

Report to the Joint Regional Review Panel
Proposed Extensions to Tahmoor Town
Centre, Remembrance Driveway, Tahmoor
- General Store DA 2009/765 - Addendum
Report

Assessment Report and Recommendation

Report By:
Michael Brown Planning Strategies,
Town Planning Consultant

September 2011

Preparation, Review and Authorisation

Revision No.	Date	Prepared By:	Reviewed By:	Approved for issue by:
	28/09/11	MB	MB	MB

Document Certification

This report has been developed based on agreed requirements as understood by Michael Brown Planning Strategies at the time of investigation. It applies only to a specific task on the lands nominated. Other interpretations should not be made, including changes in scale or application to other projects.

Any recommendations contained in this report are based on an honest appraisal of the opportunities and constraints that existed at the site at the time of investigation, subject to the limited scope and resources available. Within the confines of the above statements and to the best of my knowledge, this report does not contain any incomplete or misleading information.

SIGNED:

Position: Town Planner

Date: 28/09/11

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Contents

1	THE PROPOSED DEVELOPMENT	3
2	AMENDMENT TO CONDITIONS OF DEVELOPMENT CONSENT	3
3	ASSESSMENT OF PROPOSAL UNDER CLAUSE 37 OF LEP 1991	3
4	ASSESSMENT OF TRAFFIC ISSUES AND RECOMMENDATION.....	5
5	RECOMMENDATION	5

Annexures

- A: Architectural Plans
- B: RTA comments
- C: Truck travel path and pedestrian access movements
- D: Minutes from previous Panel meeting

JRPP No	2009SYW030
Property	Lots 73, 74, 75, 76, 77, 78, 79, 80, 81, 82, 83, 84, 85, 86 and 88 in DP 8982 and part of York Street and Lot 304 in DP 1057579 Thirlmere Way, Tahmoor
Proposal	Demolition of existing structures and extensions to shopping centre
Applicant	Rein Warry & Company
Owner	Baldek Pty Ltd and Vivah Pty Ltd
Land zoning	Residential 2(a) under Wollondilly LEP 1991
Application No	2009/765

Executive Summary

Council received a development application in November 2009 from Rein Warry and Co Pty Ltd proposing the demolition of existing dwellings and structures and removal of trees to enable the construction of an extension to the existing Tahmoor Town Centre Shopping Centre for a general store (refer to **Annexure A**).

This firm has prepared two assessment reports to the Joint Regional Review Panel (The Panel) on behalf of Wollondilly Shire Council on the basis that there was a potential conflict of interest in respect of the closure of York Street. The reports to The Panel were dated October 2010 and February 2011 and provided an assessment under Section 79C of the Environmental Planning & Assessment Act 1979 with a recommendation for approval.

The Panel at the November 2010 meeting requested that the application be deferred and that the Council obtain legal advice in respect of the following:

- Whether the relevant part of the proposed development meets the definition of a General Store as defined in *Wollondilly Local Environmental Plan 1991 (WLEP)*?
- Whether the extension of the commercial building over York Street is permissible under WLEP, given that the road is currently zoned 2(a) Residential "A"? In this regard is the operation of clause 37 of WLEP (development near boundary of adjacent zones) sufficient to permit this building extension?

Council's Solicitors Lindsay Taylor Lawyers provided legal advice in respect of the above and this was generally accepted by the Panel, although there were issues raised regarding compliance with Clause 37 of Wollondilly Local Environmental Plan 1991. It would be noted that WLEP 1991 has now be replaced with LEP 2011, which was gazetted in February 2011. Notwithstanding, the development application was submitted prior to gazettal and the application must be assessed under LEP 1991 provisions.

The Panel at the meeting of 10 March 2011 deferred the application pending a resolution to the outstanding traffic issues and that the proposal be endorsed by the NSW Roads and Traffic Authority.

The RTA has endorsed the traffic plans for the proposed development (refer to **Annexure B**). This includes traffic management devices that need to be installed as a result of the traffic generated by the development, including new access arrangements, as a result of the partial closure of York Street (refer to **Annexure C**).

The panel requested the following changes to conditions:

- 1) Stage 2 condition 4 be amended to include the following changes to conditions:
 - A detailed plan shall be prepared to Council's satisfaction setting out vehicle and pedestrian and arrangements allowing safe vehicle and pedestrian movements in a shared way concept. The plans should examine paving materials, speed control devices, signage and dedicated pedestrian separation.
 - That the applicant together with Council shall prepare a detailed plan that addresses pedestrian access routes around the complex.
- 2) That a condition be added to the consent regulating the construction noise.
- 3) That the following deferred commencement condition be deleted from the consent:
 - The sale and closure of part of York Street shall be endorsed by Council.

The following provides an assessment of the above matters.

1 The Proposed Development

The proposed development seeks approval for the following works, as submitted with the development application:

- Demolition of all dwellings and structures on the subject sites;
- Removal of trees and vegetation;
- Site works, including drainage and road works;
- Construction of a roundabout at the intersection of Thirlmere Way and York Street, including necessary infrastructure works such as drainage and services relocation;
- Road widening of Thirlmere Way and the closure of the median strip in such road;
- Partial closure of York Street, including infrastructure works;
- Road works in George Street, including infrastructure works;
- Construction of extensions to existing shopping centre complex, including internal alterations and modifications to the façade and the food court area;
- Provision of on-site and off-site car parking spaces (460);
- Erection of advertising sign panels; and
- Landscaping works.

The extensions involve the provision of a general store with a floor area of 6284.88m²; additions to the existing Woolworths store of 1000.16m² (over the York Street road closure); open mall and amenities of 5380m²; storage and 'back of house'/loading dock/mezzanine area on Larkin Street frontage of 2189.31m² and additions to retail area (existing building) of 108.76m².

The development expands the existing shopping centre across York Street to the subject site. As part of the development, York Street would be partially closed in order to provide three access points to an extensive underground parking area. Vehicle traffic would drive under the building from Thirlmere Way to Larkin Street, as this was a concern raised during the exhibition period. Pedestrian traffic would also walk through this area to gain access to the existing and proposed general store and to other parts of the Tahmoor town centre and railway station. This detail is shown on **Annexure C**.

2 Amendment to Conditions of Development Consent

The recommended conditions of consent to Development Application 2009/765 have been amended to address the above matters.

3 Assessment of proposal under Clause 37 of LEP 1991

In respect of the extension of the existing Woolworths Supermarket over York Street, Clause 37 of LEP 1991 is as follows:

Clause 37 Development near boundary of adjacent zones

- (1) *Subject to subclause (2), development which is permitted within a zone may, with the consent of the council, be carried out on land in an adjacent zone other than Zone No 6 (a), 6 (b), 7 (a), 7 (b), 8 (a) or 9 (d) within 20 metres of the boundary between the zones.*
- (2) *The council may grant consent under the Act to the carrying out of development pursuant to subclause (1) only where the carrying out of the development is necessary, in the opinion of the council, due to planning, design, servicing or similar requirements relating to the optimum development of land to which this plan applies.*

This clause essentially permits Council to approve a landuse that is permissible in one zone (commercial), but prohibited in an adjoining zone (residential) provided that it is within 20m of a zone that permits that development and is necessary due to planning, design, servicing or similar requirements. The existing supermarket is constructed on land zoned for commercial purposes and is therefore permissible. York Street is zoned for residential purposes (37(1)). Therefore this part of the clause has been met.

In terms of (2), the site needs to be serviced by a number of loading dock facilities given the location of existing uses which are required to be serviced by a variety of trucks for the supermarket and specialty shops (food shops, and discount stores). The existing loading dock is located to suitably service these uses. The proposed development includes the extension of the existing supermarket, a general store and other uses that will need to be serviced by trucks. The location proposed on the plans for the proposed development locates loading docks to adequately and conveniently service those uses and not require excessive travel paths with the delivery of goods.

Due to the location of the existing loading dock area and the need to service the proposed development there are no opportunities to relocate loading docks that would central to existing and proposed uses. To expand the development in any other direction other than towards York Street, as proposed by the application would not result in a good servicing outcome for the site.

The expansion could occur in the loading dock area to the south, but then a new loading dock would be needed constructed elsewhere, and there appears to be no opportunities to do this, as the loading dock area would then be within the road reserve. It would also be noted that the loading dock services other uses within the complex and a relocation of the loading dock area elsewhere would result in these businesses being potentially without a loading dock area or requiring servicing from the carparking area at the front of the shops. This loading dock area also services several other shops fronting Remembrance Driveway and connects to Crawford Lane, which has access to Larkin Street. Therefore the optimal development of the site is over York Street and provides a planning outcome for the land.

In addition, it is considered that the general objective of the clause is to provide flexibility where the investigation of a site and its surroundings reveals that a use allowed on the other side of a zone boundary would enable a more logical and appropriate development of the site and be compatible with the planning objectives and land uses for the adjoining zone.

Therefore in respect of subclause (2) this aspect of the proposed development has been satisfied, in my opinion

4 Assessment of Traffic Issues and Recommendation

In accordance with the above resolution, extensive discussions have been had between, the applicant (including traffic consultant and architect), the RTA and Council to address traffic related aspects of the development and the concerns expressed initially by the RTA.

As a result of those discussions, several plans have been submitted providing details of the roundabout at the corner of York Street and Thirlmere Way and traffic management generally.

An updated report by Thompson Stanbury & Associates dated 5 September 2011 and associated plans have been submitted to Council in response to the recommendation of the JRPP.

This report details all vehicular, pedestrian and truck servicing traffic including pathways through the undercroft, signage and traffic calming devices. Plans showing this information are:

- Thompson Stanbury Assoc. File 11-034 sheet 1 edition B (Appendix I and 2) - Proposed Roundabout Control
- Algorry Zappia & Assoc. amended 5 September 2011 - Pedestrian Access Pathways & Signage Plan.
- Algorry Zappia & Assoc. amended 5 September 2011 - Public Trucks Travel Path Plan.

The submitted plans & report satisfactorily address all types of traffic movements. The final detailed plans being subject to compliance with all conditions of consent including approval by the Local Traffic Committee

The RTA has advised that the roundabout junction treatment is acceptable subject to conditions and subject to final design being submitted.

Having regard to the above matters, it is recommended that the application be approved subject to conditions.

5 Recommendation

That Development Application D2009/765 for additions and extensions to the existing Tahmoor Shopping Centre at Lots 73, 74, 75, 76, 77, 78, 79, 80, 81, 82, 83, 84, 85, 86 and 88 in DP 8982 and part of York Street and Lot 304 in DP 1057579 Thirlmere Way, Tahmoor be approved subject to the following conditions of consent:

Stage 1 - Demolition and Tree Removal

- (1) Development Consent is granted for Demolition of existing structures, tree removal and extension to existing commercial centre to create general store at Lot: 304 DP: 1057579, Lot: 73 DP: 8982, Lot: 85 DP: 8982, Lot: 86 DP: 8982, Lot: 87 DP: 8982, Lot: 88 DP: 8982, Lot: 78 DP: 654924, Lot: 79 DP: 654925, Lot: 80 DP: 659107, Lot: 74 DP: 8982, Lot: 75 DP: 8982, Lot: 76 DP: 8982, Lot: 77 DP: 8982, Lot: 81 DP: 8982, Lot: 82 DP: 8982, Lot: 83 DP: 8982, Lot: 84 DP: 8982, No. 111-117 Remembrance Driveway TAHMOOR, 63 York Street TAHMOOR, 36 George Street TAHMOOR, 38 George Street TAHMOOR, 13 Larkin Street TAHMOOR, 11 Larkin Street TAHMOOR, 55A York Street TAHMOOR, 14 Thirlmere Way TAHMOOR, 16 Thirlmere Way TAHMOOR, 61 York Street TAHMOOR, 59 York

Street TAHMOOR, 57 York Street TAHMOOR, 55 York Street TAHMOOR, 18 Thirlmere Way TAHMOOR, 30 George Street TAHMOOR, 32 George Street TAHMOOR, 34 George Street TAHMOOR.

- (2) Development shall take place in accordance with the following endorsed plans:
- The site Plan/Ground floor Plan Part A prepared by Algorry Zappia & Associates Pty Ltd, with Project No. P1773 Sheet No. A02 Issue G, dated 01.02.2011 and submitted in respect of Development Application No. 010.2009.00000765.001.
 - The overall site plan – Site/Ground Floor Plan Part B prepared by Algorry Zappia & Associates Pty Ltd with Project No. P1773 Sheet No. A03 Issue D, dated 24.08.2010 and submitted in respect of Development Application No. 010.2009.00000765.001.
 - Basement Car Park Floor Plan Part A prepared by Algorry Zappia & Associates Pty Ltd, with Project No. P1773 Sheet No. A04 Issue G, dated 13.12.2010 and submitted in respect of Development Application No. 010.2009.00000765.001.
 - Basement Car Park Floor Plan Part B prepared by Algorry Zappia & Associates Pty Ltd, with Project No. P1773 Sheet No. A05 Issue C, dated 13.12.2010 and submitted in respect of Development Application No. 010.2009.00000765.001.
 - Elevations/Sections prepared by Algorry Zappia & Associates Pty Ltd, with Project No. P1773 Sheet No. A06 Issue D, dated 01.02.2011 and submitted in respect of Development Application No. 010.2009.00000765.001.
 - Roof Plan prepared by Algorry Zappia & Associates Pty Ltd, with Project No. P1773 Sheet No. A07 Issue D, dated 01.02.2011 and submitted in respect of Development Application No. 010.2009.00000765.001.
 - The retaining/screen wall Plan prepared by Algorry Zappia & Associates Pty Ltd with project No. P1773 Sheet No. A07 Issue B, dated 27.1.2010 and submitted in respect of Development Application No. 010.2009.00000765.001.
 - The pedestrian access pathway and signage plan prepared by Algorry Zappia & Associates Pty Ltd amended 05.09.2011 and submitted in respect of Development Application No. 010.2009.00000765.001.
 - The public truck travel path plan prepared by Algorry Zappia & Associates Pty Ltd amended 05.09.2011 and submitted in respect of Development Application No. 010.2009.00000765.001.

except where varied by the following conditions:

- (3) All demolition works shall be undertaken by a licensed demolisher who is registered with Work Cover NSW. Details shall be submitted to the Principal Certifying Authority prior to the commencement of demolition works.
- (4) Any demolition works involving asbestos removal must comply with all legislative requirements including the *Code of Practice for the Safe Removal of Asbestos (2nd Edition – National Occupational Health and Safety Commission) [NOHSC:2002(2005)]*, Work Cover NSW and NSW Department of Environment and Climate Change (DECC) requirements.
- (5) Any work involving lead paint removal must not cause lead contamination of air or ground.
- (6) All demolition material shall be disposed of in accordance with a waste management plan approved by Wollondilly Shire Council.

- (7) Demolition works shall not create general nuisance by reason of inadequate dust, noise or environmental controls.
- (8) Demolition shall be carried out to Australian Standard AS2601-2001 – The Demolition of Structures including provision for:
- Appropriate security fence or builders hoarding shall be installed to prevent public access to the demolition works
 - Induction training for onsite personnel
 - Management of asbestos, contamination and other hazardous materials
 - Dust control
 - Disconnection of gas and electrical supply
 - The demolition shall not hinder pedestrian or vehicle mobility in the locality

Control of water pollution and leachate, including the cleaning of vehicle tyres in accordance with the Protection of the Environment Operations Act, 1997.

- (9) The demolition by induced collapse, the use of explosives or onsite burning is not permitted.
- (10) During demolition works all materials and equipment shall be kept entirely within the site and not on adjoining property, footpaths and roads.
- (11) All demolition work and removal of trees shall be restricted to between the hours of 7.00am and 5.00pm Mondays to Fridays (inclusive), 7.00am to 1.00pm Saturdays, if inaudible at any point at the boundary of any adjoining property, otherwise 8.00am to 1.00pm and prohibited on Sundays and Public Holidays.
- (12) Certification is to be provided by the Demolition Contractor that the demolition work has been carried out in accordance with conditions (3) to (10). Such certification is to be provided to the Principal Certifying Authority prior to the issue of any Construction Certificate.
- (13) Prior to the demolition of Dwellings, a photographic record shall be prepared in accordance with “Guidelines for photographic recording of Heritage Sites, Buildings and Structures published the NSW Heritage Council, June 1994”. This record shall be submitted in accordance with the requirements of these guidelines. Demolition shall not commence prior to the Demolition Contractor receiving written confirmation from Council that this condition has been complied with.
- (14) Toilet facilities are to be provided, at or in the vicinity of the work site on which work involved in the erection or demolition of a building is being carried out, at the rate of one toilet for every 20 persons or part of 20 persons employed at the site. These facilities are to be provided prior to the commencement of any works and:
- (a) Must be a standard flushing toilet; and
 - (b) Must be connected:
 - (i) to a public sewer, or

- (ii) if connection to a public sewer is not practicable, to an accredited sewage management facility approved by the Council, or if connection to a public sewer or an accredited sewage management facility is not practicable, to some other sewage management facility approved by the Council.

In this condition:

Accredited sewage management facility means a sewage management facility to which Division 4 of Part 2 of the *Local Government (General) Regulation 2005* applies, being a sewage management facility that is installed or constructed to a design or plan the subject of a certificate of accreditation referred to in clause 41 of the Regulation.

Approved by the Council means the subject of an approval in force under Division 4 of Part 2 of the *Local Government (General) Regulation 2005*.

Sewage Management Facility has the same meaning as it has in the *Local Government (General) Regulation 2005*.

- (15) Any damage to the Council footway, road or other land shall be restored in accordance with Council's specifications prior to the issue of any Occupation Certificate for the development.
- (16) All excavation and backfilling associated with the erection or demolition of a building must be executed safely and in accordance with appropriate professional standards.

All excavations associated with the erection or demolition of a building must be properly guarded and protected to prevent them from being dangerous to life or property.

(17) SUPPORT FOR NEIGHBOURING BUILDINGS

- (1) If an excavation associated with the erection or demolition of a building extends below the level of the base of the footings of a building on an adjoining allotment of land, the person causing the excavation to be made:
- (a) must preserve and protect the building from damage; and
 - (b) if necessary, must underpin and support the building in an approved manner; and
 - (c) must, at least 7 days before excavating below the level of the base of the footings of a building on an adjoining allotment of land, give notice of intention to do so to the owner of the adjoining allotment of land and furnish particulars of the excavation to the owner of the building being erected or demolished.
- (2) The owner of the adjoining allotment of land is not liable for any part of the cost of work carried out for the purposes of this Clause, whether carried out on the allotment of land being excavated or on the adjoining allotment of land.

In this Clause, allotment of land includes a public road and any other public place.

(18) PROTECTION OF PUBLIC PLACES

- (1) If the work involved in the erection or demolition of a building:

- (a) Is likely to cause pedestrian or vehicular traffic in a place to be obstructed or rendered inconvenient, or
- (b) Building involves the enclosure of a public place;

A hoarding or fence must be erected between the work site and the public place.

- (2) If necessary, an awning is to be erected, sufficient to prevent any substance from, or in connection with, the work falling into the public place.
- (3) The work site must be kept lit between sunset and sunrise if it is likely to be hazardous to persons in the public place.

Any such hoarding, fence or awning is to be removed when the work has been completed.

- (19) During vegetation removal, seed shall be collected from Lot 86, and forwarded to Wollondilly Shire Council Nursery for planting into future landscaping or into the road reserve adjacent to George Street and Thirlmere Way in accordance with the Flora and Fauna Assessment prepared by Joy Hafey Environmental Consultant dated May, 2010 and submitted in respect of Development Application No. 010.2009.00000765.001.
- (20) Burning of felled trees is not permitted.
- (21) Sale of timber directly from the site is not permitted.
- (22) Storage of felled trees is to be kept clear of property boundaries prior to removal.
- (23) Erosion and sediment control devices are to be installed prior to any construction activity on the site. These devices are to be maintained for the full period of construction and beyond this period where necessary.
- (24) All disturbed areas are to be stabilised by turfing, mulching, paving or otherwise suitably stabilised within 30 days of completion.
- (25) Topsoil stripped from the construction site is to be stockpiled and protected from erosion until re-used during landscaping.
- (26) Vehicle access is to be controlled so as to prevent tracking of sediment onto adjoining roadways, particularly during wet weather or when the site has been affected by wet weather.
- (27) SIGNS TO BE ERECTED ON BUILDING, SUBDIVISION AND DEMOLITION SITES
 - (1) In accordance with Section 80A (11) of the Environmental Planning & Assessment Act, 1979, 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 Certifying Authority 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.

- (2) 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.
- (3) 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.

(28) Noise Control during Construction and Demolition

To minimise the impact on the surrounding environment, noise levels emitted during construction and demolition works shall be restricted to comply with the construction noise control guidelines set out in Chapter 171 of the NSW EPA's Environmental Noise Control Manual. This manual recommends:

- a) For construction and demolition periods of four (4) weeks or less, the LAeq sound pressure level measured over a period of 15 minutes when the construction or demolition site is in operation, shall not exceed the ambient background level (LA90 15 min) by more than 20dB(A) when measured at the nearest affected premises.
- b) For construction and demolition periods greater than four (4) weeks, the LAeq sound pressure level measured over a period of 15 minutes when the construction or demolition site is in operation, shall not exceed the ambient background level (LA90 15 min) by more than 10dB(A) when measured at the nearest affected premises.

ADVICES

- (1) During the course of demolition, care must be taken to prevent damage to any public utility or other service and the applicant will be held responsible for any damage caused by him or his agents, either directly or indirectly. Any mains, services, poles, surface fittings etc that require alterations shall be altered at the applicants' expense and to the satisfaction of Council and the authority concerned.
- (2) The following service providers should be contacted before commencement of construction to establish their requirements:
 - Telstra (telephone) 1 800 768 396
 - Integral Energy (electricity) 131 002
 - AGL (gas) 131 245
 - Sydney Water (water & sewer) 132 092

- (3) At all times work is being undertaken within the public road, adequate precautions shall be taken to warn, instruct and guide road users safely around the work site with a minimum of disruption.
- (4) The developer and any contractor or sub-contractor used to carry out any work authorised by or out of this approval on Council owned or controlled land, is to carry the following insurance, copies of which are to be produced to Council upon request:
 - Motor Vehicle Insurance (comprehensive or property damage) for all self propelled plant, as well as valid registration or RTA permit (Including CTP insurance). Primary producer's registration is not registration for use on Public Road construction work.
 - Workers Compensation Insurance.
 - Ten Million Dollar Public Liability Insurance.

Stage 2 - Road and Drainage Works

- (1) Development Consent is granted for Demolition of existing structures, tree removal and extension to existing commercial centre to create general store at Lot: 304 DP: 1057579, Lot: 73 DP: 8982, Lot: 85 DP: 8982, Lot: 86 DP: 8982, Lot: 87 DP: 8982, Lot: 88 DP: 8982, Lot: 78 DP: 654924, Lot: 79 DP: 654925, Lot: 80 DP: 659107, Lot: 74 DP: 8982, Lot: 75 DP: 8982, Lot: 76 DP: 8982, Lot: 77 DP: 8982, Lot: 81 DP: 8982, Lot: 82 DP: 8982, Lot: 83 DP: 8982, Lot: 84 DP: 8982, No. 111-117 Remembrance Driveway TAHMOOR, 63 York Street TAHMOOR, 36 George Street TAHMOOR, 38 George Street TAHMOOR, 13 Larkin Street TAHMOOR, 11 Larkin Street TAHMOOR, 55A York Street TAHMOOR, 14 Thirlmere Way TAHMOOR, 16 Thirlmere Way TAHMOOR, 61 York Street TAHMOOR, 59 York Street TAHMOOR, 57 York Street TAHMOOR, 55 York Street TAHMOOR, 18 Thirlmere Way TAHMOOR, 30 George Street TAHMOOR, 32 George Street TAHMOOR, 34 George Street TAHMOOR.
- (2) Development shall take place in accordance with the following endorsed plans:
 - The site Plan/Ground floor Plan Part A prepared by Algorry Zappia & Associates Pty Ltd, with Project No. P1773 Sheet No. A02 Issue G, dated 01.02.2011 and submitted in respect of Development Application No. 010.2009.00000765.001.
 - The overall site plan – Site/Ground Floor Plan Part B prepared by Algorry Zappia & Associates Pty Ltd with Project No. P1773 Sheet No. A03 Issue D, dated 24.08.2010 and submitted in respect of Development Application No. 010.2009.00000765.001.
 - Basement Car Park Floor Plan Part A prepared by Algorry Zappia & Associates Pty Ltd, with Project No. P1773 Sheet No. A04 Issue G, dated 13.12.2010 and submitted in respect of Development Application No. 010.2009.00000765.001.
 - Basement Car Park Floor Plan Part B prepared by Algorry Zappia & Associates Pty Ltd, with Project No. P1773 Sheet No. A05 Issue C, dated 13.12.2010 and submitted in respect of Development Application No. 010.2009.00000765.001.
 - Elevations/Sections prepared by Algorry Zappia & Associates Pty Ltd, with Project No. P1773 Sheet No. A06 Issue D, dated 01.02.2011 and submitted in respect of Development Application No. 010.2009.00000765.001.
 - Roof Plan prepared by Algorry Zappia & Associates Pty Ltd, with Project No. P1773 Sheet No. A07 Issue D, dated 01.02.2011 and submitted in respect of Development Application No. 010.2009.00000765.001.

- The retaining/screen wall Plan prepared by Algorry Zappia & Associates Pty Ltd with project No. P1773 Sheet No. A07 Issue B, dated 27.1.2010 and submitted in respect of Development Application No. 010.2009.00000765.001.
- The pedestrian access pathway and signage plan prepared by Algorry Zappia & Associates Pty Ltd amended 05.09.2011 and submitted in respect of Development Application No. 010.2009.00000765.001.
- The public truck travel path plan prepared by Algorry Zappia & Associates Pty Ltd amended 05.09.2011 and submitted in respect of Development Application No. 010.2009.00000765.001.

except where varied by the following conditions:

- (3) That the dedication of land to Council associated with the Development be at no cost to Council and there shall be no opportunity to seek compensation for such dedication under the terms of any agreement relating to the road closure.
 - (4) That the road closure is conditional on the following:
 - That 24 hour access be maintained along the closed section of York Street for passenger vehicles and pedestrians
 - That the minimum clear height of access along the closed section of York Street is no less than 2.6m
 - That a 24 hour security management plan be prepared and implemented, after endorsement by Council and NSW Police
 - That conspicuous signage be provided at each end of the closed section of York Street advising that through access is available for passenger vehicles and pedestrians along York Street.
 - Provision of engineering controls to maintain a low speed environment within the closed road.
 - Local traffic committee concurrence is required on parking and engineering controls, including any future changes within the closed road.
 - (5) Engineering design plans and stormwater drainage calculations, for all road, access, carparking, loading docks and drainage construction, shall be submitted to the nominated Principal Certifying Authority. The plans must be approved prior to the issue of an Engineering Construction Certificate for any works associated with this development. All levels are to be reduced to Australian Height Datum. Road design parameters shall comply with the requirements of Council's Design Specifications.
 - (6) Where Council's Construction Specification require that density tests, beam tests or CBR tests be undertaken, the results shall be forwarded to Council within 7 days. A NATA registered laboratory shall carry out the tests. When testing for density, the Standard Compaction testing method is to be used.
- Failure to submit test results may result in Council refusing to issue completion certificates and hence may result in additional works being required.
- (7) A defects liability period of twelve (12) months will apply from the date of issue of the Certificate of Practical Completion by Council and for Public Roads the twelve (12) months is dated from the date of registration of the road as public Road. A 10%

maintenance bond, or a minimum of \$1,000, whichever is greater, is to be lodged in accordance with council's Construction Specification for all work that is to become the property of Council.

- (8) A certified "Works as Executed" plan from a Chartered Professional Engineer or Registered Surveyor is to be submitted to Council before the final inspection for the Certificate of Practical Completion and prior to any occupation. The "Works as Executed" plan must certify that the works have been constructed in accordance with the approved drawings and to the levels specified.
- (9) A "Soil and Water Management Plan" (SWMP) that outlines the measures that will be taken to limit and contain sediment laden runoff during construction shall be submitted to Council. The measures shall be in accordance with Council's Construction specification and the Department of Housing's "Blue Book". The plan is to be approved by Council with the Engineering Plans.
- (10) A "Traffic Management Plan" that details suitable safety measures that will be implemented whenever work is being undertaken in the public road reserve shall be submitted to Principal Certifying Authority. The safety precautions are to be in accordance with the requirements of the RTA's "Traffic Control at Work Sites" manual. The plan is to be prepared and endorsed by a person with current RTA certification and provided to the Principal Certifying Authority before the issue of a Construction Certificate for development. Where it is proposed to restrict speeds, the RTA requires that all applications for Directions to Restrict Speed (DTR) for work on any Council road by developers and their contractors be submitted to the RTA.
- (11) This consent authorises both engineering and building works to be undertaken. A separate Construction Certificate shall be issued for each category of works, that is, a separate Engineering Construction Certificate (for any on-site detention, inter-allotment drainage, public road works, etc) and a separate Building Construction Certificate (for all works relating to the erection and fit-out of a structure).

A CONSTRUCTION CERTIFICATE FOR THE CIVIL WORKS MUST BE ISSUED PRIOR TO THE ISSUE OF A BUILDING CONSTRUCTION CERTIFICATE WITH THE CERTIFIED PLANS OF THE CIVIL ENGINEERING WORKS ALSO INCORPORATED INTO THE BUILDING PLANS.

- (12) Engineer's Certification shall be provided to the Principal Certifying Authority for all civil works carried out within the private property prior to any occupation of the development or the issue of any Occupation Certificate.
- (13) A drainage system shall be provided that ensures appropriate management of stormwater on all newly constructed roads. A drainage system shall be provided to collect and convey runoff from storms up to the 5% AEP to a point suitable for integration with a suitable natural or constructed stormwater drainage system. Defined overland flow paths shall be provided to safely convey runoff from storm events up to the 1% AEP
- (14) Stormwater runoff from all impervious surfaces on the property shall be collected and conveyed to a point suitable for integration with either the natural or constructed stormwater drainage system. A piped drainage system shall be provided to convey runoff from storms up to the 5% AEP. Defined overland flow paths shall be provided to safely

convey runoff from storm events up to the 1% AEP.

- (15) The person who has the benefit of this consent shall, at no cost to Council, carry out any necessary amplification or upgrading of the downstream system, including the negotiation and dedication of appropriate easements.
- (16) The person who has the benefit of this consent shall incorporate adequate dissolved pollutant as well as silt, grass and oil pollutant controls to the stormwater management system. The pollution control devices shall be located within the property and shall be regularly maintained at the applicant's cost. Details of the stormwater pollution control system shall be shown on the engineering plans and approved by the Principal Certifying Authority.
- (17) The person who has the benefit of this consent shall determine the impact of the development on the downstream drainage system at key points between Larkin Street and Bronzewing Street and particularly near Valerie Street. The impact of the development shall be mitigated by amplification of the downstream system or appropriate on site detention for storms of all durations and Annual Exceedance Probabilities up to and including 1% AEP. Details of the mitigation required shall be designed by an appropriately qualified professional, shown on the engineering plans and approved by the Principal Certifying Authority. The design shall include consideration of bypass flows from upstream catchments in major storms.
- (18) The person who has the benefit of this consent shall ensure that the development is not adversely affected by stormwater flows for storms of all durations and Annual Exceedance Probabilities up to and including 1% AEP. The assessment shall include consideration of bypass flows from upstream catchments in major storms, be undertaken by an appropriately qualified professional, shown on the engineering plans and approved by the Principal Certifying Authority.
- (19) Provision shall be made for vehicles to access and leave the site in a forward direction.
- (20) In accordance with the provisions of Development Control Plan No.7 - Off Street Carparking a minimum of 409 sealed car parking spaces and access thereto shall be provided for the proposed development. Such spaces are to measure not less than 2.6m x 5.5m and are to be marked on the pavement in white line marking paint.
- (21) Basement car parking shall be installed in accordance with the approved Basement Car Park Floor Plan Prepared by Algorry Zappia Pty Ltd Part A, with Project No. P1773 Sheet No. A04 Issue E, dated 24.08.2010 and submitted in respect of Development Application No. 010.2009.00000765.001.
- (22) Three (3) of the required car parking spaces shall be reserved for people with mobility impairment in accordance Australian Standard AS2890.6. These spaces shall have dimensions as required by AS2890.1 and shall be appropriately signposted and marked on the pavement. In addition the carpark design shall comply with section 2.5 of AS2890.1, Design of Circulation Roadway & Ramps.
- (23) A heavy duty concrete vehicular footway crossing shall be provide at all locations where vehicles cross the footway.

- (24) Footway crossing slabs that become redundant are to be removed and the footway are restored. Disused gutter crossings are to be removed and the kerb reinstated.
- (25) All access driveways shall comply with the RTA "Guidelines for Traffic Generating Developments".
- (26) In accordance with Section 138 of the Roads Act a 138 Consent Certificate must be obtained from Council's Infrastructure Planning Section a minimum 7 days prior to commencement of work. A fee is payable for issue of this Consent Certificate.
- (27) All traffic advisory and regulatory signs must be approved by Council's Local Traffic Committee prior to the commencement of works.
- (28) Street lighting shall be provided at the frontage of the site to comply with the current Australian Standards AS1158 and as determined by Council and certified by an Integral Energy Approved design consultant.
- (29) Prior to construction work commencing, a joint inspection with the contractor, applicant and Council of the existing roads shall be carried out to formulate a maintenance agreement for local roads that will be affected by construction traffic.
- (30) The existing road pavement and seal that are fronting this site in York Street, Larkin Street and George Street shall be tested by a geotechnical engineer to ascertain the existing pavement strength and where shown to be substandard in relation to additional traffic loadings, pavement strengthening shall be carried out.
- (31) The travel path for all trucks servicing this site shall be contained in their travel lane with the final truck access arrangements to be detailed on the engineering plans for approval by Council and the Local Traffic Committee prior to the issue of a Construction Certificate.
- (32) The proposed pedestrian crossing in George Street shall be subject to approval by the Local Traffic Committee prior to the issue of a construction certificate.
- (33) The proposed Roundabout in Thirlmere Way including signage shall be approved by the Local Traffic Committee prior to the issue of a Construction Certificate.
- (34) Arrangements to warn traffic and reduce travel speeds shall be included for traffic calming on the approach to the Roundabout from the west, for approval by the Local Traffic Committee. Plans provided for the Local Traffic Committee shall be fully detailed engineering plans.
- (35) The proposed road widening for the York St cul-de-sac shall be dedicated to Council as public road prior to the issue of any Occupation certificate.
- (36) Deliveries to dock 1 are not permitted between the hours of 8:30am to 9:30am and from 2:30pm to 4:00pm.
- (37) A full width concrete footpath shall be constructed for all shop frontages, in all other locations fronting the site a concrete pathway 2.0 metres wide shall be constructed.
- (38) The existing concrete path on the north side of Thirlmere Way shall be extended to the

Pram Ramp on the east side of the proposed Roundabout.

- (39) The access to the existing carpark from Thirlmere Way shall be altered to provide left in / left out turns only. The existing median shall be altered and extended to remove any opening for access, with the line marking being adjusted to provide two continuous travel lanes between the Roundabouts.
- (40) All signs and line marking shall be installed in accordance with the RTA standards.
- (41) The extension and widening of George Street shall be constructed in accordance with Council's design and Construction specifications.
- (42) Shared Zone arrangements for the undercroft area in York Street shall be submitted to the Principal Certifying Authority for approval prior to the issue of Engineering Construction Certificate. The minimum clear height within the development between the road surface and the underside of the floor (including projections and services) along the original alignment of York Street shall be 2.5m. Appropriate signage shall be provided at the entrances to the undercroft area indicating the minimum height for vehicles and also indicating a private road.
- (43) Erosion and sediment control devices are to be installed prior to any construction activity on the site. These devices are to be maintained for the full period of construction and beyond this period where necessary.
- (44) All disturbed areas are to be stabilised by turfing, mulching, paving or otherwise suitably stabilised within 30 days of completion.
- (45) Topsoil stripped from the construction site is to be stockpiled and protected from erosion until re-used during landscaping.
- (46) Vehicle access is to be controlled so as to prevent tracking of sediment onto adjoining roadways, particularly during wet weather or when the site has been affected by wet weather.
- (47) All filling on the site, including footpath areas, shall be compacted to not less than 95% Standard Compaction. A report on the site filling is to be submitted in accordance with Wollondilly Shire Council's Construction Specification by an appropriately qualified Geotechnical Engineer or Soil Scientist. Such a report shall be supported by a survey plan of the site indicating the areas filled and depth of fill in relation to the lot boundaries.
- (48) Only fill characterised as VENM or ENM under the guidelines of the NSW Environmental Protection Authority may be used in this development. Copies of validation reports for all fill used shall be retained and presented to Council on request.
- (49) The engineering works shall be inspected by the Principal Certifying Authority at the following stages of construction to ensure they comply with Council's Construction Specification and associated approvals:
 - Prior to commencement of any construction work on the site, after erosion and sediment control and traffic control measures are implemented.
 - When drainage lines have been laid, jointed and bedded, prior to backfilling.
 - Prior to pouring of the drainage pits, when the formwork and steel is in place.

- When roadworks have been excavated to subgrade, prior to placing of pavement.
- When subsoil drainage lines have been excavated and drainage pipe laid prior to placing filter material.
- When part of the pavement depth (as indicated by Council) has been placed.
- During the roller test, which is to be carried out using a three point roller or approved equivalent.
- At sealing.
- At completion of the preparation of kerb and guttering subgrade.
- At completion of the preparation of all concrete layback gutter crossing subgrade.
- Prior to pouring concrete for concrete footpath/cycleway, when formwork and steel is in place.
- Prior to pouring vehicle crossing slabs, when formwork and steel is in place.
- Prior to pouring concrete to driveway/car park slabs, when formwork and steel is in place.
- At practical completion of works.
- At final completion of works (minimum of 12 months after date of issue of practical completion certificate).

Note: It is the responsibility of the applicant or contractor to notify the Principal Certifying Authority when inspections are required. Failure to notify may lead to additional work being required prior to issue of inspection certificates. A minimum of 24 hours notice is required for inspections where Council is the Principal Certifying Authority.

(50) Noise Control during Construction and Demolition

To minimise the impact on the surrounding environment, noise levels emitted during construction and demolition works shall be restricted to comply with the construction noise control guidelines set out in Chapter 171 of the NSW EPA's Environmental Noise Control Manual. This manual recommends:

- c) For construction and demolition periods of four (4) weeks or less, the LAeq sound pressure level measured over a period of 15 minutes when the construction or demolition site is in operation, shall not exceed the ambient background level (LA90 15 min) by more than 20dB(A) when measured at the nearest affected premises.
- d) For construction and demolition periods greater than four (4) weeks, the LAeq sound pressure level measured over a period of 15 minutes when the construction or demolition site is in operation, shall not exceed the ambient background level (LA90 15 min) by more than 10dB(A) when measured at the nearest affected premises.

ADVICES

- (1) During the course of construction, care must be taken to prevent damage to any public utility or other service and the applicant will be held responsible for any damage caused by him or his agents, either directly or indirectly. Any mains, services, poles, surface fittings etc that require alterations shall be altered at the applicants' expense and to the satisfaction of Council and the authority concerned.

- (2) The following service providers should be contacted before commencement of construction to establish their requirements:
- Telstra (telephone) 1 800 768 396
 - Integral Energy (electricity) 131 002
 - AGL (gas) 131 245
 - Sydney Water (water & sewer) 132 092
- (3) **This Consent does not permit the commencement of construction unless a Construction Certificate has been issued. For details about obtaining a Construction Certificate contact Council's Development Services Section.**
- (4) At all times work is being undertaken within the public road, adequate precautions shall be taken to warn, instruct and guide road users safely around the work site with a minimum of disruption.
- (5) The developer and any contractor or sub-contractor used to carry out any work authorised by or out of this approval on Council owned or controlled land, is to carry the following insurance, copies of which are to be produced to Council upon request:
- Motor Vehicle Insurance (comprehensive or property damage) for all self propelled plant, as well as valid registration or RTA permit (Including CTP insurance). Primary producer's registration is not registration for use on Public Road construction work.
 - Workers Compensation Insurance.
 - Ten Million Dollar Public Liability Insurance.

Stage 3 - Extensions to existing commercial building and uses as a general store

- (1) Development Consent is granted for Demolition of existing structures, tree removal and extension to existing commercial centre to create general store at Lot: 304 DP: 1057579, Lot: 73 DP: 8982, Lot: 85 DP: 8982, Lot: 86 DP: 8982, Lot: 87 DP: 8982, Lot: 88 DP: 8982, Lot: 78 DP: 654924, Lot: 79 DP: 654925, Lot: 80 DP: 659107, Lot: 74 DP: 8982, Lot: 75 DP: 8982, Lot: 76 DP: 8982, Lot: 77 DP: 8982, Lot: 81 DP: 8982, Lot: 82 DP: 8982, Lot: 83 DP: 8982, Lot: 84 DP: 8982, No. 111-117 Remembrance Driveway TAHMOOR, 63 York Street TAHMOOR, 36 George Street TAHMOOR, 38 George Street TAHMOOR, 13 Larkin Street TAHMOOR, 11 Larkin Street TAHMOOR, 55A York Street TAHMOOR, 14 Thirlmere Way TAHMOOR, 16 Thirlmere Way TAHMOOR, 61 York Street TAHMOOR, 59 York Street TAHMOOR, 57 York Street TAHMOOR, 55 York Street TAHMOOR, 18 Thirlmere Way TAHMOOR, 30 George Street TAHMOOR, 32 George Street TAHMOOR, 34 George Street TAHMOOR.
- (2) Development shall take place in accordance with the following endorsed plans:
- The site Plan/Ground floor Plan Part A prepared by Algorry Zappia & Associates Pty Ltd, with Project No. P1773 Sheet No. A02 Issue G, dated 01.02.2011 and submitted in respect of Development Application No. 010.2009.00000765.001.
 - The overall site plan – Site/Ground Floor Plan Part B prepared by Algorry Zappia & Associates Pty Ltd with Project No. P1773 Sheet No. A03 Issue D, dated 24.08.2010 and submitted in respect of Development Application No. 010.2009.00000765.001.

- Basement Car Park Floor Plan Part A prepared by Algorry Zappia & Associates Pty Ltd, with Project No. P1773 Sheet No. A04 Issue G, dated 13.12.2010 and submitted in respect of Development Application No. 010.2009.00000765.001.
- Basement Car Park Floor Plan Part B prepared by Algorry Zappia & Associates Pty Ltd, with Project No. P1773 Sheet No. A05 Issue C, dated 13.12.2010 and submitted in respect of Development Application No. 010.2009.00000765.001.
- Elevations/Sections prepared by Algorry Zappia & Associates Pty Ltd, with Project No. P1773 Sheet No. A06 Issue D, dated 01.02.2011 and submitted in respect of Development Application No. 010.2009.00000765.001.
- Roof Plan prepared by Algorry Zappia & Associates Pty Ltd, with Project No. P1773 Sheet No. A07 Issue D, dated 01.02.2011 and submitted in respect of Development Application No. 010.2009.00000765.001.
- The retaining/screen wall Plan prepared by Algorry Zappia & Associates Pty Ltd with project No. P1773 Sheet No. A07 Issue B, dated 27.1.2010 and submitted in respect of Development Application No. 010.2009.00000765.001.
- The pedestrian access pathway and signage plan prepared by Algorry Zappia & Associates Pty Ltd amended 05.09.2011 and submitted in respect of Development Application No. 010.2009.00000765.001.
- The public truck travel path plan prepared by Algorry Zappia & Associates Pty Ltd amended 05.09.2011 and submitted in respect of Development Application No. 010.2009.00000765.001.

except where varied by the following conditions:

- (3) All building work must be carried out in accordance with the provisions of the Building Code of Australia. This condition does not apply to the extent to which an exemption is in force under Clause 187 or 188 of the Environmental Planning & Assessment Regulations, 2000, subject to the terms of any condition or requirement referred to in Clause 187(6) or 188(4).

- (4) This approval is only for the use as a "general store" which is defined within the Environmental Planning and Assessment Model Provisions 1980 as follows:

"General store" means a shop used for the sale by retail of general merchandise and which may include the facilities of a post office.

The use of the building for any other purpose outside the scope of the above definition would require separate development consent from Council.

- (5) All materials and colours to be used in the external construction of the proposed building shall be consistent throughout the total development and match those of the existing development.
- (6) The design details of the proposed building façade, including all external finishes, glazing and colours, must be in accordance with the approved elevation plans prepared by Algorry Zappia Pty Ltd, project No. P1773 Sheet No. A06 Issue D, dated 01.02.2011 and submitted in respect of Development Application No. 010.2009.00000765.001.
- (7) The building shall comply with AS1428.1 in respect of accessibility for disabled persons. Prior to the issue of any Construction Certificate under the Environmental Planning and

Assessment Act, 1979, a certificate certifying compliance with this condition and prepared by a suitably person must be provided to the Principal Certifying Authority and a copy submitted to Council.

- (8) Sanitary and other facilities must be provided in accordance with the deem-to-satisfy provisions of the Building Code of Australia.
- (9) The facility shall have visual alarms installed in accordance with AS2220.1, "Design for Access and Mobility". The alarm shall be arranged to flash in conjunction with the audible alarm.
- (10) All construction and building work shall be restricted to between 7:00am and 5:00pm Mondays to Saturdays (inclusive) and prohibited on Sundays and Public Holidays unless written approval to vary the hours of work is granted by Council.
- (11) Excavated area/s adjacent to the building shall be retained and drained to prevent the subsidence of the excavation and/or entry of surface water to the building. Where the retaining wall exceeds 600mm in height, plans and specifications of the retaining wall shall be submitted and approved before construction commences, and where the height exceeds 1m in height, a certificate prepared by a suitably qualified Structural Engineer shall be submitted with the plans and specifications.
- (12) Toilet facilities are to be provided, at or in the vicinity of the work site on which work involved in the erection or demolition of a building is being carried out, at the rate of one toilet for every 20 persons or part of 20 persons employed at the site. These facilities are to be provided prior to the commencement of any works and:
 - (a) Must be a standard flushing toilet; and
 - (b) Must be connected:
 - (i) to a public sewer, or
 - (ii) if connection to a public sewer is not practicable, to an accredited sewage management facility approved by the Council, or if connection to a public sewer or an accredited sewage management facility is not practicable, to some other sewage management facility approved by the Council.

In this condition:

Accredited sewage management facility means a sewage management facility to which Division 4 of Part 2 of the *Local Government (General) Regulation 2005* applies, being a sewage management facility that is installed or constructed to a design or plan the subject of a certificate of accreditation referred to in clause 41 of the Regulation.

Approved by the Council means the subject of an approval in force under Division 4 of Part 2 of the *Local Government (General) Regulation 2005*.

Sewage Management Facility has the same meaning as it has in the *Local Government (General) Regulation 2005*.

- (13) Construction shall not commence until a Construction Certificate has been obtained from the Principal Certifying Authority.

- (14) Any damage to the Council footway, road or other land shall be restored in accordance with Council's specifications prior to the issue of any Occupation Certificate for the development.
- (15) An appropriate fence preventing public access to the site shall be erected for the duration of construction works.
- (16) All excavation and backfilling associated with the erection or demolition of a building must be executed safely and in accordance with appropriate professional standards.

All excavations associated with the erection or demolition of a building must be properly guarded and protected to prevent them from being dangerous to life or property.

(17) SUPPORT FOR NEIGHBOURING BUILDINGS

- (1) If an excavation associated with the erection or demolition of a building extends below the level of the base of the footings of a building on an adjoining allotment of land, the person causing the excavation to be made:
 - (a) must preserve and protect the building from damage; and
 - (b) if necessary, must underpin and support the building in an approved manner; and
 - (c) must, at least 7 days before excavating below the level of the base of the footings of a building on an adjoining allotment of land, give notice of intention to do so to the owner of the adjoining allotment of land and furnish particulars of the excavation to the owner of the building being erected or demolished.
- (2) The owner of the adjoining allotment of land is not liable for any part of the cost of work carried out for the purposes of this Clause, whether carried out on the allotment of land being excavated or on the adjoining allotment of land.

In this Clause, allotment of land includes a public road and any other public place.

(18) PROTECTION OF PUBLIC PLACES

- (1) If the work involved in the erection or demolition of a building:
 - (a) Is likely to cause pedestrian or vehicular traffic in a place to be obstructed or rendered inconvenient, or
 - (b) Building involves the enclosure of a public place;

A hoarding or fence must be erected between the work site and the public place.

- (2) If necessary, an awning is to be erected, sufficient to prevent any substance from, or in connection with, the work falling into the public place.
- (3) The work site must be kept lit between sunset and sunrise if it is likely to be hazardous to persons in the public place.

Any such hoarding, fence or awning is to be removed when the work has been completed.

- (19) There shall be no burning of builders' rubble, felled trees or other material on site.
- (20) Erosion and sediment control devices are to be installed prior to any construction activity on the site. These devices are to be maintained for the full period of construction and beyond this period where necessary.
- (21) All disturbed areas are to be stabilised by turfing, mulching, paving or otherwise suitably stabilised within 30 days of completion.
- (22) Topsoil stripped from the construction site is to be stockpiled and protected from erosion until re-used during landscaping.
- (23) Vehicle access is to be controlled so as to prevent tracking of sediment onto adjoining roadways, particularly during wet weather or when the site has been affected by wet weather.
- (24) Building works shall be inspected by the Principal Certifying Authority at critical stages of construction to ensure they comply with the Building Code of Australia and associated approvals. Where Wollondilly Shire Council is nominated as the Principal Certifying Authority these inspections shall include:
 - Footings.
 - Pier holes before pouring of concrete.
 - Steel reinforcing before pouring of concrete.
 - Internal drainage before backfilling.
 - External drainage before backfilling.
 - Wet area damp proofing and flashing before lining.
 - Structural steel work before covering.
 - Stormwater drainage before backfilling.
 - Bearers and joist inspection before flooring is fixed.
 - Frame work before internal cladding or lining is fixed.
 - Completion of the building work before occupation or use.

Note: It is the responsibility of the applicant or contractor to notify the Principal Certifying Authority when inspections are required. Failure to notify may lead to additional work being required prior to issue of inspection certificates. A minimum of 24 hours notice is required for inspections where Council is the Principal Certifying Authority.

- (25) The area surrounding the building work shall be reinstated to Council's satisfaction upon completion of the work.
- (26) The footpaths shall be kept clear of signs, fixtures and goods at all times.
- (27) The premises shall be maintained in a clean and tidy state at all times.
- (28) The premises shall be constructed and operated in such a manner so as not to interfere with the amenity of the neighbourhood by reason of the emission of discharge of noise, fumes, vapour, steam, soot, ash, dust, waste water, waste water products, grit, oil or other harmful products of the industry.
- (29) The premises shall be conducted between the hours of 7:00am and 9:00pm each day.

- (30) There shall be no signs or other materials stored or displayed on Council's footway.
- (31) The building shall not be occupied or used until an Occupation Certificate is issued by the nominated Principal Certifying Authority.
- (32) Delivery vehicles shall enter the subject site only between the hours of 6:00am and 10:00pm each day and only when the proposed general store is not trading.
- (33) Heavy vehicles shall only enter the loading dock on Larkin Street by travelling along Thirlmere Way and then George Street. All other routes to access the loading dock are not permitted.
- (34) Gates shall be provided for the loading dock areas and be used to prevent public access to the loading dock areas at all times when the loading dock is not in use.
- (35) A single delivery by an articulated vehicle with length no greater than 20 metres may take place on any day while the proposed shop is trading. The number of deliveries that may be undertaken under this condition shall be limited to six (6) deliveries each calendar year. A log of such delivery vehicle occurrences is to be kept and made available to Council on request.
- (36) The specific use of any proposed new food shops and retail shops shall be the subject of a further, separate development application to Council.
- (37) A Section 73 Compliance Certificate under the Sydney Water Act 1994 must be obtained.

Application must be made through an authorised Water Servicing Co-ordinator. Please refer to the Building Developing and Plumbing section of the web site www.sydneywater.com.au then refer to "Water Servicing Co-ordinator" under "Developing Your Land" or telephone 13 20 92 for assistance.

Following application a "Notice of Requirements" will advise of water and sewer infrastructure to be built and charges to be paid. Please make early contact with the Co-ordinator, since building of water/sewer extensions can be time consuming and may impact on other services and building, driveway or landscape design.

A copy of Sydney Water's Notice of Requirements must be submitted to the Principal Certifying Authority prior to the Construction Certificate being issued.

The Section 73 Certificate must be submitted to the Principal Certifying Authority prior to the issue of any Occupation Certificate for the development.

- (38) All power and services within the site shall be underground.
- (39) Written certification shall be provided to the Principal Certifying Authority indicating that the development has been satisfactorily connected to the reticulated sewerage scheme prior to the issue of any Occupation Certificate.
- (40) Disposal of construction and building waste material shall be undertaken in accordance with the Waste Management Plan submitted with the Development Application.

- (40) During the construction stage all waste streams are to be stored separately and to include:
1. Material to be recycled.
 2. Material to be transferred to Landfill.
 3. Material to be reused on the site.
- (41) Prior to the issue of any Construction Certificate the applicant shall submit to the Principal Certifying Authority details for the collection and disposal of internal waste generated by the occupants to be arranged through a licensed authorised contractor.
- (42) Enclosures for the storage of Waste Containers shall be provided within the development and shall not occupy any car parking spaces, vehicle manoeuvring, loading or general access areas. Waste containers are not to be visible from a public place.
- (43) Enclosures for the storage of bulk waste containers shall be provided within the development and shall not occupy car parking spaces, vehicle manoeuvring areas, loading or general access areas. Waste containers are not to be visible from a public space.
- (44) Provision must be made for the storage of the bulk waste bin within the building. Trade waste bins must be collected on a regular basis to prevent odour and fire hazards occurring.

All wastes are to be stored in a manner that prevents the escape of pollutants to the environment. The location of the trade waste bin must be clearly indicated on engineering plans and submitted to the Principle Certifying Authority for approval prior to issue of a Construction Certificate for any works associated with this development.

- (45) Mirrors shall be installed at the bends in fire corridors, particularly around the Woolworths addition.
- (46) A Back to Base Alarm system with motion sensors shall be installed within the building with motion sensors within the roof cavity.
- (47) CCTV cameras shall be provided to monitor the following locations:
- a) the entry to and exit from the store
 - b) all loading docks
 - c) all car parking areas
 - d) cashier areas and areas with poor natural supervision

sufficient lighting shall be provided in areas where cameras are positioned. Cameras shall be positioned to have face recognition.

- (48) TV monitors shall be provided within the building to enable staff to monitor activities on CCTV footage. Recording equipment shall be installed away from the counter area to avoid tampering.
- (49) All car parks must include lighting in accordance with Australian and New Zealand Standard 1158 - Car Parks.

- (50) The walls and ceiling of the undercroft car parking areas shall be painted in a light colour which reflects light and improves safety for users.
- (51) Outdoor lighting shall be anti-vandal. Bollard lighting shall not be used in the development.
- (52) Signage shall be provided within the car park areas to establish that after hours vehicles using the car park areas are trespassing and may be prosecuted.
- (53) The loading dock areas shall be gated, with gates closed and locked after hours to reduce the risk of trespassing and traffic offences.
- (54) All large blank external walls shall be treated with anti graffiti paint.
- (55) Green screen planting shall be provided on the lower outer walls to prevent any malicious damage (graffiti) offences. The green screen planting shall be hard up against the wall so that there are no access or concealment areas.
- (56) Roller doors shall be provided for all underground car parking areas for the development. These doors shall prevent public access to the car parking areas and the entry point from Larkin Street and Thirlmere Way at all times when the general store is not operating.
- (57) Ramps to car parks shall have corrugations to help discourage skateboard riders.
- (58) All fire exit doors shall be one way doors (exit only) and closed at all times.
- (59) Bollards shall be installed near entrances so that no vehicles can access the internal sections of the shopping centre and eliminate possible ram raids.
- (60) Signage shall be provided in the car parking area indicating that:
 - (a) The store and parking areas are under 24 hour video surveillance; and
 - (b) That unauthorised use of the parking area outside of trading hours is prohibited and offenders can be prosecuted.
- (61) An application under the provisions of the Environmental Planning and Assessment Act, 1979 shall be submitted to and approved by Council prior to the erection and/or display of any advertising signs unless the sign is exempt development as defined by that Act.
- (62) The footpaths being kept clear of signs at all times.
- (63) No advertising flags or banners or the like are to be erected on or attached to the shopfront.
- (64) No advertising flags or banners or the like are to be erected on or attached to Council's street lights or telegraph poles.
- (65) Landscaping shall be installed in accordance with the approved Landscape Plans prepared by Distinctive Living Design, Drawing No. 83-09.12, Revision A, Sheet No. 1-8 and submitted in respect of Development Application No. 010.2009.00000765.001.

- (66) Landscaping and plantings along all road frontages shall consist of indigenous tree species in accordance with the recommendations of the Flora and Fauna Assessment prepared by Joy Hafey Environmental Consultant, dated May, 2010 and submitted in respect of Development Application No. 010.2009.00000765.001.
- (67) Pursuant to Section 80A(1) of the Environmental Planning & Assessment Act, 1979, and the Wollondilly Development Contributions Plan 2005 (as amended by Ministerial Section 94E Direction dated 10 November 2006), a contribution of \$200,000 shall be paid to Council.

This contribution is calculated from Council's adopted Development Contributions Plan (as Amended) in the following manner:

Non-residential Development with proposed development cost exceeding \$200,000 1% levy

The amount to be paid is to be adjusted at the time of actual payment, in accordance with the provisions of the Wollondilly Development Contributions Plan 2005.

The contribution is to be paid before release of the Occupation Certificate, in accordance with the provisions of the Wollondilly Development Contributions Plan 2005.

- (68) SIGNS TO BE ERECTED ON BUILDING, SUBDIVISION AND DEMOLITION SITES
- (1) In accordance with Section 80A (11) of the Environmental Planning & Assessment Act, 1979, 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 Certifying Authority 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.
- (2) 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.
- (3) 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.

- (69) Noise Control during Construction and Demolition

To minimise the impact on the surrounding environment, noise levels emitted during construction and demolition works shall be restricted to comply with the construction noise control guidelines set out in Chapter 171 of the NSW EPA's Environmental Noise Control Manual. This manual recommends:

- e) For construction and demolition periods of four (4) weeks or less, the LAeq sound pressure level measured over a period of 15 minutes when the construction or demolition site is in operation, shall not exceed the ambient background level (LA90 15 min) by more than 20dB(A) when measured at the nearest affected premises.
- f) For construction and demolition periods greater than four (4) weeks, the LAeq sound pressure level measured over a period of 15 minutes when the construction or demolition site is in operation, shall not exceed the ambient background level (LA90 15 min) by more than 10dB(A) when measured at the nearest affected premises.

ADVICES

- (1) During the course of construction, care must be taken to prevent damage to any public utility or other service and the applicant will be held responsible for any damage caused by him or his agents, either directly or indirectly. Any mains, services, poles, surface fittings etc that require alterations shall be altered at the applicants' expense and to the satisfaction of Council and the authority concerned.
- (2) The following service providers should be contacted before commencement of construction to establish their requirements:
 - Telstra (telephone) 1 800 768 396
 - Integral Energy (electricity) 131 002
 - AGL (gas) 131 245
 - Sydney Water (water & sewer) 132 092
- (3) **This Consent does not permit the commencement of construction unless a Construction Certificate has been issued. For details about obtaining a Construction Certificate contact Council's Development Services Section.**
- (4) At all times work is being undertaken within the public road, adequate precautions shall be taken to warn, instruct and guide road users safely around the work site with a minimum of disruption.
- (5) The developer and any contractor or sub-contractor used to carry out any work authorised by or out of this approval on Council owned or controlled land, is to carry the following insurance, copies of which are to be produced to Council upon request:
 - Motor Vehicle Insurance (comprehensive or property damage) for all self propelled plant, as well as valid registration or RTA permit (Including CTP insurance). Primary producer's registration is not registration for use on Public Road construction work.
 - Workers Compensation Insurance.
 - Ten Million Dollar Public Liability Insurance.

Stage 4 – Lot Consolidation

- (1) Development Consent is granted for Demolition of existing structures, tree removal and extension to existing commercial centre to create general store at Lot: 304 DP: 1057579, Lot: 73 DP: 8982, Lot: 85 DP: 8982, Lot: 86 DP: 8982, Lot: 87 DP: 8982, Lot: 88 DP: 8982, Lot: 78 DP: 654924, Lot: 79 DP: 654925, Lot: 80 DP: 659107, Lot: 74 DP: 8982, Lot: 75 DP: 8982, Lot: 76 DP: 8982, Lot: 77 DP: 8982, Lot: 81 DP: 8982, Lot: 82 DP: 8982, Lot: 83 DP: 8982, Lot: 84 DP: 8982, No. 111-117 Remembrance Driveway TAHMOOR, 63 York Street TAHMOOR, 36 George Street TAHMOOR, 38 George Street TAHMOOR, 13 Larkin Street TAHMOOR, 11 Larkin Street TAHMOOR, 55A York Street TAHMOOR, 14 Thirlmere Way TAHMOOR, 16 Thirlmere Way TAHMOOR, 61 York Street TAHMOOR, 59 York Street TAHMOOR, 57 York Street TAHMOOR, 55 York Street TAHMOOR, 18 Thirlmere Way TAHMOOR, 30 George Street TAHMOOR, 32 George Street TAHMOOR, 34 George Street TAHMOOR.
- (2) Development shall take place in accordance with the following endorsed plans:
- The site Plan/Ground floor Plan Part A prepared by Algorry Zappia & Associates Pty Ltd, with Project No. P1773 Sheet No. A02 Issue G, dated 01.02.2011 and submitted in respect of Development Application No. 010.2009.00000765.001.
 - The overall site plan – Site/Ground Floor Plan Part B prepared by Algorry Zappia & Associates Pty Ltd with Project No. P1773 Sheet No. A03 Issue D, dated 24.08.2010 and submitted in respect of Development Application No. 010.2009.00000765.001.
 - Basement Car Park Floor Plan Part A prepared by Algorry Zappia & Associates Pty Ltd, with Project No. P1773 Sheet No. A04 Issue G, dated 13.12.2010 and submitted in respect of Development Application No. 010.2009.00000765.001.
 - Basement Car Park Floor Plan Part B prepared by Algorry Zappia & Associates Pty Ltd, with Project No. P1773 Sheet No. A05 Issue C, dated 13.12.2010 and submitted in respect of Development Application No. 010.2009.00000765.001.
 - Elevations/Sections prepared by Algorry Zappia & Associates Pty Ltd, with Project No. P1773 Sheet No. A06 Issue D, dated 01.02.2011 and submitted in respect of Development Application No. 010.2009.00000765.001.
 - Roof Plan prepared by Algorry Zappia & Associates Pty Ltd, with Project No. P1773 Sheet No. A07 Issue D, dated 01.02.2011 and submitted in respect of Development Application No. 010.2009.00000765.001.
 - The retaining/screen wall Plan prepared by Algorry Zappia & Associates Pty Ltd with project No. P1773 Sheet No. A07 Issue B, dated 27.1.2010 and submitted in respect of Development Application No. 010.2009.00000765.001.
 - The pedestrian access pathway and signage plan prepared by Algorry Zappia & Associates Pty Ltd amended 05.09.2011 and submitted in respect of Development Application No. 010.2009.00000765.001.
 - The public truck travel path plan prepared by Algorry Zappia & Associates Pty Ltd amended 05.09.2011 and submitted in respect of Development Application No. 010.2009.00000765.001.

except where varied by the following conditions:

- (3) The subject lots and relevant part of York Street shall be consolidated into one title and written notification as to the registration of such consolidation at the Land Titles Office is to be submitted to Council prior to the release of any Construction Certificate for the development, but not before the Application for the closure of York Street has been determined by Council.

- (4) A letter from a Registered Surveyor shall be submitted to Council certifying that no services of public utility or wastewater disposal presently connected to existing buildings straddle proposed boundaries after subdivision.
- (5) SIGNS TO BE ERECTED ON BUILDING, SUBDIVISION AND DEMOLITION SITES
 - (1) In accordance with Section 80A (11) of the Environmental Planning & Assessment Act, 1979, 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 Certifying Authority 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.
 - (2) 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.
 - (3) 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.

ADVICES

- (1) During the course of construction, care must be taken to prevent damage to any public utility or other service and the applicant will be held responsible for any damage caused by him or his agents, either directly or indirectly. Any mains, services, poles, surface fittings etc that require alterations shall be altered at the applicants' expense and to the satisfaction of Council and the authority concerned.
- (2) The following service providers should be contacted before commencement of construction to establish their requirements:
 - Telstra (telephone) 1 800 768 396
 - Integral Energy (electricity) 131 002
 - AGL (gas) 131 245
 - Sydney Water (water & sewer) 132 092

Annexure "A"
Reduced Architectural Plans

