



Issued: 12 April 2024 4:32 PM

## JUDGMENT/ORDER

### COURT DETAILS

Court	Land and Environment Court of NSW
Division	Class 1
Registry	Land and Environment Court Sydney
Case number	2022/00258252

### TITLE OF PROCEEDINGS

First Applicant	Hinkler Ave 1 Pty Limited ACN 641282680
First Respondent	SUTHERLAND SHIRE COUNCIL ABN 52018204808

### DATE OF JUDGMENT/ORDER

Date made or given	12 April 2024
Date entered	12 April 2024

### TERMS OF JUDGMENT/ORDER

The Court orders that:

- (1) The Applicant is to pay the Respondent's costs thrown away by the amendment of the Development Application, pursuant to s 8.15(3) of the Environmental Planning and Assessment Act 1979, in the agreed amount of \$60,000 within 28 days of the date of these orders.
- (2) The Applicant's written request, prepared by Sutherland and Associates Planning dated September 2023, made pursuant to cl 4.6 of the Sutherland Shire Local Environmental Plan 2015 (SSLEP) to vary the height development standard in cl 4.3 of the SSLEP, is upheld.
- (3) The appeal is upheld.
- (4) Development Application No DA21/1251, as amended, for the demolition of existing structures and construction of a mixed use development containing a health service facility of 4,684m<sup>2</sup> and 209 residential units, of which 65 are affordable rental housing, with Torrens title and stratum subdivision at 6-20 Hinkler Avenue and 319-333 Taren Point Road, Caringbah, is determined by the grant of consent subject to the conditions at Annexure A.

### SEAL AND SIGNATURE



Signature	S. Froh
Capacity	Registrar
Date	12 April 2024

If this document was issued by means of the Electronic Case Management System (ECM), pursuant to Part 3 of the Uniform Civil Procedure Rules (UCPR), this document is taken to have been signed if the person's name is printed where his or her signature would otherwise appear.

#### **PERSON PROVIDING DOCUMENT FOR SEALING UNDER UCPR 36.12**

Name SUTHERLAND SHIRE COUNCIL, Respondent 1

Legal representative ROSLYN MARY MCCULLOCH

Legal representative reference

Telephone 02 9262 6188

#### **FURTHER DETAILS ABOUT Applicant(s)**

First Applicant

Name Hinkler Ave 1 Pty Limited

ACN 641282680

Address

Level 40

2 Chifley Square

SYDNEY NSW 2000

Telephone

Fax

E-mail

Client reference

#### **Legal representative**

Name ANTHONY JAMES WHEALY

Practicing certificate number 33614

Address Barrack Place Level 7

151 Clarence Street

SYDNEY NSW 2000

DX address DX 13025 Syd-Market St NSW

Telephone 0280357848

Fax 02 9247 1315

Email PES\_Anthony\_Subteam@millsoakley.com.au

Electronic service address PES\_Anthony\_Subteam@millsoakley.com.au

#### **FURTHER DETAILS ABOUT Respondent(s)**

##### **First Respondent**

Name SUTHERLAND SHIRE COUNCIL

ABN 52018204808

Address 4 - 20 Eton Street

SUTHERLAND NSW 2232

#### **ATTACHMENTS TO ORDERS**

(258252.22 Horton C (Annexure B).pdf)

(258252.22 Horton C (Annexure A).pdf)

[attach.]

**ANNEXURE B**

**Hinkler Ave 1 Pty Ltd**  
v  
**Sutherland Shire Council**

**Land and Environment Court Proceedings No. 2022/00258252**

**Index to Amended Development Application**

<b>TAB</b>	<b>DOCUMENT</b>	<b>DATE</b>
1.	<p>Amended Architectural Plans (up to Rev K) prepared by DKO Architecture:</p> <ul style="list-style-type: none"> <li>- DA000 – Title Page – Rev J</li> <li>- DA001 – Development Summary – Rev I</li> <li>- DA002 – Development Summary Per Stage – Rev H</li> <li>- DA200 – Basement Plan 3 – Rev E</li> <li>- DA201 – Basement Plan 2 – Rev E</li> <li>- DA202 – Basement Plan 1 – Rev G</li> <li>- DA203 – Ground Floor Plan – Rev J</li> <li>- DA204 – Level 1 – Rev K</li> <li>- DA205 – Level 2-4 – Rev G</li> <li>- DA205a – Level 5 – Rev B</li> <li>- DA207 – Level 6 – Rev H</li> <li>- DA208 – Level 7 – Rev H</li> <li>- DA209 – Roof – Rev G</li> <li>- DA300 – Elevations – Streetscapes – Rev I</li> <li>- DA301 – Elevations – Sheet 1 – Rev H</li> <li>- DA302 – Elevations – Sheet 2 – Rev F</li> <li>- DA303 – Elevations – Sheet 3 – Rev G</li> <li>- DA304 – Elevations – Sheet 4 – Rev G</li> <li>- DA305 – Elevations – Sheet 5 – Rev F</li> <li>- DA306 – Sections – Rev D</li> <li>- DA307 – Sections – Rev D</li> <li>- DA311 – Sketch Montage 1 – Rev C</li> <li>- DA312 – Sketch Montage 2 – Rev C</li> <li>- DA313 – Sketch Montage 3 – Rev C</li> <li>- DA314 – Sketch Montage 4 – Rev C</li> <li>- DA315 – Sketch Montage 5 – Rev C</li> <li>- DA316 – Sketch Montage 6 – Rev C</li> <li>- DA400 – GFA Calculations – Rev G</li> <li>- DA402 – Cross Vent Calculations – Rev E</li> <li>- DA403 – Deep Soil &amp; COS Calculations – Rev G</li> <li>- DA404 – Landscaped Area – Rev F</li> <li>- DA407 – Livable Units – Rev D</li> <li>- DA408 – Adaptable Units – Rev E</li> <li>- DA409 – Adaptable Unit Layouts – Rev C</li> <li>- DA410 – Adaptable Unit Layouts – Rev C</li> <li>- DA411 – Adaptable Unit Layouts – Rev C</li> <li>- DA412 – Adaptable Unit Layouts – Rev C</li> <li>- DA413 – Adaptable Unit Layouts – Rev C</li> <li>- DA414 – Adaptable Unit Layouts – Rev C</li> <li>- DA415 – Adaptable Unit Layouts – Rev C</li> <li>- DA416 – Livable Unit Layouts – Rev C</li> <li>- DA417 – Livable Unit Layouts – Rev C</li> <li>- DA424 – ARH Calculations – Rev D</li> <li>- DA432 – Adaptable Unit Layouts – Rev A</li> </ul>	19 September 2023 and 4 March 2024

	<ul style="list-style-type: none"> <li>- DA433 – Adaptable Unit Layouts – Rev A</li> <li>- DA434 – Adaptable Unit Layouts – Rev A</li> <li>- DA604 – Elevations Internal – Rev C</li> <li>- DA651 – Privacy Screen – Rev B</li> <li>- DA652 – Window Section – Rev A</li> <li>- DA653 – Balustrade Detail – Rev A</li> <li>- DA654 – Balustrade Detail – Rev A</li> <li>- DA655 – Balustrade Detail – Rev A</li> <li>- DA656 – Driveway Finishes – Rev A</li> </ul>	
2.	<p>Stormwater Concept Design (Rev B) by SGC Consulting Engineers</p> <ul style="list-style-type: none"> <li>- SW100 – Cover Sheet</li> <li>- SW200 – Basement 2 Plan – Sheet 1 of 2</li> <li>- SW201 – Basement 2 Plan – Sheet 2 of 2</li> <li>- SW202 – Ground Floor Plan Sheet 1 of 2</li> <li>- SW203 – Ground Floor Plan Sheet 2 of 2</li> <li>- SW300 – Details Sheet – Sheet 1 of 2</li> <li>- SW301 – Details Sheet – Sheet 2 of 2</li> <li>- SW400 – Erosion and Sediment Control – Plan and Details</li> <li>- SW500 – Music Catchment Plan</li> </ul>	21 August 2023
3.	<p>Landscape Plans (Rev L) prepared by Ground Ink Landscape Architects</p> <ul style="list-style-type: none"> <li>- LDA-00 – Landscape Cover Sheet</li> <li>- LDA-01 – Design Inspiration</li> <li>- LDA-02 – Existing Tree Plan</li> <li>- LDA-03 – Landscape Master Plan</li> <li>- LDA-04 – Landscape Plan 1</li> <li>- LDA-05 – Landscape Plan 2</li> <li>- LDA-06 – Landscape Plan 3</li> <li>- LDA-07 – Landscape Plan 4</li> <li>- LDA-08 – Landscape Plan 5</li> <li>- LDA-09 – Landscape Plan 6</li> <li>- LDA-10 – Landscape Plan 7</li> <li>- LDA-11 – Section A-A</li> <li>- LDA-12 – Section B-B</li> <li>- LDA-13 – Section C-C</li> <li>- LDA-14 – Section D-D</li> <li>- LDA-15 – Section E-E</li> <li>- LDA-16 – Section F-F</li> <li>- LDA-17 – Section G-G</li> <li>- LDA-18 – Section H-H</li> <li>- LDA-19 – Section I-I</li> <li>- LDA-20 – Roof Landscape Plan</li> <li>- LDA-21 – Indicative Tree Plan</li> <li>- LDA-22 – Indicative Planting Plan</li> <li>- LDA-23 – Indicative Plant Palette</li> <li>- LDA-24 – Landscape Details</li> <li>- LDA-25 – Site Through Link Plan</li> <li>- LDA-26 – Section J-J</li> <li>- LDA-27 – Section K-K</li> <li>- LDA-28 – Medical Centre Elevation</li> <li>- LDA-29 – Maintenance Schedule</li> </ul>	19 September 2023
4.	<p>Revised Clause 4.6 Variation Request – Building Height – prepared by Sutherland &amp; Associates Planning</p>	September 2023
5.	<p>Traffic Response to Statement of Facts and Contentions by The Transport Planning Partnership</p>	17 August 2023

6.	Draft Torrens Title Subdivision Plan	4 March 2024
7.	Draft Stratum Title Subdivision Plan	4 March 2024
8.	Addendum Traffic Impact Assessment prepared by The Transport Planning Partnership	24 November 2023
9.	Revised SEPP 65 Report prepared by DKO Architecture	20 November 2023
10.	Addendum Acoustic Review prepared by Acoustic Dynamic	24 November 2023
11.	Addendum Geotechnical Investigation prepared by AssetGeoEnviro	21 November 2023
12.	Revised Statement of Compliance – Access for People with a Disability prepared by Accessible Building Solutions	20 November 2023
13.	NatHERS Certificates and stamped plans	25 September 2023
14.	BASIX Certificate No. 1242746M_08	25 November 2023
15.	TfNSW Kingsway Concept Plan	14 March 2024

## Annexure A

### DETERMINATION OF DEVELOPMENT APPLICATION

<b>Development Application No:</b>	DA21/1251
<b>Development:</b>	Demolition of existing structures and construction of a mixed use development containing a health service facility of 4,684m <sup>2</sup> and 209 residential units, of which 65 are affordable rental housing, with Torrens title and stratum subdivision.
<b>Site:</b>	6-20 Hinkler Avenue and 319-333 Taren Point Road, Caringbah

The above development application has been determined by the granting consent subject to the conditions specified in this consent.

<b>Date of determination:</b>	11 April 2024
<b>Date from which consent takes effect:</b>	Date of determination

### TERMINOLOGY

In this consent:

- (a) Any reference to a Construction, Compliance, Occupation or Subdivision Certificate is a reference to such a certificate as defined in the *Environmental Planning and Assessment Act 1979*.
- (b) Any reference to the “applicant” means a reference to the applicant for development consent or any person who may be carrying out development from time to time pursuant to this consent.
- (c) Any reference to the “site” means the land known as 6-20 Hinkler Avenue and 319-333 Taren Point Road, Caringbah.

## **REASONS FOR THE GRANT OF CONSENT**

Council has considered the contentions raised in the Statement of Facts and Contentions filed on 6 April 2023, the concerns raised by submitters and the circumstances of the site.

The development application for subdivision, residential flat and medical facilities buildings has been amended to increase the landscape setting of the street frontages, internal courtyards and through-site link (and increase provision of deep soil planting), increase setbacks to the medical facilities building, better modulate the facades and reduce the visual bulk.

The changes have ensured the development responds appropriately to the emerging and existing streetscape, provides landscaping commensurate with the size of the development and provides a visual transition to the lower density zone. The appropriate landscape treatment in the setback of six metres from the front boundary line ensures a fitting environmental response to the area. This, when combined with the retained and proposed street tree planting, provides an appropriate scale, mass and vegetative form to the building's extent along two street frontages.

The agreed provision of traffic mitigation controls within The Kingsway will result in appropriate traffic safety for vehicles travelling along The Kingsway and turning into Hinkler Road, a manoeuvre which is increased by the proposed development.

The modulation of the medical facilities building and other design changes have significantly improved the amenity of the future development with improved way-finding, privacy and solar access/cross ventilation (compliant with the ADG). Improved provision for adaptable apartments has occurred through an increase in choice and appropriately located accessible parking.

The breach of the height control contained in SSLEP has been appropriately justified by compliance with Clause 6.21, provision of affordable housing and a well-founded Clause 4.6 request.

Compliance with Clause 6.21 has occurred through providing connectivity within the car park such that the development comprises 1 building notwithstanding the medical facilities building is a separate structure above ground level. Compliance with Clause 6.21 is further ensured by the staging condition of the consent, ensuring the construction of the medical facilities building prior to the bonus residential floor space being occupied.

The affordable housing component will be maintained for a minimum period of 15 years, ensuring compliance with State Environmental Planning Policy (Housing) 2021 and providing a minimum acceptable time period for the provision of affordable housing in the locality where it is needed.

## A. Operable Conditions of Consent

The conditions of consent are as follows:

### 1. Approved Plans and Documents

The development must be undertaken substantially in accordance with the BASIX certificate, details and specifications set out on the following approved plans:

Plan number	Reference	Prepared by	Date
DA000 Rev J	Title Page	DKO Architecture	19.09.23
DA001 Rev I	Development Summary	DKO Architecture	19.09.23
DA002 Rev H	Development Summary Per Stage	DKO Architecture	19.09.23
DA200 Rev E	Basement 3	DKO Architecture	4.03.24
DA201 Rev E	Basement 2	DKO Architecture	11.09.23
DA202 Rev G	Basement 1	DKO Architecture	4.03.24
DA203 Rev J	Ground Floor Plan	DKO Architecture	19.09.23
DA204 Rev K	Level 1	DKO Architecture	19.09.23
DA205 Rev G	Level 2-4	DKO Architecture	11.09.23
DA205A Rev B	Level 5	DKO Architecture	11.09.23
DA207 Rev H	Level 6	DKO Architecture	19.09.23
DA208 Rev H	Level 7	DKO Architecture	19.09.23
DA209 Rev G	Roof	DKO Architecture	11.09.23
DA300 Rev I	Elevations Streetscapes	DKO Architecture	19.09.23
DA301 Rev H	Elevations – Sheet 1	DKO Architecture	19.09.23
DA302 Rev F	Elevations – Sheet 2	DKO Architecture	19.09.23
DA303 Rev G	Elevations – Sheet 3	DKO Architecture	19.09.23
DA304 Rev G	Elevations – Sheet 4	DKO Architecture	11.09.23
DA305 Rev F	Elevations – Sheet 5	DKO Architecture	12.09.23



DA306 Rev D	Sections – Sheet 1	DKO Architecture	19.09.23
DA307 Rev D	Sections – Sheet 2	DKO Architecture	19.09.23
DA407 Rev D	Livable Units	DKO Architecture	19.09.23
DA408 Rev E	Adaptable Units	DKO Architecture	19.09.23
DA409 Rev C	Adaptable Unit Layouts	DKO Architecture	19.09.23
DA410 Rev C	Adaptable Unit Layouts	DKO Architecture	19.09.23
DA411 Rev C	Adaptable Unit Layouts	DKO Architecture	19.09.23
DA412 Rev C	Adaptable Unit Layouts	DKO Architecture	19.09.23
DA413 Rev C	Adaptable Unit Layouts	DKO Architecture	19.09.23
DA414 Rev C	Adaptable Unit Layouts	DKO Architecture	19.09.23
DA415 Rev C	Adaptable Unit Layouts	DKO Architecture	19.09.23
DA416 Rev C	Livable Units Layouts	DKO Architecture	19.09.23
DA417 Rev C	Livable Units Layouts	DKO Architecture	19.09.23
DA418 Rev C	Livable Units Layouts	DKO Architecture	19.09.23
DA432 Rev A	Adaptable Unit Layouts	DKO Architecture	19.09.23
DA433 Rev A	Adaptable Unit Layouts	DKO Architecture	19.09.23
DA434 Rev A	Adaptable Unit Layouts	DKO Architecture	19.09.23
DA604 Rev C	Elevations – Internal	DKO Architecture	19.09.23
DA650 Rev A	Privacy Screen	DKO Architecture	11.09.23
DA651 Rev B	Privacy Screen	DKO Architecture	19.09.23
DA652 Rev A	Window Section	DKO Architecture	11.09.23
DA653 Rev A	Balustrade Detail	DKO Architecture	12.09.23
DA654 Rev A	Balustrade Detail	DKO Architecture	12.09.23

DA655 Rev A	Balustrade Detail	DKO Architecture	12.09.23
DA656 Rev A	Driveway Finishes	DKO Architecture	4.03.24
LDA-00 Rev L	Landscape Cover Sheet	Ground Ink Landscape Architects	19.09.23
LDA-01 Rev L	Design Inspiration	Ground Ink Landscape Architects	19.09.23
LDA-02 Rev L	Existing Tree Plan	Ground Ink Landscape Architects	19.09.23
LDA-03 Rev L	Landscape Master Plan	Ground Ink Landscape Architects	19.09.23
LDA-04 Rev L	Landscape Plan 1	Ground Ink Landscape Architects	19.09.23
LDA-05 Rev L	Landscape Plan 2	Ground Ink Landscape Architects	19.09.23
LDA-06 Rev L	Landscape Plan 3	Ground Ink Landscape Architects	19.09.23
LDA-07 Rev L	Landscape Plan 4	Ground Ink Landscape Architects	19.09.23
LDA-08 Rev L	Landscape Plan 5	Ground Ink Landscape Architects	19.09.23
LDA-09 Rev L	Landscape Plan 6	Ground Ink Landscape Architects	19.09.23
LDA-10 Rev L	Landscape Plan 7	Ground Ink Landscape Architects	19.09.23
LDA-11 Rev L	Section A-A	Ground Ink Landscape Architects	19.09.23
LDA-12 Rev L	Section B-B	Ground Ink Landscape Architects	19.09.23
LDA-13 Rev L	Section C-C	Ground Ink Landscape Architects	19.09.23
LDA-14 Rev L	Section D-D	Ground Ink Landscape Architects	19.09.23
LDA-15 Rev L	Section E-E	Ground Ink Landscape Architects	19.09.23
LDA-16 Rev L	Section F-F	Ground Ink Landscape Architects	19.09.23
LDA-17 Rev L	Section G-G	Ground Ink Landscape Architects	19.09.23
LDA-18 Rev L	Section H-H	Ground Ink Landscape Architects	19.09.23
LDA-19 Rev L	Section I-I	Ground Ink Landscape Architects	19.09.23
LDA-20 Rev L	Roof Landscape Plan	Ground Ink Landscape Architects	19.09.23
LDA-21 Rev L	Indicative Tree Plan	Ground Ink Landscape	19.09.23

		Architects	3
LDA-22 Rev L	Indicative Planting Plan	Ground Ink Landscape Architects	19.09.23
LDA-23 Rev L	Indicative Planting Palette	Ground Ink Landscape Architects	19.09.23
LDA-24 Rev L	Landscape Details	Ground Ink Landscape Architects	19.09.23
LDA-25 Rev L	Through Site Link Plan	Ground Ink Landscape Architects	19.09.23
LDA-26 Rev L	Section J-J	Ground Ink Landscape Architects	19.09.23
LDA-27 Rev L	Section K-K	Ground Ink Landscape Architects	19.09.23
LDA-28 Rev L	Medical Centre Elevation	Ground Ink Landscape Architects	19.09.23
LDA-29 Rev L	Maintenance Schedule	Ground Ink Landscape Architects	19.09.23
SW100, Rev B	Cover Sheet	SGC Consulting Engineers	21.08.23
SW200, Rev B	Stormwater Concept Design – Basement 3 Plan	SGC Consulting Engineers	21.08.23
SW201, Rev B	Stormwater Concept Design – Basement 2 Plan	SGC Consulting Engineers	21.08.23
SW202, Rev B	Stormwater Concept Design – Ground Floor Plan – Sheet 1 of 2	SGC Consulting Engineers	21.08.23
SW203, Rev B	Stormwater Concept Design – Ground Floor Plan – Sheet 2 of 2	SGC Consulting Engineers	21.08.23
SW300, Rev B	Stormwater Concept Design – Details Sheet – Sheet 1 of 2	SGC Consulting Engineers	21.08.23
SW301, Rev B	Stormwater Concept Design – Details Sheet – Sheet 2 of 2	SGC Consulting Engineers	21.08.23
SW400, Rev B	Erosion and Sediment Control – Plan and Details	SGC Consulting Engineers	21.08.23
SW500, Rev B	Stormwater Concept Design – Music Catchment Plan	SGC Consulting Engineers	21.08.23
Sheets 1-3 of 3 Issue G	Deposited Plan Administration Sheet	John Charles Hughes	4.03.24

	– Torrens Title		
Ref 36303DP1 Issue G	Draft DP Sheets 1-2 of 2	John Charles Hughes	4.03.24
Sheets 1-3 of 3 Issue J	Deposited Plan Administration Sheet – Stratum	John Charles Hughes	4.03.24
Ref 36303DP2 Sheets 1-5 of 5 Issue J	Draft DP	John Charles Hughes	4.03.24
6562-G1 Rev 1	Geotechnical Investigation	Assetgeoenviro	8.08.21
6562-2-R1	Addendum to Geotechnical Investigation and Groundwater Impact Assessment	Assetgeoenviro	21.11.23
21183 V02	Construction Traffic Management Plan	TTPP	20.10.21
20210159-R01 Rev C	Water Management Report	DGC	18.10.21
SW21/08724 Ver C	Site Waste Management Report	Senica	15.10.21
6562-2-G1 Rev 1	Ground Water Impact Assessment	Assetgeoenviro	19.10.21
65205 Ref: 2021-1063 4.0	Arborist Report	Dr Treegood	October 2021
53340R001.B C.211015 Rev 2	DA Noise Assessment	Acoustic Dynamics	15.10.21
Project 5340	Revised Drawings – Acoustic Review	Acoustic Dynamics	24.11.23
Job No. 221160	Statement of Compliance Access	Accessible Building Solutions	20.11.23
PJ21/09022 Ver B	NCC Part J Energy Efficiency Report	Senica	15.10.21
210339 Rev 3	BCA Report	City Plan	25.11.21
1242746_07	BASIX Certificate	Senica	25.11.23
Ref 21183	Addendum Traffic	TTPP	24.11.2

	Report, inclusive of Attachment One – Loading Dock Management Plan		3
#HR-KSG8MN-20	NatHERS Certificate	Senica	25.9.23
Ref 21183	Traffic Response letter, inclusive of Appendices	TTPP	17.08.23
TfNSW Kingsway Concept Plan	The Kingsway Road Safety Mitigation Works	TfNSW	14.03.24

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 Certifier and a letter of acceptance from that Principal Certifier.
- (iii) Notification of the commencement of building and/or subdivision works with a minimum of 2 days' notice of such commencement.

Under Section 6.5 of the Environmental Planning and Assessment Act 1979, please note that Sutherland Shire Council must be appointed as the Principal Certifier for all subdivision works.

## 2. Staging of the Development

The construction of the Health Services Facility is to occur in the 1<sup>st</sup> stage of development on the site (other than stages involving only demolition, excavation and construction of car parking).

The Health Services Facility shall be completed and an Occupation Certificate issued for the building prior to the release of an Occupation Certificate for any residential component of the development (other than car parking).

The affordable housing component of the development shall be completed and an Occupation Certificate issued for the nominated units prior to the issue of an Occupation Certificate for any other residential units.

The road works required by this consent on The Kingsway shall be fully constructed to the satisfaction of Transport for NSW and operational prior to the issue of any Occupation Certificate for the site.

### **3. Design Changes Required**

#### **A. Design and Construction**

The following design changes must be implemented and/or additional information provided:

- (i) The Stratum Subdivision Plans shall be amended to include the raised turf area and seats adjacent to the western pedestrian access to Hinkler Road within the easements for use of common open space benefitting Lot 1.
- (ii) Details of the materials of the driveway entrance walls and security gates to the building on proposed Lot 1 shall be amended. The external walls located adjacent to the basement entry (Level 1 and Ground, south of the driveway and Ground Level only north of the driveway) shall be constructed of face brick. Internal walls adjacent to the basement ramp for a length of 10m from the basement entry door shall also be constructed of face brick. A solid panel door (dark grey finish) shall be provided at the point of entry to a height of 4.5m, with the wall above the door being a dark grey finish to match the door below. No services (pipes, conduits or ducts) are to be visible from the street when the door is open.
- (iii) Waste pipes to the post adaptation toilet location in the adaptable units shall be provided (and capped) to accommodate the future relocation of toilets.
- (iv) Any services, meters, fire hydrants and the like that are located within the front setbacks are to be enclosed and/or landscaped so as not to detract from the streetscape.
- (v) Details shall be provided showing the capacity of the electricity substation and onsite network can reasonably cater for onsite charging of electric cars. A power point shall be provided adjoining at least one car parking space per apartment.

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

### **4. Integrated Development Approval - Requirement of Approval Bodies**

#### **A. General Terms of Approval from Approval Bodies**

The development must be undertaken in accordance with all General Terms of Approval (GTA) of the following approval bodies under Section 4.46 of the Environmental Planning and Assessment Act 1979:

- WaterNSW

A copy of each of the GTAs and any further requirements are attached to this development consent. These requirements must be incorporated in the application for a Construction Certificate and where required by the GTAs relevant approvals must be granted prior to the release of the Construction Certificate.

## 5. Requirements from Other Authorities

### A. Requirements from Other Authorities

To ameliorate the impacts of the increased traffic generation of the development, Transport for NSW requires that the applicant undertake the proposed Road Safety Mitigation Works (as defined in Condition 57). The development must therefore be undertaken in accordance with the requirements of Transport for NSW as follows:

- a) Prior to the release of a Construction Certificate for the first building structure on the subject site (excluding piling), the Applicant shall obtain approval from TfNSW pursuant to section 87 of the Roads Act 1993 and concurrence from TfNSW under section 138(2) of the Roads Act 1993 for the proposed Road Safety Mitigation Works on The Kingsway.
- b) Prior to the release of a Construction Certificate for the first building structure on the subject site (excluding piling), the Applicant shall obtain consent pursuant to section 138 of the Roads Act 1993 for the Road Safety Mitigation Works on The Kingsway.
- c) Prior to the release of a Construction Certificate for the first building structure on the subject site (excluding piling), the Applicant shall enter a Works Authorisation Deed (WAD) with TfNSW for the Road Safety Mitigation Works on The Kingsway. The WAD must be prepared in accordance with and be accompanied by the requisite design documentation as set out in the documents entitled "Works Authorisation Deed (WAD) process manual for developers" and "Design plan requirements" prepared by TfNSW and dated August 2022 (as amended from time to time). TfNSW fees for administration, plan checking, civil works inspections and project management shall be paid by the developer prior to the commencement of works.
- d) The proposed Road Safety Mitigation Works on the Kingsway shall be designed to meet TfNSW requirements and endorsed by a suitably qualified practitioner. The design requirements shall be in accordance with AUSTRROADS and other Australian Codes of Practice. The certified copies of the civil design plans shall be submitted to TfNSW for consideration and approval prior to the release of the Construction Certificate by the Principal Certifying Authority and commencement of road works. Please send all documentation to [development.sydney@transport.nsw.gov.au](mailto:development.sydney@transport.nsw.gov.au).
- e) The proposed Road Safety Mitigation Works on The Kingsway will require vehicle turning restrictions at the following intersections:
  1. Chamberlain Avenue at The Kingsway, to restrict movements to left turn in and left turn out movements only, and
  2. Carrington Avenue at The Kingsway, to restrict movements to left turn and right turn movements into Carrington Avenue and left turn out movements only.

The applicant shall prepare a Traffic Management Plan (TMP) that assesses the traffic impacts of the vehicle trips displaced by the proposed turning movement restrictions at the abovementioned intersections. As part of the TMP the applicant will be required to undertake and document community consultation with any residents affected by the turning restrictions. This consultation and response to submissions should be undertaken to the satisfaction of Council. The TMP shall be submitted to TfNSW via Council for endorsement and approval via the Local Traffic Committee.

- f) The developer shall be responsible for all public utility adjustment/relocation works, necessitated by the above work, and as required by the various public utility authorities and/or their agents.
- g) A Road Occupancy Licence (ROL) shall be obtained from Transport Management Centre (TMC) for any works that may impact on traffic flows on The Kingsway during construction activities. A ROL can be obtained through <https://myrta.com/oplinc2/pages/security/oplincLogin.jsf>.
- h) Construction Pedestrian Traffic Management Plan (CPTMP) detailing construction vehicle routes, number of trucks, hours of operation, access arrangements and traffic control should be submitted to TfNSW for approval prior to the issue of a construction certificate. The CPTMP must be prepared in consultation with TfNSW.
- i) Prior to the release of any occupation certificate, the proposed Road Safety Mitigation Work shall be fully constructed and operational.
- j) All works associated with the proposed road works shall be at no cost to TfNSW.

A copy of the Requirements of the Approval Authority are attached to this development consent. These requirements must be incorporated in the application for a Construction Certificate and where required, relevant approvals must be obtained prior to the release of the Construction Certificate.

## **6. Public Place Environmental, Damage & Performance Security Bond (FIN1015)**

### **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 \$25,000.00.

Note: Bond amount includes a non-refundable administration fee, specified in Council's Schedule of Fees and Charges, 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.

A Bank Guarantee may only be used where the minimum bond amount is \$50,000.

The Bank Guarantee must also:

- Note Council as the interested party
- Have NO expiry date
- Describe the type of development using the description on the consent
- Include both the address of the development site and the application number
- NOT include the non-refundable administration fee; this must be paid separately.

## **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.

## **7. Section 7.11 Contributions - Section 7.11 Development Contribution Plan 2016 - Caringbah Centre Precinct**

### **A. Before Construction**

Pursuant to Section 7.11 of the Environmental Planning and Assessment Act 1979 and Sutherland Shire Council Section 7.11 Development Contribution Plan 2016, a total monetary contribution of \$2,540,000.00 must be paid to Sutherland

Shire Council toward the cost of regional and local public domain works contained in the Works Programme of the Development Contribution Plan.

This contribution has been assessed and calculated in accordance with the Development Contribution Plan on the basis of 144 residential apartments with a concession for 17 lots .

<b>Infrastructure &amp; Facilities</b>	<b>Contribution Required</b>
Local open space and public domain works	\$1,908,232.80
Regional open space	\$631,767.20

The contribution will be indexed on 1 July in each year in accordance with the Consumer Price Index (All Groups Index) for Sydney.

The formula to index a contribution rate is:

$$\text{New Contribution Rate} = \text{Current Contribution Rate} \times \frac{\text{Current CPI}}{\text{Previous year's CPI}}$$

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

## **8. Approvals Required under Roads Act or Local Government Act**

### **A. Before Construction**

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

- Frontage works including construction of driveways, footpaths, etc.
- Road openings and restoration to provide services to the development.
- Work Zones and hoardings.
- Skip bins.
- Shoring / anchoring.
- Standing of cranes, concrete pumps, etc.

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

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

### **B. During Works**

There must be no occupation or works 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. Any work on public land must be undertaken strictly in accordance with the relevant approval issued under the Roads Act 1993 and/or the Local Government Act 1993 by Sutherland Shire Council.

## **9. Site Management Plan**

### **A. Before Commencement of Works including Demolition**

An Environmental Site Management Plan must accompany the 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.
- (vii) All trees and their protection zones on and around the site identified for retention are to be protected according to Australian Standard AS 4970 - 2009 Protection of Trees on Development Sites using the methods outlined in that Standard.

### **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.

### **C. Before Occupation**

Before the issue of any Occupation Certificate, all foundations / materials associated with construction works (that do not form part of the approved works) must be removed. This includes but is not limited to foundations for tower cranes, vehicle access ways, stockpiles, building waste etc.

## **10. Design and Construction of Works in Road Reserve (Council Design) ENG2005)**

### **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 1993 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 and the current website version of Council's Public Domain Design Manual (PDDM) and Public Domain Technical Manual (PDTM), particularly Figure CA3 – Drawing No. 51000-DCP, except where modified by/or addressing the following:

- i) Property alignment/ boundary levels - establish the property alignment/ boundary levels and crossing profiles.
- ii) Grades - regrade footpath verge to final design levels including topsoil, turf and all associated soft landscaping.
- iii) Vehicle Crossings - construct 1x 12m wide Vehicle Crossing on the Southern end of the Taren Point Road frontage, Construct 1x 5.5m wide vehicle crossing on the Northern end of the Taren Point Road frontage.
- iv) Redundant Laybacks and Crossings - remove redundant laybacks and vehicle crossings, located on Hinkler Avenue and Taren Point Road, and replace with kerb and gutter (including associated road reconstruction works).
- v) Stormwater Connection - construct new stormwater infrastructure as required to facilitate drainage for the proposed development.
- vi) Footpath - install new 1.8m wide footpath pavement along full frontage of site including kerb ramps in accordance with the Public Domain Design Manual.
- vii) Raised Threshold - Construct raised thresholds for traffic calming and pedestrian crossing in accordance with the Public Domain Design Manual, particularly Figure CA3 – Drawing No. 51000-DCP.
- viii) Parking Bays - Construct 2.3m wide paved parking bays with concrete dish drain in accordance with the Public Domain Design Manual, particularly Figure CA3 – Drawing No. 51000-DCP.
- ix) Cycleway - install new cycleway (as required).
- x) Infrastructure Transitions - ensure there are adequate transitions between newly constructed and existing infrastructure as required.
- xi) Road Pavement - construct road pavement as required.
- xii) Kerb and Gutter - re-construct and re-align kerb and gutter along the full frontage of the site as required including associated road reconstruction.
- xiii) Road Safety Mitigation Works – Undertake the Road Safety Mitigation Works (as defined in Condition 57).
- xiv) Street Signage - alter existing and/or install new street signage as required.
- xv) Undergrounding - provide replacement of existing local distribution power lines and other overhead utilities with subsurface utilities.
- xvi) Street Lighting - install new street lighting to achieve the appropriate illumination category for the proposed development.
- xvii) Utility Services - adjust public services infrastructure as required.

- xviii) **NBN** - the Australian Government has issued a new policy on the provision of telecommunication infrastructure in new developments. The policy is effective from 1 March 2015. Developers are responsible for providing telecommunications infrastructure in their developments. To provide this infrastructure, developers need to contract a carrier to install and operate a telecommunications network.
- NBN is the IPOLR (infrastructure provider of last resort) in developments of 100 lots or more within its fixed-line footprint and in new development where its fixed-line network is available, or the NBN rollout has been announced ([www.nbnco.com.au/learn-about-the-nbn/rollout-map.html](http://www.nbnco.com.au/learn-about-the-nbn/rollout-map.html)). If you use NBN, you will need to provide six months' notice before your network needs to be available.

Evidence of the lodgement of this application must be provided to the Principal Certifier 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 that the road frontage works were constructed in accordance with the development consent and associated approval under the Roads Act 1993 including the approved drawings and specification.

**11. Supervising Engineer**

**A. Before Construction**

The applicant must engage an Accredited Certifier in civil engineering works or a Chartered Civil Engineer to supervise construction of any:

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

The Principal Certifier must be informed of the supervising engineer's name and contact details, in writing, prior to the commencement of any construction works.

**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, Parking and Manoeuvring**

### **A. Design**

The internal driveway profile, parking and manoeuvring areas must be designed in accordance with the approved architectural plans except where modified by the following:

- (i) Align with Access and Alignment levels issued by Council's Public Domain Unit.
- (ii) All "one way" traffic aisles in the car parking area must be clearly identified by signposting and pavement marking.
- (iii) The ingress and egress crossing must be clearly identified by signage.
- (iv) The proposed loading and delivery area must be clearly defined with suitable signposting and pavement markings.
- (v) The car park must be line marked to accommodate the Car Parking Allocation prescribed in Condition 52.
- (vi) The internal driveway and car parking area must be paved or concreted and must be finished in materials other than plain or exposed aggregate concrete.
- (vii) Provide adequate sight distance for the safety of pedestrians using the footpath area.
- (viii) Provide a maximum grade of 5% for the first 3 metres inside the property boundary.
- (ix) Comply with AS2890.1(2004) user class 1A for Residential and user class 3 for the commercial/health services, in relation to the design of vehicular access, parking and general manoeuvring for the B85 vehicle.
- (x) Comply with AS2890.2(2002) in relation to the design of vehicular access, parking and general manoeuvring for the Waste Collection vehicle.
- (xi) The maximum longitudinal grade of the driveway must not exceed 15.4% to the loading docks and 25% in all other locations.

### **B. Construction**

Certification from an appropriately qualified engineer to the effect that the design requirements of A. above have been met must accompany the Construction Certificate.

### **C. Occupation**

Prior to the occupation of the development or the issue of any occupation

certificate:

- (i) a suitably qualified engineer must certify that the works required in A. above were undertaken and completed to their satisfaction and in accordance with the requirements of this Development Consent. This certification must be provided to the Principal Certifier and a copy also provided to Council.
- (ii) the applicant shall submit a parking management plan for the medical facility showing proposed allocation of parking for staff of each tenancy and parking to be made available for any customers of the centre. The purpose of the plan is to ensure that adequate parking is accessible and available to customers of all tenancies during operating hours. The plan shall be evidence based and to the satisfaction of Council and be enforceable as a condition of consent.
- (iii) With reference to TTPP traffic report submitted with the development application dated 12 October 2022 and Letter of Response to Statement of Facts and Contentions dated 17 August 2023 the applicant shall submit a revised Loading Dock Management Plan incorporating measures to ensure safe and efficient servicing of the medical facility, all residential and commercial waste and any other servicing requirements. This should include, but not be limited to use of a booking system to ensure that the capacity of the loading dock is not exceeded and appropriate traffic control/supervisory measures to safely manage conflicts between the loading dock area(s) and other vehicular traffic entering the basement carpark(s). The plan shall be evidence based and to the satisfaction of Council and be enforceable as a condition of consent.

#### **D. On-going**

The approved parking must be used exclusively for car parking as approved for the life of the development and in accordance with the approved parking management plan for the medical facility as required by condition 10(c)(ii).

### **13. Basement Car Park Design and Construction**

#### **A. Design**

The basement car park must be designed in accordance with the approved architectural drawings, subject to the following modifications:

- (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 in accordance with clause 5.3 of AS2890.1.
- (ii) Parking bays must not be enclosed, caged or a door provided.
- (iii) All parking bays must provide a minimum clear parking envelop in accordance with figure 5.2 of AS2890.1.
- (iv) The security door fitted to the car parking area entrance must be independently mounted on rubber pads to prevent vibration noise

transmission through the concrete walls and / or columns.

**B. Prior to Construction**

Certification from a Chartered Civil Engineer or a Registered Surveyor, to the effect that the car park layout and vehicle access-way design has been prepared in accordance with A above must accompany the Construction Certificate.

**C. Occupation**

Prior to the occupation of the development or the issue of any Occupation Certificate a Chartered Civil Engineer or a Registered Surveyor must certify that the works required in "A" above have been completed to their satisfaction and in accordance with the requirements of this Development Consent. This certification must be provided to the Principal Certifier and a copy provided to Council.

**D. On-going**

The approved parking must be used exclusively for car parking for the life of the development.

**14. Stormwater Drainage**

**A. Design**

The stormwater drainage system must be designed in accordance with the approved stormwater drainage design drawing; Australian Standard AS3500.3:2015; the BASIX Certificate issued for this development; Sutherland Shire Environmental Specification - Stormwater Management. Except where modified by the following:

- (i) Water from pathways and access driveways shall be prevented from entering the road reserve as surface flow. This can be achieved by constructing a box drain at the boundary equipped with a 300mm wide grate and frame to collect the flow or directing the flow to a sag pit within the property.
- (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. Any required on-site detention facility must be designed to cater for all storm events up to the Recurrence Interval of 1 in 100 years.
- (iii) All levels reduced to Australian Height Datum.
- (iv) The pipeline within the footpath verge must be a hot dipped galvanised steel hollow section with a minimum wall thickness of 4.0 millimetres or reinforced concrete
- (v) The connection to the public drainage system with Taren Point Road from OSD Tank 2 must be connected to a new kerb inlet pit a minimum 5m north of the existing kerb inlet pit in front of No.327 Taren Point Road. This is to ensure the retention of the existing street tree.



**B. Before Construction**

- (i) Certification from an Accredited Certifier in Civil Engineering or a Chartered Civil Engineer, to the effect that the drainage design is to their satisfaction and satisfies the design requirements in A. above must accompany the application for a Construction Certificate.

**C. Before Occupation**

Prior to the issue of an Occupation Certificate:

- (i) A Works-As-Executed drawing (WAED) of the stormwater drainage system must be prepared by a Registered Surveyor. This drawing must detail the alignment of pipelines, pits, the rainwater tanks and the detention facilities. An original or a colour copy must be submitted to Sutherland Shire Council.
- (ii) The supervising engineer must certify the WAED of the stormwater drainage system that the stormwater drainage works, rainwater harvesting facility and rainwater reuse systems were constructed to their satisfaction and in accordance with the Development Consent, and Public Domain Technical Manual. Prior to the occupation or use of the building the Applicant / Owner must submit to Council a copy of the aforementioned letter of certification.
- (iii) The supervising engineer must certify the stormwater drainage, rainwater harvesting and rainwater reuse systems were constructed to their satisfaction and in accordance with the Development Consent and Councils Environmental Specification - Stormwater Management. 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 and treatment 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 1:** Upon submission of the Works-As-Executed drawing for the stormwater drainage system a notation will be added to the Section 10.7 certificate advising future owners that their property is burdened by a stormwater detention facility.

**Note 2:** Upon submission of the Certified Works-As-Executed drawing for the stormwater drainage system a notation will be added to the Section 10.7 certificate advising future owners that their property is burdened by a stormwater treatment device that must be maintained, serviced and cleaned.

**15. Stormwater Treatment****A. Before Construction**

Appropriate stormwater treatment measures, selected and designed in accordance with Engineers Australia (2006) Australian Runoff Quality - A guide to Water Sensitive Urban Design, Argue J R (2013) WSUD: Basic Procedures for 'Source Control' of Stormwater - A Handbook for Australian practice, or other relevant industry design guidelines, must be provided as part of the permanent site stormwater quality management system. Details of the design, construction and maintenance must accompany the Construction Certificate.

**B. Before Occupation**

The work required by A. above must be completed to the satisfaction of the supervising engineer before occupation of the site or the issue of any Occupation Certificate.

**C. Ongoing**

The stormwater treatment measure must be maintained in accordance with the manufacturers' or designer's specification for the life of the development.

**Note:** Upon approval of the stormwater management designs a notation will be added to the Section 10.7 certificate in relation to any required stormwater treatment device.

**16. Waste Collection****A. Design**

The waste collection point must be designed in accordance with the following requirements:

- (i) A Waste Vehicle sized loading bay must be provided in accordance with AS2890.2 within the subject property for waste collection use.
- (ii) The maximum long and cross section grade of the loading bay and temporary bin holding area must be  $\pm 5\%$ .
- (iii) Clear and direct access must be provided from the bin holding areas to the loading bay.
- (iv) The permanent communal garbage and/or 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**

Prior to the issue of any Construction Certificate a suitable qualified civil engineer must certify that the waste collection point has been designed in accordance with part A. above. A copy of this certification must accompany the Construction Certificate.

**C. Before Occupation**

Prior to the occupation of the site or the issue of any Occupation Certificate a suitable qualified civil engineer must certify that the waste collection point has been constructed to their satisfaction and in accordance with part A. above. A copy of this certification must accompany the Occupation Certificate.

**D. On-going**

- (i) All ongoing management, maintenance and cleaning of all waste and recycling management facilities, including suitable collection arrangements and how bins are to be moved from waste storage area/s to collection area/s are to be carried out in accordance with the approved Waste Management Plan for the development.
- (ii) All waste and recycling bins must be stored wholly within the approved permanent communal garbage and/or recycling storage area. The bins must only be placed in the temporary bin holding area in the evening prior to collection and returned to the permanent communal garbage and/or recycling storage area as soon as possible after pick-up.

**17. 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 Engineer's 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 Certifier.

**B. During Works**

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

**18. 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 (including NBN) and the like, and any necessary underground conduits are provided. The Australian Government has issued a new policy on the provision of telecommunications infrastructure in new development. This policy is effective from 1 March 2015. Developers are responsible for providing telecommunications infrastructure in their developments. To provide this infrastructure, developers need to contract a carrier to install and operate a telecommunications network. NBN is the IPOLR (infrastructure provider of last resort). NBN require 6 months' notice in order to

make the network available.

A copy of the agreements/contracts with the utility providers must form part of the supporting construction certificate documentation.

**B. Before Occupation/Subdivision**

Prior to issue of any Occupation/Subdivision certificate, certification must be provided from each utility service provider/approved agent to the effect that each lot has been serviced to their satisfaction.

Prior to the issue of any Occupation/Subdivision certificate, evidence satisfactory to the Certifying Authority that arrangements have been made for:

- (i) The installation of fibre-ready facilities (conduits and pits) to all individual lots and/or premises/dwelling to enable fibre to be readily connected to any premises that is being or may be constructed on those lots. Certification from each carrier/provider must be provided to the Principal Certifier that they are satisfied that the fibre ready facilities are fit for purpose.
- (ii) The provision of fixed-line telecommunications infrastructure (cables) in the fibre-ready facilities to all individual lots and/or premises/dwellings must be installed and certification from the carrier/provider must be provided to the Principal Certifier stating that the infrastructure has been provided and to their satisfaction.
- (iii) Installation of gas and/or electricity must be constructed/installed by the utility service provider/approved agent to each allotment. Certification must be provided from each provider/agent stating that all allotments have been serviced to their satisfaction.
- (iv) WAE drawings must to be prepared by a registered surveyor detailing location and depth of conduits/pits and connection points/ties within allotments. A copy of the WAE drawings must form part of any Occupation/Subdivision certificate documentation.

Note: Should these requirements result in any significant change to the approved design an application must be made to modify the consent under s.4.55 of the Environmental Planning and Assessment Act.

**19. Plan of Subdivision to conform with Development Consent**

**A. Before Subdivision**

- (i) The Plan of Subdivision must conform with this development consent.
- (ii) All works required by development consent DA21/1251 must be completed prior to the release of any Subdivision Certificate.
- (iii) A Work As Executed (WAE) Plan must be prepared by a Registered surveyor detailing the as constructed Finished Floor Levels (FFL) of all Stratum Lots.
- (iv) A Copy of the Building Management Statement must be provided for review

**20. Easements - Subdivision****A. Before Subdivision**

Prior to subdivision, easements must be created over the following:

- (i) The alignment of inter-allotment drainage lines.
- (ii) The letterboxes, if necessary.
- (iii) The area required for on-site detention.
- (iv) The rights of carriageway (ROW) within relevant allotment(s) both vehicular and pedestrian. The vehicular ROWs shall include, but not be limited to a ROW over the basements of Building B and the Health Services Facility in favour of proposed Lot 1 and over the basement of the Health Services Facility in favour of proposed Lot 21. The pedestrian ROWs shall include, but not be limited, to a ROW over proposed Lot 21 pathways in favour of proposed Lot 1 and a ROW over proposed Lot 1 pathways and the lift connecting the proposed Lots 1 and 21 pathways in favour of Lot 21.
- (v) The shared areas of communal open space (COS). The shared COS shall include, but not be limited to, the landscaped and paved common areas within the courtyard of proposed Lot 1 and 21.
- (vi) Easements for support as necessary.
- (vii) Easements for loading over the loading bays in proposed Lot 22 in favour of proposed Lot 21.
- (viii) Easements for car washing in proposed Lot 1 benefitting proposed Lot 21.
- (ix) Easement for public access over the thru-site link.

The easements and terms thereof must be created under the provisions of s.88B of the Conveyancing Act, 1919.

**21. Allocation of Common Property****A. Ongoing**

The front setback to Taren Point Road and Hinkler Road forward of the courtyard fencing, the green roofs, the internal communal courtyards, the thru-site link, the roof top communal open space, the loading docks, car wash spaces and the visitor parking must be allocated as Common Property in any Strata Plan. 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.

**22. Endorsement and Release of the Subdivision Certificate**

To facilitate the issue of a Subdivision Certificate, following completion of the requirements detailed in this Development Consent, a Subdivision Certificate application is to be made to Council or an appropriately Accredited Certifier.

This application must include all documentation required for ultimate lodgement with Land Property Information NSW.

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

## **23. Landscaping Works**

### **A. Design**

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

- (i) Amend the landscape plan in accordance with the approved architectural plans.
- (ii) Clearly show on plan existing trees to be removed /retained including tree numbering in accordance with the arborist report OR provide a separate existing tree plan and schedule.
- (iii) Tree Protection Zones (TPZ) / the location of tree protective fencing must be shown on plan for all existing trees and/or natural site features to be retained and protected.
- (iv) Provide minimum soil depths in planter boxes as follows:
  - 1200mm for large trees.
  - 900mm for small trees and tall shrubs.
  - 600mm low shrubs.
  - 450mm grass and ground covers.
- (v) In the Communal Open Space (COS) on the roof of Buildings A and B, provide a universal toilet, all-weather cover over the entry door, a shade structure of minimum size 6m x 4m, BBQ, basic kitchen facilities, small canopy trees, understorey planting and furniture. Furniture on roof or podium terraces must be fixed to meet BCA requirements.
- (vi) All landscape retaining walls and planter boxes must be constructed in masonry, stone or gabions. Timber is not acceptable.
- (vii) Each unit above the ground floor must be provided with a clothes line on a balcony located below balustrade height, with the balustrade treated so that clothes are not readily visible from the street.
- (viii) All fencing within the front setback must be a maximum height of 1.5m and either all open form or a combination of open form above a solid base to a maximum height of 700mm. Fencing on the front boundary must be open form. Provide screen planting to achieve privacy where Private Open Space is required within the front setback.
- (ix) The communal open space areas/ all landscaped areas and all planter boxes on slab must be provided with a water-efficient irrigation system and taps at 25m centres, connected to a pump and the rainwater tank, to enable effective landscape maintenance.

- (x) The private open space of each ground floor dwelling must be provided with 1 tap, connected to mains water.
- (xi) To improve coverage and reduce weeds and maintenance, planting densities in all planting areas including planter boxes must achieve a minimum of 4 plants per square metre for ground covers, 1 plant per square metre for shrubs and trees in nominated locations.
- (xii) To reduce long term maintenance of planting beds turf species must be native grass such as *Zoysia macrantha* 'Nara' or Buffalo grass varieties.
- (xiii) 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 are 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 by persons with a minimum AQF Level III certification in Horticulture or Landscape Construction.

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. This certificate is required to ensure that all tree protection measures, landscaping works, replacement tree planting and the deep soil percentage requirements have been carried out in accordance with 'A' above and other conditions within this consent, that all new indigenous plants on the site and within the road reserve are the correct species and that all trees planted within the road reserve are in accordance with the detailed road frontage design where it forms part of the Roads Act Consent.

To arrange a Final Landscape Inspection please phone 9710-0333 a minimum of 48 hours prior to the required inspection date. An inspection fee will be charged

in accordance with the current schedule of rates listed on Council's website. Any secondary inspections will incur a reinspection fee.

### **C. Ongoing**

All landscaping works required by 'A' above must be maintained for 12 months following the final landscape inspection date. Trees required by this condition must be maintained and protected until they are covered by Council's Controls for Preservation of Trees and Bushland Vegetation (SSCDP 2015 Chapter 39).

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

## **24. Tree Removal on Private and Council Land**

The removal of the following trees is approved:

- (i) Trees identified on the approved Landscape Plan as "existing tree to be removed".
- (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.

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

### **A. Tree Replacement**

- (i) 72 trees are approved for removal as part of this consent. Where trees are proposed to be removed Sutherland Shire Council requires indigenous replacement canopy tree planting.
- (ii) 128 replacement trees are required to be planted as per DWG No LDA21 prepared by Ground Ink.
  - (a) **In determining this application, the extent of compensatory planting has been reduced as the development has been sensitively designed to maintain existing bush land or trees such that it makes a positive contribution to the local landscape character.**



- (iii) A minimum number of 40 indigenous trees must be planted on the site and/or the street. Replacement trees must not be planted within 4m of an existing or approved building.
- (iv) Trees must have a minimum container size of 5 litres.

#### **B. Tree Removal on Council Land**

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.

Alternatively, if Council's Contractor is unavailable, the applicant may engage their own contractor with appropriate qualifications, licences and insurances and forward their name and details to Council prior to the commencement of work. This information will be kept on record in the event of any reportable incidents. The applicant is responsible for contract management and payment of the Arborist. Any contractor used must undertake all work according to the Australian Standard for Amenity Pruning (AS4373).

Select from Council's list of preferred suppliers listed on Council's website <https://www.sutherlandshire.nsw.gov.au/plan-and-build/development-applications/what-happens-after-i-get-consent/off-site-tree-replacement-and-deed-of-agreement>. Payment of the quoted amount must be made prior to any works commencing on site.

#### **C. Prior to Occupation/Occupation Certificate**

The replacement tree planting must be completed in accordance with the approved Landscape Plan/ required street tree planting. Certification will be provided as part of the Final Landscape Inspection by Council's landscape officer (refer Condition 1 Approved Landscape Plan).

#### **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 39). 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, Gympie  
Ph: 02 9524 5672

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

**25. Street Tree Planting**

Sutherland Shire Council Development Control Plan 2015 requires street tree planting at a rate of 1 tree per 7.5m of frontage.

**A. Design**

The applicant must plant street tree/s in accordance with the street trees identified on the approved landscape plan - LDA-21 by Ground Ink.

Street tree planting must be in accordance with the "Street Tree Planting Specifications" which are located on Council's website through 'search'. These specifications include the provision of a timber border, tree cage, staked with star pickets and mulching of the trees. This is in accordance with Council's 4:1 replacement policy for street trees (Sutherland Shire Council's Development Control Plan).

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

Prior to occupation of the development or the issue of an Occupation Certificate the tree planting must be completed in accordance with the requirements in 'A' above / 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 '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 will be charged in accordance with the current schedule of rates listed on Council's website. Any secondary inspections will incur a reinspection fee.

**Note:** If you have difficulty sourcing suitable indigenous plants from other suppliers, plants grown from locally provenanced seed, as well as tree cages etc are available from:

Sutherland Shire Council Nursery

345 The Boulevarde, Gymea

Ph: 02 9524 5672

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

**C. Ongoing**

Street trees must be maintained and protected until they are covered by Council's Controls for Preservation of Trees and Bushland Vegetation (SSCDCP Chapter 39 part 4). Any replacement trees found damaged, dying or dead must be replaced with the same species in the same container size within 1 month with all costs to be borne by the owner.

**26. Tree Retention and Protection**

The following condition applies to all trees on the subject site, trees on the adjoining sites (which are potentially affected by the development works), as well

as trees on the adjoining Council land that are not approved for removal.

#### **A. Before Works**

Prior to the commencement of any demolition, excavation or construction works on site, the following tree protection measures must be put in place and maintained during the course of construction to prevent damage to trees.

- (i) Protective fencing constructed of 1.8m high chain wire mesh supported by robust posts must be installed at the distance required by Australian Standards AS4970- Protection of Trees on Development Sites. 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) A 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) A 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.

### **27. Protection for a Potential Item of Aboriginal Heritage**

#### **A. During Construction**

Development consent from Council does not imply consent to destroy an

Aboriginal site or Aboriginal object as defined under the National Parks and Wildlife Act.

Should any Aboriginal objects be unearthed/exposed during the project, works must temporarily cease within the immediate vicinity and Heritage NSW be contacted to advise on the appropriate course of action.

### **Requirements of National Parks and Wildlife Act 1974**

The National Parks and Wildlife Act is the primary legislation for the protection of Aboriginal cultural heritage in NSW. Under the National Parks and Wildlife Act 1974 it is an offence to desecrate or harm an Aboriginal object without having obtained an Aboriginal Heritage Impact Permit (AHIP) under section 90 or without having exercised due diligence in accordance with the Due Diligence Code of Practice for the Protection of Aboriginal Objects in NSW (NSW Department of Environment, Climate Change & Water (DECCW)).

## **28. 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 Certifier 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.

## **29. 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.

**30. Noise Control - Residential Air Conditioning Unit / Heat Pump Water Heater / Any other Pump**

To minimise the noise impact on the surrounding environment:

**A. Design**

The equipment must be located, designed and/or acoustically attenuated so that noise emitted does not exceed a sound pressure level of 5dB LAeq (15 minute) above the ambient background level when measured on or within any other residential property boundary.

**B. Before Occupation**

The equipment must be installed in accordance with the manufacturer's specification and all required noise attenuation measures implemented to ensure that the equipment complies with "A" above.

**C. Ongoing**

- (i) All equipment must be operated in accordance with 'A' above.
- (ii) For air conditioning units / heat pump water heaters:
  - (a) 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.
- (iii) For any other pump:
  - (a) Between the hours of 8.00pm and 8.00am on weekends and public holidays and 8.00pm and 7.00am any other day, noise emitted must not be heard within any residence with its windows and/or doors open or closed.
- (iv) Receipt of a noise complaint from the operation of this equipment will result in the requirement for certification from an acoustic engineer that the equipment is operating in accordance with the requirements of this condition. If the acoustic assessment reveals that the equipment is not operating in accordance with the consent it must make recommendations on what remediation measures are required to bring the equipment into compliance.

NB. Any other pump includes a swimming pool pump, a spa pump, a sump pump, a water cooler that uses a pump any other apparatus or machine for raising, driving, exhausting or compressing fluid by means of a piston, plunger or rotating vanes.

**31. Noise Control - Design and Operation (General Use)**

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

**A. Design**

The use of the premises and 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**

Prior to the occupation of the development or the issue of any Occupation Certificate 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.

**32. Noise Control - Design of Plant and Equipment (Continual Operation)**

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

**A. Design**

All plant and equipment must be designed and / or located so that the noise emitted does not exceed the Project Specific Noise level when measured at the most affected point on or within any residential property boundary.

The Project Specific Noise level must be the most stringent noise level of the Intrusive and Amenity criteria and be calculated in accordance with the provisions of the NSW Environmental Protection Authority Noise Policy for Industry 2017.

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

**B. Before Construction**

Details of the acoustic attenuation treatment 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**

Prior to the occupation of the development or the issue of any Occupation Certificate 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 the 'A' above.

**33. Rail Noise and Vibration Design Criteria (Residential & Noise Sensitive Receivers)**

To minimise the impact of noise on the occupants from the adjoining rail corridor:

**A. Design**

The building must be designed to meet the internal noise level criteria provided in:

- (i) State Environmental Planning Policy (Transport and Infrastructure) 2021; and
- (ii) 'Development near Rail Corridors and Busy Roads - Interim Guideline' produced by the NSW Department of Planning.

**B. Before Construction**

Details of the acoustic attenuation treatment 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**

Prior to the occupation of the building or issue of any Occupation Certificate 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.

**34. Noise from Road and / or Rail**

To minimise the impact of noise from the adjoining major road and / or rail corridor on the occupants:

**A. Design**

The building design must be in accordance with the recommendations of the acoustic report by Acoustic Dynamics dated 15 October 2021 approved as part of this application.

**B. Before Construction**

Details of the acoustic attenuation treatment to satisfy "A" above must accompany the documentation forming part of the Construction Certificate.

**C. Before Occupation**

Prior to the occupation of the building or the issue of any Occupation Certificate certification demonstrating compliance with the requirements of the acoustic report detailed in “A” above must be provided to the Principal Certifier. This must include all post construction validation test results.

**35. Noise and Vibration Control - Residential Car Park**

To minimise noise and vibration from use of the security doors 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 Certifier must be satisfied that ‘A’ above has been complied with.

**36. Building Ventilation**

To ensure adequate ventilation for the building:

**A. Design**

The building mechanical and / or natural ventilation systems must be designed, in accordance with the provisions of:

- (i) The Building Code of Australia;
- (ii) AS 1668.1 2015;
- (iii) AS 1668.2 2012;
- (iv) The Public Health Act - 2010;
- (v) The Public Health Regulation 2022;
- (vi) AS 3666.1 -2011;
- (vii) AS 3666.2 -2011; and
- (viii) AS 3666.3 -2011.

**B. Before Construction**

Details of compliance with “A” above must form part of the documentation accompanying the application for a Construction Certificate.

**C. Before Occupation**

- (i) Prior to the occupation of the building or the issue of any Occupation Certificate 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.
- (ii) Occupation of the premises must not occur until a registration application has been submitted to Council's Environment and Health Regulation Department for any cooling tower / warm water system



**D. Ongoing**

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

**37. 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 -2012, the car-park must be either mechanically ventilated by a system complying with AS1668.2 - 2012 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 any time 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**

Prior to the occupation of the building or the issue of any Occupation Certificate 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.

**38. Demolition Work**

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

**A. Before Commencement**

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

**B. During Works**

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

Policy must be submitted to the Council prior to demolition.

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

- (a) Work Health and Safety Act 2011;
- (b) Work Health and Safety Regulation 2017;
- (c) Safe Work Australia Code of Practice - How to Manage and Control Asbestos in the Workplace;
- (d) Safe Work Australia Code of Practice - How to Safely Remove Asbestos;
- (e) Protection of the Environment Operations Act 1997; and
- (f) Protection of the Environment Operations (Waste) Regulation 2014.

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 10m<sup>2</sup> 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>.

### **39. Dilapidation Report - Adjoining Properties**

To assist in the resolution of any future disputes about damage to properties adjoining the development site.

#### **A. Before Works**

Prior to commencement of any work on site the Applicant or principal contractor must provide dilapidation reports on the adjacent buildings at Nos insert Street, including any basements and ancillary structures. The reports must be provided to the Principal Certifier and to the owners of the properties that are the subject of the report.

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

### **40. Design Requirements for Adaptable Housing**

#### **A. Design**

The development must provide Units AG.02, AG.05, A1.03, A1.04, A1.09, B1.02, B1.05, B1.07, B1.08, B1.10, B1.11, B1.18, A2.06, A2.13, A2.15, B2.02, B2.05, B2.08, A3.06, A3.13, A3.15, B3.02, B3.05, B3.08, A4.06, A4.13, A4.15, B4.02, B4.05, B4.08, A5.06, A5.13, A5.15, B5.02, B5.05, B5.08, A6.06, A6.08, A6.12, B6.02, A7.01, B7.02 (42) as Adaptable Housing. 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.

**B. Before Occupation**

Prior to the occupation of the development, or this issue of any Occupation Certificate, a suitably qualified Adaptable Housing Specialist must certify that the development has been constructed in accordance with the requirements of “A” above. A copy of this certification must accompany the Occupation Certificate.

**41. Design Requirements for Livable Housing****A. Design**

The development must provide Units AG.07, BG.01, A1.06, A1.12, B1.13, B1.14, A2.02, A2.14, B2.12, B2.13, A3.02, A3.14, B3.12, B3.13, A4.02, A4.14, B4.12, B4.13, A5.02, A5.14, B5.12, B5.13, A6.03, B6.12, B6.13 and B7.12 as Livable Housing. These units must be designed to the ‘Silver Standard’ as outlined in the *Livable Housing Design Guidelines* (prepared by Livable Housing Australia).

Details must be included in documentation submitted with the application for a Construction Certificate.

**B. Before Occupation**

Prior to the occupation of the development, or this issue of any Occupation Certificate, a suitably qualified Livable Housing Specialist must certify that the development has been constructed in accordance with the requirements of “A” above. A copy of this certification must accompany the Occupation Certificate.

**42. Verification of Design for Construction - SEPP 65****A. Design**

Design verification must be provided by a registered Architect in accordance with the requirements of 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 design verification must accompany the application for a Construction Certificate.

**B. Before Occupation**

Prior to the issue of any Occupation Certificate design verification must be provided by a registered Architect in detailing that the development has been completed in accordance with SEPP 65.

**43. External Walls and Cladding Flammability****A. Design**

The external walls of the building, including attachments, must comply with the relevant requirements of the *National Construction Code (NCC)*. This includes the products and systems proposed for use or used in the construction of external walls including finishes and claddings such as synthetic or aluminium composite panels

**B. Before Construction**

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

**C. Before Occupation**

Prior to the occupation of the development, or the issue of any Occupation Certificate, certification, including an appropriate level of detail to demonstrate compliance with the NCC as built, must be provided to the PC by an appropriately accredited professional that external finishes of the building complies with "A" above.

**44. Certification Requirement of Levels****A. During Construction**

At the following stages of construction:

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

A registered surveyor must provide the Principal Certifier 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.

**45. Sydney Water Requirements & Section 73 Compliance Certificate****A. Before Any Works**

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

Please refer to the web site [www.sydneywater.com.au](http://www.sydneywater.com.au).

**B. Before Occupation / Subdivision Certificate**

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

**Sydney Water Advice on Compliance Certificates:**

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

Go to [www.sydneywater.com.au/section73](http://www.sydneywater.com.au/section73) or call 1300 082 746 to learn more about applying through an authorised WSC or Sydney Water.

#### **46. 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](http://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.

#### **47. Noise Control and Permitted Hours for Building and Demolition Work**

##### **A. General**

To manage noise impacts to the surrounding properties, demolition, excavation, or construction activities should be managed in accordance with the NSW Department of Environment and Climate Change (now Environment Protection Authority). Interim Construction Noise Guideline (ICNG) 2009, EPA Draft Construction Noise Guideline and Australian Standard 2436 - 2010 Guide to Noise Control on Construction, Maintenance and Demolition Sites.

##### **Dilapidation reports**

Subject to the receipt of permission of the affected landowner, dilapidation report/s of adjoining buildings are to be prepared by an appropriately qualified practising structural engineer and submitted for the approval of the Principal Certifier -

- (a) prior to the commencement of demolition/excavation works; and
- (b) on completion of construction demolition/excavation works.

Copies are to be provided to affected land owners of adjoining properties.

##### **Demolition, Excavation and Construction Noise and Vibration Management Plan**

A site specific noise management plan must be submitted to the Private Certifier and Council prior to issue of any Construction Certificate relevant to that stage of the development.

The Plan must be prepared by a suitably qualified person who is a member, at Member Level, of -

the Institution of Engineers Australia and the Australian Acoustic Society;  
or working for, and under the supervision of, a firm that is a member of the Australasian Association of Acoustic Consultants.

The plan must include but not be limited to the following -

- (a) Identification of noise sensitive receivers near to the site.
- (b) A prediction as to the level of noise impact likely to affect the nearest noise sensitive receivers from the use and proposed number of high noise intrusive appliances intended to be operated onsite.
- (c) A statement should also be submitted outlining whether or not predicted noise levels will comply with the noise criteria stated Tables 3 and 4 of the Interim Construction Noise Guideline (ICNG) 2009 Section 4 Quantitative Assessment method.

Where resultant site noise levels are likely to be in exceedance of this noise criteria then a suitable proposal must be given as to the duration and frequency of respite periods that will be afforded to the occupiers of neighbouring property.

- (d) A representative background noise measurement (LA90, 15 minute) should be submitted, assessed in the vicinity of any potentially affected receiver locations and measured in accordance with AS 1055:1.2.1997.
- (e) Confirmation of the level of community consultation that has/is and will be undertaken with Building Managers/ occupiers of the main adjoining noise sensitive properties likely to be most affected by site works and the operation of plant/machinery particularly during the demolition and excavation phases.
- (f) Confirmation of noise monitoring methodology that is to be undertaken during the main stages of work at neighbouring noise sensitive properties in order to keep complaints to a minimum and to ensure that noise from site works complies with the noise criteria Tables 3 and 4 of the Interim Construction Noise Guideline (ICNG) 2009.
- (g) What course of action will be undertaken following receipt of a complaint concerning offensive noise.
- (h) Details of any noise mitigation measures that have been outlined by an acoustic consultant or otherwise that will be deployed on site to reduce noise impacts on the occupiers of neighbouring noise sensitive property to a minimum.
- (i) What plant and equipment is to be used on site, the level of sound mitigation measures to be undertaken in each case and the criteria adopted in their selection taking into account the likely noise impacts on the occupiers of neighbouring property and other less intrusive technologies available.

### **Compliance with Demolition, Excavation and Construction Noise and Vibration Management Plan**

All works conducted on site which form part of this development must be carried out in accordance with the submitted Demolition, Excavation, and Construction Noise and Vibration Management Plan.

The contractor must provide regular, appropriate, and sustained periods of respite in consultation with Council's Environmental Health and Building Unit:

- Where all control measures detailed in the Demolition, Excavation and Construction Noise and Vibration Management Plan have been

implemented and the resultant noise and/or vibration levels at any sensitive receiver still exceed the applicable criteria and

- The development is giving rise to sustained complaints.

### **Hours of Operation**

All demolition, excavation and building, 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 is to be carried out on Sundays and Public Holidays.

On a maximum of 12 occasions extended hours may be carried out on the site:

- from 7.00am to 8.00pm Monday to Friday, excluding Public Holidays on a week day.

The purpose of the extended hours note reference ICNG 2009 for example, pouring large slab.

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 note reference ICNG 2009 for example, pouring large slab.
- Address of the development works / site.
- Contact name and number of appropriate site officer (supervisor or manager) for enquiries.
- Include a copy of the letter and a map or list identifying those affected neighbours who have been notified.

## **48. 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.

**49. Containment of Fill****A. Design**

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

**B. Before Construction**

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

**50. Street Numbering and Provision of Letter Box Facilities****A. Before Occupation**

- (i) Street / unit / shop numbers must be clearly displayed.
- (ii) Suitable letterbox facilities must be provided in accordance with Australia Post specifications and AS4253.
- (iii) The dwellings must have the following street address format, with each lift core within Buildings A and B having a different street address as follows:
  - Building A is to be known as 16 Hinkler Avenue, Caringbah
  - Building A is to be known as 20 Hinkler Avenue, Caringbah
  - Building B is to be known as 12 Hinkler Avenue, Caringbah
  - Building B is to be known as 321 Taren Point Road. Caringbah
  - Building B is to be known as 329 Taren Point Road. Caringbah
  - Building C is to be known as 8 Hinkler Avenue, Caringbah

Note: The units and shops must be numbered in accordance with AS4819.2011 and the Surveyors Generals directive No.7

**51. Car parking Areas****A. Ongoing**

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

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

**52. 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:



**Building A**

- Residential dwellings: 116 spaces (including 21 accessible spaces)
- Residential visitors: 26 spaces
- Car wash bay(s): 2 spaces
- Loading/servicing: 1 spaces

**Building B**

- Residential dwellings: 124 spaces (including 21 accessible spaces)
- Residential visitors: 26 spaces
- Car wash bay(s): 0 spaces
- Loading/servicing: 0 spaces

**Health Services Facility**

- 132 spaces (including 3 accessible spaces)
- Loading/servicing: 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.

**53. Loading and Unloading and Loading Dock Management**

To preserve the amenity and ensure the safety of the public:

**A. Ongoing**

All loading and unloading of vehicles must be carried out within the site and not from the public roadway. All service/delivery vehicles must enter and leave the site in a forward direction.

**54. Affordable Rental Housing - Restriction as to User****A. Before Occupation**

Prior to the occupation of the development or 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 be registered, before the date of the issue of the Occupation Certificate, against the title of the property on which development is to be carried out.

This restriction is to ensure that the following dwellings shall be affordable rental housing as defined by State Environmental Planning Policy (Housing) 2021.

AG.01 - 3 bed	AG.02 - 1 bed	AG.03 - 1 bed
AG.05 - 1 bed		
AG.06 - 2 bed	AG.07 - 2 bed	AG.08 - 1 bed
A1.03 - 3 bed		
A1.04 - 2 bed	A1.05 - 2 bed	A1.06 - 2 bed
A1.07 - 1 bed		
A1.08 - 1 bed	A1.09 - 1 bed	A1.10 - 1 bed
A1.15 - 2 bed		

A2.08 - 2 bed	A2.09 - 1 bed	A2.10 - 1 bed	
A2.11 - 1 bed			
A2.12 - 1 bed	A2.13 - 3 bed	A2.14 - 1 bed	
A2.15 - 2 bed			
A2.16 - 2 bed	A2.18 - 2 bed	A3.08 - 2 bed	
A3.09 - 1 bed			
A3.10 - 1 bed	A3.11 - 1 bed	A3.12 - 1 bed	
A3.13 - 3 bed			
A3.14 - 1 bed	A3.15 - 2 bed	A3.16 - 2 bed	
A3.18 - 2 bed			
A4.08 - 2 bed	A4.09 - 1 bed	A4.10 - 1 bed	
A4.11 - 1 bed			
A4.12 - 1 bed	4.13 - 3 bed	A4.14 - 1 bed	A4.15 - 2
bed			
A4.16 - 2 bed	A4.18 - 2 bed	A5.08 - 2 bed	
A5.09 - 1 bed			
A5.10 - 1 bed	A5.11 - 1 bed	A5.12 - 1 bed	
A5.13 - 3 bed			
A5.14 - 1 bed	A5.15 - 2 bed	A5.16 - 2 bed	
A5.18 - 2 bed			
A6.08 - 1 bed	A6.09 - 2 bed	A6.10 - 1 bed	
A6.11 - 1 bed			
A6.12 - 3 bed	A6.13 - 1 bed	A6.14 - 1 bed	
A6.15 - 1 bed			
A6.16 - 1 bed			

The restriction shall contain the following wording -

*Clause 21(1) of the State Environmental Planning Policy (Housing) 2021 entitled "Must be used for affordable housing for 15 years" states:*

*(1)(a) for 15 years from the date of the issue of the Occupation Certificate:*

- (i) The dwellings purposed to be used for the purposes of affordable housing will be used for the purpose of affordable housing, and*
- (ii) All accommodation that is used for affordable housing will be managed by a registered community housing provider.*

## **B. Ongoing**

Prior to the occupation of the development or the issue of any Occupation Certificate the owner must provide evidence that a binding and contractual arrangement has been entered into with a **registered community housing provider**, to manage the accommodation. This evidence must form part of the Occupation Certificate.

That the Restriction as to User require the dwellings, for a period of 15 years from the date of issue of an Occupation Certificate, to be Affordable Housing as defined by State Environmental Planning Policy (Housing) 2021, namely-

"Affordable housing" means housing for very low-income households, low income households or moderate income households, being such households as are prescribed by the regulations or as are provided for in an environmental planning instrument.

## **55. Parking Management Condition**

Prior to the issue of any Occupation Certificate relating to the medical facility, a parking management plan for the medical facility showing proposed allocation of parking for staff of each tenancy and parking to be made available for any customers of the centre. The purpose of the plan is to ensure that adequate parking is accessible and available to customers of all tenancies during operating hours. The plan shall be to the satisfaction of Councils - Team Leader of Traffic and Transport Services.

## **56. Road Dedication**

### **A. Before Construction**

Evidence of the registered land dedication for the purposes of road dedication, 3m wide for the full frontage of No. 319 Taren Point Road (Lot 10 DP15573) must be made to Council prior to the issue of any construction certificate.

## **57. TfNSW Conditions of Consent**

The phrase "**Road Safety Mitigation Works**" means the proposed road safety mitigation works on The Kingsway as indicated in the TfNSW Kingsway Concept Plan dated 14.03.24. For the avoidance of doubt, this includes:

- the construction of a right turn bay on the Kingsway to safely store vehicles turning right into Hinkler Avenue by reducing the number of lanes in the Kingsway (westbound);
  - Construction of right turn bay on the Kingsway to safely store vehicles turning right into Carrington Avenue by reducing the number of lanes in the Kingsway (westbound);
  - reconstruction of central median to realign the westbound traffic movements in the Kingsway;
  - the works described in yellow text boxes on the Concept Plan;
  - line marking and signposting as identified on the Concept Plan; and
  - re-sheeting of The Kingsway between Taren Point Road and Carrington Avenue to remove the existing lane line marking and clearly delineate the new lane line marking and right turn bay (indicative only and subject to detail design through WAD process).
- a) Prior to the release of a Construction Certificate for the first building structure on the subject site (excluding piling), the Applicant shall obtain

approval from TfNSW pursuant to section 87 of the Roads Act 1993 and concurrence from TfNSW under section 138(2) of the Roads Act 1993 for the proposed Road Safety Mitigation Works.

- b) Prior to the release of a Construction Certificate for the first building structure on the subject site (excluding piling), the Applicant shall enter a Works Authorisation Deed (WAD) with TfNSW for the Road Safety Mitigation Works. The WAD must be prepared in accordance with and be accompanied by the requisite design documentation as set out in the documents entitled "Works Authorisation Deed (WAD) process manual for developers" and "Design plan requirements" prepared by TfNSW and dated August 2022 (as amended from time to time). TfNSW fees for administration, plan checking, civil works inspections and project management shall be paid by the developer prior to the commencement of works.
- c) The proposed Road Safety Mitigation Works shall be designed to meet TfNSW requirements and endorsed by a suitably qualified practitioner. The design requirements shall be in accordance with AUSTRROADS and other Australian Codes of Practice. The certified copies of the civil design plans shall be submitted to TfNSW for consideration and approval prior to the release of any Construction Certificate by the Principal Certifying Authority and commencement of road works. Please send all documentation to [development.sydney@transport.nsw.gov.au](mailto:development.sydney@transport.nsw.gov.au).
- d) The Road Safety Mitigation Works on Kingsway will require vehicle turning restrictions at:
  - 1. Chamberlain Avenue at The Kingsway, to restrict movements to left turn in and left turn out movements only, and
  - 2. Carrington Avenue at The Kingsway, to restrict movements to left turn and right turn movements into Carrington Avenue and left turn out movements only.
- e) The applicant shall prepare a Traffic Management Plan (TMP) that assesses the traffic impacts of the vehicle trips displaced by the proposed turning movement restrictions at the above-mentioned intersections. As part of the TMP the applicant will be required to undertake and document community consultation with any residents affected by the turning restrictions. This consultation and response to submissions should be undertaken to the satisfaction of Council. The TMP shall be submitted to TfNSW via Council for endorsement and approval via the Local Traffic Committee.
- f) The developer shall be responsible for all public utility adjustment/relocation works, necessitated by the above work, and as required by the various public utility authorities and/or their agents.

- g) A Road Occupancy Licence (ROL) shall be obtained from Transport Management Centre (TMC) for any works that may impact on traffic flows on The Kingsway during construction activities. A ROL can be obtained through <https://myrta.com/oplinc2/pages/security/oplincLogin.jsf>.
- h) Construction Pedestrian Traffic Management Plan (CPTMP) detailing construction vehicle routes, number of trucks, hours of operation, access arrangements and traffic control should be submitted to TfNSW for approval prior to the issue of a construction certificate. The CPTMP must be prepared in consultation with TfNSW.
- i) Prior to the release of any occupation certificate, the proposed Road Safety Mitigation Works shall be fully constructed and operational.
- j) All works associated with the proposed Road Safety Mitigation Works shall be at no cost to TfNSW.



## General Terms of Approval

for proposed development requiring approval  
under s89, 90 or 91 of the Water Management Act 2000

Reference Number: IDAS1143480

Issue date of GTA: 02 June 2022

Type of Approval: Water Supply Work

Description: 80mm submersible pump

Location of work/activity: 6-20 HINKLER AVENUE CARINGBAH 2229 & 323-331 TAREN POINT ROAD CARINGBAH 2229

DA Number: DA 21/1251

LGA: Sutherland Shire Council

Water Sharing Plan Area: Greater Metropolitan Region Groundwater Sources 2011

The GTA issued by WaterNSW do not constitute an approval under the *Water Management Act 2000*. The development consent holder must apply to WaterNSW for the relevant approval **after** development consent has been issued by Council **and before** the commencement of any work or activity.

Condition Number	Details
<b>Dewatering</b>	
GT0115-00001	Groundwater must only be pumped or extracted for the purpose of temporary construction dewatering at the site identified in the development application. For clarity, the purpose for which this approval is granted is only for dewatering that is required for the construction phase of the development and not for any dewatering that is required once construction is completed.
GT0116-00001	Before any construction certificate is issued for any excavation under the development consent, the applicant must: 1. apply to WaterNSW for, and obtain, an approval under the Water Management Act 2000 or Water Act 1912, for any water supply works required by the development; and 2. notify WaterNSW of the programme for the dewatering activity to include the commencement and proposed completion date of the dewatering activity. Advisory Note: 3. An approval under the Water Management Act 2000 is required to construct and/or install the water supply works. For the avoidance of doubt, these General Terms of Approval do not represent any authorisation for the take of groundwater, nor do they constitute the grant or the indication of an intention to grant, any required Water Access Licence (WAL). A WAL is required to lawfully take more than 3ML of water per water year as part of the dewatering activity. 4. A water use approval may also be required, unless the use of the water is for a purpose for which a development consent is in force.
GT0117-00001	A water access licence, for the relevant water source, must be obtained prior to extracting more than 3ML per water year of water as part of the construction dewatering activity. Advisory Notes: 1. This approval is not a water access licence. 2. A water year commences on 1 July each year. 3. This approval may contain an extraction limit which may also restrict the ability to take more than 3ML per water year without further information being provided to WaterNSW. 4. Note that certain water sources may be exempted from this requirement - see paragraph 17A, Schedule 4 of the Water Management (General) Regulation 2018.
GT0118-00001	If no water access licence is obtained for the first 3ML / year (or less) of water extracted, then, in accordance with clause 21(6), Water Management (General) Regulation 2018, the applicant must: (a) record water taken for which the exemption is claimed, and (b) record the take of water not later than 24 hours after water is taken, and (c) make the record on WAL exemption form located on WaterNSW website "Record of groundwater take under exemption", and (d) keep the record for a period of 5 years, and (e) give the record to WaterNSW either via email to Customer.Helpdesk@waterNSW.com.au or post completed forms to -

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water.enquiries@waterNSW.com.au | www.waterNSW.com.au



## General Terms of Approval

for proposed development requiring approval  
under s89, 90 or 91 of the Water Management Act 2000

<b>Reference Number:</b>	IDAS1143460
<b>Issue date of GTA:</b>	02 June 2022
<b>Type of Approval:</b>	Water Supply Work
<b>Description:</b>	80mm submersible pump
<b>Location of work/activity:</b>	6-20 HINKLER AVENUE CARINGBAH 2229 & 323-331 TAREN POINT ROAD CARINGBAH 2229
<b>DA Number:</b>	DA 21/1251
<b>LGA:</b>	Sutherland Shire Council
<b>Water Sharing Plan Area:</b>	Greater Metropolitan Region Groundwater Sources 2011
	PO Box 398 Parramatta NSW 2124 (i) not later than 28 days after the end of the water year (being 30 June) in which the water was taken, or (ii) if WaterNSW directs the person in writing to give the record to WaterNSW on an earlier date, by that date.
GT0119-00001	All extracted groundwater must be discharged from the site in accordance with Council requirements for stormwater drainage or in accordance with any applicable trade waste agreement.
GT0120-00001	The design and construction of the building must prevent: (a) any take of groundwater, following the grant of an occupation certificate (and completion of construction of development), by making any below-ground levels that may be impacted by any water table fully watertight for the anticipated life of the building. Waterproofing of below-ground levels must be sufficiently extensive to incorporate adequate provision for unforeseen high water table elevations to prevent potential future inundation; (b) obstruction to groundwater flow, by using sufficient permanent drainage beneath and around the outside of the watertight structure to ensure that any groundwater mounding shall not be greater than 10 % above the pre-development level; and (c) any elevated water table from rising to within 1.0 m below the natural ground surface.
GT0121-00001	Construction phase monitoring bore requirements GTA: a) A minimum of three monitoring bore locations are required at or around the subject property, unless otherwise agreed by WaterNSW. b) The location and number of proposed monitoring bores must be submitted for approval, to WaterNSW with the water supply work application. c) The monitoring bores must be installed and maintained as required by the water supply work approval. d) The monitoring bores must be protected from construction damage.
GT0122-00001	Construction Phase Monitoring programme and content: a) A monitoring programme must be submitted, for approval, to WaterNSW with the water supply work application. The monitoring programme must, unless agreed otherwise in writing by WaterNSW, include matters set out in any Guide published by the NSW Department of Planning Industry and Environment in relation to groundwater investigations and monitoring. Where no Guide is current or published, the monitoring programme must include the following (unless otherwise agreed in writing by WaterNSW): i. Pre-application measurement requirements: The results of groundwater measurements on or around the site, with a minimum of 3 bore locations, over a minimum period of 3 months in the six months prior to the submission of the approval to WaterNSW. ii. Field measurements: Include provision for testing electrical conductivity; temperature; pH; redox potential and standing water level of the groundwater; iii. Water quality: Include a programme for water quality testing which includes testing for those analytes as required by WaterNSW; iv. QA: Include details of quality assurance and control v. Lab assurance: Include a requirement for the testing by National Association of Testing Authorities accredited laboratories. b) The applicant must comply with the monitoring programme as approved by WaterNSW for the duration of the

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## General Terms of Approval

for proposed development requiring approval  
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<b>Reference Number:</b>	IDAS1143460
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<b>LGA:</b>	Sutherland Shire Council
<b>Water Sharing Plan Area:</b>	Greater Metropolitan Region Groundwater Sources 2011
<hr/>	
	water supply work approval (Approved Monitoring Programme)
GT0123-00001	(a) Prior to the issuing of the occupation certificate, and following the completion of the dewatering activity, and any monitoring required under the Approved Monitoring Programme, the applicant must submit a completion report to WaterNSW. (b) The completion report must, unless agreed otherwise in writing by WaterNSW, include matters set out in any guideline published by the NSW Department of Planning Industry and Environment in relation to groundwater investigations and monitoring. Where no guideline is current or published, the completion report must include the following (unless otherwise agreed in writing by WaterNSW): 1) All results from the Approved Monitoring Programme; and 2) Any other information required on the WaterNSW completion report form as updated from time to time on the WaterNSW website. (c) The completion report must be submitted using "Completion Report for Dewatering work form" located on WaterNSW website <a href="http://www.watensw.com.au/customer-service/water-licensing/dewatering">www.watensw.com.au/customer-service/water-licensing/dewatering</a>
GT0150-00001	The extraction limit shall be set at a total of 3ML per water year (being from 1 July to 30 June). The applicant may apply to WaterNSW to increase the extraction limit under this condition. Any application to increase the extraction limit must be in writing and provide all information required for a hydrogeological assessment. Advisory note: Any application to increase the extraction limit should include the following: - Groundwater investigation report describing the groundwater conditions beneath and around the site and subsurface conceptualisation - Survey plan showing ground surface elevation across the site - Architectural drawings showing basement dimensions - Environmental site assessment report for any sites containing contaminated soil or groundwater (apart from acid sulphate soils (ASS)) - Laboratory test results for soil sampling testing for ASS - If ASS, details of proposed management and treatment of soil and groundwater. Testing and management should align with the NSW Acid Sulphate Soil Manual
GT0151-00001	Any dewatering activity approved under this approval shall cease after a period of two (2) years from the date of this approval, unless otherwise agreed in writing by WaterNSW (Term of the dewatering approval). Advisory note: an extension of this approval may be applied for within 6 months of the expiry of Term.
GT0152-00001	This approval must be surrendered after compliance with all conditions of this approval, and prior to the expiry of the Term of the dewatering approval, in condition GT0151-00001. Advisory note: an extension of this approval may be applied for within 6 months of the expiry of Term.
GT0155-00001	The following construction phase monitoring requirements apply (Works Approval): a. The monitoring bores must be installed in accordance with the number and location shown, as modified by this approval, unless otherwise agreed in writing with WaterNSW. b. The applicant must comply with the monitoring programme as amended by this approval (Approved Monitoring Programme). c. The applicant must submit all results from the Approved Monitoring Programme, to WaterNSW, as part of the Completion Report

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### **SCHEDULE 1**

The plans and associated documentation listed in this schedule are referred to in general terms of approval (GTA) issued by WaterNSW for integrated development associated with DA 21/1251 as provided by Council:

- Groundwater Impact Assessment 6562-2-G1 Rev 1
- Geotechnical Investigation 6562-G1 Rev 1
- Architectural drawings