

DRAFT CONDITIONS OF DEVELOPMENT CONSENT
Development Application No. 12/0476

PART 1 - DEFERRED COMMENCEMENT CONDITIONS

To enable the submission of further information to clarify or resolve specific aspects of the proposed development this Development Consent is issued as a "Deferred Commencement" Consent under the provisions of Section 80(3) of the Environmental Planning and Assessment Act as amended. The Consent shall not operate until the applicant satisfies the Council as to the following matters.

The required information shall be submitted within 24 months of the date of issue of this development consent.

Note - Under the provisions of Clause 95A(5) of the Environmental Planning and Assessment Regulation 2000 upon submission of the required information, Council shall advise in writing whether or not it is satisfied as to the relevant matters.

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 the Plan/Drawing No's. 600201-3001, 3002 & 3003 Revision 5, 600201-3005 Revision 3, 600201-3006 Revision 6, 600201-3007 & 3008 Revision 2, 600201-3009 & 10 Revision 3, 60021-3011 to 3014 Revision 5, 600201-3015 Revision 4, 60021-3016 Revision 5, 600201-3017 Revision 4, 600201-3020 to 3023 Revision 3, 600201-3030, 3035 Revision 4, 60021-3037 Revision 3, 600201-3040 Revision 4, 600201-3050 Revision 5, 600201-3055 Revision 4, 600201-3060, 3065 & 3066 Revision 5, 600201-3067 Revision 2 and 600201-3070 Revision 2~~1~~ prepared by Cardno 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:

The development consent does not give approval to any form of gas ventilation system within the Don Lucas Reserve. If such a system is found to be required, a new development application is to be submitted for approval by the consent authority.

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. 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. Development

In accordance with Section 83B, development consent is granted for the overall conceptual layout, involving:

- The proposed road and residential lot layout of the land (ultimately resulting in 161 residential lots) which is to be delivered in two precincts (Precincts 1 and 2); and
- The infrastructure concept for the Development Site.

In accordance with Section 83B(3)(b), development consent is also granted for Stage 1 of the proposed development. The works that fall within Stage 1 are called the Stage 1 Works and include:

- Subdivision of the Shearwater Landing Site to create six lots;
- Soil remediation of the Shearwater Landing Site;
- Bulk earthworks of the Shearwater Landing Site;
- Construction of roads associated with the land identified as Precinct 1;
- Construction of infrastructure services in shared underground trenches within roadways in Precinct 1;
- Construction of infrastructure services in shared underground trenches within an infrastructure corridor in Precinct 2;
- Construction of connecting infrastructure to services outside of the Development Site;
- Landscaping of the public domain associated with the Precinct 1 roads;
- Installation of a passive aquifer recharge system on the Shearwater Landing Site;
- The augmentation of Council's existing stormwater treatment facility on Council land on the Wetland Basin Site; and
- Landscaping of the Reserve site, being the small affected area of the Don Lucas Reserve.

The following specified parts or aspects of the development shall be the subject of a further application for development consent:

- Installation of a passive gas venting system on the Reserve Site if required;
- The subdivision of Precinct 1 to create 128 residential allotments; and
- The construction of roads, infrastructure services, landscaping and subdivision to create 33 residential allotments in Precinct 2.

4. Requirements of IDA Approval Authorities

The development shall be conducted in accordance with all conditions of approval of the following Approval Authorities under Section 91A of the Environmental Planning and Assessment Act 1979:

- Heritage Office
- Environmental Protection Authority, with the exclusion of condition 4.7.
- NSW Office of Water (formerly Department of Water and Energy)
- Rural Fire Service.

A copy of the requirements of the approval Authorities is attached to this development consent. Suitable amendments shall be made to the proposed development in accordance with these requirements and these details shall be submitted to the Consent Authority prior to the issue of a Construction Certificate.

5. Approvals Required under Roads Act or Local Government Act

The following works or activities shall not be carried out on public land (including a road) adjacent to the development site without approval under the Roads Act 1993 and/or the Local Government 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; or
- i) Constructing a vehicular crossing or footpath.

An application, together with the necessary fee, shall be submitted and approval granted by Council prior to any of the above works or activities commencing.

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

6. Site Access

No heavy vehicles or machinery associated with the approved works are to access the site from Bate Bay Road, other than vehicles involved in the installation and connection of stormwater and utility services within the Bate Bay Road reserve.

7. Remediation Works

The remediation works recommended in the approved Remedial Action Plan shall be completed under the supervision of an appropriately qualified environmental scientist.

BONDS AND CONTRIBUTIONS

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

8. Public Place Environmental, Damage & Performance Security Bond

Before the commencement of any works (including demolition) or the issue of a Construction Certificate, the applicant shall provide security to Council against damage cause to any Council property and/or the environment as a consequence of the implementation of this consent. The security may be provided by way of a deposit with the Council or a satisfactory guarantee. A non refundable inspection/administration fee is included in the bond value.

It is the applicant's responsibility to notify Council of any existing damage to public areas in the vicinity of the development site through the submission of a current dilapidation report supported by photographs. This information shall be submitted to Council at least two (2) days prior to the commencement of works.

Should any public property and/or the environment sustain damage during the course of and as a result of construction, or if the construction works put Council's assets or the environment at risk, council may carry out any works necessary to repair the damage and/or remove the risk. The costs incurred shall be deducted from the security.

A request for release of the security deposit may be made to Council after all works relating to this consent have been completed. Such a request shall be submitted to Council on the '*Bond Release Request Form*' signed by the owner or any person entitled to use of the consent. The value of the bond shall be \$100,000.

Note: Bond amount includes a non refundable administration fee of \$120. Where the bond takes the form of a Bank Guarantee, the \$120 administration fee must be paid separately.

9. Public Liability Insurance

Prior to the commencement of work or the issue of a Construction Certificate, 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 any 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 safety and convenience

10. Environment/Landscape

Detailed Tree Survey

A detailed survey shall be prepared by a Registered Surveyor is to be submitted and approved by Council. This survey is to show all existing trees with a trunk diameter greater than 150mm within a 10m wide strip on the school side of the boundary with Cronulla High School and the school oval.

The survey shall detail the tree centre, canopy spread and existing level at the base of the tree.

Aborist Report

A detailed aborist report is to be prepared for all trees with a trunk diameter of greater than 150mm on adjoining land that are affected by the construction works. The aborist report is to be submitted and approved by Council.

Detailed Landscape Plan

A detailed landscape plan for the land and roadways associated with the Stage 1 works, taking into account information provided in the arborist report, shall be submitted to Council for approval. The 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 detailed landscape plan shall accord with the environmental and landscape aims of Sutherland Shire Council's *Greenhills Beach Development Control Code*, *Kurnell* and *Urban Tree and Bushland Policy*.

The detailed landscape plan shall contain the following information clearly shown in plan, section and detail:

The proposed contours/levels, the road and footpath layout, kerbs and gutters, proposed driveway crossings, pram ramps, raised thresholds, road narrowings, underground services, fences, grass verges, mass planting beds, and trees and shrubs in grass including edging, staking and temporary protective measures for street trees.

A detailed planting plan showing the following information:

- Street tree planting:
 - Street trees shall provide adequate stopping sight distance compliant with the requirements of AUSTROADS and the proposed posted speed limit of 50km/hr.
- Dense massed plantings of low shrubs, grasses and ground covers at road narrowings that prevent pedestrian movements onto and across the thresholds/slowpoints.
- The proposed 3m wide landscaped buffer zone along the Captain Cook Drive frontage.
- The eastern most boundary with Don Lucas Reserve, including details of the fence and kerb along the boundary designed to prevent fertilisers, pesticides and weeds from the residences contaminating the revegetation area.
- Small tree planting of mixed species to one side of the pedestrian laneways between Road No. 1 and Don Lucas Reserve/Bate Bay Road. Trees shall be planted at informal spacings centres between 3-5m.
- Plants are to be selected from the species listed below, according to the location, elevation and aspect of the trees proposed:
 - Low lying land adjoining Cronulla High and near Captain Cook Drive - RL8m and lower

Trees	<i>Angophora costata, Casuarina glauca, Cupaniopsis anacardioides Eucalyptus botryoides, Eucalyptus robusta.</i>
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Ground covers and Tufted Plants	<i>Carpobrotus glaucescens, Dianella caerulea, Dianella congesta, Dichondra repens, Hibbertia scandens, Isolepis nodosus, Juncus usitatus, Lomandra longifolia, Scaevola calendulacea.</i>
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- Sloping hind dune areas (land oriented North to West) between RL 18m and 8m - Kurnell Dune Forest

Trees	<i>Angophora costata</i> , <i>Cupaniopsis anacardioides</i> .
Small trees	<i>Banksia integrifolia</i> subsp. <i>Integrifolia</i> , <i>Glochidion ferdinandi</i> , <i>Kunzea ambigua</i> , <i>Leptospermum laevigatum</i> , <i>Melaleuca armillaris</i> , <i>Monotoca elliptica</i> .
Shrubs	<i>Acacia longifolia</i> subsp. <i>sophorae</i> , <i>Baeckea imbricate</i> , <i>Banksia ericifolia</i> , <i>Breynia oblongifolia</i> , <i>Correa alba</i> , <i>Notelaea longifolia</i> , <i>Pelargonium australe</i> , <i>Phebalium squamulosum</i> , <i>Westringia fruticosa</i> .
Ground covers and Tufted Plants	<i>Carpobrotus glaucescens</i> , <i>Dianella caerulea</i> , <i>Dianella congesta</i> , <i>Dichondra repens</i> , <i>Hibbertia scandens</i> , <i>Lomandra longifolia</i> , <i>Scaevola calendulacea</i> .
<ul style="list-style-type: none"> Exposed foredune areas facing sea (land oriented East to South) - RL18m to RL 14m - Coastal Fore dune Wattle Scrub 	
Small trees	<i>Leptospermum laevigatum</i> , <i>Banksia integrifolia</i> subsp. <i>Integrifolia</i> , <i>Monotoca elliptica</i> .
Shrubs	<i>Acacia longifolia</i> subsp. <i>sophorae</i> , <i>Allocasuarina distyla</i> , <i>Breynia oblongifolia</i> , <i>Correa alba</i> , <i>Leucopogon parviflorus</i> , <i>Pelargonium australe</i> , <i>Rhagodia candolleana</i> , <i>Westringia fruticosa</i> .
Ground covers and Tufted Plants	<i>Carpobrotus glaucescens</i> , <i>Dianella caerulea</i> , <i>Dianella congesta</i> , <i>Lomandra longifolia</i> , <i>Scaevola calendulacea</i> .

11. Deferred Commencement Condition 2 - Civil Works

- a) To reduce the environmental impact of the internal roads and proposed traffic calming structures, the following design changes shall be implemented -
 - (i) The road narrowing and proposed contrasting pavement treatment and pedestrian crossing in Road No. 2 at its northern intersection with Road No. 1 shall be deleted.
 - (ii) The eastern kerb blister in Road No. 1 at its intersection with Road No. 4 shall be removed to create a standard "T" intersection.
 - (iii) Contrasting pavement treatments shall only be provided at the proposed one-way slow points in Roads 1 and 2 and the raised threshold north of the intersection of Roads 1 and 2. The blistered nature strip (footpath area) adjacent to either side of the contrasting pavement treatments shall be densely landscaped so as to prevent pedestrian movements onto and across the threshold/slowpoints.
 - (iv) The length of the contrasting pavement at the one-way slowpoints shall be reduced by approximately 50% so as to be located between the built out blisters only.

The proposed raised threshold at the intersection of Bate Bay Road and Road No. 2 is to be redesigned so as to align with the footpath allocation for Bate Bay Road to provide for direct pedestrian movements across the top of the threshold rather than being positioned within the development site. In this regard the threshold shall also act as a visual barrier to dissuade motorists from utilising Road No. 2 to gain alternate access to the adjacent Australand development.

- (b) Proposed Lot 108 is to be accessed from its southernmost end.
- (c) Any layback entry to a Right of Carriageway should be minimum 3.0m wide.

12. Matters Relating to the issue of a Construction Certificate 3- Stormwater System

- (a) The Passive Aquifer Recharge Basin (Infiltration Basin) shall be redesigned to provide a more natural system by replacing the stepped sandstone boulder edging with a sloped natural batter to be planted as per the conditions of this consent. The design is to ensure that the required volume of infiltration is retained.
- (b) A detailed design of the drainage system for the development shall be prepared in consultation with Council. To provide an effective drainage systems which can be adequately and safely maintained, the drainage system shall incorporate the following:
 - (i) The drainage system is to be designed around a tailwater level of 0.9 metres AHD to allow for Sea Level Rise.
 - (ii) Reduce the extent of pipelines being located within the proposed road carriageways.
 - (iii) Further investigation of the location and level of all existing public utility services, cable network services and the like within the footpath areas of Captain Cook Drive and Elouera Road to establish the exact alignment of the proposed stormwater drainage pipelines and the future kerb alignment within Captain Cook Drive.

13. Deferred Commencement Condition 4 - Vegetation Management Plan (VMP)

In order to ensure the retention, restoration and revegetation of the subject site, a Vegetation Management Plan (VMP) shall be prepared and submitted and approved by Council.

The VMP shall address the revegetation and ongoing management of vegetation within the following management zones -

- (a) The Don Lucas Reserve
- (b) The Proposed Infiltration Basin

The VMP must include (but not necessarily be limited to) the following two phases relating to vegetation management:

Establishment Phase:

- A figure/plan showing the above two management zones on the site;
- The exact location of vegetation to be removed and retained on the site as part of the developmental proposal;

- Details of revegetation works, including a list of species to be utilised during replanting on site (including species appropriate for the different management zones as detailed below);
- Planting densities and species mix for replanting (as detailed below)
- Specific landscaping treatments in each zone (e.g. fuel management, mulching, soil and stormwater management - which must ensure no adverse impacts on vegetation areas);
- Clearly defined vegetation protection areas (including exact location of trees and vegetation to be retained and removed), provided on a plan;
- Vegetation and tree protection measures to be employed in vegetation protection areas, as well as activities that are permitted to take place in these areas;
- Specific identification and location of all weeds on site, and management techniques for the control of each.

(a) Don Lucas Reserve

This area must be revegetated with suitable indigenous Coastal Foredune Species utilising (at a minimum) the species listed below. If any of the listed species cannot be sourced, they must be replaced with another suitable species.

The following densities must be utilised - 1 tree per 3m², 2 shrubs per 1m² and 3 groundcovers per 1m².

Small trees	<i>Acacia longifolia subsp. sophorae</i> , <i>Leptospermum laevigatum</i> , <i>Banksia integrifolia subsp. integrifolia</i> , <i>Monotoca elliptica</i> .
Shrubs	<i>Leucopogon parviflorus</i> , <i>Breynia oblongifolia</i> , <i>Rhagodia candolleana</i> .
Ground covers and Tufted Plants	<i>Spinifex sericeus</i> , <i>Carpobrotus glaucescens</i> , <i>Ficinia nodosa</i> , <i>Pelargonium australe</i> , <i>Dianella congesta</i> , <i>Dichondra repens</i> , <i>Scaevola calendulacea</i>

(b) Proposed Infiltration Basin

This area must be revegetated with suitable wetland species selected from the NSW Office of Environment and Heritage Final Determination for Freshwater Wetlands found at <http://www.environment.nsw.gov.au/determinations/SydneyFreshwaterWetlandsSydneyEndComListing.htm>.

Revegetation of this area should be designed in accordance with the guidelines outlined on pages 15 and 16 within the Sutherland Shire Indigenous Plants Guide found at http://www.sutherlandshire.nsw.gov.au/Environment/Plants/Indigenous_Plants_Guide and include a variety of trees/shrubs and groundcovers at a density justified by the Bush Regenerator/Ecologist.

Maintenance Phase:

- Specific management timeframes, performance monitoring and maintenance, and links to performance measures as well as expected outcomes and responses.

- Specific management responsibilities.
- Any other habitat management or improvement measures deemed suitable for the site.
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- The VMP shall be prepared by an appropriately qualified and experienced bush regenerator/ecologist.

14. Design and Construction of Works in Public Areas

Council has determined that the proposed development generates a need for the following works to be undertaken by the Applicant in the Road Reserve:

- a) A temporary concrete footpath crossing incorporating shaker pad and wheel wash bay for construction vehicle access.
- b) Road pavement construction.
- c) Stormwater drainage work.
- d) Removal of all redundant layback crossings and reconstruction with integral concrete kerb and gutter.
- e) Construction of 150mm concrete barrier kerb and gutter across the full frontage of the site in Captain Cook Drive.
- f) A layback crossing at the access points including within mountable kerb, such to be no closer than 6 metres to the intersection of adjacent roads.
- g) Construction of combined cycleway/footpath across the full frontage of the site in Captain Cook Drive.
- h) Regrading, topsoiling and turfing of the footpath area to final design levels across the full frontage of and within the site and across adjacent properties where existing levels are altered and to all disturbed areas.
- i) Provision of conduits for the future undergrounding of public utility services, cables television and communications cables across the full frontage of the site.
- j) Provision of street landscaping and tree planting as specified by Council.
- k) Adjustment to public services infrastructure where appropriate or required by the applicable service provider.
- l) Provision of pedestrian kerb ramps at intersections.
- m) Provision of linemarking and signposting as detailed on Council's design plan.
- n) Street lighting.
- o) Street name signs, traffic advisory and regulatory signs and linemarking as required.
- p) Pedestrian kerb ramps at intersections.

An application under the Roads Act, together with the necessary fee, shall be submitted and alignment levels shall be issued by Council prior to the issue of a Construction Certificate. Approval under the Roads Act cannot be granted by a Principal Certifying authority or by a Private Certifier. Failure to obtain approval may result in enforcement action by Council.

Survey and design plans for the above works shall be prepared by Council's Engineering Division and issued by Council's Civil Assets Manager. A fee quotation may be obtained by submitting a "Detailed Frontage Design" application to Council. The application form can be obtained from Council's web site.

15. Site Management Plan

An Environmental Site Management Plan shall accompany any Construction Certificate. This plan shall satisfy the Objectives and Controls in Sutherland Shire Environmental Site Management Plan Development Control Plan and shall 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 areas from building activities, crossing 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 or 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 a Certifier accredited to civil engineering.
- f) The provision of temporary fencing to secure the work site (fencing, hoarding or awnings over public land require Council approval under the Roads Act).
- g) The control of surface water flows within and through the construction site to minimise erosion and movement of sediment off site.
- h) The type and location of erosion and sediment control measures, strategies to minimise the amount of soil uncovered at any time, the conservation of topsoil for re-use on site, the location and protection of stockpiles.
- i) Identify all trees that are to be retained and the measures proposed to protect them (including fencing, mulching, watering, erection of signs excluding access to the protection zone, etc), and identify areas for revegetation.

Note: The footpath and road reserve shall not be used for construction purposes (including storage of skips or building materials, standing cranes or concrete pumps, erecting hoardings or as a construction zone) unless prior approval has been granted by Council under the Roads Act 1993.

16. Pavement Design

- a) In accordance with Council's "Engineering Specification for Subdivisions and Developments" the design of the roadways shall comply with the following pavement design Equivalent Standard Axle criteria - Roads No.1 and No.2, 5 x 105 ESA, Roads No.3, No.4 and No.5, 1 x 105 ESA.
- b) "Tripstop" footpath expansion joint material shall be employed at every joint in the concrete footpath areas throughout the entire site.

17. Nomination of Engineering Works Supervisor

Prior to the issue of a Construction Certificate the application shall nominate an appropriately accredited certifier to supervise all public area civil and drainage works to ensure that they are constructed in compliance with Council's current "Specification for Civil Works Associated with Subdivisions and Developments".

The engineer shall:

- c) Provide an acceptance in writing to supervise sufficient of the works to ensure compliance with:
 - (i) All relevant statutory requirements;
 - (ii) All relevant conditions of development consent;
 - (iii) Construction requirements detailed in the above Specification; and
 - (iv) The requirements of all legislation relating to environmental protection;
- d) On completion of the works certify that the works have been constructed in compliance with the approval plans, specifications and conditions of approval; and
- e) Certify that the Works As Executed plans are a true and correct record of what has been built.

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.

18. 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 area of Bate Bay Road and Captain Cook Drive.
- (b) The method of connection of the property to the Energy Australia supply, ie either underground connection or by overhead supply.
- (c) The need for the provision of a kiosk-type substation.

19. Sydney Water - Notice of Requirements

Prior to the issue of a Subdivision Certificate for any residential lots, 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.

20. Drainage Design - Detailed Requirements

The drainage for the development proposal shall be designed in accordance with the Institution of Engineers' publication "Australian Rainfall and Runoff" (1987), Council's "Urban Drainage Design" Manual together with Council's "Stormwater Management Policy and Guidelines" and "On-Site Stormwater Detention Policy and Technical Specification".

The design shall also take into account the specific requirements of any Development Control Plan, Catchment Management Plan or Stormwater Management Plan relevant to the site.

The design shall include:

- (a) A detailed drainage design supported by a catchment area plan and drainage calculation (including a Hydraulic Grade Line Analysis) incorporating all of the design changes detailed within this consent.

- (b) A layout of the drainage system showing existing and proposed pipe sizes, type, class, grades, lengths, invert levels, finished surface levels and location of all pipes and levels reduced to Australian Height Datum. Impacts on existing trees must be indicated on the plan.
- (c) A longitudinal section of the pipeline within the road reserve including existing natural surface levels, design surface levels, design invert levels of the proposed pipeline and the location, size and reduced level of all services to AHD where those services cross the proposed drainage line.
- (d) A drainage depression shall be provided for the full width and length of the drainage easements that 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 100 year flow and half the flow in the pipeline within the easement. Specific certification shall be provided by the designer to this effect as part of the submitted drainage design/details.
- (e) Where underground service lines (ie, water, drainage, sewerage and gas) are required which are in conflict with the location of the root zone of trees and significant vegetation to be retained, the lines shall be excavated using techniques to reduce any adverse impact on the root zone of the trees.

A compliance certificate issued by an appropriately accredited person to the effect that these design requirements have been met shall accompany the Construction Certificate.

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.

22. Pre-commencement Inspection

A 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 8.00am and 4.30pm 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.

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 Sites

A rigid and durable sign shall be erected prior to the commencement of work and maintained in a prominent position site. 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.

24. Appointment of a Supervising Arborist

Prior to the commencement of any demolition or works on site the applicant shall engage a suitably qualified and experienced Arborist (a person with current membership of the National Arborists Association of Australia at a grade of General Member, Affiliate Member or Life Member or alternatively a person who has obtained a TAFE Certificate in Horticulture (Arboriculture) Level 5).

The Supervising Arborist shall:

- (a) Approve the temporary protective fencing around trees to be retained before any excavation or construction begins.
- (b) Be present during any works within the dripline of any tree marked for retention on Council land and have the authority to direct works to ensure the trees long term preservation.
- (c) Ensure any excavation within the dripline of the tree/s is hand dug and to oversee works and strictly supervise that there is no disturbance or severing of roots greater than 50mm and to cleanly cut and treat those roots between 10-50mm in diameter.

25. Detailed remediation plans

Prior to the commencement of remediation works, the following detailed plans, as required by the site auditor in the submitted Site Audit Statement, are to be prepared -

- (a) Remediation and Earthworks Detailed Design Plan/s.
- (b) Construction Environmental Management Plan.
- (c) Soil and Groundwater Validation Plan.

26. Dilapidation Reports

To assist in the resolution of any future disputes about damage to properties adjoining the development site, prior to commencement of any work on site the Applicant shall organise dilapidation reports on all buildings within the Cronulla High School grounds, all buildings adjoining the site on Don Lucas Reserve and the buildings at 1 and 2 Kirkwood Road, 2, 4, 6, 8, 10 and 12 Bate Bay Road, 1 and 2 Berry Street, 1 and 3 Sanderson Street. The reports must be prepared by a suitably qualified and experienced person of the necessary expertise and a copy must be supplied to the owner(s) of each property and to the Principal Certifying Authority.

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.

27. 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 3.00pm Saturdays. No work shall be carried out on Sundays and Public Holidays.

28. Site Safety

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

29. 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 (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 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.

30. Support for Neighbouring Buildings, Stormwater Drainage Systems and Fences

If an excavation associated with the development extends below the level of the base of the footings of a building or of any stormwater drainage pipelines, pits or other facilities on an adjoining allotment of land, the person causing the excavation to be made:

- (a) Shall preserve and protect the building from damage.
- (b) If necessary, shall underpin and support the building/s, stormwater pipelines and pits, fences and other structures in an approved manner.
- (c) Shall, 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.
- (d) 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.

31. Protection of Public Places

To protect public safety and convenience during the course of constructing the works covered by this consent, the following matters shall be complied with:

- (a) If the work involved in the erection or demolition of a building or other development:
 - (i) is likely to cause pedestrian or vehicular traffic in a public place to be obstructed, inconvenienced, or rendered unsafe; or
 - (ii) building involves the enclosure of a public place, A hoarding or fence shall be erected between the work site and the public place.
- (b) 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.
- (c) 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 shall be removed and any damage to any public place reinstated to Council's satisfaction when the work has been completed.

32. Noise Control during Construction and Demolition

To minimise the impact on the surrounding environment 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.

33. Vibration Damage

To minimise vibration damage and loss of support to the buildings in close proximity, a geotechnical engineer's report shall be prepared detailing constraints to be placed on earthmoving plant and equipment and the method of any excavation, shoring etc. This report shall accompany the Construction Certificate and a copy shall be provided to the Principal Certifying Authority.

34. 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 the Sutherland Shire Environmental Specification 2007 - Environmental Site Management.

35. Run-off and Erosion Controls

Run-off and erosion controls shall be installed prior to commencement of any site works and shall be continuously maintained during the period of construction or demolition. These control measures shall generally be in accordance with the requirements of Sutherland Shire Environmental Site Management Development Control Plan and the Sutherland Shire Environmental Specification 2007 - Environmental Site Management and shall specifically address the following matters:

- (a) diversion of uncontaminated runoff around cleared or disturbed areas;
- (b) a silt fence or other device to prevent sediment and other debris escaping from the cleared or disturbed areas into drainage systems or waterways;
- (c) controls to prevent tracking of sediment by vehicles onto adjoining roadways and public areas; and
- (d) disturbed areas shall be stabilised either temporarily or permanently by the use of turf, mulch, paving or other methods approved by the Council.

36. Construction of Public Frontage Works

The following road frontage works shall be constructed in accordance with the requirements of Council's adopted "Specification for Civil Works Associated with Subdivisions and Developments":

- (a) A temporary concrete footpath crossing incorporating vehicle shaker pad/s and wheel wash bay for construction vehicle access.
- (b) Road pavement construction.
- (c) Drainage.
- (d) Demolition of existing kerb and gutter at the proposed point/s of access and replacement with a concrete layback crossing.
- (e) Removal of all redundant layback crossings and reconstruction with integral concrete kerb and gutter.
- (f) A layback crossing at the access points including within mountable kerb, such to be no closer than 6 metres to the intersection of adjacent roads.
- (g) Regrading, topsoiling and turfing of the footpath area to final design levels across the full frontage of the site and across adjacent properties if required.
- (h) Provision of pedestrian kerb ramps at intersections.
- (i) Construction of a combined cycleway/footpath across the full frontage of the site in Captain Cook Drive.
- (j) Erosion and sediment controls.
- (k) Street Lighting.
- (l) Street name signs, traffic advisory and regulatory signs and linemarking as required.

Permission shall be obtained for the carrying out of the proposed works, under the Roads Act, 1993 prior to the commencement of works or the issue of a Construction Certificate.

37. Disposal of Site Soils

All soils to be disposed of off 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.

38. Green and Golden Bell Frog Habitat

To provide suitable habitat for the Green and Golden Bell Frog as required by the Office of Environment and Heritage, the wetland augmentation works shall incorporate habitat features suitable for the Green and Golden Bell Frog.

Landscaping Requirements

These conditions are imposed to ensure the retention and enhancement of the existing landscaping.

39. Street Planting

Provide street tree planting with a minimum pot size of 25 litres and a temporary tree guard in a mulched and edged landscape area within the road reserve in accordance with the detailed landscape plan and details as approved by Council. The trees shall be maintained until they reach a diameter of 100mm measured at 500mm above ground level or for two (2) years after dedication to Council, whichever comes first.

40. Landscape Treatment of Infiltration Basin

The stormwater infiltration basin shall be densely planted and suitably mulched to augment the future landscape character of the site. The mulch shall be stabilised with a biodegradable material. The planting shall not materially reduce the volume of the stormwater infiltration channel required by this development and the plantings shall be as per the VMP.

41. Tree Retention and Protection

Any trees specifically identified in the approved landscape as an “existing tree to be retained” and are directly affected by the proposed works shall be retained and protected by the following measures:

- (a) Protective fencing constructed of 1.8m high chain wire mesh supported by robust posts shall be installed around the trees referenced above to the two areas marked on the approved tree protection plan, to the satisfaction of, a suitably qualified and experienced Arborist.
- (b) This fencing shall be installed prior to the commencement of any works subject to this consent and remain in place until all works are completed. Signage shall be erected on the fence with the following words clearly displayed “TREE PROTECTION ZONE, DO NOT ENTER”.
- (c) The tree protection zone within the protective fencing shall be mulched with a maximum depth 75mm of suitable organic mulch (woodchips or composted leaf chip mulch) and kept regularly watered for the duration of the works subject to this consent.
- (d) No development or associated activity is permitted within the fenced tree protection zone for the duration of works subject to this consent. This includes vehicular or pedestrian access, sheds, washout areas, excavations, backfilling, installation of services (including stormwater), removal of top soil, stockpiling of soil or building materials.
- (e) Any approved works within this tree protection zone shall be under the direction of, and to the satisfaction of, a suitably qualified and experienced Arborist.

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.

42. Section 73 Compliance Certificate

A Compliance Certificate under s73 of the Sydney Water Act, 1994, shall be submitted to Council by the PCA prior to the issue of an Occupation Certificate or before the issue of a Subdivision Certificate for residential lots. 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.

43. Works As Executed Information

Certification shall be provided from a registered surveyor to the effect that:

- (a) All civil engineering works required by this development consent have been carried out in accordance with the terms of the development consent and the approved engineering drawings with regard to location and level.
- (b) All pipes, pits and detention facilities lay within their relevant existing or proposed easements.
- (c) All rights-of-way or positive covenants required by conditions of this development consent have been provided.

44. Works As Executed Drawings

Certification shall be provided from the supervising engineer acting as an Accredited Certifier, to the effect that:

- (a) All civil engineering and stormwater works associated with development have been carried out in accordance with the terms of the development consent, the approved engineering drawings and in the case of public works Council's "Specifications for Civil Works associated with Subdivisions and Developments".
- (b) The construction of the drainage system for the proposed development has been carried out generally in accordance with the requirements of the approved stormwater drainage plans, Council's stormwater management policy and guidelines and Council's On-site Detention Policy and has been carried out in order that stormwater runoff downstream is not increased as a result of the development and that all assumptions made during the design remain valid. Works-as-Executed drawings certified in the above manner and containing all relevant information as required by Council's "Specification for Civil Works Associated with Subdivisions and Developments" shall accompany the Subdivision / Occupation Certificate.

45. Site Validation

Prior to the issue of a subdivision certificate for residential lots, a Site Audit Report and Site Audit Statement is to be prepared by a NSW EPA Accredited Site Auditor that:

- (a) verifies that all requirements and conditions as detailed in the RAP and associated Site Audit Report and Site Audit Statement were complied with; and
- (b) certifies that the site is suitable for the proposed uses,
- (c) for the land subject to the subdivision certificate application.

Need for Certification

No buildings are proposed in this development. Thus an occupation certificate is not required.

46. Certification - Ground Lines

Certification shall be provided by a registered surveyor upon completion of the bulk earthworks stage of the development verifying that the ground lines of the site as indicated on the proposed contour plan that accompanied the development application, have been filled and graded to the correct approved levels in accordance with the terms of this development consent.

47. General Compliance

Certification shall be submitted from the Principal Certifying Authority certifying that all works have been completed and comply with the approved plans, conditions and specifications.

48. Works in Roadway

A Compliance Certificate from an Accredited Certifier certifying that all works undertaken within the road reserves have been completed in accordance with the conditions of the Road Opening Approval and the approved design plans.

49. 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 General Compliance Certification referred to in condition 52. 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.

50. Completion of Vegetation Management

Certification shall be provided from a suitably qualified and experienced Bush Regenerator / Horticulturalist within three months after the issue of the Final Subdivision Certificate for the development. This Certification shall verify that the establishment phase of the vegetation management works have been completed in accordance with the approved Vegetation Management Plan (VMP) and relevant conditions of this consent.

Regular Monitoring reports shall be submitted to the Director - Environmental Services - Sutherland Shire Council certifying that the required maintenance works are being carried out in accordance with the approved VMP.

Note: A Bush Regenerator is a person eligible for membership of the Australian Association of Bush Regenerators and a Horticulturalist is a person eligible for membership of the Australian Institute of Horticulture.

51. Final Site Inspection

Prior to the issue of the Subdivision Certificate for residential lots, a final site inspection relating to the public area 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, all impacts within the public area caused by the development have been satisfactorily addressed.

Note: An inspection fee shall be paid to Council. Please refer to Sutherland Shire Council's Adopted Schedule of Fees and Charges.

Subdivision Plan Requirements

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

52. Linen Plan of Subdivision to Conform with Development Consent

The Linen Plan of Subdivision shall conform with Council's Development Consent No.12/0476 and all relevant conditions thereunder.

53. Drainage Easements - Subdivision

Easements to drain water of minimum width 1m shall be created in favour of Sutherland Shire Council, over:

- (a) The alignment of interlot drainage lines, and
- (b) The rights of carriageway within relevant allotment(s).

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

54. Interlot Drainage Lines - Subdivision

Interlot drainage lines shall be constructed to service all allotments which are not capable of being drained by gravity means within the natural catchment of the site. These drainage lines shall be connected to a drainage system within a public road or pipeline within an existing drainage easement. Filling of individual lots to redirect the stormwater is not permitted without the consent of Council.

55. Stormwater Infiltration

The Stormwater infiltration area shall comprise a separate allotment and shall be dedicated to Council three (3) months following the issue of the final subdivision certificate for the residential lots.

56. 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 and the issue of the Subdivision Certificate by Council, 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, where required for ultimate lodgement at the Land Titles Office.