

Sutherland Shire
COUNCIL

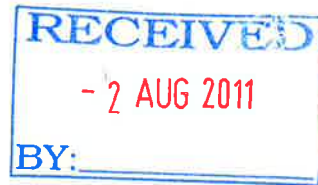


Brad Harris - 9710 0859
File Ref: DA10/1253

27 July 2011



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Monday to Friday

Dear Sir/Ms

S.96 Modification Application No. MA11/0179

JRPP Reference No. 2010SYE106

Proposed Modification to Development Consent No. DA10/1253

Proposal: Staged Development for Residential Subdivision of Two (2) Lots into 166 Lots. Stage 1: Approval and Works for 165 Lots. Stage 2: Pedestrian Access to Lucas Reserve

Property: 442 & 446 Captain Cook Drive, Kurnell

Council has received an application to modify Development Consent No. DA10/1253.

Council wishes to advise that the determination notice in relation to the amendment to the abovementioned development application has now been finalised and sent to the applicant. A copy of the notice of determination is enclosed for your information.

Yours faithfully

Brad Harris
for J W Rayner
General Manager

Encl:

MODIFIED DEVELOPMENT CONSENT

Environmental Planning and Assessment Act 1979

DATE OF DETERMINATION 6 April 2011

DATE OF MODIFICATION 27 July 2011

AUTHORITY Director - Environmental Services

DETERMINATION OF DEVELOPMENT APPLICATION NO. DA10/1253

Modification Application No. MA11/0179

LAND DESCRIPTION:

Lots 1054 & 1057 DP 1140838
442 & 446 Captain Cook Drive GREENHILLS BEACH NSW 2230

APPLICANT:

Australand Kurnell Pty Limited
Po Box 3307
RHODES NSW 2138

Sutherland Shire Council, pursuant to Section 96 of the Environmental Planning and Assessment Act 1979, hereby notifies that the abovementioned Development Application for development described below has been determined by the granting of a modified development consent subject to the conditions specified in this notice.

PROPOSED DEVELOPMENT:

Staged Development for Residential Subdivision of Two (2) Lots into 166 Lots.
Stage 1: Approval and Works for 165 Lots.
Stage 2: Pedestrian Access to Lucas Reserve

The conditions of this consent which have been imposed to reduce or eliminate any detrimental effects that the proposed development might have on the environment including the amenity of the area are described on the following pages.

CONDITIONS OF CONSENT

GENERAL CONDITIONS

These general conditions are imposed to ensure that the development is carried out in accordance with the development consent, having regard to the environmental circumstances of the site.

1. Approved Plans and Documents

The development shall be implemented substantially in accordance with the details and specifications set out on Project Number 220838/10 Drawing Number CO3-DA2-001 Issue PO2, CO3-DA21-004 Issue PO2, CO3-DA21-005 Issue PO2, CO3-DA21-006 Issue PO2, CO3-DA21-007 Issue PO2, CO3-DA21-008 Issue PO2, CO3-DA21-009 Issue PO2, CO3-DA21-010 Issue PO2, CO3-DA21-011 Issue PO2, CO3-DA21-012 Issue PO2, CO3-DA21-013 Issue PO1, CO3-DA21-014 Issue PO2, CO3-DA21-015 Issue PO1, CO3-DA22-021 Issue PO2, CO3-DA22-022 Issue PO2, CO3-DA22-023 Issue PO2, CO3-DA22-024 Issue PO2, CO3-DA22-025 Issue PO2, CO3-DA22-026 Issue PO2, **CO3-DA22-27 Issue PO1 and SK(R)023 Issue PO1** prepared by ARUP Pty Ltd, Job Number FO35SW Drawing Number PO1 Issue F, PO5 Issue H, PO6 Issue H prepared by Whelans Insites Pty Ltd, Landscape Plan Parts A, B and Landscape Road Sections Drawing Number LD01/03 Issue A, LD02/03 Issue A dated 12 November 2010 and LD03/03 Issue A dated 12 November 2010 prepared by JMD DesignPlan, **the Subdivision Works Management Plan (Appendix 6 of the Statement of Environmental Effects submitted with this application)** revised to incorporate the changes required by this Development Consent, (DA10/1253), and any details on the application form and on any supporting information received with the application except as amended by the conditions specified and imposed hereunder.

Note 1:

Nothing in this development consent whatsoever approves or authorises the commencement, erection or construction of any building, construction or subdivision works.

Note 2:

Should the development the subject of the consent involve the subdivision of land and the issue of a subdivision certificate as defined under section 109c(1)(9) 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.

Note 3:

The following works or activities shall not be carried out within the Road Reserve associated with this development without approval under the Roads Act 1993:

- a) Placing or storing materials or equipment;
- b) Placing waste containers or skip bins;

- c) Pumping concrete from a public road;
- d) Standing a mobile crane;
- e) Pumping stormwater from the site into Council's stormwater drains;
- f) Erecting a hoarding;
- g) Establishing a construction zone;
- h) Opening the road reserve for the purpose of connections including telecommunications, water, sewer, gas, electricity and stormwater;
- i) Constructing a vehicular crossing or footpath.

Note 4:

Any works carried out on the adjoining lots (Lot 1057 and Lot 1058 DP 1140838 are to be carried out in accordance with the Management Plan approved in relation to DA99/3436 entitled "Australand Lot 113 DP 777967 Management Plans Cronulla Business park, March 2005, Issue 1.0a" prepared by McKenzie Land Planning Services Pty Ltd. (Modified 27 July 2011)

2. Prescribed Conditions - General

The following are prescribed conditions of development consent pursuant to s.80A(11) of the Environmental Planning and Assessment Act 1979 and cl.98 of the Environmental Planning and Assessment Regulation 2000.

A. Compliance with the Building Code of Australia

The development must be carried out in accordance with the provisions of the Building Code of Australia.

B. Details to be provided to Council with the Notice of Commencement

Builders and Insurance details shall be provided to Council with the Notice of Commencement.

3. Staged Development

Due to the scale and complexity of the proposed development, Development Consent is granted for **Stage 1 of a two (2) stage development: Stage 1 consists of the subdivision of proposed Lot 3 in a subdivision of Lot 1054 DP 1140838 (approved under DA10/1060) being subdivided into Lots 101 to 202 and residual Lot 203, and residual Lot 203 being subdivided into Lots 301 to 363.**

A Subdivision Certificate for the lots approved by this Consent shall not be issued until such time as a Subdivision Certificate has been issued against Development Consent No. DA10/1060

The following specified parts or aspects of the development shall be the subject of a further application for development consent: Stage 2 development consisting of Pedestrian Access to Lucas Reserve.

(Modified 27 July 2011)

4. Requirements of External Referral Authorities

**Nothing in this consent grants a Permit under s100B of the Rural Fires Act 1997. A Permit under s100B of the Rural Fires Act shall be provided to Council prior to the issue of a Subdivision Certificate.
(Modified 27 July 2011)**

5. General Condition 1
Pet Ownership

A Restriction As To User shall be placed on the title of all residential lots created by the subdivision giving effect to the following restrictions of the keeping of cats and dogs as pets in order to protect native fauna:

The keeping of cats on the property shall be subject to the following conditions:

- a) A maximum of two (2) cats are permitted to be kept on the property at any time.
- b) Cats must be kept completely within the dwelling or in a cattery or cat run within the dwelling curtilage at all times (day and night).

The keeping of dogs on the property shall be subject to the following conditions:

- a) A maximum of two (2) dogs are permitted to be kept on the property at any time.
- b) Unrestrained dogs must be kept within the dwelling curtilage during the hours between sunset and sunrise each day by fencing/caging enclosures, leashing or physical restraint.
- c) Dogs are not permitted to enter areas of indigenous vegetation at any time.
- d) Dogs must be kept restrained on a leash on all access tracks to and from the property.

6. Estate Sign

The estate signage shall not form part of this Development Consent. Any desired estate signage shall be subject to a separate development application.

Bonds and Contributions

The following security bonds and contributions have been levied in relation to the proposed development.

7. Construction Performance Security

Before the issue of a Compliance Certificate the applicant shall provide security to the value of \$100,000 for the payment of the cost of remedying any defects in any public work that may arise within six (6) months after issue of any Occupation Certificate as a consequence of the implementation of the consent. A non refundable inspection / administration fee is included in the bond value.

The security may be provided by way of a deposit with the Council or a satisfactory guarantee. This security will be retained by Council for a period of six (6) months from completion of all works for the development.

Council may carry out any works necessary to correct the defects and the cost of these works will be deducted from the security.

A request for release of the security bond may be made to Council six (6) months after all works relating to this consent have been completed. Such request to release the bond shall be submitted to Council on the '*Bond Release Request Form*' signed by the owner or any person entitled to use of the consent.

8. Public Liability Insurance

Prior to the commencement of work the owner or contractor shall take out a Public Liability Insurance Policy with a minimum cover of \$10 million in relation to the occupation of and works within Council's road reserve, for the full duration of the proposed works. Evidence of this policy shall be submitted to Council prior to commencement of work or the issue of a Construction Certificate.

MATTERS RELATING TO THE ISSUE OF A CONSTRUCTION CERTIFICATE

The following conditions involve either modification to the development proposal or further investigation prior to the issue of a Construction Certificate, so as to ensure that there will be no adverse impact on the environment or adjoining development. This information shall be submitted with the Construction Certificate.

Design Conditions

These design conditions are imposed to ensure the development, when constructed, meets appropriate standards for public safety and convenience.

9. Design Changes Required

To reduce the environmental and/or ecological impact of the development proposal, the following design changes shall be implemented:

- a) The reference to the estate signage in the approved landscape design drawing No.LD01/03/A prepared by JMD Design shall be deleted.

10. Detailed Landscape Plan

A Detailed Landscape Plan shall be prepared by an experienced Landscape Designer (a person eligible for membership of the Australian Institute of Landscape Designers and Managers) or Landscape Architect (a person eligible for membership of the Australian Institute of Landscape Architects as a Registered Landscape Architect).

The plan shall accord with Section 6.7 of Councils Landscape Development Control Plan, which sets out the requirements for a Detailed Landscape Plan, and the relevant conditions of this consent.

The Detailed Landscape Plan shall be based on the Concept Landscape Plan No.LD/01/03 Issue A, LD02/03 Issue A, and LD03/03 Issue A prepared by JMD dated 12 November 2010 and shall address the following:

- a) The proposed indicative plant schedule shall be amended to include species listed in the NSW Scientific Committee Final determination for Kurnell Dune Forest in the Sutherland Shire and City of Rockdale, and/or Littoral Rainforest in the New South Wales North Coast, Sydney Basin and South East Corner bioregions as Endangered Ecological Communities and/or the species recommended as part of the previous NSW LEC approved application, (Appeal Nos: 10123 or 10124 of 2000). Species other than those listed above shall be restricted to that approved under DA10/1060.
- b) Only local indigenous plant species shall be used in all areas except for that approved under DA10/1060. No cultivars are to be used.
- c) All details contained within "Design Changes required" as part of this Consent shall be incorporated into the Landscape Plan.
- d) Installation of 900mm deep root barriers around all proposed street trees, street landscaping and median island plantings together with the incorporation of "Tripstop" or similar within the concrete footpaths to manufacturer's specification.

The Landscape Designer or Landscape Architect shall provide written certification to the Accredited Certifier that the Detailed Landscape Plan has been prepared having regard to the requirements of this consent. This certification and the Detailed Landscape Plan shall be submitted to the Accredited Certifier for approval prior to the issue of any Construction Certificate.

11. Integrated Development Application Requirements – Construction Certificate

The first Construction Certificate issued for the site which is the subject of this Development Consent (DA10/1253), shall be accompanied by certification by a suitably qualified person confirming that the Construction Certificate plans meet with the requirement of the IDA approval authority(s).

12. General Construction Certificate Condition 1

To minimise the risk of importing adverse pathogens including chytrid fungus to the site, testing of composts and other imported materials prior to use on the site will be carried out in a manner approved by the nominated independent Green and Golden Bell Frog Expert outlined in the Management Plan.

13. Site Management Plan

An Environmental Site Management Plan shall accompany the Construction Certificate. This plan shall satisfy / address the following:

- a) What actions and works are to be employed to ensure safe access to and from the site and what protection will be provided to the road and footpath area from building activities, crossings by heavy equipment, plant and materials delivery, and the like;
- b) The proposed method of loading and unloading excavation machines, building materials;
- c) Areas within the site to be used for the storage of excavated material, construction materials and waste containers during demolition / construction;
- d) How it is proposed to ensure that material is not transported on wheels or tracks of vehicles or plant and deposited on surrounding roadways;
- e) The proposed method of support to any excavation adjacent to adjoining properties, or the road reserve. The proposed method of support is to be certified by an Accredited Certifier in Civil Engineering or a Chartered Civil or Structural Engineer;
- f) The provision of temporary fencing to secure the work site;
- g) The control of surface water flows within and through the construction site to minimize erosion and movement of sediment off site;
- h) The type and location of erosion and sediment control measures, strategies to minimize the amount of soil uncovered at any time, the conservation of topsoil for re-use on site, the location and protection of stockpiles.

14. General Construction Certificate Condition 3

**The provisions of the Subdivision Works Management Plan (Appendix 6 of the Statement of Environmental Effects submitted with this application) shall be adopted and incorporated into the Environmental Site Management Plan referred to in Condition 13).
(Modified 27 July)**

Conditions Relating to Works in the Road Reserve

These conditions are imposed to ensure that adequate road works are provided to minimise the adverse effect of traffic generated by the development.

Public Utility Authorities Requirements

These conditions are imposed to avoid problems in servicing the development and reduce adverse impacts on the lot layout or the design of buildings or associated facilities.

15. Public Utilities - Subdivision

Arrangements shall be made with Energy Australia, Telstra, cable television network providers and other public utilities in relation to:

- a) The provision of underground low voltage electricity conduits and cable television conduits within the footway areas of all Roads to be created by the subdivision.
- b) The connection of the property to the Energy Australia supply by underground connection.
- c) The need for the provision of a kiosk-type substation/s.
- d) The provision of water and sewage services to all proposed allotments.
- e) The provision of street lighting.

16. Sydney Water - Notice of Requirements

Prior to the issue of a Subdivision Certificate the applicant shall obtain a Notice of Requirements under the Sydney Water Act 1994, Part 6 Division 9 from Sydney Water and submit the Notice to the Council.

(Modified 27 July 2011)

17. Public Utility Authorities

Arrangements shall be made to the satisfaction of all Utility Authorities including cable television network providers in respect to the services supplied to the development by those authorities. The provision or adjustment of conduits/ services within the road and footway areas shall be at full cost to the applicant.

18. Nomination of Engineering Works Supervisor.

Prior to the commencement of any works the applicant shall nominate an appropriately qualified Accredited Certifier in civil engineering works or a Charter Civil Engineer to supervise construction of the stormwater drainage system and the Roads to ensure that they are constructed in compliance with Council's "Specification for Civil Works Associated with Subdivisions and Developments". The Engineer shall:

- a) Provided an acceptance in writing to supervise sufficient of the aforementioned works to ensure compliance with conditions of Development Consent, and
- b) On completion of the works certify that the aforementioned works have been constructed in compliance with the approved plans, specifications and conditions of Consents.
- c) Certify that the Works-As-Executed drawings are a true and correct record of what has been built.

19. Stormwater Drainage

The stormwater drainage system shall be designed and constructed in accordance with AS/NZS3500.3:2003, Institution of Engineers' publication "Australian Rainfall and Runoff (1987)", Council's "Urban Drainage Design" Manual, Council's "Stormwater Management Policy and Guidelines", Council's "Engineering Specification for Subdivisions and Development" and the approved stormwater drainage design drawings, except where modified by the following;

- a) Shall take into account the changing hydrology of the site, specifically sea level rise and an increase in rainfall intensity due to climate change up to and including the year 2100, being; 900mm sea level rise and increased rainfall intensities of up to 20%.
- b) A detailed drainage design supported by a catchment area plan and drainage calculations including a Hydraulic Grade Line Analysis.
- c) A layout of the drainage system showing existing and proposed pipe sizes, type, class, grades, lengths, invert levels, existing natural surface levels, services within the footpath verges, finished surface levels and location of all pipes with levels reduced to Australian Height Datum within all roads to be created by this Consent.
- d) An easement to drain water over adjoining property shall be created under s.88B of the Conveyancing Act to allow discharge of stormwater through and over the adjoining property, Lot 2 in proposed Deposited Plan drawing No.1158488 to infiltration Pond No.6.
- e) A drainage depression shall be provided for the full width and length of the drainage easement to facilitate the overland escape flow of stormwater. The escape route shall be designed to have the capacity to carry the difference between a 1 in 20 year flow and the flow in the pipeline within the easement.
- e) The stormwater drainage system shall drain to the wetland and stormwater infiltration Pond No.6 within Lot 4 in proposed Deposited Plan drawing No.1158488, and
- f) The stormwater treatment devices, selected from the Environment Protection Authority's document "Managing Urban Stormwater - Treatment Techniques, November 1997" or other proprietary treatment measure shall be provided as part of the permanent site stormwater (water quality) management system. This system, nominally detailed as Ecosol RSF 4600, 4900, 41050 units, shall be located **as shown on Project Number 220838/10 Drawing Nos. CO3DA22-027 Issue PO1 prepared by ARUP Pty Ltd. The tree bay located between the Ecosol Units shall be deleted and replaced by road pavement constructed to the same Equivalent Standard Axles load as specified in Condition 20(b) for Road 1.**

Certification from an Accredited Certifier or a Chartered Civil Engineer, to the effect that the stormwater drainage design drawing for the Construction Certificate has been prepared having regard to the conditions of development consent, shall accompany the application for the Construction Certificate.
(Modified 27 July 2011)

20. Proposed Roads

The Road network shall be designed and constructed in accordance with the approved drawings, except where modified by the following;

- a) Accordance with the requirement of Council's "Engineering Specification for Subdivisions and Development". The design of the roadways shall comply with the following criteria.

- b) Pavement design based on the following Equivalent Standard Axles loads; Roads No.1 & 6 - 5×10^5 , Roads No.4 & 5 - 1×10^5 and Road No.7 - 5×10^4 .
- c) Vehicular crossings shall be constructed for vehicular access to Road No.7 at the intersections of Roads No.1 and 5. The width of the crossings shall be uniformly tapered to match the 3.05m wide carriageway of Road No.7 and accommodate the swept path of a Medium Rigid Vehicle, described in Australian Standards AS2890.2:2002.
- d) Topsoil and turf of the footpath verges to final design levels.
- e) Provide street landscaping as detailed in the approved landscape drawings and associated conditions of Consent.
- f) The underground installation of all public utility and cable television network services.
- g) Install of street lighting, (default lighting as specified by Energy Australia).
- h) Provision of pedestrian kerb ramps where required at all intersections.
- i) Provision of line marking and signposting in accordance with the requirements of Sutherland Council's Traffic and Transport Manager. The "Lane" centre line shall be line marked as an unbroken line along Road No.1 adjacent Lots 138 to 140, 180 to 188, 192 to 193, 200 to 202, 301 to 315, 348 to 351, 351 to 363.
- j) The proposed exposed aggregate concrete finish to the thresholds at Road No.7 shall be achieved by sand blasting the hardened reinforced concrete as opposed to washing the concrete prior to the final set.
- k) A minimum of 9.0m pavement is to be provided for roads throughout the subdivision and the roads shall provide 2.1m for the parking lane.
- l) Where possible without reducing developable area, in proposed road 1 opposite lots 351-363, dedicated parking bays are to be provided. An amended plan is to be submitted to the satisfaction of Council's Director of Environmental Services prior to issue of the Construction Certificate.
- m) The proposed location of all street trees at the intersections of the proposed roadways and within median islands shall provide adequate stopping sight distance compliant with the requirements of AUSTROADS and the proposed posted speed limits of 50km/hr.
- n) Installation of 900mm deep root barriers around all proposed street trees, street landscaping and median island plantings together with the incorporation of "Tripstop" or similar within the concrete footpaths to manufacturer's specification.

Certification from an Accredited Certifier or a Chartered Civil Engineer, to the effect that the Road network design drawing for the Construction Certificate has been prepared having regard to the conditions of development consent, shall accompany the application for the Construction Certificate.

(Modified 27 July 2011)

Subdivision Conditions

These subdivision conditions are imposed to ensure that adequate road works and engineering works are provided to minimise the impact of the development on the environment and the locality.



PRE-COMMENCEMENT CONDITIONS

The following conditions are imposed to ensure that all pre-commencement matters are attended to before work is commenced.

21. Pre-Commencement - Notification Requirements

No works in connection with this development consent shall be commenced until:

- a) A Construction Certificate has been issued and detailed plans and specifications have been endorsed and lodged with Council;
- b) A Principal Certifying Authority has been appointed. Council shall be notified of this appointment along with details of the Principal Certifying Authority, and their written acceptance of the appointment; and
- c) Notice of commencement has been provided to Council 48 hours prior to commencement of construction work on the approved development.
- d) An independent expert in the ecology of the Green and Golden Bell Frog has been nominated and provided their written acceptance of their role to ensure the protection of the frog habitat during the course of all works.

22. Pre-commencement Inspection

The pre-commencement 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. Prior to this meeting the relevant sections of the Environmental Site Management Plan (ESMP) must be implemented. The meeting must be attended by a representative of Council's Civil Assets Branch, the PCA, 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.

A minimum of three (3) days notice shall be provided to Council for this Pre-Commencement Meeting.

The purpose of the meeting is to:

- i) Inspect the implementation of relevant sections of the ESMP such as safe passage for pedestrians, the installation of sediment and erosion controls, hoardings, Work and Hoarded Zones;
- ii) Check the installation and adequacy of all traffic management devices;
- iii) Discuss/explain any sections of the development consent that may require clarification or elaboration;
- iv) Confirm that a Construction Certificate has been issued where necessary and all Council fees paid;
- v) Vet the compliance of any special/specific conditions of consent;
- vi) Confirm that the supervising engineer has a copy of Council's Specification for Civil Works Associated with Subdivisions and Developments – January 1996; and,

- vii) Confirm that the builder/site manager/principal contractor has a copy of the Sutherland Shire Development Control Plan 2006 and Environmental Specification 2007.

23. Signs to be Erected on Building and Demolition Sites

A rigid and durable sign shall be erected prior to the commencement of work and maintained in a prominent position on any work site on which building work, subdivision work or demolition work is being carried out. The responsibility for this to occur is that of the principal certifying authority or the principal contractor.

The signage, which must be able to be easily read by anyone in any public road or other public place adjacent to the site, must:

- a) show the name, address and telephone number of the principal certifying authority for the work, and
- b) show 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) state that unauthorised entry to the work site is prohibited.

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.

CONSTRUCTION CONDITIONS

These conditions are imposed to ensure the development does not unreasonably impact on the amenity of the locality during the construction or demolition phase.

24. Permitted Hours for Building and Demolition Work

To minimise the noise impact on the surrounding environment all building and demolition work shall be carried out only between the hours of 7.00am and 6.00pm Monday to Friday inclusive, 8.00am and 1.00pm Saturdays. No work shall be carried out on Sundays and Public Holidays.

25. Toilet Facilities

Toilet facilities shall 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.

Each toilet provided:

- a) shall be a standard flushing toilet, and
- b) shall 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

- iii) 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.

The provision of toilet facilities in accordance with this clause shall be completed before any other work is commenced.

26. Excavations and Backfilling

- a) All earthworks including excavations and backfilling associated with the development shall be executed safely and in accordance with appropriate professional standards.
- b) All excavations associated with the development must be properly guarded and protected to prevent them from being dangerous to life or property.

27. Imported 'Waste Derived' Fill Material

In order to ensure that imported fill is of an acceptable standard for environmental protection purposes:

- A) The only waste derived fill material that may be received at the development site shall be:
 - i) Virgin excavated natural material and excavated natural material (within the meaning of the Protection of the Environment Operations Act 1997).
 - ii) Any other waste-derived material the subject of a resource recovery exemption under cl.51A of the Protection of the Environment Operations (Waste) Regulation 2005 that is permitted to be used as fill material.
- B) Any waste-derived material the subject of a resource recovery exemption or excavated natural material received at the development site shall be accompanied by documentation as to the material's compliance with the exemption conditions and shall be provided to the Principal Certifying Authority on request.

28. Protection of Public Places

To protect public safety and convenience during the course of constructing the works covered by this consent, a hoarding or fence shall be erected between the work site and the public place. Any such hoarding, fence or awning shall be removed and any damage to any public place reinstated to Council's satisfaction when the work has been completed.

29. Noise Control during Construction and Demolition

To minimise the impact on the surrounding environment:

- 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 15min) 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 15min) by more than 10dB(A) when measured at the nearest affected premises.

30. Environment Protection and Management

The environment protection and management measures described in the required Environmental Site Management Plan (including sediment controls and tree protection) shall be installed or implemented prior to commencement of any site works and continuously maintained during the period of construction or demolition. These measures shall generally be in accordance with the requirements of Sutherland Shire Environmental Specification 2007 - Environmental Site Management.

31. Construction materials and machinery must be kept within the site

All construction materials, sheds, skip bins, temporary water closets, spoil, and the like, shall be kept within the property. No vehicles or machines shall be permitted to stand on Council's footpath. For further information, refer to Part 3 of Chapter 8 of Sutherland Shire Development Control Plan 2006 and the Sutherland Shire Environmental Specification 2007 - Environmental Site Management.

32. Disposal of Site Soils

All soils excavated from the subject site are to be classified under the NSW DECC Waste Classification Guidelines (2009). Testing is required prior to off site disposal.

All waste materials shall be removed to appropriately licensed waste facilities by a suitably qualified contractor in accordance with NSW DECC Waste Classification Guidelines (2009).

Note: Attention is drawn to Part 4 of the NSW DECC Waste Classification Guidelines (2009) which makes particular reference to the management and disposal of Acid & Potential Acid Sulfate Soils.



33. Environmental Protection and Management.

To ensure the development does not unreasonably impact on the amenity of the locality during the construction or demolition phase. The environment protection and management measures described in the required Environmental Site Management Plan shall be installed or implemented prior to commencement of any site works and continuously maintained during the period of construction or demolition. These measures shall generally be in accordance with the requirements of Sutherland Shire Environmental Specification 2007 – Environmental Site Management.

Note: Sutherland Shire Environmental Specification 2007 – Environmental Site Management is available on www.sutherlandshire.nsw.gov.au

POST CONSTRUCTION CONDITIONS

These conditions are imposed to ensure all works are completed in accordance with the Development Consent prior to either the issue of an Occupation Certificate, a Subdivision Certificate or habitation / occupation of the development.

34. Section 73 Compliance Certificate

A Compliance/**Subdivision** Certificate under s73 of the Sydney Water Act, 1994, shall be submitted to Council by the PCA prior to the issue a Subdivision Certificate. Sydney Water may require the construction of works and/or the payment of developer charges.

Advice from Sydney Water:

An application must be made through an authorised Water Servicing Coordinator. For details see the Sydney Water web site at www.sydneywater.com.au/customer/urban/index or by telephone 13 20 92.

Following application a "Notice of Requirements" will be forwarded detailing water and sewer extensions to be built and charges to be paid. Please make early contact with the Coordinator, since building of water / sewer extensions can be time consuming and may impact on other services as well as building, driveway or landscaping design.

(Modified 27 July 2011)

35. General Post Construction Condition 1

Prior to the issue of any **Subdivision** Certificate, Certification shall be provided from the nominated expert in the ecology of the Green and Golden Bell Frog that all works conducted on site have been carried out in a manner that has not resulted in any short or long term effects on the Green and Golden Bell Frog and that any works that have been required to be carried out to ensure the preservation of the Green and Golden Bell Frog have been undertaken at the direction of and to the satisfaction of the nominated expert.

(Modified 27 July 2011)

36. General Post Construction Condition 2

Easements for Access and Maintenance shall be provided on the title of Lot 1058 DP 114838 benefitting Sutherland Shire Council to provide for the maintenance of the stormwater treatment measures required to be constructed/installed in this Lot by the conditions of this Consent (DA10/1253), should the regular maintenance of these facilities not be undertaken under the terms of the existing Agreement with Australand Pty Ltd.

Need for Certification

To ensure that all works are completed in accordance with the Development Consent, certification from an Accredited Certifier shall accompany the Compliance Certificate, to the effect that the following works have been completed.

37. Certification - Ground Lines

Certification shall be provided by a registered surveyor upon completion of the development verifying that the proposed ground lines of the site as indicated on the plans that accompanied the development application and the Construction Certificate/s, have been achieved in accordance with the terms of this development consent.

38. Completion of Landscaping

Certification shall be provided from a suitably qualified and experienced Landscape Designer or Landscape Architect within three months after the issue of the Compliance Certificate for this stage of the development (DA10/1253). This Certification shall verify that the landscape works have been completed to the stage of practical completion in accordance with the approved detailed landscape plan and relevant conditions of this consent.

Note: A Landscape Designer is a person eligible for membership of the Australian Institute of 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.

39. Stormwater Treatment

Certification shall be provided from an Accredited Certifier prior to the issue of any compliance certificate for the subdivision verifying that all stormwater treatment measures and any positive covenant/s required by this Consent have been installed and implemented in accordance with the requirements of this Consent.

40. Prior to Occupation or Use of the Development

The Development shall not be occupied or used until:

- a) A Compliance/**Subdivision** Certificate is issued and provided to Council for the development; or
- b) An Interim Compliance Certificate is issued and provided to Council for the development. This shall clearly identify the part of the development to which the Interim Compliance Certificate relates.

(Modified 27 July 2011)

Subdivision Plan Requirements

The following conditions have been imposed in relation to the preparation and release of the Linen Plans of Subdivision.

41. Linen Plan of Subdivision to conform with Development Consent

The Linen Plan of Subdivision shall conform with Council's Development Consent No.DA10/1253 and all relevant conditions thereunder.

42. Easement to Drain Water - Subdivision

An "Easement to Drain Water" in favour of Sutherland Shire Council shall be created over the adjoining property, Lot 1058 DP 1140838 under the provisions of section 88B of the Conveyancing Act to facilitate the discharge of stormwater through and onto that adjoining down stream property and to the stormwater infiltration pond. This easement shall be created prior to the issue of any Subdivision Certificate and shall remain in force until the title of Lot 1058 is transferred to Sutherland Shire Council. The authority to vary and/or modify the terms of this easement shall be Sutherland Shire Council.

43. Endorsement of Linen Plans of Subdivision by Council

To facilitate the issue of the Plan of Subdivision, following completion of the requirements detailed in the conditions of this Development Consent, a film and eight (8) paper copies of the Plan of Subdivision shall be submitted to Council together with the Instrument (in duplicate) under Section 88B of the Conveyancing Act and an application for a Subdivision Certificate where required for ultimate lodgement at the New South Wales Land and Property Management Authority.

44. Drainage Easements

1m wide drainage easements shall be created in favour of all Lots draining to the interlot drainage system. The easements and terms thereof shall be created under the provisions of s.88B of the Conveyancing Act, 1919. Sutherland Shire Council shall be specified as the authority permitted to vary and or modify the terms or location of the easements.

45. Prior to Occupation or Use of the Development

The Development shall not be occupied or used until:

- a) A Final Compliance Certificate is issued for the development: or,
- b) An Interim Compliance Certificate is issued for the development. This shall clearly identify the part of the development to which the Interim Compliance Certificate relates.

46. Final site Inspection

Prior to the issue of any Compliance/**Subdivision** Certificate, a final site inspection relating to the proposed public area and Roads shall be arranged by the applicant, and shall be undertaken by the applicant's Supervising Engineer and Council's Civil Assets Engineer. The purpose of the inspection is to ensure that notwithstanding the submission of any certificates required by the development consent, that the aforementioned works are fit for purpose.

(Modified 27 July 2011)

47. Works-As-Executed Drawings (W.A.E.D).

- a) A W.A.E.D shall be prepared to show the stormwater drainage system, detailing the alignment of pipelines, pits, stormwater treatment and all required easements. The W.A.E.D. shall be prepared by a Registered Surveyor and prior to the issue of a Compliance Certificate or use of the subdivision the Applicant/Owner shall submit to Council a copy of the aforementioned W.A.E.D.
- b) A W.A.E.D shall be prepared to show the Roads, detailing the alignment of the centre line, top of kerb and the front boundary levels of all proposed Lots. The W.A.E.D. shall be prepared by a Registered Surveyor and prior to the issue of a Compliance Certificate or use of the subdivision the Applicant/Owner shall submit to Council a copy of the aforementioned W.A.E.D.
- c) A W.A.E.D shall be prepared to show the finished surface levels of the development, detailing the level at each corner of all Lots and contours. The W.A.E.D. shall be prepared by a Registered Surveyor and prior to the issue of a Compliance Certificate or use of the subdivision the Applicant/Owner shall submit to Council a copy of the aforementioned W.A.E.D.
- d) All levels shall be to the Australian Height Datum.

48. Works-As-Executed Drawings (W.A.E.D).

(Deleted 27 July 2011)

OPERATIONAL CONDITIONS

These conditions are imposed to ensure that the use or operation of the development does not adversely impact on the amenity of the neighbourhood and the environment.

49. General Operation/Amenity Condition 2

The Applicant shall provide a Schedule of Maintenance and Cleaning for all the Stormwater treatment measures required to be constructed/installed as a result of the Conditions of this Consent, (DA10/1253). This Schedule shall include the cleaning and maintenance of these facilities to manufacturer's requirements on at least four (4) occasions over a twelve (12) month period and shall require a written and photographic report to be compiled regarding the nature and volume of detritus/refuse/pollutants removed.

END OF DETERMINATION



for J W Rayner
General Manager
Sutherland Shire Council

NOTES

This Notice of Development Consent is issued by Sutherland Shire Council, as the Authority responsible in respect of development under the provisions of State Environmental Planning Policy (Kurnell Peninsula) 1989.

The cutting down, lopping, injury and destruction of trees is regulated by Sutherland Shire Local Environmental Plan 2006 and Sutherland Shire Development Control Plan 2006. 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.

Section 96AB 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 lodged within 28 days 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. See S96AB (7) for details of determinations not subject to review under S96AB.

Division 8 (Appeals and Related Matters) of the Environmental Planning and Assessment Act confers on an applicant who is dissatisfied with the determination of the application a right of appeal to the Land and Environment Court.

This Section 96 modification does not extend the lapsing date of the original development consent.