be designed in accordance with the approved stormwater drainage design drawing, Australian Standard AS3500.3:2003 and the BASIX Certificate issued for this development. Except where modified by the following:

i) The rainwater tank must have a minimum capacity of 5m³.
ii) Harvested rainwater must be used for irrigation, toilet flushing and a cold water tap in the laundry for clothes washing.
iii) The pipeline within the footpath verge must be a hot dipped galvanised steel hollow section with a minimum wall thickness of 4.0 millimetres, maximum section width of 125mm and a maximum section height of 75mm.

B. Before Construction
i) Certification from an Accredited Certifier in Civil Engineering or a Chartered Civil Engineer, to the effect that the drainage design is to their satisfaction and satisfies the design requirements in “A” above must accompany the application for a Construction Certificate.
C. **Before Occupation**
Prior to the issue of an Occupation Certificate:

i) A Works-As-Executed drawing (WAED) of the stormwater drainage system must be prepared by a Registered Surveyor. This drawing must detail the alignment of pipelines, pits, the rainwater tanks and the detention facilities. An original or a colour copy must be submitted to Sutherland Shire Council.

ii) The Supervising Engineer must certify the WAED of the stormwater drainage system that the stormwater drainage works, rainwater harvesting facility and rainwater reuse systems were constructed to their satisfaction and in accordance with the Development Consent. Prior to the occupation or use of the building the Applicant / Owner must submit to Council a copy of the aforementioned letter of certification.

D. **Ongoing**

i) The operation of all devices or appliances installed within the development approved by this consent as required by conditions pertinent to rainwater harvesting and rainwater reuse must be maintained in good operating order at all times.

**Note:** Upon submission of the Works-As-Executed drawing for the stormwater drainage system a notation will be added to the section 149(5) certificate advising future owners that their property is burdened by a stormwater retention facility, installed to fully / partly off-set provision of a detention facility.

10. **Public Utilities**
This condition is imposed to facilitate the provision of services to the development and reduce conflicts between services and lot boundaries, buildings or associated facilities.

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

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

11. **Linen Plan of Subdivision to conform with Development Consent**

A. **Before Subdivision**
The Linen Plan of Subdivision must conform with this development consent.

All works required by this development consent must be completed prior to the release of a subdivision certificate.
12. **Endorsement and Release of the Subdivision Certificate**

To facilitate the issue of a Subdivision Certificate, following completion of the requirements detailed in this Development Consent a Subdivision Certificate Application is to be made to Council or an Appropriately Accredited Certifier. This application must include all documentation required for ultimate lodgment with Land Property Information NSW.

Note: A Subdivision Certificate application form can be found on Council’s website.

13. **Landscaping Works**

**A. Design**

The landscaping works must be designed in accordance with the approved Landscape Plan except where modified by the following:

i) Sutherland Shire Council’s Development Control Plan 2015 requires a minimum of 4 indigenous trees to be planted on site, 2 in the front setback and 2 in the rear setback - 1 tree in the front and rear setbacks of each Lot.

Trees to be planted within the front setback are to be selected from A and B in the table below.

Trees to be planted in the rear setback are to be selected from B, C, D and E in the table below.

The trees selected must be planted within 3m of the front or rear boundary of the subject property and not within 5 metres of a building or proposed building or swimming pool.

<table>
<thead>
<tr>
<th>Botanical name</th>
<th>Common name</th>
</tr>
</thead>
<tbody>
<tr>
<td>A Glochidion ferdinandi</td>
<td>Cheese tree</td>
</tr>
<tr>
<td>B Angophora bakeri</td>
<td>Narrow leaf apple</td>
</tr>
<tr>
<td>C Eucalyptus capitellata</td>
<td>Brown stringybark</td>
</tr>
<tr>
<td>D Eucalyptus oblonga</td>
<td>Sandstone stringybark</td>
</tr>
<tr>
<td>E Eucalyptus racemosa</td>
<td>Scribbly gum</td>
</tr>
</tbody>
</table>

Trees must have a minimum container size of 25 litres.

The applicant must engage a suitably qualified Landscape Designer or Landscape Architect to oversee any design changes to the approved Landscape Plan and amendments required above. Details of these design changes must be included in the documentation submitted with the application for a Construction Certificate.

**Notes:**

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

**B. Prior to Occupation/Occupation Certificate**

The landscape works must be completed in accordance with the approved Landscape Plan and amendments required by ‘A’ above. A Final Landscape Inspection must be carried out and a certificate issued by Council’s landscape officer prior to occupation or the issue of an Occupation Certificate (interim or final). This
certificate is required to ensure that all tree protection measures, landscaping works, replacement tree planting and the deep soil percentage requirements have been carried out in accordance with ‘A’ above and other conditions within this consent, and that all new indigenous plants on the site are the correct species.

To arrange a Final Landscape Inspection please phone 9710-0333 48 hours prior to the required inspection date. An inspection fee of $230 is required to be paid, prior to the inspection. Additional inspections will be charged at a rate of $103 each.

C. Ongoing

All landscaping works required by ‘A’ above must be maintained for 12 months following the final landscape inspection date. Trees required by this condition must be maintained and protected until they are covered by Council’s Controls for Preservation of Trees and Bushland Vegetation (SSCDCP 2015 Chapter 38).

Any plants found faulty, damaged, diseased or dead shall be replaced with the same species in the same sized container within one month with all costs borne by the owner.

Note: If difficulty is experienced sourcing suitable indigenous plants from other suppliers, plants grown from locally provenance seed may be available from:

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

14. Trees on Private Land

A. Tree Removal

The removal of the following trees is approved:

i) Trees identified on the approved Landscape Plan as “existing tree to be removed” and/or as listed below:

<table>
<thead>
<tr>
<th>Tree no</th>
<th>Tree species and description</th>
</tr>
</thead>
<tbody>
<tr>
<td>1</td>
<td>Callistemon viminalis - red flower bottlebrush at 3 metres tall with a DBH of 370mm, pruned under overhead cables</td>
</tr>
<tr>
<td>2</td>
<td>Jacaranda mimosifolia - jacaranda twin-trunked at 7.5 metres tall with DBHs of 250mm and 230mm</td>
</tr>
<tr>
<td>3</td>
<td>Pinus species - checkerboard pine at 8.5 metres tall with a DBH of 300mm, crownlifted to 4 metres</td>
</tr>
<tr>
<td>4</td>
<td>Juniperus species - blue juniper twin-trunked at 4 metres tall with DBHs of 300mm and 270mm</td>
</tr>
</tbody>
</table>

ii) Any declared noxious plant. The applicant is to ensure that all noxious plants are properly identified and controlled/removed.

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

B. Design

i) Four (4) trees are approved for removal as part of this consent. Where trees are proposed to be removed Sutherland Shire Council’s Development Control
Plan 2015 requires indigenous replacement canopy tree planting at a ratio of 4:1 on private land.

ii) Eight (8) replacement trees are required to be planted.

iii) Sutherland Shire Council’s Development Control Plan 2015 requires a minimum of 4 indigenous trees to be planted on site, 2 in the front setback and 2 in the rear setback - 1 tree in the front and rear setbacks of each Lot.

Trees to be planted within the front setback are to be selected from A and B in the table below.

Trees to be planted in the rear setback are to be selected from B, C, D and E in the table below.

The trees selected must be planted within 3m of the front or rear boundary of the subject property and not within 5 metres of a building or proposed building or swimming pool.

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Cheese tree  
Narrow leaf apple  
Brown stringybark  
Sandstone stringybark  
Scribbly gum

Trees must have a minimum container size of 25 litres.

An amended Landscape Plan/Tree Location Plan showing the location of all replacement trees on the site must be provided prior to the release of the Construction Certificate.


A completed form and payment must be submitted to Council prior to the release of the Construction Certificate.

C. Prior to Occupation/Occupation Certificate

The landscape works must be completed in accordance with the approved Landscape Plan and amendments required by ‘B’ above. A Final Landscape Inspection must be carried out and a certificate issued by Council’s landscape officer prior to occupation or the issue of an Occupation Certificate (interim or final). This certificate is required to ensure that all tree protection measures, landscaping works, replacement tree planting and the deep soil percentage requirements have been carried out in accordance with ‘A’ above and other conditions within this consent, and that all new indigenous plants on the site are the correct species.
To arrange a Final Landscape Inspection please phone 9710-0333 48 hours prior to the required inspection date. An inspection fee of $230 is required to be paid, prior to the inspection. Additional inspections will be charged at a rate of $103 each.

D. Ongoing
Trees required by this condition must be maintained and protected until they are covered by Council’s Controls for Preservation of Trees and Bushland Vegetation (SSCDCP 2015 Chapter 38). Any replacement trees found damaged, dying or dead must be replaced with the same species in the same container size within one month with all costs to be borne by the owner.

**Note:** If you have difficulty sourcing suitable indigenous plants from other suppliers, plants grown from local provenance seed may be available from:

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

Opening hours - Monday to Friday 7.00am-3.00pm (excluding public holidays).

15. Noise Control - Residential Air Conditioning Unit / Heat Pump Water Heater
To minimise the noise impact on the surrounding environment:

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

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

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

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

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

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

a) Work Health and Safety Act 2011;
b) Work Health and Safety Regulation 2011;
c) Safe Work Australia Code of Practice - How to Manage and Control Asbestos in the Workplace;
e) SafeWork NSW ‘Working with Asbestos - Guide 2008’;
f) Protection of the Environment Operations Act 1997; and

Asbestos waste in any form must be disposed of at a waste facility licensed by the NSW EPA to accept asbestos waste. Any asbestos waste load over 100kg (including asbestos contaminated soil) or 10m² or more of asbestos sheeting must be registered with the EPA on-line reporting tool WasteLocate. More information can be found at <https://wastelocate.epa.nsw.gov.au>.

17. Swimming Pools (including Spas)

To minimise the impact of the swimming pool on the amenity of adjoining properties and to ensure safety.

A. Design

The design of the swimming pool and associated equipment must comply with the following requirements:

iii) The pump and associated equipment must be sound insulated and/or isolated so that the noise emitted does not exceed an LAeq (15min) of not more than 5 dB(A) above the background level in any octave band from 31.5Hz to 8KHz centre frequencies inclusive at the boundary of the site.

Note:
- The measurement of sound must be carried out in accordance with Australian Standard 1055.1.
- Landscaping and ancillary structures must not intrude into the child-resistant barrier Non-Climbable Zone.
- Only structures associated with the pool may be located within the pool area. Clothes lines, barbeque, sheds, entertainment structure, outside toilets or any other non pool-related structures are not permitted within the pool area.
B. Before Construction
Details of all child-resistant barriers (existing and proposed) to be utilised to comply with the requirements of the Swimming Pools Act and Regulations applicable at the time must be shown on the Construction Certificate plans.

C. During Works
The swimming pool excavation and/or swimming pool must be provided with a suitable barrier to prevent a risk of falling into the excavation or pool at all times throughout the construction phase.

D. Before Occupation
Before the issue of any Occupation Certificate;
i) The child resistant barrier must be installed in accordance with A above.
ii) The swimming pool is to be registered in the NSW Swimming Pool Register.

E. Ongoing
i) The pump and associated equipment must be maintained and operated in accordance with the noise levels described above.
ii) The child resistant barrier must be maintained in accordance with the Australian Standard as described above.

18. Sydney Water Requirements & Section 73 Compliance Certificate
A. Before Any Works
Prior to the commencement of any works on site, including demolition or excavation, the plans approved as part of the Construction Certificate must also be approved by Sydney Water. This allows Sydney Water to determine if sewer, water or stormwater mains or easements will be affected by any part of your development. Customers will receive an approval receipt which must be included in the Construction Certificate documentation.


B. Before Occupation / Subdivision Certificate
Prior to the issue of an Occupation Certificate or a Subdivision Certificate a Compliance Certificate under Section 73 of the Sydney Water Act, 1994, must be submitted to Council by the Principal Certifying Authority. Sydney Water may require the construction of works and/or the payment of developer charges. This assessment will determine the availability of water and sewer services, which may require extension, adjustment or connection to the mains.

Sydney Water Advice on Compliance Certificates:
Sydney Water will assess the development and if required will issue a Notice of Requirements letter detailing all requirements that must be met. Applications can be made either directly to Sydney Water or through a Sydney Water accredited Water Servicing Coordinator. Please make early contact with the Coordinator, since building of water / sewer extensions can be time-consuming and may impact on other services as well as building, driveway or landscaping design.

Go to www.sydneywater.com.au/section73 or call 1300 082 746 to learn more about applying through an authorised WSC or Sydney Water.
19. **Dial Before You Dig**
   **A. Before Construction**
   Underground assets may exist in the area that is subject to your application. In the interests of health and safety and in order to protect damage to third party assets please contact Dial Before You Dig at www.1100.com.au or telephone on 1100 before excavating or erecting structures (this is the law in NSW).

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

20. **Noise Control and Permitted Hours for Building and Demolition Work**
   **A. During Works**
   To minimise the noise impact on the surrounding environment:
   i) The LAeq sound pressure level measured over a period of 15 minutes when the construction or demolition site is in operation, must not exceed the ambient background level (LA90 15min) by more than 10dB(A) when measured at the nearest affected premises.
   ii) All building and demolition work must be carried out only between the hours of 7.00am and 6.00pm Monday to Friday inclusive, 8.00am and 3.00pm Saturdays. No work must be carried out on Sundays and Public Holidays.

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

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

22. **Containment of Fill**
   **A. Design**
   Fill must not extend beyond the perimeter of the building. (The use of a dropped edge beam is a method of complying with this condition.)

   **B. Before Construction**
   Details of the finished levels around the perimeter of the building must accompany the application for a Construction Certificate.

23. **Street Numbering and Provision of Letter Box Facilities**
   **A. Before Occupation**
   i) Street / unit numbers must be clearly displayed.
   ii) Suitable letterbox facilities must be provided in accordance with Australia Post specifications.
iii) The dwellings must have the following street address format:
- The eastern dwelling must be known as 147A Parraweena Road, Miranda.
- The western dwelling must be known as 147B Parraweena Road, Miranda.

Alicia Hunter
Sutherland Shire Council

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

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

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

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

(1) For the purposes of section 80A (11) of the Act, the following conditions are prescribed in relation to a development consent for development that involves any building work:
   (a) that the work must be carried out in accordance with the requirements of the Building Code of Australia,
   (b) in the case of residential building work for which the Home Building Act 1989 requires there to be a contract of insurance in force in accordance with Part 6 of that Act, that such a contract of insurance is in force before any building work authorised to be carried out by the consent commences.

(1A) For the purposes of section 80A (11) of the Act, it is prescribed as a condition of a development consent for a temporary structure that is used as an entertainment venue, that the temporary structure must comply with Part B1 and NSW Part H102 of Volume One of the Building Code of Australia.

(2) This clause does not apply:
   (a) to the extent to which an exemption is in force under clause 187 or 188, subject to the terms of any condition or requirement referred to in clause 187 (6) or 188 (4), or
   (b) to the erection of a temporary building, other than a temporary structure to which subclause (1A) applies.

(3) In this clause, a reference to the Building Code of Australia is a reference to that Code as in force on the date the application is made for the relevant:
   (a) development consent, in the case of a temporary structure that is an entertainment venue, or
   (b) construction certificate, in every other case.

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

S98A Erection of signs

(1) For the purposes of section 80A (11) of the Act, the requirements of subclauses (2) and (3) are prescribed as conditions of a development consent for development that involves any building work, subdivision work or demolition work.

(2) A sign must be erected in a prominent position on any site on which building work, subdivision work or demolition work is being carried out:
   (a) showing the name, address and telephone number of the principal certifying authority for the work, and
(b) showing the name of the principal contractor (if any) for any building work and a telephone number on which that person may be contacted outside working hours, and
(c) stating that unauthorised entry to the work site is prohibited.

(3) Any such sign is to be maintained while the building work, subdivision work or demolition work is being carried out, but must be removed when the work has been completed.

(4) This clause does not apply in relation to building work, subdivision work or demolition work that is carried out inside an existing building that does not affect the external walls of the building.

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

(6) This clause applies to a development consent granted before 1 July 2004 only if the building work, subdivision work or demolition work involved had not been commenced by that date.

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

S98B Notification of Home Building Act 1989 requirements

(1) For the purposes of section 80A (11) of the Act, the requirements of this clause are prescribed as conditions of a development consent for development that involves any residential building work within the meaning of the Home Building Act 1989.

(2) Residential building work within the meaning of the Home Building Act 1989 must not be carried out unless the principal certifying authority for the development to which the work relates (not being the council) has given the council written notice of the following information:
   (a) the case of work for which a principal contractor is required to be appointed:
      (i) the name and licence number of the principal contractor, and
      (ii) the name of the insurer by which the work is insured under Part 6 of that Act,
   (b) in the case of work to be done by an owner-builder:
      (i) the name of the owner-builder, and
      (ii) if the owner-builder is required to hold an owner-builder permit under that Act, the number of the owner-builder permit.

(3) If arrangements for doing the residential building work are changed while the work is in progress so that the information notified under subclause (2) becomes out of date, further work must not be carried out unless the principal certifying authority for the development to which the work relates (not being the council) has given the council written notice of the updated information.
(4) This clause does not apply in relation to Crown building work that is certified, in accordance with section 109R of the Act, to comply with the technical provisions of the State’s building laws.

S98E Condition relating to shoring and adequacy of adjoining property

(1) For the purposes of section 80A (11) of the Act, it is a prescribed condition of development consent that if the development involves an excavation that extends below the level of the base of the footings of a building on adjoining land, the person having the benefit of the development consent must, at the person’s own expense:
   (a) protect and support the adjoining premises from possible damage from the excavation, and
   (b) where necessary, underpin the adjoining premises to prevent any such damage.

(2) The condition referred to in subclause (1) does not apply if the person having the benefit of the development consent owns the adjoining land or the owner of the adjoining land has given consent in writing to that condition not applying.

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

1. The cutting down, lopping, injury and destruction of trees is regulated by Sutherland Shire Local Environmental Plan 2015 and Sutherland Shire (Draft) Development Control Plan 2015. A person who contravenes, causes or permits the controls in relation to trees to be contravened is guilty of an offence. Trees designated to be removed on the approved plans under this consent may be removed unless specified otherwise in the conditions in this consent. All other trees on the site covered by Council's controls referred to above must be retained.

2. Section 82A of the Environmental Planning and Assessment Act confers on an applicant who is dissatisfied with the determination of the application the right to lodge an application with Council for a review of such determination. Any such review must however be completed within 6 months from this determination. Should a review be contemplated sufficient time should be allowed for Council to undertake public notification and other processes involved in the review of the determination.

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

3. Division 8 (Appeals and Related Matters) Part 4 of the Environmental Planning and Assessment Act 1979 confers on an applicant who is dissatisfied with the determination of the application a right of appeal to the Land and Environment Court of New South Wales.

4. This consent will lapse unless the development is physically commenced within 5 years from the Date of Operation of this consent, in accordance with Section 95 of the Environmental Planning and Assessment Act 1979 as amended.