

2016SYE061 - 298-300 Taren Point Road, Caringbah

DA16/0602

ASSESSMENT REPORT APPENDICES

Appendix A Draft Conditions of Consent

DRAFT CONDITIONS OF DEVELOPMENT CONSENT**Development Application No. DA16/0602****Part 1 DEFERRED COMMENCEMENT CONSENT**1. Acquisition of No. 302 and No. 302A Taren Point Rd.

This consent is not activated until it is determined that the properties at No. 302 and No. 302A Taren Point Road are not available to form an amalgamated development parcel. This is to be done by providing evidence in the form of an Independent Property Valuation and formal letters of offer issued to No. 302 and 302A Taren Point Road.

Part 2 GENERAL1. 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>
DA0.04/C	Site Plan	Marchese partners	22 August 2016
DA1.01/C	Basement 2	Marchese partners	22 August 2016
DA1.02/B	Basement 1	Marchese partners	11 August 2016
DA1.03/C	Ground Floor Plan	Marchese partners	22 August 2016
DA1.04/B	Level 1-3 Typical Floor Plan	Marchese partners	12 August 2016
DA1.05/C	Level 4 Floor Plan	Marchese partners	22 August 2016
DA1.06/B	Roof Plan	Marchese partners	27 July 2016
DA2.01/B	West Elevation	Marchese partners	12 August 2016
DA2.02/C	North Elevation	Marchese partners	22 August 2016
DA2.03/B	East Elevation	Marchese partners	12 August 2016
DA2.04/C	South Elevation	Marchese partners	22 August 2016
DA3.01/B	Section A-A	Marchese partners	12 August 2016
DA3.02/C	Section B-B	Marchese partners	22 August 2016
DA3.03/A	Detailed Façade Section	Marchese partners	11 May 2016
DA4.08/B	Storage Schedule	Marchese partners	12 August 2016
DA5.01/A	Adaptable Unit Plans	Marchese partners	11 May 2016

DA5.02/B	Livable Unit Plans	Marchese partners	12 August 2016
DA6.04/C	Exterior Finishes	Marchese partners	22 August 2016
LS-201/D	Landscape Plan Ground	Marchese partners	12 August 2016
LS-202/C	Landscape Plan Level 4	Marchese partners	12 August 2016
LS-203/D	Landscape Plan Roof	Marchese partners	12 August 2016
LS-301/C	Landscape Plan Section AA	Marchese partners	12 August 2016
LS-302/C	Landscape Plan Section BB	Marchese partners	12 August 2016
LS-401/B	Landscape Details	Marchese partners	12 August 2016
LS-402/A	Landscape Details	Marchese partners	13 May 2016
36269	Tree Locations on Survey Plan	Norton Survey Partners	16.02.16
16MB7042/D01	Basement 2 Drainage Plan	United Consulting Engineers Pty Ltd	03/05/16
16MB7042/D02	Basement 1 Drainage Plan	United Consulting Engineers Pty Ltd	03/05/16
16MB7042/D03	Ground Floor Drainage Plan	United Consulting Engineers Pty Ltd	03/05/16
16MB7042/D04	Drainage Details	United Consulting Engineers Pty Ltd	03/05/16

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 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 footpath crossing is to be 6m wide at the boundary splaying out on the northern side to 7m at the kerb.
- ii) The street tree in the location of the proposed footpath crossing is to be removed. The street tree fronting 296 Taren Point Road is to also be removed to allow for improved sight lines.
- iii) The footpath crossing must be setback at least 1m from the northern boundary.
- iv) Garbage collection must be facilitated within the site, truck must be able to enter and exit the site in a forward direction.
- v) The internal driveway grades to the upper level basement must not exceed 15.4% to cater for a garbage vehicle.
- vi) The vertical clearance to the upper basement must achieve the minimum height to facilitate the garbage truck proposed at 4.5m.
- vii) Relocate adaptable car space no. 2 as identified on basement level 2 so that it does not extend into the driveway.
- viii) Relocate communal open space from north western corner of site to the eastern boundary aligning with the end of the ground floor corridor.
- ix) Ensure fencing to front setback is no greater than 1.2m in height.
- x) Delete planter boxes located along the northern side of G.02 and G.08 within the corridor.
- xi) Delete planter beds located along the northern side of G.02 and G.08 within the corridor.
- xii) Provide a minimum depth of 900mm to planter boxes supporting small trees
- xiii) Provide clothes line to private open space of all units.
- xiv) Side and rear boundary gencing is to be a maximum height of 1.8m when measured from natural ground level at any point.
- xv) All storage areas shown in blue on the Storage schedule (DA4.08C, dated 22 August 2016) must be fitted with built in cupboards, shelves or the like.
- xvi) An openable skylight is to be provided to units 4.03 and 4.04 on Level 4.

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

3. Affordable Rental Housing - Restriction as to User and Ongoing Management

A. Before Occupation

Prior to the issue of any Occupation Certificate, a Restriction as to User must be registered against the title of the property in accordance with section 88E of the Conveyancing Act 1919. This restriction must:

- i) Limit the use of the following 19 units for the purposes of affordable housing for 10 years

from the date of issue of any Occupation Certificate:

Floor	Ground	Level 1	Level 2	Level 3	Level 4
Unit No. for Affordable Housing	1	1	1	1	1
	2	2	2	2	2
	3	3	3	3	4
	4	4	4	4	

- ii) Specify that the affordable housing must be managed by a registered community housing provider, in accordance with Clause 17 of the State Environmental Planning Policy (Affordable Rental Housing) 2009.

B. Ongoing

The affordable housing component of the development must be managed by a registered community housing provider during the abovementioned 10 year period.

4. 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 \$5,200.

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.

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.

5. 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 \$139,156.53 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 19 units, with a concession for 2 lots.

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.

6. Community Facilities, Shire Wide 2003 Plan

A. Before Construction

A monetary contribution of \$23,894.81 must be made for the cost of providing community facilities.

This contribution has been assessed pursuant to s.94 of the Environmental Planning and Assessment Act, and the Sutherland Shire Contributions Plan - Community Facilities in the Sutherland Shire, after identifying the likelihood that this development will require or increase the demand for community facilities within the shire. It has been calculated on the basis of 19 units, with a concession for 2 lots.

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

7. Approvals Required under Roads Act or Local Government Act

A. Before Construction

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

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

8. 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) Construct a vehicle crossing that is 6m wide at the boundary splaying to 7m wide at the kerb on the northern side of the crossing. The design and construction of the crossing shall be in accordance with Roads and Maritime requirements. Detailed design plans of the proposed gutter crossing are to be submitted to Roads and Maritime for approval prior to the issue of a Construction Certificate and commencement of any road works.
- iii) Construct retaining / slope stability walls where required,
- iv) Alter / install street signage where required,
- v) Re-grade, topsoil, turf and landscape the footpath verge to final design levels,
- vi) Adjust public services infrastructure where required,
- vii) Remove 2 street trees,
- viii) Ensure there are adequate transitions between newly constructed and existing infrastructure.
- ix) Redundant driveway and layback must be removed and replaced with kerb and gutter to match existing'

Evidence of the lodgement of this 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.

9. 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.

10. Pre-commencement Inspection

A. Before Works

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

The purpose of the meeting is to:

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

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

11. 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.

12. 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 garbage collection vehicle.
- v) The maximum longitudinal grade of the driveway must not exceed grades suitable for the garbage service vehicle.

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

13. Parking Areas and Access

A. Design

All vehicular access, parking and manoeuvring areas including loading areas must be designed and constructed to comply with AS2890.1 & 2.

The following specific requirements must be incorporated into the design:

- i) The loading and garbage collection area must be clearly defined with suitable signposting

and pavement markings.

- ii) All vehicles must enter and exit the site in a forward direction,
- iii) All vehicles are to be wholly contained on site before being required to stop,

B. Before Construction

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

14. Basement Car Park Design

A. Design

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

- i) 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.
- ii) A parking bay for each adaptable parking space clear width of 3.8m, a clear length of 5.4m and a head height clearance in compliance with figure 2.7 of AS2890.6:2009, and
- iii) The upper level basement must be able to facilitate suitable manoeuvring for a garbage truck.
- iv) All parking spaces are to remain open form.

B. Before Construction

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

15. 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 drainage calculation.
- ii) The rate of discharge of stormwater from the site to a drainage system under Council's control must be controlled so that it does not exceed the pre-development rate of discharge.
- iii) The rainwater tank must have a minimum capacity of 10m³
- iv) Harvested rainwater must be used for irrigation.
- v) 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.
- vi) Detailed drainage design plans and hydraulic calculations are to be submitted to the Roads and Maritime for approval, prior to the commencement of any works.

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

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.
- ii) The stormwater detention / absorption 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.

16. 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.

Design drawings and documents relating to the excavation of the site and support structures to

Roads and Maritime for assessment. This documentation is to be submitted at least six weeks prior to commencement of construction.

B. During Works

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

17. 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.

18. Private Waste Collection

A. Ongoing

Waste Management for the development must satisfy the following:

- i) Waste collection must be managed on site by Private Contractors,
- ii) The waste collection must be collected by a maximum "MRV" sized vehicle as defined in AS2890.2,
- ii) Waste collection must be carried out between the hours of 7am and 6pm Monday to Friday inclusive and no waste collection to be carried out on Sundays and Public Holidays,
- iii) All loading of trucks for waste removal must be carried out within the site, not from the public roadway,
- iv) All waste removal trucks that access the site must enter and leave the site in a forward direction, and
- v) The aforementioned waste collection requirement shall be adopted as a By-Law in any future Strata Plan.

19. 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:

- i) Relocate communal open space from north western corner of site to the eastern boundary aligning with the end of the ground floor corridor.
- ii) Replace communal open space in northwestern corner with 1x*Syncarpia glomulifera* (Turpentine) and 1x*Glochidion ferdinandi* (Cheese Tree) with associated indigenous understorey planting.
- iii) Plant two additional *Syncarpia glomulifera* (Turpentine) to southern boundary.
- iv) Replace all *Tristaniopsis laurina* with *Glochidion ferdinandi* (Cheese Tree)
- v) Replace all *Lagerstroemia indica* (Crepe Myrtle) with *Banksia serrata* (Old Man Banksia).
- vi) Replace *Cupaniopsis anacardoides* (Tuckeroo) with a mix of *Backhousia myrtifolia* (Grey Myrtle), *Pittosporum revolutum* (Hairy Pittosporum) and *Glochidion ferdinandi* (Cheese Tree).
- vii) Plant several small hardy indigenous trees to southern planter boxes located on communal rooftop.
- viii) Ensure fencing to front setback is no greater than 1.2m in height.
- ix) Provide screen planting that reaches a minimum height of 2m along the northern boundary.
- x) Delete planting located along the northern side of G.02 and G.08 within the corridor.
- xi) Provide a minimum depth of 900mm to planter boxes supporting small trees.
- xii) Provide clothes line to private open space of all units.
- xii) Tree Protection Zones (TPZ) must be shown on plan for all existing trees and/or natural site features to be retained and protected.
- xiii) The communal open space areas and all planter boxes on slab must be provided with a water-efficient irrigation system, connected to a pump and the rainwater/OSD tank, to enable effective landscape maintenance.
- iv) The private open space of each dwelling at ground level must be provided with one tap with a removable water key, connected to a pump and the rainwater tank/OSD tank.
- vi) As the subject site is identified as being within a Greenweb Restoration area, all new tree plantings must be indigenous species and 50% of understorey plants must be indigenous species. All indigenous species must be selected from Council's 'Native Plant Selector' available on Council's website (www.sutherlandshire.nsw.gov.au <<http://www.sutherlandshire.nsw.gov.au>> and search for Native Plant Selector)

The 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, Gympie
Ph: 02 9524 5672

20. 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:

Tree No.	Tree Species (botanical and common name)	Location
3	<i>Macadamia integrifolia</i> (Macadamia)	Refer to 'Attachment

		A_Tree Location Plan' dated 18/08/16
4	<i>Ulmus parvifolia</i> (Chinese Elm)	"
5	<i>Cupressus sp.</i> (Cypress Pine) EXEMPT	"
12	<i>Brachychiton acerifolius</i> (Illawarra Flame Tree)	"
13	<i>Eucalyptus nicholii</i> (Black Peppermint)	"
14	<i>Podocarpus elatus</i> (Illawarra Plum)	"
15	<i>Cupressus macrocarpa</i> (Monterey Cypress) EXEMPT	"
16	<i>Syzygium smithii</i> (Lily Pilly)	"
17	<i>Cinnamomum camphora</i> (Camphor Laurel) EXEMPT	"
18	<i>Cupressus sp.</i> (Cypress Pine) EXEMPT	"
19	<i>Pinus radiata</i> (Radiata Pine)	"
20	<i>Archontopheonix cunninghamia</i> (Bangalow Palm)	"
21	<i>Archontopheonix cunninghamia</i> (Bangalow Palm)	"
22	<i>Archontopheonix cunninghamia</i> (Bangalow Palm) x3	"
23	<i>Archontopheonix cunninghamia</i> (Bangalow Palm)	"
24	<i>Archontopheonix cunninghamia</i> (Bangalow Palm) x2	"
25	<i>Archontopheonix cunninghamia</i> (Bangalow Palm)	"

- ii) Trees growing within the 3 metres of the building footprint of the approved structures.
- iii) Any declared noxious plant. The applicant is to ensure that all noxious plants are properly identified and controlled/removed.
- iv) 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.

B. Design

- i) Fifteen (15) 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 to 1 on private land.
- ii) Sixty (60) replacement trees are required to be planted.
- iii) A minimum number of twenty six (26) indigenous trees must be planted on the site as per approved landscape plan and conditions on consent.
- iv) Trees must have a minimum container size of 5 litres.

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

Note: For the remaining thirty four (34) replacement trees required by “B ii)” above, Council offers offsite planting under a ‘Deed of Agreement’ as an alternative to on site planting, at a cost of \$100 per tree. Offsite planting will be undertaken as part of Council’s Green Street Program. ‘Deed of Agreement’ forms can be downloaded from Council’s website at www.sutherlandshire.nsw.gov.au/Development/Development-Applications/Off-Site-Tree-Replacement-and-Deed-of-Agreement. 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 replacement tree planting must be completed in accordance with the approved Landscape Plan/Tree Location Plan. 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 tree planting has been carried out in accordance with ‘B’ 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.

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 (SSCDP 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 Boulevard, Gymea
Ph: 02 9524 5672

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

21. 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
2	<i>Tristaniopsis laurina</i> (Water Gum)	Front of no.298

B. Prior to the Issue of a Construction Certificate

Prior to the issue of the Construction Certificate the applicant must pay Council the scheduled fee of \$400 or 4 trees for the replacement of the tree/s within the road reserve in accordance with Council's 4 to 1 replacement policy (Sutherland Shire Council's Development Control Plan).

22. 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 tree/s as listed in the table below / as marked on 'Attachment A_Tree Location Plan' dated 18/08/16 to ensure the installation and adequacy of all tree protection measures.

Tree No.	Tree Species (botanical and common name)	Location
1	<i>Tristaniopsis laurina</i> (Water Gum)	Refer to 'Attachment A_Tree Location Plan' dated 18/08/16
6	<i>Melaleuca sp.</i> (Tea Tree)	"

7	<i>Eucalyptus microcorys</i> (Tallowood)	“
8	<i>Melaleuca quinquenervia</i> (Broad Leafed Paperbark)	“
9	<i>Pinus patulata</i> (Patula Pine)	“
10	<i>Radermachera sinica</i> (China Doll Tree)	“
11	<i>Lagerstroemia indica</i> (Crepe Myrtle)	“
26	<i>Araucaria heterophylla</i> (Norfolk Island Pine)	“

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

- i) All fence lines that cross through the Tree Protection Zone (TPZ) of trees 6-9 must be light weight post and rail construction. The posts of the must be hand dug and located such that no roots of a diameter greater than 30mm are severed or injured in the process of any site works during the construction period. The rail must be located on or above the existing soil levels. The location and details of any footings within the Tree Protection Zone (TPZ) shall be detailed in accordance with i) above and on the Construction Certificate Plans.
- ii) Protective fencing constructed of 1.8m high chain wire mesh supported by robust posts must be installed in accordance with the approved Landscape Plan prepared by Greenplan dated 12/08/16. 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. Tree Protection Fencing may only be removed at the end of construction when ancillary works are required to be undertaken within the fenced zone under the direct supervision of the Project Arborist.
- vi) Where site access/egress is required over the roots of trees identified for retention and protection, provide hardwood rumble boards over a 200mm thick layer of wood chip.

B. During Construction

- i) The tree protection measures detailed in ‘A’ above must be maintained during construction.
- ii) 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 tree/s 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.

23. 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.

24. 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.

25. 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.

26. 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.

27. 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.

28. 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.

29. 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.

30. 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 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>.

31. 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 pre-commencement dilapidation reports on the adjacent buildings at No.s 296, 302 and 302A Taren Point Road and 85 Willarong Road (Caringbah High School), including any basements and ancillary structures. The reports must be provided to the Principal Certifying Authority and 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.

B. Prior to issue of any Occupation Certificate

The submission of a post-construction dilapidation report which clearly details the final condition of all property, infrastructure, natural and man-made features that were recorded in the pre-commencement dilapidation reports. A copy of the report must be provided to the Principal Certifying Authority and the owners of the properties that are subject of the report prior to issue of any Occupation Certificate.

32. 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.

33. 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.

34. 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.

35. 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.

36. 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.

37. 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.

On five (5) occasions, 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.

38. 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

39. 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:

G01-G08, 298 Taren Point Road, Caringbah

101-108, 298 Taren Point Road, Caringbah

201-208, 298 Taren Point Road, Caringbah

301-308, 298 Taren Point Road, Caringbah

401-406, 298 Taren Point Road, Caringbah

40. Bundling of Power Lines

A. Before Occupation

All power lines and other utilities along the frontage of the site (Taren Point Road) must be bundled 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.

41. Basement Car Park Security Requirements

A. Design

The following design requirements must be satisfied:

- i) Security shutters / roller door must be installed at the main entry to the basement car park levels. An intercom system must be installed for visitors to gain entry.

42. Closed Circuit Television (CCTV)

To increase resident safety and security, 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.

Digital technology will be required to be used to record images from the camera and this is to be located in a secure location. The surveillance equipment will need to be able to zoom in and out on a

person without losing focus. It must be maintained in working order at all times and installed by a qualified and reputable company.

All security devices must be installed by a licenced security professional and must meet Australian Standard 4806.

43. Roads & Maritime Services (RMS) Requirements

The following condition is imposed by RMS.

i) The design and construction of the gutter crossing on Taren Point Road shall be in accordance with RMS requirements. Details of these requirements should be obtained from RMS, Manager Developer Works, Statewide Delivery, Parramatta (ph: 9598-7798). Detailed design plans of the proposed gutter crossing are to be submitted to RMS for approval prior to issue of the Construction Certificate and commencement of any road works.

A plan checking fee and lodgement of a performance bond may be required from the applicant prior to the release of the approved road design plans by RMS.

ii) The redundant driveway on Taren Point Road shall be removed and replaced with kerb and gutter to match existing.

iii) All vehicles must enter and exit the site in a forward direction.

iv) Vehicles are to be wholly contained within the site before being required to stop.

v) A construction zone will not be permitted on Taren Point Road.

vi) The developer is to submit design drawings and documents relating to the excavation of the site and support structures to RMS for assessment, in accordance with Technical Direction GTD2012/001.

The developer is to submit all documentation at least six (6) weeks prior to commencement of construction and is to meet the full cost of the assessment by RMS.

The report and any enquiries should be forwarded to:

Project Engineer, External Works
Sydney Asset Management
Roads and Maritime Services
PO Box 973 Parramatta CBD 2124

If it is necessary to excavate below the level of the base of the footings of the adjoining roadways, the person acting on the consent shall ensure that the owner/s of the roadway is/are given at least seven (7) days notice of the intention to excavate below the base of the footings. The notice is to include complete details of the work.

vii) A Road Occupancy Licence is to be obtained from the Transport Management Centre for any works that may impact on traffic flows on Taren Point Road during demolition / construction activities.

viii) Any works associated with the subject development is at no cost to the RMS.

44. Caringbah High School

Prior to issue of a Construction Certificate, Caringbah High School is to be provided with contact details of the site manager / builder. This will ensure that the school has a direct contact person in the event the school wishes to raise a concern regarding noise, vibration or safety of children.

45. Graffiti

All surfaces on the street level that are not glass should use graffiti resistant paints and/or other surfaces that discourage graffiti.

46. Lighting

All levels of the car park, pedestrian routes, communal areas and entry and exit points must be adequately lit to meet Australian Standard 1158.3.1.

47. Access Control

All entry points to the development, including the car park are to be fitted with appropriate access control devices in line with Australian Standards.

No access to the building through the fire escape stairs is to be gained. Stairs are to be well lit at all times.

48. Building Design

The residential flat building is to be designed in accordance with State Environmental Planning Policy (Infrastructure) 2007 and 'Development near Rail Corridors and Busy Roads - Interim Guidelines' produced by the NSW Department of Planning. A signed undertaking by the developer that these documents have been adhered to is to be submitted to the Principal Certifying Authority prior to issue of any Occupation Certificate.

END OF CONDITIONS