

Sydney East Joint Regional Planning Panel (JRPP)
Supplementary Report – 4 May 2016
Development Application No. 15/1401 (JRPP 2015SYE157)

Proposal: Demolition of Existing Structures & Construction of Two (2) Residential Flat Buildings Containing 89 Units, Ground Floor Health Services and Three Levels of Basement Car Parking

Site: 396–402 Kingsway and 21-27 Flide Street, Caringbah

Site Area: 4,831.20m²

Zone: Zone R4 High Density Residential

Proposal

The original proposal is for the demolition of all existing structures and the construction of 2 residential flat buildings up to 6 storeys in height and accommodating 89 residential units and 2,359m² of health services floor space and 3 levels of basement car parking accessed from Flide Street.

The development is presented in a T shape connected by bridges on all floors. The northern building runs the length of the Kingsway frontage and consists of five levels of residential units above two levels of health service space. The southern building runs perpendicular to the northern building and consists of four levels of residential above a level of commercial with the top floor set back from Flide Street.

Background

At the meeting on 6 April 2016, the Panel resolves unanimously to defer the determination of the application in order to allow the applicant to lodge amended plans by 20 April 2016. The amended plans should ensure that Building A, fronting Kingsway satisfies the separation criteria required by the Apartment Design Guide.

As the consent as presented on 6 April 2016 included 2 deferred commencement conditions, the plans were to be revised so as to address all design concerns.

Modifications

Amended plans were lodged with the following modifications:

1. Building A has been setback an additional 2m on Ground Floor/Level 1, Level 2, Level 3 and Level 4 to each side boundary to now comply with the separation criteria required by the Apartment Design Guide.
2. To increase solar access and natural ventilation to living rooms and balconies:
 - The location of the balcony was swapped with the kitchen of the western corner units of the Kingsway building to provide a corner balcony.
 - Two cross through units have been provided between lobbies A1 and A2 in Building A at levels 2, 3, 4 and 6. Living rooms and private open space of each unit face Kingsway and each receive a minimum of 2 hours solar access in mid winter.
 - The skylight in the living rooms of units B304 and A606 have been relocated to

provide solar access to the living areas of these units in mid winter.

- Added operable skylights to units A602 and A604 to provide cross ventilation to these units.

Conclusion

The revised plans have addressed the concerns of the Panel through the provision of a 6m setback to the side boundaries for all levels up to Level 4. These modifications have resulted in the loss of 3 units. Levels 5 and 6 have not been altered in this regard as they are setback 9m or more and comply with ADG requirements.

The proposed deferred commencement condition seeking to improve solar access and cross ventilation has been addressed through the modifications noted above. Upon analysis of the modifications, 54 (64%) of units now receive a minimum of 2 hours solar access to living rooms and balconies between 9am and 3pm in mid winter. Five additional units receive compliant solar access to their living rooms for a total of 59 (70%) of units.

The modifications increase the number of cross ventilated units to 46 (54%). Four additional single aspect units have been designed with indentations with a 2:1 ratio as specified in the ADG to improve natural ventilation. A total of 50 (60%) of units therefore achieve some extent of cross ventilation.

The proposal is now considered acceptable in terms of building separation, solar access and cross ventilation.

Annette Birchall

Environmental Assessment Officer
Sutherland Shire Council

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:

<i>Plan number</i>	<i>Reference</i>	<i>Prepared by</i>	<i>Date</i>
DA101 Issue E	Basement 02 & 03 Plans	Stanisic Architects	20.04.16
DA102 Issue E	Basement 01 Plan	Stanisic Architects	20.04.16
DA103 Issue E	Lower Ground Plan	Stanisic Architects	20.04.16
DA104 Issue E	Level 1/Ground Plan	Stanisic Architects	20.04.16
DA105 Issue E	Level 2 Plan	Stanisic Architects	20.04.16
DA106 Issue F	Level 3 Plan	Stanisic Architects	27.04.16
DA107 Issue F	Level 4 Plan	Stanisic Architects	27.04.16
DA108 Issue F	Level 5 Plan	Stanisic Architects	27.04.16
DA109 Issue F	Level 6 Plan	Stanisic Architects	27.04.16
DA110 Issue F	Roof Plan	Stanisic Architects	27.04.16
DA201 Issue E	North East (Kingsway) + South West (Flide St) Elevation	Stanisic Architects	20.04.16
DA202 Issue E	North West + South East Elevation	Stanisic Architects	20.04.16
DA203 Issue E	Section AA + BB	Stanisic Architects	20.04.16
DA204 Issue E	Section CC + DD	Stanisic Architects	20.04.16
DA205 Issue E	Section EE + FF	Stanisic Architects	20.04.16
LDA-1531-01 Issue C	Landscape and Public Domain (Combined Levels) Plan	Stuart Noble Associates	04.03.16
LDA-1531-02 Issue B	GF Communal Courtyard Landscape Plan	Stuart Noble Associates	04.03.16
LDA-1531-03 Issue B	L1 Communal Terrace Landscape Plan	Stuart Noble Associates	04.03.16
LDA-1531-04 Issue B	L5 Communal Roof Terrace Landscape Plan	Stuart Noble Associates	04.03.16
LDA-1531-05 Issue B	Kingsway to Flide St Section	Stuart Noble Associates	04.03.16
LDA-1531-06 Issue B	E-W Sections	Stuart Noble Associates	04.03.16
215-1407 H-01 Rev B	Cover Sheet & Roof Plan	Green Arrow	07.03.16
215-1407 H-02 Rev B	Basement 3 & Basements 2-1	Green Arrow	07.03.16
215-1407 H-03 Rev B	Lower Ground & Ground Floor / Level 1	Green Arrow	07.03.16
215-1407 H-04 Rev B	Level 2 & Level 3	Green Arrow	07.03.16

215-1407 H-05 Rev B	Levels 4-5 & Roof Plan	Green Arrow	07.03.16
215-1407 H-06 Rev B	Details	Green Arrow	07.03.16

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

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

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

2. Public Place Environmental, Damage & Performance Security Bond

A. Before Construction

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

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

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

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

The value of the bond is \$20,200.

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

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

B. After Occupation

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

SECTION 94 CONTRIBUTIONS

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

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

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

A. Before Construction

Pursuant to Section 94 of the Environmental Planning and Assessment Act 1979 and Sutherland Shire Council's Contributions Plan - Shire Wide Open Space and Recreation Facilities 2005, a monetary contribution of \$611,845.40 must be paid to Sutherland Shire Council toward the cost of land identified for acquisition and works contained in the Works Programme of the Contributions Plan.

This contribution has been assessed and calculated in accordance with the Shire Wide Open Space and Recreation Facilities 2005, Contribution Plan on the basis of 84 proposed Residential Flat Units with a concession for 8 existing allotments.

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

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

4. Community Facilities, Shire Wide 2003 Plan

A. Before Construction

A monetary contribution of \$104,616.96 must be made for the cost of providing community facilities.

This contribution has been assessed pursuant to s.94 of the Environmental Planning and Assessment Act, and the Sutherland Shire Contributions Plan - Community Facilities in the Sutherland Shire, after identifying the likelihood that this development will require or increase the demand for community facilities within the shire. It has been calculated on the basis 84 proposed Residential Flat Units with a concession for 8 existing allotments.

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

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

5. Design and Construction of Works in Road Reserve (Council Design)

A Design

Council has determined that the proposed development generates a need for the following works to be undertaken by the applicant in the road reserve. To this end a Detailed Frontage Works application under the Roads Act must be submitted to Sutherland Shire Council, prior to the release of the Construction Certificate. The form is available on Council's website. A fee applies for the relevant inspections, assessment, coordination, creation of design brief and the issue of permits providing consent to undertake frontage works. The design will be quoted separately by Council's Design Services unit.

This design will generally comply with the approved architectural design drawings, except where amended and/or addressing the following;

- i) Establish the property alignment levels and crossing profiles,
- ii) Frontage design must satisfy Council Public Domain Design Manual
- iii) Construct an 8m wide vehicle crossing,
- iv) Remove all redundant driveways and associated laybacks fronting Kingsway & Flide Street and reinstate kerb and verge to match natural surface levels,
- v) Construction of a 1.5m wide footpath pavement along the full frontage of Flide Street,
- vi) Construction of a 2.5m wide shared cycleway pavement against the front boundary along the full frontage of Kingsway,
- vii) Kerb & gutter where required,
- viii) Alter / install street signage where required,
- ix) Regrade, topsoil and landscape the footpath verge to final design levels. Plant the Kingsway verge with native grasses only and the Flide Street verge with street tree planting in accordance with Sutherland Shire Council - Caringbah Medical Precinct.
- x) Adjust public services infrastructure where required,
- xi) The existing kerb inlet pit within the frontage of No.23 Flide Street must be

modified to remove the existing lintel and convert to a “V” grate opening within the proposed driveway crossing and construct a new kerb inlet pit and lintel on the western side of the proposed driveway crossing over the existing street piped drainage system.

- xii) Ensure there are adequate transitions between newly constructed and existing infrastructure.
- xiii) Undergrounding of powerlines for the full frontage of Kingsway and Flide Streets. Note: high voltage wires cannot be undergrounded (refer DCP2015 Ch.8.9.2.15).
- ix) Installation of street trees and blisters along the frontage of Flide Street

Evidence of the approved application must be provided to the PCA prior to the release of the Construction Certificate.

B. Before Construction

Prior to the release of the Construction Certificate property alignment levels and crossing profiles must be obtained from Sutherland Shire Council.

C. Before Occupation

Prior to the occupation of the building or the issue of an Occupation/Subdivision Certificate the following certification must be provided to Sutherland Shire Council:

- i) The supervising engineer must certify the road frontage works were constructed to their satisfaction and in accordance with the development consent and associated Roads Act consent.

6. Site Management Plan

A. Before Commencement of Works including Demolition

An Environmental Site Management Plan must accompany the application for a Construction Certificate. If demolition is to commence prior to the issue of a Construction Certificate the applicant must submit to Sutherland Shire Council a separate Demolition Site Management Plan. These plans must satisfy the Objectives and Controls of Sutherland Shire Development Control Plan 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 plan 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. Internal Driveway Profile

A. Before Construction

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

B. Design

The internal driveway profile must be designed to:

- i) Provide adequate sight distance for the safety of pedestrians using the footpath area.
- ii) Align with Council's issued footpath crossing levels.
- iii) Comply with AS2890.1(2004) in relation to the design of vehicular access, parking and general manoeuvring for the B85 vehicle.
- iv) Comply with AS2890.2(2002) in relation to the design of vehicular access, parking and general manoeuvring for the MRV vehicle.
- v) The maximum longitudinal grade of the driveway must not exceed 25%.

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

9. Parking Areas and Access

A. Design

All vehicular access, parking and manoeuvrability including loading areas for the proposed development must be designed and constructed to comply with AS2890.1 - 2004.

The following specific requirements must be incorporated into the design:

- i) All "one way" traffic aisles in the car parking area must be clearly identified by signposting and pavement marking.
- ii) The ingress and egress crossing must be clearly identified by signage.
- iii) The proposed loading and delivery area must be clearly defined with suitable signposting and pavement markings.
- v) The health services facilities parking spaces must be 2.6m wide.

B. Before Construction

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

10. Basement Car Park Design

A. Design

The basement car park must be designed in accordance with AS 2890 and must incorporate the following:

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

B. Before Construction

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

11. 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) A detailed drainage design supported by a catchment area plan and drainage calculations (including Hydraulic Grade Line Analysis),
- ii) A longitudinal section of the pipeline within the road reserve including existing natural surface levels, design surface levels, design invert levels of the proposed pipeline and the location, size and reduced level of all services to AHD where those services cross the proposed drainage line.
- iii) The rate of discharge of stormwater from the site to a drainage system under Council's control shall be controlled so that it does not exceed the pre-development rate of discharge.
- iv) The rainwater tank shall have a minimum capacity of 17.5m³
- v) All levels reduced to Australian Height Datum,
- vi) Harvested rainwater must be used for irrigation, toilet flushing and a coldwater tap in the laundry for clothes washing.
- vii) The existing kerb inlet pit within the frontage of No.23 Flide Street must be modified to remove the existing lintel and convert to a "V" grate opening within the proposed driveway crossing and construct a new kerb inlet pit and lintel on the western side of the proposed driveway crossing over the existing public piped drainage system.

B. Before Construction

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

- i) A Works-As-Executed drawing (WAED) of the stormwater drainage system shall 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 shall 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 shall 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.
- ii) The stormwater detention facility must be:
 - Kept clean and free from silt, rubbish and debris.

- Be maintained so that it functions in a safe and efficient manner.
- Not be altered without prior consent in writing of the Council.

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 detention facility.

12. Noise Control During Construction and Demolition

To minimise the impact on the surrounding environment:

A. During Works

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

13. Damage to Adjoining Properties

A. Before Works

To minimise vibration damage and loss of support to buildings / structures and properties in close proximity to the development site, a Geotechnical Engineers Report must be prepared detailing constraints to be placed on earth moving and building plant and equipment and the method of excavation, shoring, underpinning and support. This report must be provided to the person undertaking the excavation and the Principal Certifying Authority.

B. During Works

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

14. 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.

15. Endorsement of Linen Plan of Subdivision for Consolidation

A. Before Construction

To facilitate the issue of the Plan of Subdivision for the consolidation of Lots 7, 8, 9, 10, 34, 35, 36 & 37 in Deposited Plan No.8147 into one lot, a film eight (8) paper copies of the Plan of Subdivision shall be submitted together with any necessary Instrument under the Conveyancing Act, where required for ultimate lodgement with the Land Titles Office

16. Approved Landscape Plan

A. Design Changes

The landscape works on the site must be carried out in accordance with the approved Landscape Plan except as amended by the following. The amended landscape plan must be submitted to Council for approval prior to the issue of the Construction Certificate:

- i. Show all existing trees to be retained or removed, including any trees on adjoining properties that are affected by the development.
- ii. Show Tree Protection Zones (TPZs) for all trees to be retained.
- iii. Provide a detailed planting plan and plant schedule showing the species, location and numbers of all proposed plants.
- iv. Ensure that all trees greater than 4m (mature height) in deep soil are planted at a minimum distance of 3m from the building or basement carpark.
- v. To the 'main (mixed groups) social recreational area - No.7 ' in the L1 communal terrace double the size of the wing shaped shade to cover the whole space and provide tables and chairs/benches, either fixed or loose, suitable for group use.
- vi. Provide an additional 10 small indigenous shade trees to the L1 communal terrace, including around the small group social area (No.5) at the northern end of the garden. Cluster trees informally to reinforce plantings in the deep soil area adjacent.
- vii. Provide basic kitchen facilities in the BBQ area of the roof terrace.
- viii. Provide a garden maintenance path of stepping stones along the south-eastern side of Building A.
- ix. As the site is located within a Greenweb 'Restoration' area, all new tree plantings in deep soil areas must be indigenous species and understorey plantings to be 50% indigenous species from the Sydney Turpentine Ironbark Forest (STIF) vegetation community. Species such as *Cupaniopsis anarcardioides* (Tuckeroo) and *Banksia integrifolia* (Coast Banksia) are not indigenous to this area. *Eucalyptus haemastoma* (Scribbly Gum) should be replaced by *E.racemosa* (Narrow Leaved Scribbly Gum) which grows in this area. Suitable STIF plant species for the site must be selected from the Native Plant Selector available on Council's website.
- x. For planting on slab (Level 1 communal terrace and roof terrace), species such as heath species shall be selected that grow well in planter boxes with exposure to wind and sun. Suitable species shall be selected using the "Plants anywhere across the Shire" tab in Native Plant Selector.

- xi. Any exhaust stacks from the basement carpark and substation (if required) must be coordinated as part of the landscape design.
- xii. Each unit above the ground floor must be provided with a clothes line on a balcony. Ensure that clothes lines are not visible above the balustrade.
- xiii. All landscaped areas must be provided with a water-efficient irrigation system, connected to a pump and the rainwater tank, to enable effective landscape maintenance.

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.

If demolition works to occur prior to the Construction Certificate being issued, tree protection measures must be installed prior to commencement of demolition.

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 landscaping works and the deep soil percentage requirements have been carried out in accordance with 'A' above, and that all new indigenous plants on the site and within the road reserve 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 \$225 is required to be paid, prior to the inspection. Additional inspections will be charged at a rate of \$150 each.

C. Ongoing

All landscaping works required by 'A' above must be maintained for 12 months following the final landscape inspection date.

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 Boulevard, Gymea
Ph: 02 9524 5672

17. Trees on Private Land

A. Tree Removal

The removal of the following trees is approved:

- i) All existing trees within the site except for Trees 19(*Archontophoenix cunninghamiana*), 20 (*Archontophoenix cunninghamiana*), 27(*Livistona australis*) and 28 (*Livistona australis*) in the NE corner of the site.
- ii) Any declared noxious plant, especially numerous Privet in the NW corner of the site. The applicant is to ensure that all noxious plants are properly identified and removed.
- iii) Any tree species exempted by the Sutherland Shire Local Environmental Plan 2015.

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

18. Removal and/or Pruning of Trees on Council Land

A. Design

Council has preferred supplier agreements in place with arborists who are approved to carry out arbor works on Council land. Removal / Pruning of the tree/s listed below must only be undertaken using Council's preferred supplier at the applicant's expense. The applicant is responsible for contract management and payment of the arborist prior to works being undertaken.

Select from Council's list of preferred suppliers listed on Council's website: <http://www.sutherlandshire.nsw.gov.au/Residents/Trees/Trees-on-Council-or-Public-Land>. Payment of the quoted amount provided must be made prior to any works commencing on site.

The following trees have been approved for removal within the road reserve:

Tree No.	Tree Species (botanical and common name)	Location
26	<i>Lophostemon confertus</i> (Brush Box)	Kingsway
29	<i>Lophostemon confertus</i> (Brush Box)	Kingsway
34	<i>Lophostemon confertus</i> (Brush Box)	Kingsway
51	<i>Lophostemon confertus</i> (Brush Box)	Kingsway

19. Tree Retention and Protection

A. Before Works

Prior to the commencement of any demolition, excavation or construction works on site the applicant shall engage a suitably qualified and experienced Arborist to oversee the measures for the protection of existing trees as listed below.

Note: An Arborist is a person with a current membership of the National Arborist's Association of Australia at a grade of General Member, Affiliate Member or Life Member, or alternatively a person who has obtained an Australian Qualifications Framework AQF Level 5 in Arboriculture.

Prior to the commencement of any works, including demolition, the supervising Arborist must oversee the protection of the following trees as listed in the table below to ensure the installation and adequacy of all tree protection measures.

Tree No.	Tree Species (botanical and common name)	Location
3A	<i>Callistemon viminalis</i> (Weeping Bottlebrush)	Flide Street
3B	<i>Callistemon viminalis</i> (Weeping Bottlebrush)	Flide Street
6	<i>Eucalyptus scoparia</i> (Wallangarra White Gum)	Neighbouring property, eastern boundary
19	<i>Archontophoenix cunninghamiana</i> (Bangalow Palm)	NE corner of site
20	<i>Archontophoenix cunninghamiana</i> (Bangalow Palm)	NE corner of site
27	<i>Livistona australis</i> (Cabbage Tree Palm)	NE corner of site
28	<i>Livistona australis</i> (Cabbage Tree Palm)	NE corner of site
54	<i>Stenocarpus sinuatus</i> (Firewheel Tree)	Neighbouring property, eastern boundary
55	<i>Eucalyptus scoparia</i> (Wallangarra White Gum)	Neighbouring property, eastern boundary
56	<i>Leptospermum petersonii</i> (Lemon-scented Tea Tree)	Neighbouring property, eastern boundary
73A	<i>Cupressus sempervirens</i>	Neighbouring property, NW corner of site

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

- i) Protective fencing constructed of 1.8m high chain wire mesh supported by robust posts must be installed in accordance with the approved Landscape Plan. Signage must be erected on the fence with the following words clearly displayed "TREE PROTECTION ZONE, DO NOT ENTER".
- iii) The tree protection zone within the protective fencing must be mulched with a maximum depth 75mm of suitable organic mulch (woodchips or composted leaf chip mulch) and kept regularly watered for the duration of the works subject to

this consent.

- iv) No development or associated activity is permitted within the fenced tree protection zone for the duration of works subject to this consent. This includes vehicular or pedestrian access, sheds, washout areas, excavations, backfilling, installation of services (including stormwater), removal of top soil, stockpiling of soil or building materials.
- vi) Where site access/egress is required over the roots of trees identified for retention and protection, provide hardwood rumble boards over a 200mm thick layer of wood chip.

B. During Construction

- i) The tree protection measures detailed in 'A' above must be maintained during construction.
- ii) The supervising Arborist must be present during any approved hand excavation or under boring works within the Tree Protection Zone (TPZ) of any tree identified for retention and protection and have the authority to direct works to ensure the trees long term preservation;
- iii) The supervising Arborist must strictly supervise that there is no disturbance or severing of roots greater than 30mm diameter and to cleanly cut those roots between 10-30mm in diameter.
- iv) If the trees identified for retention in 'A' above are damaged or destabilised during construction then works must cease and Council's Tree Assessment Officer (ph. 9710 0333) must be contacted to assess the tree/s and recommend action to be taken.

20. Car Wash Bays

To prevent contamination of the stormwater drainage system a car-wash bay must be provided on site:

A. Design

The wash-bay must be graded to an internal drainage point and connected to the sewer.

B. Before Construction

Details of the design satisfying 'A' above must accompany the application for a Construction Certificate.

C. Before Occupation

The Principal Certifying Authority must be satisfied that

- i) 'A' above has been complied with and
- ii) any discharge to the sewer from the premises is in accordance with the requirements of Sydney Water.

D. Ongoing

All car-wash, engine degreasing and steam cleaning must be conducted in the wash-bay detailed in 'A' above. Wastewater must be treated in accordance with the requirements of Sydney Water.

21. Garbage, Recycling and Green-waste Storage Area

To ensure the proper storage of waste from the premises:

A. Design

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

B. Before Construction

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

C. Before Occupation

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

D. Ongoing

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

22. External Lighting - (Amenity)

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

A. Design

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

B. Ongoing

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

23. Noise Control - Residential Air Conditioning Units

To minimise the noise impact on the surrounding environment:

A. Design

Individual units 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) Units 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.

24. Noise Control - Design of Plant and Equipment (General Use)

To minimise the impact of noise from the development, all sound producing plant, equipment, machinery, mechanical ventilation system or refrigeration systems:

A. Design

All plant and equipment must be designed and / or located so that the noise emitted does not exceed an LAeq sound pressure level of 5dB above the ambient background level when measured at the most affected point on or within any residential property boundary.

Note: The method of measurement of sound must be carried out in accordance with Australian Standard 1055.1.

B. Before Occupation

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

C. Ongoing

All plant and equipment must be operated and maintained in accordance with 'A' above.

25. Noise and Vibration Control - Residential Car Park

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

A. Design

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

B. Before Occupation

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

26. Car-Park Ventilation - Alternate System

To ensure adequate ventilation for the car park:

A. Design

As the basement car-park does not appear to comply with the natural ventilation requirements of Section 4 of Australian Standards AS1668.2 -1991, the car-park must be either mechanically ventilated by a system complying with AS1668.2 -1991 or alternatively, the natural ventilation system must be certified by a qualified mechanical ventilation engineer to the effect that the system is adequate. The certification shall confirm that the system will protect the health of occupants of the car park at anytime it is used and satisfies the atmospheric contaminate exposure rates specified in the Worksafe Australia document: Workplace Exposure Standards for Airborne Contaminants.

B. Before Construction

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

C. Before Occupation

Certification must be provided by a qualified mechanical ventilation engineer that the installation of the ventilation system has been carried out in accordance with 'A' above.

D. Ongoing

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

27. Demolition Work

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

A. Before Commencement

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

B. During Works

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

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

- a) Work Health and Safety Act 2011;
- b) Work Health and Safety Regulation 2011;
- c) Safe Work Australia Code of Practice - How to Manage and Control Asbestos in the Workplace;
- d) Code of Practice for the Safe Removal of Asbestos 2nd Edition [NOHSC:2002(2005)];
- e) Workcover NSW 'Working with Asbestos - Guide 2008';
- f) Protection of the Environment Operations Act 1997; and
- g) Protection of the Environment Operations (Waste) Regulation 2005.

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

28. Dilapidation Report - Adjoining Properties

A. Before Works

To assist in the resolution of any future disputes about damage to properties adjoining the development site, prior to commencement of any work on site the Applicant or principal contractor must provide dilapidation reports on the adjacent buildings at No.s 19 & 29 Flide Street and 394 & 404 Kingsway, including any basements and ancillary structures. The reports must be provided to the Principal Certifying Authority and to the owners of the properties that are the subject of the report.

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

29. Design Requirements for Adaptable Housing

A. Design

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

30. Verification of Design for Construction - SEPP 65

A. Design

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

B. Before Occupation

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

31. Certification Requirement of Levels

A. During Construction

At the following stages of construction:

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

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

B. Before Occupation

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

32. Sydney Water Tap in™ & Compliance Certificate

A. Before Construction

The plans approved as part of the Construction Certificate must be submitted to a Sydney Water Tap in™ to determine as to whether the development will affect Sydney Water's sewer and water mains, stormwater drains and / or easements, and if further requirements need to be met. Customers will receive an approval receipt. Please refer to the web site www.sydneywater.com.au.

B. Before Occupation / Prior to issue of Subdivision Certificate

A Compliance Certificate under s73 of the Sydney Water Act, 1994, must be submitted to Council by the Principal Certifying Authority. Sydney Water may require the construction of works and/or the payment of developer charges.

Sydney Water Advice on Compliance Certificates:

An application must be made through an authorised Water Servicing Coordinator. For details see the Sydney Water web site at

www.sydneywater.com.au/customer/urban/index or by telephone 13 20 92.

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

33. 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.

34. 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.

Only for the purpose of pouring large floor or roof slabs, work may be carried out on the site from 7.00am to 8pm Monday to Friday, excluding Public Holidays on a week day.

In order to activate the extended hours of operation both Council and affected neighbours must be notified a minimum of 48 hours prior to commencement. Affected neighbours include those in the immediate vicinity, adjacent or adjoining the development site. Notification must be by way of written advice including:

- Date/s the extended hours will be utilised.
- The purpose of the extended hours - pouring large slab.
- Address of the development works / site.
- Contact name and number of appropriate site officer (supervisor or manager) for enquiries.

Notification to Council must include a copy of the letter and a map or list identifying those affected neighbours who have been notified.

35. 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

36. Street Numbering and Provision of Letter Box Facilities

A. Before Occupation

- i) Street / unit / shop 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 site must be known as 21 Flide Street Caringbah, the units are to be numbered in accordance with the approved architectural plans

37. Car parking Areas

A. Ongoing

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

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

38. Car Parking Allocation

A. Before Subdivision

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

Visitor parking facilities and/or car wash bays must be designated as common property on any strata plan.

Parking must be allocated on the following basis:

- Residential dwellings: 112 spaces

- Residential visitors: 21 spaces
- Car wash bay(s): 4 spaces
- Retail/commercial: 61 spaces
- Loading/servicing: 1 MRV space

B. Ongoing

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

39. General Deliveries / Loading

A. Ongoing

- i) All general deliveries to the site must be carried out within the hard stand waste collection / loading bay within the site.
- ii) The hard stand waste collection / loading bay must be clearly signposted as being used for both the collection of waste and for all general deliveries / loading.

40. Security

A. Design

In order to maximise safety and security of future residents and visitors, the following security measures are to be provided.

- Adequate lighting is to be provided to the central pathway and building entry points. Lighting is to be directed to pathways and appropriately spaced to ensure even lighting throughout the area.
- Basements are to be painted a light colour to improve lighting efficiency.
- Adequate lighting is to be provided throughout all parking levels.
- Entry doors and lifts are to be provided with appropriate security measures including intercom.
- A CCTV system must be installed to monitor all common areas (including letter boxes), the access / exit driveway and all basement car park levels including lift areas.

B. Before Occupation

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

41. Undergrounding of Power Lines

A. Before Occupation

Power lines along road frontages must be placed underground. Street lighting is to be installed along both frontages as required to the satisfaction of Ausgrid prior to the issue of any Occupation Certificate. A copy of certification from Ausgrid that the

works have been completed to Ausgrid's satisfaction must accompany an application for any Occupation Certificate.

Note: High voltage power lines cannot be undergrounded.

42. Health Services

The floor area identified as 'health services' in the approved plans must only be used for the purpose of *health services facility* as defined in the Sutherland Shire Local Environmental Plan.

Note: Each use within the *health services facility* floor space requires a separate consent.