

2018SSH003 - 7 Dianella Street, Caringbah

MA17/0575

ASSESSMENT REPORT APPENDICES

Appendix A Draft Conditions of Consent

DRAFT MODIFIED CONDITIONS OF DEVELOPMENT CONSENT
Modification Application No. 17/0575

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>
DA003 Rev C	Site Plan	BKA Architecture	21/12/15
S96-2-100 Rev B	Site Plan	Beta Solutions Architects	14/02/2018
DA100 Rev F	Basement Floor Plan	BKA Architecture	7/10/15
S96-2-101 Rev E	Basement Floor Level	Beta Solutions Architects	15/06/2018
DA101 Rev H	Lower Ground Floor Plan	BKA Architecture	18/01/16
S96-2-102 Rev F	Ground Level Floor Plan	Beta Solutions Architects	30/07/2018
DA102 Rev I	Ground Floor Plan	BKA Architecture	18/01/16
S96-2-103 Revision C	Terrace Level Floor Plan	Beta Solutions Architects	30/07/2018
DA103 Rev I	Level 1 Floor Plan	BKA Architecture	18/01/16
S96-2-104 Rev D	Level 1 Floor Plan	Beta Solutions Architects	30/07/2018
DA104 Rev H	Level 2 Floor Plan	BKA Architecture	21/12/15
S96-2-105 Rev E	Level 2 Floor Plan	Beta Solutions Architects	30/07/2018
DA105 Rev I	Level 3 Floor Plan	BKA Architecture	18/01/16
S96-2-106 Rev E	Level 3 Floor Plan	Beta Solutions Architects	30/07/2018
DA106 Rev H	Level 4 Floor Plan	BKA Architecture	21/12/15
S96-2-107 Rev D	Level 4 Floor Plan	Beta Solutions Architects	30/07/2018
DA107 Rev D	Roof Plan	BKA Architecture	21/12/15
S96-2-108 Rev A	Communal Roof Terrace Floor Plan	Beta Solutions Architects	28/09/2017
S96-2-109 Rev B	Roof Plan West – Roof East Plan	Beta Solutions Architects	14/02/2018
DA200 Rev G	Elevations	BKA Architecture	18/01/16

S96-2-200 Rev B	Elevations	Beta Solutions Architects	14/02/2018
DA201 Rev E	Elevations	BKA Architecture	18/01/16
S96-2-201 Rev C	Elevations	Beta Solutions Architects	14/02/2018
DA300 Rev C	Sections	BKA Architecture	21/12/15
S96-2-202 Rev C	Sections	Beta Solutions Architects	22/02/2018
DA301 Rev A	External Building Materials and Finishes – Elevations	BKA Architecture	30/09/15
S96-2-301 Revision C	M&F Elevations	Beta Solutions Architects	22/02/2018
DA302 Rev B	External Building Materials and Finishes - Detail Section	BKA Architecture	07/10/15
DA700 Rev C	Adaptable Apartments	BKA Architecture	18/01/16
S96 700 Rev F	Adaptable Apartments	BKA Architecture	17/02/17
S96 Rev A	900 Details	BKA Architecture	17/02/17
L1 Rev DA-H	Landscape Plan - Ground Floor & Plant List	Nicholas Bray Landscapes	21/12/15
L2 Rev DA-H	Landscape Plan - Level 1 and Ground Floor	Nicholas Bray Landscapes	21/12/15
L3 Rev DA-H	Landscape Street Elevation and Sections	Nicholas Bray Landscapes	21/12/15
L4 Rev DA-H	Landscape Planter Levels & Sections	Nicholas Bray Landscapes	21/12/15

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. Design Changes Required (Deleted – 4 December 2017)

3. 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 \$50200.

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.

4. 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 \$420,430.38 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 59 proposed Residential Flat Units with a concession for 7 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 shall be made prior to the issue of any occupation certificate (whether that is an interim or final occupation certificate) or any subdivision certificate (whichever is the earlier). Prior to the issue of any Construction Certificate or any subdivision certificate (whichever is the earlier), security in the form of a bank guarantee (in the amount payable under this condition, including indexation) in favour of Sutherland Shire Council with no end date, must be provided to Council. Prior to organising a bank guarantee the applicant is required to contact Council's Section 94 Administrator to obtain Council's requirements relating to bank guarantees.

Should the applicant (or person acting on this consent) fail to pay the s 94 contribution in accordance with this condition, Council will call upon the bank guarantee for full payment of the s 94 contributions.

(Revised 21 April 2017)

5. Community Facilities, Shire Wide 2003 Plan

A. Before Construction

A monetary contribution of \$72,619.96 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 of 59 proposed Residential Flat Units with a concession for 7 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 shall be made prior to the issue of any occupation certificate (whether that is an interim or final occupation certificate) or any subdivision certificate (whichever is the earlier). Prior to the issue of any Construction Certificate or any subdivision certificate (whichever is the earlier), security in the form of a bank guarantee (in the amount payable under this condition, including indexation) in favour of Sutherland Shire Council with no end date, must be provided to Council. Prior to organising a bank guarantee the applicant is required to contact Council's Section 94 Administrator to obtain Council's requirements relating to bank guarantees.

Should the applicant (or person acting on this consent) fail to pay the s 94 contribution in accordance with this condition, Council will call upon the bank guarantee for full payment of the s 94 contributions.

(Revised 21 April 2017)

6. 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.

7. 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 an application under the Roads Act shall be submitted to Sutherland Shire Council, prior to the release of the Construction Certificate, for a road frontage design drawing and consent to undertake the required frontage works. 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 one vehicle crossing,
- iii) Construct retaining / slope stability walls where required,
- iv) Road pavement construction,
- v) Kerb & gutter/edge strip where required,
- vi) Alter / install street signage where required,
- vii) Regrade, topsoil, turf and landscape the footpath verge to final design levels,
- viii) Adjust public services infrastructure where required,
- ix) Underground power lines,
- x) Install three (3) *Eucalyptus paniculata* (Grey Ironbark), three (3) *Syncarpia glomulifera* (Turpentine) and two (2) *Eucalyptus globoidea* (White Stringybark) street trees,
- xi) Ensure there are adequate transitions between newly constructed and existing infrastructure.

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.
- ii) The supervising arborist, landscape designer or landscape architect must certify the street trees are the correct species and were installed in accordance with the development consent and associated Roads Act consent.

8. 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.

9. 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 Councils Adopted Schedule of Fees and Charges.

10. 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.

11. 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) 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.

12. 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) Any garage must have a minimum width of 3m with a minimum door opening of 2.75m wide x 2.2m high clear of any necessary hinges, jambs or fixtures required for the operation of garage doors or any services within the garage area.
- iii) A security door is to be fitted to the car parking area entrance and must be independently mounted on rubber pads to prevent vibration noise transmission through the concrete walls and / or columns. An intercom system shall be installed for visitors to gain entry and is to incorporate a CCTV system to ensure that the visitor space availability can be determined.
- iv) A parking bay within any double garage must have a 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
- v) Where a remote controlled garage door is fitted when fully opened it not encroach into the space envelope specified in figure 2.7 of AS2890.6:2009.

B. Before Construction

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

13. Drainage Design - Detailed Requirements

As the natural fall of the land is towards the rear of the site an easement is required to allow discharge of stormwater by gravity through adjoining properties to the nearest Council drainage system. If this easement is obtained, the drainage design is to be implemented generally in accordance with the Stormwater Concept Plan Drawings prepared by Neil Lowry and Associates dated August 2015.

A. Design

The stormwater drainage system shall be designed in accordance with the approved stormwater drainage design drawing, Australian Standard AS3500.3:2003 and the BASIX Certificate issued against this development.

The design must include;

- i) An easement to drain water through adjoining downstream properties to a drainage system within the natural catchment under Council's control. If an easement is unable to be obtained then the stormwater discharge directly to the south eastern corner of Dianella Street with the infrastructure on the northern side of Dianella Street to be extended from a newly constructed pit fronting the property to the existing kerb inlet pit located approximately 65m to the east.
- ii) A detailed drainage design supported by drainage calculations.
- iii) A layout of the drainage system showing existing and proposed pipe sizes, type, class, grades, lengths, invert levels, finished surface levels and location of all pipes with levels reduced to Australian Height Datum. Impacts on existing trees must be indicated on the plan.
- iv) 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.
- v) 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.
- vi) Where pipelines are located within the "tree protection zone" of significant vegetation to be retained, the lines shall be excavated by hand or by directional underboring techniques to reduce any adverse impact on the root zone of the trees.

B. Before Construction

- i) Certification issued by an appropriately accredited person to the effect that these design requirements have been met must accompany the application for a Construction Certificate.
- ii) Evidence that the required 'easement to drain water' in favour of Sutherland Shire Council has been created under the provisions of section 88B of the Conveyancing Act shall be provided with the Construction Certificate Application.

C. Before Occupation

The above work must be completed in accordance with 'A' above to the satisfaction of the supervising engineer before the issue of any Occupation Certificate.

Note: Upon approval of the stormwater management designs a notation will be added to the 149 certificate in relation to any required detention facility or stormwater treatment device.

14. 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.

15. 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.

16. Allocation of Common Property

A. Ongoing

Common property must not be allocated by the Owners Corporation for the exclusive use of a proprietor. No modification may be made to a Plan of Strata Subdivision without the prior development consent of Council.

17. 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:

- i) The following information must be provided in the plans:
 - Updated layout of hardworks in accordance with architectural plans.
 - Provision of low shrubs and ground covers to planter boxes within the two roof terraces in accordance with architectural plans.
 - Tree Protection Zones (TPZ) for all existing trees to be retained and protected.
 - Existing and new spot levels, including levels of existing trees to be retained, terrace levels and the top and bottom of retaining walls and stairs/ramps.
 - The line of basement carpark and all balconies or floors overhanging landscaped areas.
- ii) Retention of Tree 6 (*Banksia serrata*). Relocate paving and steps as required to ensure their retention and protection.

- iii) Relocation of the proposed stormwater pipes and pits from Trees 2 (*Syzygium* spp.) and 3 (*Glochidion ferdinandi*) to ensure their retention and protection.
- iv) Realignment of the ground floor terraces and paved and covered section of common open space to match the basement slab below.
- v) Remove gate from western landscaped area to the oval (retaining gates from central communal open space to the oval).
- 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 planting style should reflect the informal character of the Sutherland Shire. This can be achieved through a diverse mixture of indigenous species planted at irregular spacings.
- vii) Provision of 2 indigenous canopy trees for every 15m along the northern and southern boundaries and central common open space. All tree species must be Sydney Turpentine Ironbark Forest (STIF) species that grow to a mature height greater than 6m. Trees should be clustered to create view corridors from living rooms in the buildings.
- viii) Planters boxes on slab shall be designed and constructed to contain a minimum soil depth of:
 - 200 - 450mm for grass and ground covers
 - 500 - 600mm for shrubs
 - 800 - 900mm for small trees
 - 1200mm for large treesWhere trees are proposed in planter boxes an area of 3m x 3m per tree must be provided. Planter boxes in this case must be stepped, mounded or set down in the slab to reduce their apparent height on the surface to 450mm.
- ix) 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 tank, to enable effective landscape maintenance.
- x) The terrace of each dwelling must be provided with one tap with a removable water key, connected to a pump and the rainwater tank.
- xi) Each ground floor unit shall be provided with a clothes line and 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.

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

18. Trees Removal**A. Tree Removal**

The removal of the following trees is approved:

- i) All trees (including palms) EXCEPT FOR Trees 1, 2, 3 and 6 within the site and Trees 5 and 8 in the street, which must be retained and protected. Refer to tree numbering in the arborist report prepared by Rennie Bros, Tree Surgeons (dated 14th October 2015).
- ii) Any declared noxious plant. The applicant is to ensure that all noxious plants are properly identified and controlled/removed.
- iii) Any tree species exempted by the Sutherland Shire Local Environmental Plan 2015 including Tree 4 - *Cinnamomum camphora* (Camphor Laurel).

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

19. 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.

All pruning must be carried out by a qualified Tree Surgeon/Arborist and conform to the provisions of AS4373 - 2007 Australian Standard for Pruning of Amenity Trees.

20. 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 and as marked on the plan in the arborist report prepared by Rennie Bros, Tree Surgeons (dated 14th October 2015) to ensure the installation and adequacy of all tree protection measures.

Tree No.	Tree Species (botanical and common name)	Location
1	<i>Eucalyptus globoidea</i> (White Stringybark)	SE corner of site
2	<i>Syzygium spp.</i> (Lilly Pilly)	NE corner of site
3	<i>Glochidion ferdinandi</i> (Cheese Tree)	NE corner of site
5	<i>Eucalyptus haemastoma x racemosa</i> (Scribbly Gum)	Dianella St east
6	<i>Banksia serrata</i> (Old Man Banksia)	SE corner of site
8	<i>Prunus cerasifera</i> (Cherry Plum)	Dianella St west

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 arborist report for each tree referenced above. Signage must be erected on the fence with the following words clearly displayed "TREE PROTECTION ZONE, DO NOT ENTER".
- ii) 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.
- iii) 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.
- iv) 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.

21. 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.

22. 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 **refuse store areas**. The bins must only be put **in the temporary waste holding** for collection in the evening prior to pick-up and returned to the **refuse store areas** as soon as possible after pick-up.

(Modified – 4 December 2017)

23. 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.

24. 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.

25. 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.~~

26. 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 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.

27. 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.

28. 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.

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 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:

Building B must be known as 3 Dianella Street, Caringbah

Units must be known as LG01-LG05 / 3 Dianella Street, Caringbah; G01-G06 / 3 Dianella Street, Caringbah; 101-107 / 3 Dianella Street, Caringbah; 201-206 / 3 Dianella Street, Caringbah; 301-305 / 3 Dianella Street, Caringbah.

Building A must be known as 7 Dianella Street, Caringbah

Units must be known as G01-G05 / 7 Dianella Street, Caringbah; 101-107 / 7 Dianella Street, Caringbah; 201-207 / 7 Dianella Street, Caringbah; 301-306 / 7 Dianella Street,

Caringbah; 401-405 / 7 Dianella Street, Caringbah.

(Revised 21 April 2017)

37. 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: minimum 92 spaces
- Residential visitors: minimum 15 spaces
- Car wash bays: 2 spaces

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.

(Revised 21 April 2017)

38. 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.

39. 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.

40. Undergrounding of Power Lines

A. Before Occupation

All power lines along the frontage of the site must be placed underground and street lighting installed 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. Noise Control - Design of Plant and Equipment

To minimise the impact on the surrounding residents, all sound producing plant, equipment, machinery, mechanical ventilation systems or refrigeration systems:

A. Design

All plant and equipment must be acoustically attenuated so that the noise emitted:

- **before 8am or after 10pm on any Saturday, Sunday or public holiday, or**
 - **before 7am or after 10pm on any other day**
- i) **does not exceed an LAeq sound pressure level of 5dB above the ambient background noise level when measured**
- a) **at the most effected point on or within any residential property boundary or**
- b) **at the external edge of any sole occupancy unit balcony within the premises itself at any time the units operate.**
- ii) **cannot be heard within a habitable room in any sole occupancy unit* or other residential premises (regardless of whether any door or window to that room is open). * As defined in the Building Code of Australia**

Note: Noise measurement must be carried out in accordance with Australian Standard 1055.1.

B. Before Construction

Acoustic attenuation required to comply with 'A' above, must be prepared by a qualified acoustic engineer. These details must accompany the application for a Construction Certificate.

C. 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.

D. Ongoing

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

42. Design Changes Required

A. Before Construction:

The following design changes must be implemented:

i) Eastern building :

- No changes are approved to the width of the Level 3 balcony on the northern elevation of the building. The approved Level 3 Floor Plan must be amended so the balcony matches previously approved DA105 Rev I, Level 3 Floor Plan prepared by BKA Architecture on 18/01/16.
- The size of the awning over the roof top terrace must be reduced to a maximum 65m² and protrude no further east than the western edge of the eastern skylight (to Unit 3.09 living room).

ii) Western building – No changes are approved to the Level 4 balcony on the northern elevation of the building. The approved Level 4 Floor Plan must be amended so the balcony matches previously approved DA106 Rev H, Level 4 Floor Plan prepared by BKA Architecture on 21/12/15.

iii) Both roof top terraces must have BBQ, sink, bench space and outdoor seating for individuals and groups.

iv) The finished floor levels shown on the approved section and elevation plans must be consistent with the approved floor plans.

v) Northern site boundary - Maximum fence height of 2.1m from natural ground level of the public park. The fence must be a mix of open and solid form as shown on the approved elevation plans.

vi) Eastern site boundary – Maximum fence height of 2.1m from natural ground level of the car park. The fence must be a mix of open and solid form as shown on the approved elevation plans.

vii) The Site Plan must be revised to reduce the paving in the Terrace Level communal open space to match the approved Terrace Level Plan.

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

END OF CONDITIONS