

CONDITIONS OF CONSENT

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
DA002 Rev. H	Survey [with BASIX Commitments]	DKO Architecture	Prepared 12/11/2021
DA005 Rev. H	Demolition Plan	DKO Architecture	Prepared 12/11/2021
DA007 Rev. H	Proposed Site Plan	DKO Architecture	Prepared 12/11/2021
DA26B2 Rev. J	Basement 2	DKO Architecture	Prepared 8/12/2021
DA26B1 Rev. J	Lower Ground	DKO Architecture	Prepared 8/12/2021
DA260 Rev. H	Ground Floor	DKO Architecture	Prepared 12/11/2021
DA261 Rev. H	Level 01	DKO Architecture	Prepared 12/11/2021
DA263 Rev. H	Level 02-3 Typical	DKO Architecture	Prepared 12/11/2021
DA264 Rev. H	Level 04	DKO Architecture	Prepared 12/11/2021
DA265 Rev. H	Level 05	DKO Architecture	Prepared 12/11/2021
DA266 Rev. H	Level 06	DKO Architecture	Prepared 12/11/2021
DA267 Rev. H	Level 07	DKO Architecture	Prepared 12/11/2021
DA268 Rev. H	Roof Plan	DKO Architecture	Prepared 12/11/2021
DA301 Rev. H	Overall Elevations - East and West	DKO Architecture	Prepared 12/11/2021
DA302 Rev. H	Overall Elevations - North and South	DKO Architecture	Prepared 12/11/2021
DA310 Rev. H	Building A Elevation - North	DKO Architecture	Prepared 12/11/2021
DA311 Rev. H	Building A Elevation - East	DKO Architecture	Prepared 12/11/2021
DA312 Rev. H	Building A Elevation - South	DKO Architecture	Prepared 12/11/2021
DA313 Rev. H	Building A Elevation - West	DKO Architecture	Prepared 12/11/2021
DA314 Rev. H	Building A	DKO	Prepared 12/11/2021

	Elevation - Inlets	Architecture	
DA315 Rev. H	Building A Elevation -Inlets	DKO Architecture	Prepared 12/11/2021
DA320 Rev. H	Building B Elevation - North	DKO Architecture	Prepared 12/11/2021
DA321 Rev. H	Building B Elevation - East	DKO Architecture	Prepared 12/11/2021
DA322 Rev. H	Building B Elevation - South	DKO Architecture	Prepared 12/11/2021
DA323 Rev. H	Building B Elevation - West	DKO Architecture	Prepared 12/11/2021
DA324 Rev. H	Building B Elevation - Inlets	DKO Architecture	Prepared 12/11/2021
DA325 Rev. H	Building B Elevation - Inlets	DKO Architecture	Prepared 12/11/2021
DA326 Rev. H	Building B Elevation - Inlets	DKO Architecture	Prepared 12/11/2021
DA330 Rev. H	Building C Elevation - North	DKO Architecture	Prepared 12/11/2021
DA331 Rev. H	Building C Elevation - East	DKO Architecture	Prepared 12/11/2021
DA332 Rev. H	Building C Elevation - South	DKO Architecture	Prepared 12/11/2021
DA333 Rev. H	Building C Elevation - West	DKO Architecture	Prepared 12/11/2021
DA334 Rev. H	Building C Elevation - Inlets	DKO Architecture	Prepared 12/11/2021
DA335 Rev. H	Building C Elevation - Inlets	DKO Architecture	Prepared 12/11/2021
DA340 Rev. H	Kiosk Elevations	DKO Architecture	Prepared 12/11/2021
DA351 Rev. H	Section AA	DKO Architecture	Prepared 12/11/2021
DA352 Rev. H	Section BB	DKO Architecture	Prepared 12/11/2021
DA353 Rev. H	Section CC	DKO Architecture	Prepared 12/11/2021
DA354 Rev. H	Section DD	DKO Architecture	Prepared 12/11/2021
DA355 Rev. H	Section EE	DKO Architecture	Prepared 12/11/2021
DA356 Rev. H	Section FF	DKO Architecture	Prepared 12/11/2021
DA399 Rev. H	Materials Palette	DKO Architecture	Prepared 12/11/2021
DA480 Rev. H	Location Ground Floor [Adaptable Units Summary]	DKO Architecture	Prepared 12/11/2021
DA481 Rev. H	Livable Units	DKO	Prepared 12/11/2021

		Architecture	
DA482 Rev. H	Livable Units	DKO Architecture	Prepared 12/11/2021
DA483 Rev. H	Pre & Post Adaptable 1 bed	DKO Architecture	Prepared 12/11/2021
DA484 Rev. H	Pre & Post Adaptable 1 bed	DKO Architecture	Prepared 12/11/2021
DA485 Rev. H	Pre & Post Adaptable 1 bed	DKO Architecture	Prepared 12/11/2021
DA486 Rev. H	Pre & Post Adaptable 1 bed	DKO Architecture	Prepared 12/11/2021
DA487 Rev. H	Pre & Post Adaptable 2 bed	DKO Architecture	Prepared 12/11/2021
DA488 Rev. H	Pre & Post Adaptable 2 bed	DKO Architecture	Prepared 12/11/2021
DA489 Rev. H	Pre & Post Adaptable 2 bed	DKO Architecture	Prepared 12/11/2021
DA810 Rev. H	Storage Schedule	DKO Architecture	Prepared 12/11/2021
SW200 Rev A	Stormwater Drainage Design - Basement Plan	SGC	Prepared 28.05.21
SW201 Rev A	Stormwater Drainage Design - Lower Ground Floor Plan	SGC	Prepared 28.05.21
SW202 Rev A	Stormwater Drainage Design - Ground Floor Plan	SGC	Prepared 28.05.21
SW300 Rev A	Stormwater Drainage Design - Details Sheet	SGC	Prepared 28.05.21
SW301 Rev A	Stormwater Drainage Design - Details Sheet	SGC	Prepared 28.05.21
SW400 Rev A	Erosion and Sediment Control Plan	SGC	Prepared 28.05.21
SW500 Rev A	Stormwater Drainage Design - Music Catchment Plan	SGC	Prepared 28.05.21
20/2208 Sheet 1 Issue L	Overall High Level Context Plan	Paul Scrivener	Prepared 11/11/2021
20/2208 Sheet 1 Issue L	Overall High Level Context Plan	Paul Scrivener	Prepared 11/11/2021
20/2208 Sheet 2	Sheet Layout	Paul Scrivener	Prepared 11/11/2021

Issue L	Plan		
20/2208 Sheet 3 Issue L	Detail Plan A	Paul Scrivener	Prepared 11/11/2021
20/2208 Sheet 4 Issue L	Detail Plan C	Paul Scrivener	Prepared 11/11/2021
20/2208 Sheet 5 Issue L	Detail Plan B	Paul Scrivener	Prepared 11/11/2021
20/2208 Sheet 6 Issue L	Detail Plan D	Paul Scrivener	Prepared 11/11/2021
20/2208 Sheet 7 Issue L	Lower Ground Floor North	Paul Scrivener	Prepared 11/11/2021
20/2208 Sheet 18 Issue L	Level 6 and 7 Plan	Paul Scrivener	Prepared 11/11/2021
20/2208 Sheet 9 Issue L	Details	Paul Scrivener	Prepared 11/11/2021
20/2208 Sheet 10 Issue L	Planting Plan A	Paul Scrivener	Prepared 11/11/2021
20/2208 Sheet 11 Issue L	Planting Plan C	Paul Scrivener	Prepared 11/11/2021
20/2208 Sheet 12 Issue L	Planting Plan B	Paul Scrivener	Prepared 11/11/2021
20/2208 Sheet 13 Issue L	Planting Plan D	Paul Scrivener	Prepared 11/11/2021
20/2208 Sheet 14 Issue L	Planting Plan E	Paul Scrivener	Prepared 11/11/2021
20/2208 Sheet 15 Issue L	Level 6 & 7 Plan	Paul Scrivener	Prepared 11/11/2021
20/2208 Sheet 16 Issue L	Sections AA-FF	Paul Scrivener	Prepared 11/11/2021
Plan Form 6A (2019) Sheet 1	Deposited Plan Administration Sheet	Norton Survey Partners Pty Ltd	Prepared 17.12.21
Plan Form 6A (2019) Sheets 2 to 4 (inclusive)	Deposited Plan Administration Sheet	Norton Survey Partners Pty Ltd	Prepared 17.12.21
36294 DP2 Plan Form 2 (A2) Sheets 1 to 7 (inclusive)	Draft DP Issue B1	Christopher Thomas Norton	Prepared 17.12.21

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

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

- i) A Construction Certificate.
- ii) Notification of the appointment of a Principal Certifying Authority and a letter of acceptance from that Principal Certifying Authority

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

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

2. Design Changes Required

A. Design and Construction

The following design changes must be implemented:

- i) Where needed, hydrant boosters and meters must be fully enclosed and incorporated within the building fabric or located in an enclosure *at right angles* to the street where possible and screened by planting.
- ii) For the purpose of ensuring the provision of adequate privacy, windows within apartments along northern elevation of Building A are to be fitted with a 'hood' along the top of the window for a width of between 0.3m-0.45m to restrict direct overlooking from apartments within Building C.
- iii) Interlocking pavers or similar must be utilised as the surface treatment of the driveway entry where visible from the street to break up the expanse of concrete.
- iv) All landscape retaining walls and planter boxes must be constructed in masonry, stone or gabions. Timber is not acceptable.
- v) Storage lockers adjacent to a car space in accessible in no other way than through the car space are to be linked to the same apartment.
- vi) Clotheslines located on balconies are to be fitted at or below the balcony balustrade height.
- vii) Carwash bays are not to be dually used for the purpose of a visitor parking bay.
- viii) Apartment CLG0.4 is to show the 'study' reduces in size (by enlarging each bedroom) to ensure it does not resemble a 3rd bedroom.

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

3. Integrated Development Approval - Requirements of Water NSW

A. General Terms of Approval from Water NSW

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

- 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.
- 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.

- 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.

- 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 - 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.
- 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.
- 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.

- 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.
- 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 water supply work approval (Approved Monitoring Programme).
- 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:
www.waternsw.com.au/customer-service/water-licensing/dewatering

- 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.

- 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.

- 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 (point above).

Advisory note: an extension of this approval may be applied for within 6 months of the expiry of Term.

A copy of the GTA 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 obtained prior to the release of the Construction Certificate.

4. Signage

A. Design

- i) No signage forms part of this approval.

5. Verification of Design for Construction - SEPP 65

A. Design

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

B. Before Occupation

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

6. Requirements of Transport for NSW

- The layout of the proposed car parking areas associated with the subject development (including, driveways, grades, turn paths, sight distance requirements in relation to landscaping and/or fencing, aisle widths, aisle lengths, and parking bay dimensions) should be in accordance with AS 2890.1-2004, AS2890.6-2009 and AS 2890.2-2018.
- 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.
- All demolition and construction vehicles are to be contained wholly within the site and vehicles must enter the site before stopping.
- A Road Occupancy Licence (ROL) should be obtained from Transport Management Centre for any works that may impact on traffic flows on the surrounding state classified road network during construction activities. A ROL can be obtained through <https://myrta.com/oplinc2/pages/security/oplincLogin.jsf>.

7. Fire Protection

A. Before Construction

The development must be undertaken in accordance with the Fire Booster Assembly Report No. 02490 - L002 by C&M and must accompany the application for a Construction Certificate.

The development must not rely on a NSW F&R "suction -connection" appliance.

8. Public Place Environmental, Damage & Performance Security Bond

A. Before Issuing of any Construction Certificate

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

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

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

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

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.

9. 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 \$2,140,000 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 131 new residential apartments with a concession for six existing allotments.

Infrastructure & Facilities	Contribution Required
Local open space and public domain works	\$1,587,718.10
Regional open space	\$552,281.90

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:

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

As the cost of development is \$10 million or more, payment must be made prior to the issue of the first Occupation Certificate in respect of any building to which this Consent relates.

If no Construction Certificate has been issued before or on 25 September 2022, the monetary contribution must be paid before the issue of the first Construction Certificate.

10. 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 a driveway, footpath, etc.
- Road openings and restoration to provide services to the development.
- Work Zones and hoardings.
- Skip bins.
- Shoring / anchoring.
- Standing of cranes, concrete pumps, etc.

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

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

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.

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

A. Design

Council has determined that the proposed development generates a need for the following works to be undertaken by the applicant in the road reserve. To this end a Detailed Frontage Works application under the Roads Act 1993 must be submitted to Sutherland Shire Council, prior to the release of the Construction Certificate.

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) except where modified by/or addressing the following:

- i). Establish the property alignment levels.
- ii). Regrade footpath verge to final design levels including construction of new cycleway footpath pavement, topsoil, turf and all associated soft landscaping.
- iii). Construct a vehicle crossing.
- iv). Remove redundant laybacks and vehicle crossings.
- v). Ensure there are adequate transitions between newly constructed and existing infrastructure.
- vi). Provide the following infrastructure to facilitate the increased traffic and pedestrian movements, these works to include;
 - Reconstruct and realign kerb and gutter as required including with associated Road carriageway reconstruction.
 - Traffic calming structures.
 - Parking bays.
 - Construct a raised threshold on Willarong Road to facilitate pedestrian crossings.
- vii). Alter existing and/or install new street signage. Provide "No Standing" signage 6m north and 7m south of the required vehicle crossing.
- viii). Remove and replace street trees.
- ix). Provide replacement of existing local distribution power lines and other overhead utilities with subsurface utilities across the subject frontage.
- x). Install new street lighting across the subject frontage as required to comply with AS1158.
- xi). Adjust public services infrastructure as required.
- xii). 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.

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.

Note:

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.

12. 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, Construction Traffic Management Plan No.20302/V03 by TTPP 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.

13. Pre-commencement Inspection

A. Before Works

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

The purpose of the meeting is to:

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

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

14. 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 PCA 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.

15. Internal Driveway and Manoeuvring

A. Design

The driveway, between the Road and the floor plate of the upper basement level, 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) Provide adequate sight distance for the safety of pedestrians using the footpath area (of the Road Reserve).
- iii) Provide a maximum grade of 1 in 20 for the first 6 metres inside the property boundary.
- iv) Comply with AS2890.1:2004 in relation to the design of vehicular access, parking and general manoeuvring for the B85 vehicle.
- v) Comply with AS2890.2:2018 in relation to the design of vehicular access, parking and general manoeuvring for HRV vehicle.
- vi) The maximum longitudinal grade of the ramp must not exceed 1 in 6.5.
- vii) The driveway must be 7.1m wide (including 300mm wide edge kerbs).

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 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 PCA and a copy also provided to Council.

16. 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) A detailed drainage design supported by drainage calculations must demonstrate the management of stormwater flow / discharge for all events up to the 100 ARI storm event. This must include roof gutters / downpipes and in-ground drainage lines and the on-site detention system.
- ii) A detailed drainage design supported by a catchment area plan and drainage calculations (including a Hydraulic Grade Line Analysis).

- iii) A layout of the drainage system showing existing and proposed pipe sizes, type, class, grades, lengths, invert levels, finished surface levels and location of all pipes. Indicate impacts on existing trees on the drawings.
- iv) A drainage depression must be provided for the full width and length of the drainage easement to facilitate any required / the overland flow of stormwater. The overland flow route must be designed to have the capacity to carry the difference between a 1 in 100 year flow and the flow in the pipeline within the easement.
- v) 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.
- vi) 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.
- vii) All levels reduced to Australian Height Datum.
- viii) Confirm the pipeline that traverses Caringbah High School, the pipeline that the development is connecting to, is "fit for purpose", from the connection point to pit 15498 in Captain Cook Drive.
- ix) Where pipelines are located within the "tree protection zone" of significant vegetation to be retained, the lines shall be excavated by hand or by directional under-boring techniques to reduce any adverse impact on the root zone of the trees.

B. Before Construction

- i) Prior to the release of any Construction Certificate the required drainage easement / easement to drain water burdening Lot 101 in Deposited Plan 868930 (Caringbah High School), must be registered with NSW Land Property and Information.
- ii) 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, stormwater treatment facility 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.

D. Ongoing

The stormwater detention / absorption facility must be:

- Kept clean and free from silt, rubbish and debris.
- Be maintained so that it functions in a safe and efficient manner.
- Not be altered without prior consent in writing of the Council.

Note 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.

17. 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.

18. Waste Collection

A. Design

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

- i) A "HRV" 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) The temporary bin holding area is to be adjacent to the loading bay to facilitate

ease of access for Council staff on collection day.

- iv) Clear and direct access must be provided from the bin holding areas to the loading bay.
- v) The permanent communal garbage and/or recycling storage rooms 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 design 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.

19. 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 Certifying Authority.

B. During Works

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

20. 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 PCA 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 PCA 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.

21. Plan of Subdivision to conform with Development Consent

A. Before Subdivision

The Plan of Subdivision must conform with this development consent. All works required by development consent must be completed prior to the release of a Subdivision Certificate.

22. Demolition & Bulk Earthworks Security Bond

A. Before Construction

At least two days prior to the commencement of demolition works the applicant shall provide a security bond to Council to the value of \$200,000 against damage consequential to demolition and / or bulk excavation works. The security provided by way of a deposit or bank guarantee with the Council. Should neighbouring properties or the Road sustain damage resulting for demolition and / or bulk excavation works Council may carry out any works necessary to stabilise the damage and deduct costs of these works from the security bond.

This bond released upon satisfactory completion of the demolition, the bulk excavation and construction of the basement levels sufficient to ensure stability of the surrounding ground. Such request shall be submitted to Council on the '*Bond Release Request Form*' signed by the owner or any person entitled to act on the consent, together with Certification from an Accredited Certifier or a Chartered Structural Engineer, to the effect that the aforementioned works were completed to their satisfaction.

23. Endorsement of Plan of Consolidation

A. Prior to Construction Certificate

- i). Prior to the issue of any Construction Certificate a Plan of Subdivision for the Consolidation of the development properties (understood to be Lots 1, 3, 4,5, 6, 7 in Deposited Plan 31460, Lot P in Deposited Plan 413007 and Lot 1 in Deposited Plan 1164510) must be registered with NSW Land and Property Information.
- ii). Release Strata Plan 85329.

24. Basement Car Park Design and Construction for Club Component

A. Design

The basement car park must accord with Australian Standards AS2890.1:2004, Australian Standards AS2890.6:2009 and 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 envelope in accordance with figure 5.2 of AS2890.1:2004
- iv). "Disable" bays to be provided with AS2890.6 compliant "Shared Zone" and bollard.
- v). 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.
- vi). Provide a minimum of 72 bays; this includes two "disable" bays with associated shared zones and one bus bay in the location of the car wash bay.

vii). Bays designed as “User Class” 2 in table 1.1, except for the disable bays.

B. Prior to Construction

- i). 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.
- ii). Certification from a Chartered Civil Engineer or a Registered Surveyor, to the effect that all park to be dedicated to “Adaptable” dwelling are designed in accordance with A(iv) 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 PCA 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.

25. Basement Car Park Design and Construction for Residential Component

A. Design

The basement car park must accorded with Australian Standards AS2890.1:2004, Australian Standards AS2890.6:2009 and 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 not to 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 AS2890.1:2004.
- iv). Parking bays provided for “Adaptable” dwellings units must have the minimum clear dimensions of 3.8m wide by 5.4m long by 2.5m high or comply with AS2890.6:2009, specifically with reference to the provision of associated “disable” shared zone.
- v). The security door fitted to and within the car parking areas to be independently mounted on rubber pads to prevent vibration noise transmission through the concrete walls and / or columns.
- vi). Maximum grade for driveway ramp between basements shall be 25%.
- vii). Provide a minimum of 264 bays; this includes 49 visitor bays and 2 car wash bays. Wash bay not to be dual used as shared visitor bays.
- viii). Visitor bays designed as “User Class” 2 in table 1.1.
- ix). Provide convex mirror on the column in close proximity to grid lines B3 & BC.
- x). Provide convex mirror on the lower basement level column in close proximity to the southwest corner, to assist motorist entering / exiting the ramp.

B. Prior to Construction

- i). 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.
- ii). Certification from a Chartered Civil Engineer or a Registered Surveyor, to the effect that all park to be dedicated to “Adaptable” dwelling are designed in accordance with A(iv) and A(viii) 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 PCA 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.

26. Basement Car Park Design and Construction for the Loading Dock

A. Design

The basement Loading Dock (north of grid line AG and west of the basement ramp) must accord with Australian Standards AS2890.2:2018, Loading and Servicing Management Plan (15 December 2021) by TTPP and the approved architectural drawings, subject to the following modifications:

- i). A minimum headroom of 4.5m measured from the parking floor to the underside of any beam, ventilation duct or service conduit, or to the underside of any door including a security door and fittings when those doors are in an open position.
- ii). Ceiling and walls painted in a light reflective colour.
- iii). Bottom of basement ramp; provide a “stop” sign with associated line marked on the floor.
- iv). Top of basement ramp (approximate) grid line AG; provide a “stop” sign with associated line marked on the floor.
- v). Provide convex mirror in close proximity to the sidewall of the ramp and grid line C17.

B. Prior to Construction

Certification from a Chartered Civil Engineer or a Registered Surveyor, to the effect that the loading docks and associated manoeuvring areas 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 PCA and a copy provided to Council.

D. On-going

The approved loading dock area must be used exclusively for service vehicles for the life of the development.

27. Landscaping Works

A. Design

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

- i) Ground floor unit fencing is to be open form palisade style metal fencing in a recessive colour where it is located above the retained private open space courtyards i.e. where it extends from the tops of the retaining walls through to where it meets the northern and western boundary fences. The boundary fences along these two fence alignments are to be treated in the same manner.
- 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) provide a universal toilet, all-weather cover over the entry door, a shade structure of minimum size 6m x 4m, BBQ, basic kitchen facilities, low screen planting and furniture. Furniture on roof or podium terraces must be fixed to meet BCA requirements.
- vi) 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.
- vii) 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 wired in controller, pump and the rainwater tank, to enable effective landscape maintenance.
- viii) The private open space of each ground floor dwelling must be provided with a tap connected to mains water.
- ix) 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.

- x) To reduce long term maintenance of planting beds turf species must be native grass such as *Zoysia macrantha* 'Nara' or Buffalo grass varieties.
- xi) 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 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 Boulevarde, Gymea
Ph: 02 9524 5672

28. Tree Removal on Private and Council Land (Projects Dual Occupancies and Larger) (ENV2030)

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) Twenty four (24x) 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 at a ratio of 8:1 on private land (dual occ / medium / high density) and 4:1 on Council land (Council Resolution EHR003-17 of 18 July 2016).
- ii) One hundred and four (104x) replacement trees are required to be planted. **In determining this application, the extent of compensatory planting has been reduced as nine of the twenty four removals required to build this development are exempt species.**
- iii) The landscape plan shows a minimum number of seventy five (75x) trees planted on the site and/or the street. Replacement trees within the site must not be planted within 4m of an existing or approved building or swimming pool.
- iv) Trees must have a minimum container size of 5 litres.

Note: For the remaining twenty nine (29x) replacement trees required by “A ii)” above, Council offers offsite planting under a ‘Deed of Agreement’ as an alternative to on site planting, at a cost specified in Council’s Schedule of Fees and Charges. Offsite planting will be undertaken as part of Council’s Green Street Program. ‘Deed of Agreement’ forms can be downloaded from Council’s website at www.sutherlandshire.nsw.gov.au/Development/Development-Applications/Off-Site-Tree-Replacement-and-Deed-of-Agreement. A completed form and payment must be submitted to Council prior to the release of the Construction Certificate.

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: <http://www.sutherlandshire.nsw.gov.au/Residents/Trees/Trees-on-Council-or-Public-Land>. 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 Landscape works Condition).

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 (SSDCP 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).

29. 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 applicant must engage a suitably qualified and experienced Supervising Consulting Arborist to oversee the measures for the protection of existing trees as listed below.

Note: A Consulting Arborist is a person with a current membership of the Institute of Australian Consulting Arboriculturalists (IACA) or alternatively a person who has obtained an Australian Qualifications Framework AQF Level 5 in Arboriculture.

All trees not approved for removal must be protected by the following measures:

- i) To preserve tree numbers 20 and 37, the footings of the proposed fence must be isolated pier and beam construction within a 4m radius of the trunk. The piers must be hand dug and located such that no roots of a diameter greater than 50mm are severed or injured in the process of any site works during the construction period. The beam must be located above the existing soil levels. The location and details of any footings within the Tree Protection Zone (TPZ) shall be detailed in accordance with i) above and on the Construction Certificate Plans.
- ii) Protective fencing constructed of 1.8m high chain wire mesh supported by robust posts must be installed in accordance with the approved Arborist report prepared by Doctor Treegood dated June 2021 OR at a minimum radius of 4 m from the trunk of each tree referenced above. Signage must be erected on the fence with the following words clearly displayed "TREE PROTECTION ZONE, DO NOT ENTER".
- iii) The tree protection zone within the protective fencing must be mulched with a maximum depth 75mm of suitable organic mulch (woodchips or composted leaf chip mulch) and kept regularly watered for the duration of the works subject to this consent.
- iv) No development or associated activity is permitted within the fenced tree protection zone for the duration of works subject to this consent. This includes vehicular or pedestrian access, sheds, washout areas, excavations, backfilling, installation of services (including stormwater), removal of top soil, stockpiling of soil or building materials.
- v) 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.
- vi) Where it is impossible to install protection fencing to the full extent of the specified Tree Protection Zone- install trunk and branch boarding protection as shown in Figure 4 of the Australian Standards AS4970- Protection of Trees on Development Sites (Page 17).

B. During Works

- i) The tree protection measures detailed in 'A' above must be maintained during construction.
- ii) The supervising Consulting Arborist must be present during any approved hand excavation or under boring works within the Tree Protection Zone (TPZ) of any tree identified for retention and protection and have the authority to direct works to ensure the trees long term preservation.
- iii) The supervising Consulting Arborist must strictly supervise that there is no disturbance or severing of roots greater than 50mm diameter and to cleanly

cut those roots between 10-50mm 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.
- v) Ensure each hold point outlined below within the Tree Protection Schedule is signed off and dated progressively by the Consulting Arborist throughout the various development stages, including preconstruction, construction and post construction. Photographic evidence must also be provided.

Hold Point	Task	Responsibility	Certification	Timing of Inspection	Sign/ Date
1.	Indicate clearly with spray paint trees approval for removal only	Principal Contractor	Supervising Arborist	Prior to demolition and site establishment	
2.	Establishment of tree protection fencing	Principal Contractor	Supervising Arborist	Prior to demolition and site establishment	
3.	Supervise all excavation works proposed within the TPZ	Principal Contractor	Supervising Arborist	As required prior to the works proceeding adjacent to the tree	
4.	Inspection of trees by Project Arborist	Principal Contractor	Supervising Arborist	Bi-monthly during construction period	
5.	Final inspection of trees by project Arborist	Principal Contractor	Supervising Arborist	Prior to issue of interim/final Occupation Certificate	

C. Before Occupation

Prior to the issue of an Occupation Certificate the Supervising Arborist's signed and dated checkpoint list and photographic evidence must be provided to both the Principal Certifier and Council's Landscape Officer at the time of the final landscape inspection.

30. Pruning of Trees on Private Land

A. Before Works

The approved Landscape Plan includes the pruning of tree/s as identified in the table below.

Tree No.	Tree Species (botanical and common name)	Location
37	Angophora costata - Smooth Barked Apple	Western boundary

Where neighbouring tree branches interfere with the building of the development, the applicant must obtain the tree owners agreement and written consent to provide clearance pruning off the proposed works.

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

Approval is granted for the following pruning activity to be carried out to retained trees on site listed in the above table:

- i) ie Tree 37: The project arborist is to selectively prune extended tree branches back to the first available collar where they pass through any scaffolding required to build this structure. A maximum canopy prune of 15% of the eastern and northern sides of the tree is permissible, however, tying back of branches must be used as a first option.

31. Management of Site Soil / Fill Material

A. During Works

i) Disposal of site soils

Any soils to be excavated and disposed of from the site must be analysed and classified by an appropriately qualified, experienced and certified Environmental Consultant, in accordance with the relevant NSW EPA guidelines including the "Waste Classification Guidelines" 2014, prior to off-site disposal.

Excavated material is to be transported to an appropriately licensed waste facility by an EPA licensed waste contractor in accordance with relevant NSW EPA guidelines.

Note: Attention is drawn to Part 4: "Acid Sulfate Soils" of the NSW EPA "Waste Classification Guidelines" 2014, which specifies the management and disposal of actual and potential acid sulfate soils.

ii) Reuse of soils

Any existing soils excavated to be reused on the site must be assessed by an appropriately qualified, skilled and experienced environmental consultant in accordance with the National Environment Protection (Assessment of Site Contamination) Measure 1999 (amended 2013) and any relevant guidelines approved under *the Contaminated Land Management Act 1997*; to verify that the material is suitable for the intended land use, prior to reuse.

Any soils not suitable for the intended land use must be removed from site and disposed of in accordance with i) above.

iii) Importation of fill material

Any fill material that is imported onto the site must comprise Virgin Excavated Natural Material (VENM), Excavated Natural Material (ENM) or other suitable material in accordance with the relevant Resource Recovery Exemption issued under the *Protection of the Environment Operations (Waste) Regulation 2014*.

Prior to placing any fill material on the site, appropriate waste classification/certification documentation that verifies the material is VENM or complies with the requirements of the relevant Resource Recovery Exemption, including ENM, must be provided to the satisfaction of the Principal Certifying Authority (PCA).

In all instances, the environmental consultant must be certified by one of the following certification schemes:

- EIANZ 'Certified Environmental Practitioner - Site Contamination' scheme (CEnvP SC).
- Soil Science Australia 'Certified Professional Soil Scientist - Contaminated Site Assessment & Management' scheme (SSA CPSS CSAM).

32. Potential Contaminated Land - Unexpected Finds

A. During Construction

If unexpected soil and/or groundwater contamination is encountered during any works; all activities associated with that work must cease and the situation promptly evaluated by an appropriately qualified, experienced and certified environmental consultant. The contaminated soil and/or groundwater must then be managed under the supervision of the environmental consultant, in accordance with relevant NSW Environment Protection Authority (EPA) guidelines.

B. Prior to Recommencement of Works

If unexpected contaminated soil or groundwater is treated and/or managed onsite in accordance with 'A' above; the environmental consultant must verify that the situation was appropriately managed in accordance with relevant NSW EPA guidelines.

The verification documentation must be provided to the satisfaction of the Principal Certifying Authority and a copy provide to Sutherland Shire Council, Environmental Assessment Officer prior to the issue of an occupation certificate.

Note: In all cases, the environmental consultant must be certified by one of the following certification schemes:

- EIANZ 'Certified Environmental Practitioner - Site Contamination' scheme (CEnvP SC).
- Soil Science Australia 'Certified Professional Soil Scientist - Contaminated Site Assessment & Management' scheme (SSA CPSS CSAM).

33. Car Wash Bays

To prevent contamination of the stormwater drainage system a car-wash bays (two) must be provided on site:

A. Design

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

B. Before Construction

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

C. Before Occupation

The Principal Certifying Authority must be satisfied that:

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

D. Ongoing

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

34. Cleanliness and Maintenance of Food Preparation and Storage Areas

To ensure that adequate provision is made for the cleanliness and maintenance of all food preparation and storage areas:

A. Design

The food preparation/handling and storage area/s must be designed in accordance with;

- i) Food Act 2003.
- ii) Food Regulation 2015.
- iii) Food Safety Standards 3.1.1, 3.2.2 and 3.2.3.
- iv) AS 4674 - 2004 (Design, construction and fit-out of food premises).
- v) Sydney Water Corporation - Trade Waste Section.
- vi) Protection of the Environment Operations (Clean Air) Regulation, 2002.
- vii) AS 1668.1 2015.
- viii) AS 1668.2 2015.

B. Before Construction

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

C. Before Occupation

- i) Prior to the occupation of the premises or the issue of an Occupation Certificate, certification must be provided from a suitably qualified person that all work in connection with the occupation or use of the premises for the preparation, display and storage of food has been carried out in accordance with the terms of the development consent.
- ii) Occupation of the premises must not occur until a registration application has been submitted to Council's Environment and Health Regulation Department for the food business.

35. 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.

An external energy efficient lighting system is to be provided for pedestrian access and driveways located within communal open space.

B. Ongoing

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

Lighting must not cause a nuisance to neighbours or motorists.

36. 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:
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:
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.

37. Noise Control - Design and Operation (General Use - Residential component)

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

All plant and equipment associated with the residential component 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.

38. Noise Control - Design of Plant and Equipment (Continual Operation - Bowling Club)

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 associated with the Bowling Club 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.

39. Noise from Road

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

A. Design

The building design must be in accordance with the recommendations of the acoustic report by RWDI Australia Pty Ltd (ref no.: 2101539) dated 10 November 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.

40. Noise and Vibration Control - Residential Car Park

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

A. Design

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

B. Before Occupation

The Principal Certifier must be satisfied that ‘A’ above has been complied with.

41. Building Ventilation - Bowling Club

To ensure adequate ventilation for the building:

A. Design

For the Bowling Club component, 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 2012;
- 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.

42. Car Park Ventilation

To ensure adequate ventilation for the car park:

A. Design

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.

43. 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 10m² or more of asbestos sheeting must be registered with the EPA on-line reporting tool WasteLocate. More information can be found at <https://wastelocate.epa.nsw.gov.au>.

44. 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 condition of the land owned occupied by Caringbah High School and road carriageway and buildings at Nos. 97, 99 & 113 Willarong Road including any basements and ancillary structures. The reports must be provided to the Principal Certifier and to the owners of the properties and to the Director of Shire Infrastructure of Sutherland Shire Council.

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

45. Design Requirements for Adaptable Housing

A. Design

The development must provide Dwellings shown in pink on drawing DA480 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.

46. Design Requirements for Livable Housing

A. Design

The development must provide Dwellings shown in orange on drawings DA480, DA481 & DA482 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.

47. 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.

48. 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.

49. Certification Requirement of Levels

A. During Construction

At the following stages of construction:

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

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

B. Before Occupation

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

50. 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.

B. Before Occupation / Subdivision Certificate

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

Sydney Water Advice on Compliance Certificates:

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

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

51. Dial Before You Dig

A. Before Construction

Underground assets may exist in the area that is subject to your application. In the

interests of health and safety and in order to protect damage to third party assets please contact Dial Before You Dig at www.1100.com.au or telephone on 1100 before excavating or erecting structures (this is the law in NSW).

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

52. 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 and Australian Standard 2436 - 2010 Guide to Noise Control on Construction, Maintenance and Demolition Sites.

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 Demolition / Construction

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.

53. 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.

54. Street Numbering and Provision of Letter Box Facilities

A. Before Occupation

- i). Street / unit / Club numbers must be clearly displayed.
- ii). Suitable letterbox facilities must be provided in accordance with Australia Post specifications and AS4253 or to the satisfaction of Australia Post.
- iii). The dwellings/Club must have the following street address format: Club shall be G01/105A Willarong Road, Caringbah, B0.01 shall be G02/105B Willarong Road Caringbah and C0.01 shall be G12/105C Willarong Road, Caringbah

55. Certification - of Approved Ground Levels

A. Before Occupation

Upon completion of the development certification must be provided by a registered surveyor verifying that the ground levels of the site are in accordance with the approved plans.

56. Car parking

A. Ongoing

- i). To ensure that the car parking area for the Club satisfies the demands of the development. Parking made available on an unrestricted basis and free of charge at all times for employees and visitors' vehicles.
- ii). To ensure that the car parking area for Residents satisfies the demands of the development. Visitor parking must be continually available in common property in any future Strata Plan.

57. Car Parking Allocation

A. Before Subdivision

Allocated car parking on the following basis:

- Single Bedroom dwellings: maximum of one bay and a minimum of zero.
- Two Bedroom dwellings: one bay.
- Three Bedroom dwellings: maximum of two bay and a minimum of one. Each Tandem bay must be allocated to a single dwelling
- Car wash bays: two spaces in the dedicated Residential Parking precinct.
- Three Loading Docks: a HRV, a MRV, and a SRV bay as shared facilities for the Club & Residents.
- Residential visitor: 49 bays.
- Club: 70 bays (including two "disable"), 1 bus bay and 2 temporary bays

B. Ongoing

The car parking provided must only be used in conjunction with the dwellings, tenancies and Club contained within the development and not for any other purpose. Visitor parking facilities and the car wash bays must be designated as common property on any future strata plan.

58. Affordable Rental Housing - Restriction as to User

A. Before Occupation

Prior to the issue of any Occupation Certificate, a Restriction as to User must be registered against the title of the property in accordance with section 88E of the

Conveyancing Act 1919.

This restriction must:

- i) Limit the use of the following apartments for the purposes of affordable housing for 10 years from the date of issue of any Occupation Certificate:
 - Lower Ground Floor: All apartments
 - Ground Floor: All apartments
 - Level 1: All apartments within Building B & C.
 - Level 2: All apartments within Building C & apartments B2.08, B2.09, B2.10, B2.11, B2.12 and B2.13 within Building B.
 - Level 3: All apartments within Building C & apartments B3.08, B3.09, B3.10, B3.11, B3.12 and B3.13 within Building B.
 - Level 4: All apartments within Building C and apartments B4.06, B4.07, B4.08 and B4.09 within Building B.
 - Level 5: Apartments B5.06, B5.07 and B5.08 within Building B.
 - Level 6: Apartments B6.06, B6.07 and B6.08 within Building B.
 - Level 7: Apartments B7.06, B7.07 and B7.08 within Building B.
- ii) Specify that the affordable housing must be managed by a registered community housing provider, in accordance with Clause 17 of the State Environmental Planning Policy (Affordable Rental Housing) 2009.
- iii) Council is to be notified of the community housing provider managing each affordable housing unit.

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 10 years from the date of issue of an Occupation Certificate, to be Affordable Housing as defined by State Environmental Planning Policy (Affordable Rental Housing) 2009, 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.

59. Copies of Consent, Register and Management Plans

A. Ongoing

A full copy of all current development consents (including approved plans) for the operation of the premises, any Registers required and any required Plan of Management must be kept on the premises and made available for inspection immediately upon request by Council Officers, Police Officers and/or Office of Liquor Gaming and Racing Authorised Officers.

60. Noise Limiters - Playing of Amplified Music in Club

A. Ongoing

- a) Approved noise limiters must be installed in the entertainment area. The

limiters must be calibrated and set by the Project Acoustical Consultant to ensure compliance with Council's noise emission criteria. The Project Acoustical Consultant must certify that the limiters are installed and calibrated to satisfy the requirement of Council's noise criteria. The calibration levels and assessment background levels must be reported on calibration sheets for each area (if necessary) and submitted to Council. The noise limiters must be installed in a locked cabinet located in a secure area. Access to noise limiter post calibration must be restricted to the Licensee of the premises and made available to Council officers upon request.

- b) All on-stage and front of house sound equipment must be connected in such a manner to the one system so that the noise levels produced can be effectively controlled by the noise limiter referred to above and the house mixer/sound engineer.
- c) No amplified or background music is to be played in outdoor areas of the Club.

This condition has been imposed to mitigate amenity impacts upon the neighbourhood.

61. Caringbah High School

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

62. Building Design

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

63. Graffiti

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

64. Lighting

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

65. Closed Circuit Television (CCTV)

To increase resident safety and security, a CCTV system must be installed to monitor all common areas (including letter boxes), the access / exit driveway, all basement car park levels including lift areas and entry / exit points of the Club.

Digital technology will be required to be used to record images from the camera and this is to be located in a secure location. The surveillance equipment will need to be able to zoom in and out on a person without losing focus. It must be maintained in working order at all times and installed by a qualified and reputable company. All security devices must be installed by a licenced security professional and must meet Australian Standard 4806.

66. Use of the Premises - Club

The premises must operate as a registered club that is a bowling club at all times in accordance with this consent. The premises must not operate as a 'nightclub' in any part of the premises.

67. Loading and Unloading

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

A. Ongoing

- i). All loading and unloading of vehicles must be carried out within the site and not from the public roadway.
- ii). All service / delivery vehicles must enter and leave the site in a forward direction.
- iii). The Loading Dock shall be managed in accordance with the "Loading and Servicing Management Plan" prepared by TTPP.
- iv). The Loading Dock will be managed full time by a dedicated Manager for this purpose.

68. Bowling Club

These conditions are imposed to ensure that the operation of the licenced premises does not adversely affect the amenity of the locality.

A. Ongoing

i) Trading Hours

The trading hours of the bowling club must be restricted to the following:

Area of Bowling Club	Monday to Thursday	Friday and Saturday	Sunday
Internal areas	7am to 10pm	7am to 10pm	10am to 9pm
Outdoor terrace	10am to 10pm	10am to 10pm	10am to 9pm
Bowling greens	10am to 9pm	10am to 9pm	10am to 9pm

ii) Maximum Capacity

Each bowling green is not to exceed a maximum of 50 people at any given time.

The Club is not to exceed a maximum capacity of 250 patrons. This maximum is broken into following areas within the Club:

- Gaming Room: 25
- TAB / Sports Area: 32
- Lounge: 60
- Dining: 22
- Café: 48
- Bowlers Lounge: 144
- Outdoor Terrace: 104

iii) Plan of Management

The Bowling Club must operate in accordance with the Plan of Management prepared by Caringbah Bowling and Recreational Club (the Club), dated May 2021, which is to be amended as follows:

- The presence of security personnel and the area in which they patrol is to be expanded revised to in accordance with point (v) below.
- Reference to Miranda Local Area Command is to be replaced with Sutherland Local Area Command.

iv) Sale of Liquor

- a) The sale and supply of liquor in the licenced premises must be in accordance with the terms and conditions of an approved liquor licence issued by the Office of Liquor Gaming and Racing.
- b) No liquor may be sold, supplied or consumed on the premises except with the approval and authorisation from the relevant Liquor Authority.
- c) The sale and/or supply of liquor must cease 15 minutes prior to the cessation of the respective hours of operation for the specified indoor and outdoor seating areas.
- g) No patron shall be permitted to take glasses or open containers of liquor off the premises.

v) Security Personnel

Security personnel must be in attendance in accordance with the Plan of Management prepared by Caringbah Bowling and Recreational Club (the Club) dated May 2021.

Security personnel is to be provided on Friday and Saturday evenings and during any 'barefoot bowls' activities.

Security personnel are to patrol the subject site and a portion of Willarong Rd within close proximity to the site.

vi) Delivery / Collection of Goods

To minimise the noise impact of the development on the surrounding environment, loading or unloading of goods and materials from the Club must not take place between 7pm and 8am Monday to Saturday or 7pm and 9am Sunday and Public Holidays.

x) Waste

To minimise the noise impact of the development on the surrounding environment, the collection of goods including garbage and recycling waste from the premises must occur between the hours of 7am and 7pm Monday to Saturday and between 9am and 7pm on Sunday and Public Holidays.

Owners and operators must at all times display at all staff exits and in the garbage storage area clearly visible and legible signs in the form of or like "Bottles and cans are NOT to be collected by waste operators after 7pm or before 7am (9am Sunday / Public Holiday). Movement of other waste from inside to outside the premises, after 7pm must occur quietly.

vii) Complaint Response

In the event of a complaint being received by the licensee from a neighbouring resident with respect to a disturbance to the quiet and good order of the neighbourhood, the licensee must notify Council of the complaint for inclusion on the complaints register within 48 hours. It remains the responsibility of the licensee to respond appropriately to complaints.

viii) Cessation of Trading - Announcement

An announcement must be made at the cessation of the entertainment to the effect that patrons must leave the premises and the vicinity quickly and quietly to avoid disturbance of the neighbourhood.

ix) Notice to Patrons

A clearly visible sign must be permanently erected immediately adjacent to the entry / exit doors of the premises indicating that patrons are to leave in an orderly fashion and must leave the vicinity of the premises in a manner that does not disturb the quiet and good order of the neighbourhood.

x) Cleaning Operations

To minimise the noise impact of the development on the surrounding environment no cleaning staff or cleaning contractor must commence work prior to 8.00am on any day.

xi) Occupation of Site

The premises must not be occupied by staff or contractors beyond 1 hour after the cessation of trading nor before 9am on any day.

xii) Live Entertainment

There must be no loading or unloading of band equipment other than through the loading dock.

69. Closure of windows / doors - Bowling Club

To minimise any transmission of noise from the premises to nearby residential buildings:

A. Ongoing

(a) All external perimeter window / door openings to the Licensed Club shall be locked closed by 10pm (Monday to Saturday) or 9pm (Sunday) to 7am (Monday to Saturday) or 10am (Sunday). The exclusion to this is:

(i) the front recess area may be opened when being utilised for entry and exit purposes and cases of emergency;

(ii) The Club terrace bifold doors are to be closed by 9pm each day.

(b) The doors and windows leading to and from internal areas of the premises shall be acoustically sealed.

70. External Areas of Club

A. Design

No approval is granted for a bar and / or drinks service or any associated fixtures or fittings in any external area of the Club.

Drinks are not to be taken on the bowling greens.

Signature of Determining Authority: XXXX

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

PRESCRIBED CONDITIONS

Division 8A Prescribed conditions of development consent

Clause 98 Compliance with Building Code of Australia and insurance requirements under the Home Building Act 1989

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

- (1) For the purposes of Section 4.17(11) of the Act, the following conditions are prescribed in relation to a development consent for development that involves any building work:
 - (a) that the work must be carried out in accordance with the requirements of the Building Code of Australia,
 - (b) in the case of residential building work for which the Home Building Act 1989 requires there to be a contract of insurance in force in accordance with Part 6 of that Act, that such a contract of insurance is in force before any building work authorised to be carried out by the consent commences.
- (1A) For the purposes of Section 4.17(11) of the Act, it is prescribed as a condition of a development consent for a temporary structure that is used as an entertainment venue, that the temporary structure must comply with Part B1 and NSW Part H102 of Volume One of the Building Code of Australia.
- (2) This clause does not apply:
 - (a) to the extent to which an exemption is in force under clause 164B, 187 or 188, subject to the terms of any condition or requirement referred to in clause 164B(4), 187(6) or 188(4), or
 - (b) to the erection of a temporary building, other than a temporary structure to which subclause (1A) applies.
- (3) In this clause, a reference to the Building Code of Australia is a reference to that Code as in force on the date the application is made for the relevant:
 - (a) development consent, in the case of a temporary structure that is an entertainment venue, or
 - (b) construction certificate, in every other case.

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

Clause 98A Erection of signs

- (1) For the purposes of Section 4.17(11) of the Act, the requirements of subclauses (2) and (3) are prescribed as conditions of a development consent for development that involves any building work, subdivision work or demolition work.
- (2) A sign must be erected in a prominent position on any site on which building work, subdivision work or demolition work is being carried out:
 - (a) showing the name, address and telephone number of the principal certifier for the work, and
 - (b) showing the name of the principal contractor (if any) for any building work and a telephone number on which that person may be contacted outside working hours, and

- (c) stating that unauthorised entry to the work site is prohibited.
- (3) Any such sign is to be maintained while the building work, subdivision work or demolition work is being carried out, but must be removed when the work has been completed.
- (4) This clause does not apply in relation to building work, subdivision work or demolition work that is carried out inside an existing building that does not affect the external walls of the building.
- (5) This clause does not apply in relation to Crown building work that is certified, in accordance with Section 6.28 of the Act, to comply with the technical provisions of the State's building laws.
- (6) This clause applies to a development consent granted before 1 July 2004 only if the building work, subdivision work or demolition work involved had not been commenced by that date.

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

Clause 98B Notification of Home Building Act 1989 requirements

- (1) For the purposes of Section 4.17(11) of the Act, the requirements of this clause are prescribed as conditions of a development consent for development that involves any residential building work within the meaning of the Home Building Act 1989.
- (2) Residential building work within the meaning of the Home Building Act 1989 must not be carried out unless the principal certifier for the development to which the work relates (not being the council) has given the council written notice of the following information:
 - (a) in the case of work for which a principal contractor is required to be appointed:
 - (i) the name and licence number of the principal contractor, and
 - (ii) the name of the insurer by which the work is insured under Part 6 of that Act,
 - (b) in the case of work to be done by an owner-builder:
 - (i) the name of the owner-builder, and
 - (ii) if the owner-builder is required to hold an owner-builder permit under that Act, the number of the owner-builder permit.
- (3) If arrangements for doing the residential building work are changed while the work is in progress so that the information notified under subclause (2) becomes out of date, further work must not be carried out unless the principal certifier for the development to which the work relates (not being the council) has given the council written notice of the updated information.
- (4) This clause does not apply in relation to Crown building work that is certified, in accordance with Section 6.28 of the Act, to comply with the technical provisions of the State's building laws.

Clause 98E Condition relating to shoring and adequacy of adjoining property

- (1) For the purposes of Section 4.17(11) of the Act, it is a prescribed condition of development consent that if the development involves an excavation that extends below the level of the base of the footings of a building, structure or work (including any structure or work within a road or rail corridor) on adjoining land, the person having the benefit of the development consent must, at the person's own expense:
 - (a) protect and support the building, structure or work from possible damage from the excavation, and
 - (b) where necessary, underpin the building, structure or work to prevent any such damage.
- (2) The condition referred to in subclause (1) does not apply if the person having the benefit of the development consent owns the adjoining land or the owner of the adjoining land has given consent in writing to that condition not applying.

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

NOTES

1. The cutting down, lopping, injury and destruction of trees is regulated by Sutherland Shire Local Environmental Plan 2015 and Sutherland Shire Development Control Plan 2015. A person who contravenes, causes or permits the controls in relation to trees to be contravened is guilty of an offence. Trees designated to be removed on the approved plans under this consent may be removed unless specified otherwise in the conditions in this consent. All other trees on the site covered by Council's controls referred to above must be retained.
2. Division 8.2 of the Environmental Planning and Assessment Act confers on an applicant who is dissatisfied with the determination of the application the right to lodge an application with Council for a review of such determination. Any such review must however be completed within 6 months from this determination. Should a review be contemplated sufficient time should be allowed for Council to undertake public notification and other processes involved in the review of the determination.

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

3. Part 8 (Appeals and Related Matters) Part 4 of the Environmental Planning and Assessment Act 1979 confers on an applicant who is dissatisfied with the determination of the application a right of appeal to the Land and Environment Court of New South Wales.
4. This consent will lapse unless the development is physically commenced within 5 years from the Date of Operation of this consent, in accordance with Section 4.53 of the Environmental Planning and Assessment Act 1979 as amended.

DECISION

Pursuant to the provisions of Section 80(1)(a) of the Environmental Planning and Assessment Act 1979, Development Application No DA21/0629 is determined by the granting of approval subject to the conditions outlined in the Development Assessment Report attached to Council's file.

Signed: XXXX
(Delegated Officer)

Date: XXXX