

WITHOUT PREJUDICE CONDITIONS OF CONSENT

1. Approved Plans and Documents (UNI2005)

The development must be undertaken substantially in accordance with the details and specifications set out on the Plan / Drawings:

<i>Plan number</i>	<i>Reference</i>	<i>Prepared by</i>	<i>Date</i>
Project No.2894 Drawing No.A050 Revision 04	Overall Site Plan - Stage 2	Morrison Design Partnership Architects	Received by Council on 21/10/2016
Project No.2894 Drawing No.A051 Revision 05	Links Building Ground Floor Plan Pines Building Ground Floor & Lower Ground Floor Plan Links Building Lower Ground Floor Plan	Morrison Design Partnership Architects	Received by Council on 21/10/2016
Project No.2894 Drawing No.A052 Revision 04	Links Building First Floor Plan & Pines Building First Floor Plan	Morrison Design Partnership Architects	Received by Council on 21/10/2016
Project No.2894 Drawing No.A053 Revision 01	Pines Building Second Floor Plan	Morrison Design Partnership Architects	Received by Council on 21/10/2016
Project No.2894 Drawing No.A054 Revision 02	Pines Building Third Floor Plan	Morrison Design Partnership Architects	Received by Council on 21/10/2016
Project No.2894 Drawing No.A055 Revision 02	Overall Site Roof Plan (Sturt Rd. Level)	Morrison Design Partnership Architects	Received by Council on 21/10/2016
Project No.2894 Drawing No.A101 Revision 03	Links Building Lower Ground Floor & Ground Floor Plan	Morrison Design Partnership Architects	Received by Council on 21/10/2016
Project No.2894 Drawing No.A102 Revision 03	Links Building First Floor Plan Roof Plan	Morrison Design Partnership Architects	Received by Council on 21/10/2016
Project No.2894 Drawing No.A103 Revision 02	Norfolk Building Lower Ground Floor Plan	Morrison Design Partnership Architects	Received by Council on 21/10/2016
Project No.2894 Drawing No.A104 Revision 03	Norfolk Building First Floor Plan	Morrison Design Partnership Architects	Received by Council on 21/10/2016
Project No.2894 Drawing No.A105 Revision 03	Norfolk Building Second Floor Plan	Morrison Design Partnership Architects	Received by Council on 21/10/2016
Project No.2894 Drawing No.A106 Revision 03	Norfolk Building Third Floor Plan	Morrison Design Partnership Architects	Received by Council on 21/10/2016
Project No.2894 Drawing No.A107 Revision 03	Pines Building Partial Roof Plan (Sturt Rd. Level)	Morrison Design Partnership Architects	Received by Council on 21/10/2016
Project No.2894 Drawing No.A201 Revision 02	Overall Elevations + Materials, Finishes & Colours Schedule	Morrison Design Partnership Architects	Received by Council on 21/10/2016

Project No.2894 Drawing No.A202 Revision 02	Elevations Sheet 2	Morrison Design Partnership Architects	Received by Council on 21/10/2016
Project No.2894 Drawing No.A203 Revision 02	Elevations Sheet 3	Morrison Design Partnership Architects	Received by Council on 21/10/2016
Project No.2894 Drawing No.A301 Revision 04	Sections Sheet 1	Morrison Design Partnership Architects	Received by Council on 21/10/2016
Project No.2894 Drawing No.A302 Revision 02	Sections Sheet 2	Morrison Design Partnership Architects	Received by Council on 21/10/2016
Job No.16007 Drawing No.L00 Issue D	Drawing List, Legend, Plant Schedule & General Notes	Amber Road	Received by Council on 21/10/2016
Job No.16007 Drawing No.L01 Issue F	Landscape Plan	Morrison Design Partnership Architects	Received by Council on 21/10/2016
Job No.16007 Drawing No.L02 Issue D	Landscape Details	Morrison Design Partnership Architects	Received by Council on 21/10/2016
Job No.16076 Drawing No.C00.01 Issue A	General Notes	abc consultants	8/08/2016
Job No.16076 Drawing No.C02.01 Issue A	Level 0 & Level 1 Stormwater Drainage Plan	abc consultants	8/08/2016
Job No.16076 Drawing No.C03.01 Issue A	Level 2 Stormwater Drainage Plan	abc consultants	8/08/2016
Job No.16076 Drawing No.C04.01 Issue A	Roof Stormwater Plan	abc consultants	8/08/2016
Job No.16076 Drawing No.C05.01 Issue A	Section & Details	abc consultants	8/08/2016
Job No.16076 Drawing No.C01.01 Issue A	Sediment & Erosion Control Plan	abc consultants	8/08/2016
Project No.2894 Drawing No.A031 Revision B	Site Analysis & Construction Management Plan	Morrison Design Partnership Architects	22/06/2016

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

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

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

- iii) Notification of the commencement of building works with a minimum of 2 days notice of such commencement.

2. Design Changes Required (UNI2020)

A. Before Construction

The following design changes must be implemented:

- i) External fittings, fixtures and blank walls should be secured and vandal resistant, including mail and waste receptacles;
- ii) Blank external walls to be treated with anti-graffiti coatings and/or green-screening.
- iii) CCTV be installed and monitored in the loading dock/carpark entrance on Locksley St
- iv) The Locksley Street carpark be accessible to staff only.

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

3. Public Place Environmental, Damage & Performance Security Bond (FIN1015)

A. Before Issuing of any Construction Certificate

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

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

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

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

The value of the bond is \$50,210.00.

Note: Bond amount includes a non refundable administration fee which must be paid separately if security is provided by way of a deposit with Council or a bank guarantee.

Use of Bank Guarantee - As bond releases may occur under different timeframes only one bond amount/bond purpose is permitted on a Bank Guarantee. Multiple bonds will require multiple bank guarantees to be lodged.

B. After Occupation

A request for release of the bond may be made to Sutherland Shire Council after all works relating to this consent have been completed. Such a request must be submitted to Council on the 'Bond Release Request Form' signed by the owner or any person entitled to act on the consent and must be accompanied by a current dilapidation report including photographs.

4. Approvals Required under Roads Act or Local Government Act (ENG1005)

A. Before Construction

No occupation or works are to be carried out on public land (including a road or footpath) or access provided over a public reserve adjacent to the development site without approval being obtained from Sutherland Shire Council and the necessary fee paid under the Roads Act 1993 and/or the Local Government Act 1993.

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.

5. Design and Construction of Works in Road Reserve (Council Design) (ENG2005)

A. Design

Council has determined that the proposed development generates a need for the following works to be undertaken by the applicant in the road reserve. To

this end a Detailed Frontage Works application under the Roads Act must be submitted to Sutherland Shire Council, prior to the release of the Construction Certificate. The form is available on Council's website. A fee applies for the relevant inspections, assessment, coordination, creation of design brief and the issue of permits providing consent to undertake frontage works. The design will be quoted separately by Council's Design Services unit.

This design will generally comply with the approved architectural design drawings, except where amended and/or addressing the following;

- i) Establish the property alignment levels and crossing profiles,
- ii) Construct a vehicle crossing 5.5m wide to the northern basement level
- iii) Construct a vehicle crossing 9.5m wide at the kerb and 5.5m wide at the boundary to the southern basement level
- iv) All redundant crossing and associated laybacks must be removed and kerb and gutter reinstated,
- v) Relocated the existing power pole located within the southern vehicle crossing. The pole must be offset a minimum 0.5m from the pavement.
- vi) Regrade, topsoil, turf and landscape the footpath verge to final design levels,
- vii) Adjust public services infrastructure where required,
- viii) Ensure there are adequate transitions between newly constructed and existing infrastructure.
- ix) Street trees.

Evidence of the lodgement of this application must be provided to the PCA prior to the release of the Construction Certificate.

B. Before Construction

Prior to the release of the Construction Certificate property alignment levels and crossing profiles must be obtained from Sutherland Shire Council.

C. Before Occupation

Prior to the occupation of the building or the issue of an Occupation/Subdivision Certificate the following certification must be provided to Sutherland Shire Council:

- i) The supervising engineer must certify the road frontage works were constructed to their satisfaction and in accordance with the development consent and associated Roads Act consent.
- ii) The supervising arborist, landscape designer or landscape architect must certify the street trees are the correct species and were installed in accordance with the development consent and associated Roads Act consent.

6. Site Management Plan (ENG2010)

A. Before Commencement of Works including Demolition

An Environmental Site Management Plan must accompany the application for a Construction Certificate. If demolition is to commence prior to the issue of a Construction Certificate the applicant must submit to Sutherland Shire Council a separate Demolition Site Management Plan. These plans must satisfy the Objectives and Controls of Sutherland Shire Development Control Plan 2015 relating to environmental site management and must incorporate the following throughout demolition and construction:

- i) safe access to and from the site during construction and demolition
- ii) safety and security of the site, road and footpath area including details of proposed fencing, hoarding and lighting
- iii) method of loading and unloading excavation machines, building materials
- iv) how and where, construction materials, excavated and waste materials will be stored.
- v) methods to prevent material being tracked off the site onto surrounding roadways
- vi) erosion and sediment control measures

B. During Works

The site management measures set out in the above plan must remain in place and be maintained throughout the period of works and until the site has been stabilised and landscaped.

7. Supervising Engineer (ENG4005)

A. Before Construction

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

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

B. During Construction

The engineer must supervise the works as listed above to ensure compliance with:

- i) All relevant conditions of development consent
- ii) Any Consent issued under the Roads Act for this development

C. Before Occupation

The supervising engineer must certify the works required in “A” above were undertaken and completed in accordance with the requirements of this Development Consent and to their satisfaction.

8. Internal Driveway Profile (ENG4015)

A. Before Construction

An Access Application must be made to Council to obtain footpath crossing and boundary alignment levels before commencing the final design of internal driveways, paths and car park area.

B. Design

The internal driveway profile must be designed to:

- i) Provide adequate sight distance for the safety of pedestrians using the footpath area.
- ii) Align with Council's issued footpath crossing levels.
- iii) The northern driveway must comply with AS2890.1(2004) in relation to the design of vehicular access, parking, change in grades and general manoeuvring for the B85 vehicle,
- iv) The southern driveway must comply with AS2890.2 in relation to the design of vehicular access, parking, change in grades and general manoeuvring for the “SRV” truck,
- v) The maximum longitudinal grade of the driveway must not exceed 15%.

Certification by an appropriately qualified engineer to the effect that these design requirements have been met must accompany the application for a Construction Certificate.

9. Basement Car Park Design (ENG4025)

A. Design

The basement car park must be designed in accordance with AS 2890 and must incorporate the following:

- i) A minimum headroom of 2.2m measured from the parking floor to the underside of any beam, ventilation duct or service conduit, or to the underside of any door including a security door and fittings when those doors are in an open position for the northern basement.
- ii) A minimum headroom of 3.5m measured from the parking floor to the underside of any beam, ventilation duct or service conduit, or to the underside of any door including a

security door and fittings when those doors are in an open position for the southern basement level containing the "SRV" loading bay.

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

B. Before Construction

Certification by an appropriately qualified engineer to the effect that these design requirements have been met must accompany the application for a Construction Certificate.

10. Drainage Design - Detailed Requirements (ENG5015)

A. Design

The stormwater drainage system must be designed in accordance with the approved stormwater drainage design drawing, Australian Standard AS3500.3:2003 and the BASIX Certificate issued for this development. Except where modified by the following:

- i) An orifice plate and required diameter must be calculated, designed and shown on the detailed stormwater drawings,
- ii) The private connection to the existing kerb inlet pit within Locksley Street cul-de-sac head must be hot dipped galvanised steel hollow section with a minimum wall thickness of 4.0 millimetres or reinforced concrete.
- iii) There must be no connections to the Locksley Street or Sturt Road kerb and gutter,
- iv) All levels reduced to Australian Height Datum.

B. Before Construction

- i) The private stormwater connection to the existing kerb inlet pit located in Locksley Street cul-de-sac (pit id#72611) must be designed and provided to Councils Stormwater and Waterways Manager for approval prior to issue of any construction certificate
- ii) Certification from an Accredited Certifier in Civil Engineering or a Chartered Civil Engineer, to the effect that the drainage design is to their satisfaction and satisfies the design requirements in "A" above must accompany the application for a Construction Certificate.

C. Before Occupation

Prior to the issue of an Occupation Certificate:

- i) A Works-As-Executed drawing (WAED) of the stormwater drainage system must be prepared by a Registered Surveyor. This drawing must detail the alignment of pipelines,

pits, the rainwater tanks and the detention facilities. An original or a colour copy must be submitted to Sutherland Shire Council.

- ii) The Supervising Engineer must certify the WAED of the stormwater drainage system that the stormwater drainage works, rainwater harvesting facility and rainwater reuse systems were constructed to their satisfaction and in accordance with the Development Consent. Prior to the occupation or use of the building the Applicant / Owner must submit to Council a copy of the aforementioned letter of certification.

D. Ongoing

- i) The operation of all devices or appliances installed within the development approved by this consent as required by conditions pertinent to rainwater harvesting and rainwater reuse must be maintained in good operating order at all times.
- ii) The stormwater detention facility must be:
 - Kept clean and free from silt, rubbish and debris.
 - Be maintained so that it functions in a safe and efficient manner.
 - Not be altered without prior consent in writing of the Council.

Note: Upon submission of the Works-As-Executed drawing for the stormwater drainage system a notation will be added to the section 149(5) certificate advising future owners that their property is burdened by a stormwater detention facility.

11. Damage to Adjoining Properties (ENG6015)

A. Before Works

To minimise vibration damage and loss of support to buildings / structures and properties in close proximity to the development site, a Geotechnical Engineers Report must be prepared detailing constraints to be placed on earth moving and building plant and equipment and the method of excavation, shoring, underpinning and support. This report must be provided to the person undertaking the excavation and the Principal Certifying Authority.

B. During Works

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

12. Public Utilities (ENG7005)

This condition is imposed to facilitate the provision of services to the development and reduce conflicts between services and lot boundaries, buildings or associated facilities.

A. Before Construction

Suitable arrangements must be made with all relevant utility service providers to ensure the development is appropriately serviced by electricity, gas, telecommunications and the like, and any necessary underground conduits are provided.

Note: Should these requirements result in any significant change to the approved design an application must be made to modify the consent under s.96 of the Environmental Planning and Assessment Act.

13. Flood Requirements (ENG9001)

A. Design

- a) All structures must have flood compatible building materials below the PMF level.
- b) A suitably qualified engineer must certify that;
 - i) the structure can withstand the forces of floodwater, debris and buoyancy up to and including the PMF; and
 - ii) the development will not increase flood effects elsewhere, having regard to loss of flood storage; changes in flood levels, flows and velocities caused by alterations to the flood conveyance; and the cumulative impact of multiple potential developments in the floodplain.

Details and certification must accompany the application for a construction certificate.

14. Approved Landscape Plan (ENV2005)

A. Design Changes

The landscape works on the site must be carried out in accordance with the approved Landscape Plan except as amended by the following:

- i) Delete two *Angophora costata* (Sydney Red Gum) to Sturt Road frontage and replace with two *Cupaniopsis anacardioides* (Tuckeroo). Ensure trees are informally spaced and intermixed.
- ii) Delete four *Angophora costata* (Sydney Red Gum) to Lockesley Street frontage and replace with two *Eucalyptus tereticornis* (Forest Red Gum) and two *Melaleuca stypheloides* (Prickly Tea Tree). Ensure trees are informally spaced and intermixed.

- iii) Delete *Banksia integrifolia* (Coastal Banksia) and *Corymbia gummifera* (Bloodwood) to the communal open space between the Links and Norfolk building and replace with more shade tolerant species such as *Acmena smithii* (Lily Pilly), *Syzigium oleosum* (Blue Lilli Pilli) and or *Elaeocarpus reticulatus* (Blueberry Ash).
- iv) Provide tables and seating for communal/group use to the two primary communal open spaces within the proposed development.
- v) Provide raised communal vegetable/garden beds for residents to utilise to the two primary communal open spaces within the proposed development.
- vi) Provide all weather covering to a portion of the two proposed balconies extending off the lounge dining areas to the Norfolk and Pines buildings to enable usability during a variety of weather conditions.
- vii) Tree Protection Zones (TPZ) must be shown on plan for all existing trees and/or natural site features to be retained and protected.
- viii) The communal open space areas and all planter boxes on slab must be provided with a water-efficient irrigation system, connected to a pump and the rainwater/OSD tank, to enable effective landscape maintenance.

The applicant must engage a suitably qualified Landscape Designer or Landscape Architect to oversee any design changes to the approved Landscape Plan and amendments required above. Details of these design changes must be included in the documentation submitted with the application for a Construction Certificate.

Notes:

A Landscape Designer is a person eligible for membership of the Australian Landscape Designers and Managers and a Landscape Architect is a person eligible for membership of the Australian Institute of Landscape Architects as a Registered Landscape Architect.

If demolition works to occur prior to the Construction Certificate being issued, tree protection measures must be installed prior to commencement of demolition.

B. Prior to Occupation/Occupation Certificate

The landscape works must be completed in accordance with the approved Landscape Plan and amendments required by 'A' above. A Final Landscape Inspection must be carried out and a certificate issued by Council's landscape officer prior to occupation or the issue of an occupation certificate (interim or final). This certificate is required to ensure that all landscaping works and the deep soil percentage requirements have been carried out in accordance with 'A' above, and that all new indigenous plants on the site and within the road reserve are the correct species.

To arrange a Final Landscape Inspection please phone 9710-0333 48 hours prior to the required inspection date. An inspection fee of \$225 is required to be paid, prior to the inspection. Additional inspections will be charged at a rate of \$150 each.

C. Ongoing

All landscaping works required by 'A' above must be maintained for 12 months following the final landscape inspection date.

Any plants found faulty, damaged, diseased or dead shall be replaced with the same species in the same sized container within one month with all costs borne by the owner.

Note: If difficulty is experienced sourcing suitable indigenous plants from other suppliers, plants grown from locally provenance seed may be available from:

Sutherland Shire Council Nursery
345 The Boulevard, Gympie
Ph: 02 9524 5672

15. Trees on Private Land(Projects larger than Dual Occupancies)(ENV2030)

A. Tree Removal

The removal of the following trees is approved:

- i) Trees identified on the approved Landscape Plan as "existing tree to be removed" and/or as listed below:

Tree No.	Tree Species (botanical and common name)	Location
3	<i>Archontophoenix alexandrae</i> (Alexander Palm)	Refer to Arborist Report
4	<i>Dracaena marginata</i> (Dragon Tree)	"
5	<i>Beaucarnea recurvata</i> (Pony Tail Palm)	"
7	<i>Murraya paniculata</i> (Murraya)	"
8	<i>Washingtonia filifera</i> (Cotton Palm)	"
9	<i>Dracaena marginata</i> (Dragon Tree)	"
10	<i>Allocasuarina torulosa</i> (Casuarina)	"
11-13	<i>Strelitzia Nicolai</i> (Giant Bird of Paradise)	"

- ii) Trees growing within the 3 metres of the building footprint of the approved structures.

- iii) Any declared noxious plant. The applicant is to ensure that all noxious plants are properly identified and controlled/removed.
- iv) Any tree species exempted by the Sutherland Shire Local Environmental Plan 2015.

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

B. Design

- i) 10 trees are approved for removal as part of this consent. Where trees are proposed to be removed Sutherland Shire Council's Development Control Plan 2015 requires indigenous replacement canopy tree planting at a ratio of 8 to 1 on private land.
- ii) 80 replacement trees are required to be planted.
- iii) A minimum number of 40 indigenous trees must be planted on the site as per approved landscape plan and associated conditions of consent.
- iv) Trees must have a minimum container size of 5 litres.

An amended Landscape Plan/Tree Location Plan showing the location of all replacement trees on the site and/or in the street must be provided prior to the release of the Construction Certificate.

Note: For the remaining 40 replacement trees required by "B ii)" above, Council offers offsite planting under a 'Deed of Agreement' as an alternative to on site planting, at a cost of \$100 per tree. Offsite planting will be undertaken as part of Council's Green Street Program. 'Deed of Agreement' forms can be downloaded from Council's website at www.sutherlandshire.nsw.gov.au/Development/Development-Applications/Off-Site-Tree-Replacement-and-Deed-of-Agreement. A completed form and payment must be submitted to Council prior to the release of the Construction Certificate.

C. Prior to Occupation/Occupation Certificate

The replacement tree planting must be completed in accordance with the approved Landscape Plan/Tree Location Plan. A Final Landscape Inspection must be carried out and a certificate issued by Council's landscape officer prior to occupation or the issue of an occupation certificate (interim or final). This certificate is required to ensure that tree planting has been carried out in accordance with 'B' above, and that all new indigenous plants on the site and within the road reserve are the correct species.

To arrange a Final Landscape Inspection please phone 9710-0333 48 hours prior to the required inspection date. An inspection fee of \$225 is required to be paid, prior to the inspection. Additional inspections will be charged at a rate of \$150 each.

D. Ongoing

Trees required by this condition must be maintained and protected until they are covered by Council's Controls for Preservation of Trees and Bushland Vegetation (SSCDP 2015 Chapter 38). Any replacement trees found damaged, dying or dead must be replaced with the same species in the same container size within one month with all costs to be borne by the owner.

Note: If you have difficulty sourcing suitable indigenous plants from other suppliers, plants grown from local provenance seed may be available from:

Sutherland Shire Council Nursery

345 The Boulevarde, Gympie

Ph: 02 9524 5672

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

16. (ENV9002)Supervising Environmental Consultant

A. Before Commencement

The applicant must engage an appropriately qualified and experienced environmental consultant to supervise the management of acid sulfate soils and related environmental matters.

B. During Works

The environmental consultant must supervise all aspects of the remediation works in accordance with the approved Acid Sulfate Soil Management Plan.

Note: An appropriately qualified and experienced environmental consultant shall be certified by one of the following certification schemes; or equivalent:

- Environment Institute of Australia & New Zealand (EIANZ) 'Certified Environmental Practitioner (CEnvP) Scheme.
- Site Contamination Practitioners Australia (SCPA).

17. Acid Sulfate Soil Management

A. During Works

The acid sulfate soil management plan within the following report “Acid Sulfate Soil Investigation, 31 - 39 Sturt Road, Cronulla” by Envirotech, 24 October 2016; must be implemented and adhered to for the duration of works. All works must be carried out in accordance with this management plan, under the supervision of the supervising environmental consultant.

Note: Any worker involved with the development shall familiarise themselves with the management of acid sulfate soils as outlined in the submitted Acid Sulfate Soil Management Plan.

B. Before Occupation

The supervising environmental consultant must certify in writing that the management of acid sulfate soils was undertaken in accordance with the above management plan.

This certification must be provided to the satisfaction of Sutherland Shire Council, Director Shire Planning, prior to occupation and issue of an occupation certificate.

18. Management of Site Soil/ Fill Material

A. During Works

i) Disposal of Site Soils

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

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

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

ii) Importation of Fill Material

Any fill material that is imported onto the site must comprise Virgin Excavated Natural Material (VENM), Excavated Natural Material (ENM) or other suitable material in

accordance with the relevant Resource Recovery Exemption issued under the *Protection of the Environment Operations (Waste) Regulation 2014*.

19. Cleanliness and Maintenance of Food Preparation and Storage Areas (HLT3005)

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

A. Design

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

- i) Food Act 2003.
- ii) Food Regulation 2010.
- iii) Food Safety Standards 3.1.1, 3.2.2 and 3.2.3.
- iv) AS 4674 - 2004 (Design, construction and fit-out of food premises).
- v) Sydney Water Corporation - Trade Waste Section.
- vi) Protection of the Environment Operations (Clean Air) Regulation, 2002.
- vii) AS 1668 Part 1- 1998.
- viii) AS 1668 Part 2 - 1991.

B. Before Construction

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

C. Before Occupation

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

20. Garbage, Recycling and Green-waste Storage Area (HLT3015)

To ensure the proper storage of waste from the premises:

A. Design

The garbage and recycling storage area must have a smooth impervious floor that is graded to a floor waste. A tap and hose must be provided to facilitate regular cleaning of the bins and all waste water must be discharged to the sewer in accordance with the requirements of Sydney Water. Garbage bins must be designed to prevent the escape of any liquid leachate and must be fitted with a lid to prevent the entry of vermin.

B. Before Construction

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

C. Before Occupation

The works must be completed prior to the issue of any Occupation Certificate.

D. Ongoing

All waste and recycling bins must be stored wholly within the approved waste storage area and be collected on site.

21. External Lighting - (Amenity) (HLT3025)

To ensure that any lighting on the site does not cause a nuisance to neighbours or motorists on nearby roads:

A. Design

All lighting must be designed in accordance with Australian Standard AS4282 - Control of the Obtrusive Effects of Outdoor Lighting.

B. Ongoing

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

22. Noise Control - Design of Plant and Equipment (Continual Operation) (HLT4020)

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

A. Design

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

The Project Specific Noise level must be the most stringent noise level of the Intrusive and Amenity criteria and be calculated in accordance with the provisions of the Department of Environment and Conservation's Industrial Noise Policy.

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

B. Before Construction

Details of the acoustic attenuation treatment required to comply with 'A' above, must be prepared by a qualified acoustic engineer. These details must accompany the application for a Construction Certificate.

C. Before Occupation

Certification must be provided by a qualified acoustic engineer that all work associated with the installation of the acoustic measures has been carried out in accordance with 'A' above.

D. Ongoing

All plant and equipment must be operated and maintained in accordance with the 'A' above.

23. Noise and Vibration Control - Residential Car Park (HLT4060)

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

A. Design

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

B. Before Occupation

The Principal Certifying Authority must be satisfied that 'A' above has been complied with.

24. Building Ventilation (HLT5005)

To ensure adequate ventilation for the building:

A. Design

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

- i) The Building Code of Australia;
- ii) AS 1668 Part 1 - 1998;
- iii) AS 1668 Part 2 - 1991;
- iv) The Public Health Act - 2010;
- v) The Public Health Regulation 2012;

B. Before Construction

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

C. Before Occupation

Certification must be provided by a qualified mechanical ventilation engineer that the installation of the ventilation system has been carried out in accordance with 'A' above.

D. Ongoing

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

25. Car-Park Ventilation - Alternate System (HLT5010)

To ensure adequate ventilation for the car park:

A. Design

As the basement car-park does not appear to comply with the natural ventilation requirements of Section 4 of Australian Standards AS1668.2 -1991, the car-park must be either mechanically ventilated by a system complying with AS1668.2 -1991 or alternatively, the natural ventilation system must be certified by a qualified mechanical ventilation engineer to the effect that the system is adequate. The certification shall confirm that the system will protect the health of occupants of the car park at anytime it is used and satisfies the atmospheric contaminate

exposure rates specified in the Worksafe Australia document: Workplace Exposure Standards for Airborne Contaminants.

B. Before Construction

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

C. Before Occupation

Certification must be provided by a qualified mechanical ventilation engineer that the installation of the ventilation system has been carried out in accordance with 'A' above.

D. Ongoing

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

26. Demolition Work (HLT5015)

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

A. Before Commencement

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

B. During Works

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

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

- a) Work Health and Safety Act 2011;
- b) Work Health and Safety Regulation 2011;

- c) Safe Work Australia Code of Practice - How to Manage and Control Asbestos in the Workplace;
- d) Code of Practice for the Safe Removal of Asbestos 2nd Edition [NOHSC:2002(2005)];
- e) Workcover NSW 'Working with Asbestos - Guide 2008';
- f) Protection of the Environment Operations Act 1997; and
- g) Protection of the Environment Operations (Waste) Regulation 2005.

Asbestos waste in any form must be disposed of at a waste facility licensed by the NSW EPA to accept asbestos waste. Any asbestos waste load over 100kg (including asbestos contaminated soil) or 10m² or more of asbestos sheeting must be registered with the EPA on-line reporting tool WasteLocate. More information can be found at <https://wastelocate.epa.nsw.gov.au>.

27. Compliance with Acoustic Report

A. Design

To minimise the impact on the surrounding environment and to protect the amenity of the residents of the proposed development, the recommendations in Section 4 of the submitted acoustic report prepared by EMF Griffiths Consulting Engineers, with project number S216645 and dated 21 July, 2016 shall be complied with.

B. Before Occupation

Certification must be provided by a qualified acoustic engineer that all work associated with the installation of the acoustic measures has been carried out in accordance with 'A' above.

28. Graffiti Removal

A. Ongoing

Any graffiti on external walls must be removed immediately.

29. Collection & Delivery Services

A. Ongoing

To minimise the impact noise impact on the surrounding environment, the collection and delivery of goods and materials (including garbage and recycling waste) from the premises shall not take place between the hours of 8.00pm and 8.00am on any day.

30. Disposal of Medical Waste

A. Ongoing

Disposable sharps must be discarded in a clearly labelled puncture-resistant container, which must conform to Australian Standard AS4031. A licensed waste contractor must be engaged to dispose of the waste.

Contaminated waste must be segregated and placed in a suitable leak proof container ready for appropriate disposal. Contaminated waste includes microbiological waste and pathological waste, or any other material or item that is soiled or contaminated with blood or other body substances and that is likely to cause infection or injury to any other person.

31. Dilapidation Report - Adjoining Properties (ORD1005)

A. Before Works

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 or principal contractor must provide dilapidation reports on the adjacent buildings at No 41 Sturt Road, including any basements and ancillary structures. The reports must be provided to the Principal Certifying Authority and to the owners of the properties that are the subject of the report.

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

32. Design Requirements for Disabled Access (ORD4005)

A. Design

A report prepared by a suitably qualified Access Consultant must be submitted with the Construction Certificate, demonstrating that the development complies with the requirements of AS1428 - Design for Access and Mobility.

B. Before Occupation

Prior to the issue of any occupation certificate, certification must be provided by a suitably qualified Access Consultant that the requirements of A. above are satisfied.

33. BCA Assessment Report (ORD4020)

A. Before Construction

The recommendations of the Building Code of Australia Assessment Report prepared by Philip Chun Building Compliance reference 16-206452 and dated 4 April 2016, and the

recommendations in the Fire Engineering Report prepared by Holmes Fire dated 25 July 2016, must be complied with and must accompany the application for a Construction Certificate.

34. Certification Requirement of Levels (ORD4035)

A. During Construction

At the following stages of construction:

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

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

B. Before Occupation

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

35. Sydney Water Tap in™ & Compliance Certificate (ORD4040)

A. Before Construction

The plans approved as part of the Construction Certificate must be submitted to a Sydney Water Tap in™ to determine as to whether the development will affect Sydney Water's sewer and water mains, stormwater drains and / or easements, and if further requirements need to be met. Customers will receive an approval receipt. Please refer to the web site www.sydneywater.com.au.

B. Before Occupation / Prior to issue of Subdivision Certificate

A Compliance Certificate under s73 of the Sydney Water Act, 1994, must be submitted to Council by the Principal Certifying Authority. Sydney Water may require the construction of works and/or the payment of developer charges.

Sydney Water Advice on Compliance Certificates:

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.

36. Dial Before You Dig (ORD4050)

A. Before Construction

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

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

37. Noise Control and Permitted Hours for Building and Demolition Work (ORD5005)

A. During Works

To minimise the noise impact on the surrounding environment:

- i) The LAeq sound pressure level measured over a period of 15 minutes when the construction or demolition site is in operation, must not exceed the ambient background level (LA90 15min) by more than 10dB(A) when measured at the nearest affected premises.
- ii) All building and demolition work must be carried out only between the hours of 7.00am and 6.00pm Monday to Friday inclusive, 8.00am and 3.00pm Saturdays. No work must be carried out on Sundays and Public Holidays.

38. Toilet Facilities (ORD5010)

A. During Works

Toilet facilities must be available or provided at the work site at a ratio of one toilet plus one additional toilet for every 20 persons employed at the site before works begin and must be maintained until the works are completed.

Each toilet must:

- i) be a standard flushing toilet connected to a public sewer, or
 - ii) have an on-site effluent disposal system approved under the Local Government Act 1993,
- or

- iii) be a temporary chemical closet approved under the Local Government Act 1993

39. Car parking Areas (ORD7015)

A. Ongoing

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

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

40. Car Parking Allocation (ORD7020)

A. Before Subdivision

Parking facilities must be designated as follows:

- Staff: 15 spaces accessed from Locksley Street
- Visitor: 20 spaces accessed from Sturt Road
- Loading/servicing: 1 "SRV" space accessed from Locksley Street

B. Ongoing

The car-parking provided must only be used in conjunction with the facility and not for any other purpose.

41. Loading and Unloading (ORD7035)

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

A. Ongoing

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

42. Housing for Seniors or People with a Disability - Restriction as to User (ORD7040)

A. Before Occupation

A Restriction as to User must be registered against the title of the property in accordance with section 88E of the Conveyancing Act 1919. This restriction must limit the use of the approved accommodation to the kinds of people referred to under State Environmental Planning Policy (Housing for Seniors or People with a Disability) 2004.

B. Ongoing

Specifically, only those people who meet the following criteria may occupy this accommodation:

- i) seniors or people who have a disability,
- ii) people who live within the same household with seniors or people who have a disability,
- iii) staff employed to assist in the administration of and provision of services to housing provided under this Policy.

“Seniors” are any of the following:

- a) people aged 55 or more years,
- b) people who are resident at a facility at which residential care (within the meaning of the Aged Care Act 1997 of the Commonwealth) is provided,
- c) people who have been assessed as being eligible to occupy housing for aged persons provided by a social housing provider.

“People with a disability” are people of any age who have, either permanently or for an extended period, one or more impairments, limitations or activity restrictions that substantially affect their capacity to participate in everyday life.

43. Endorsement of Linen Plan of Subdivision for Consolidation

A. Before Construction

Prior to the issue of any construction certificate a Plan of Subdivision for the consolidation of Lots 1 & 2 in Deposited Plan No.408232, Lots B & C in Deposited Plan No.404838 and Lot A in Deposited Plan No.406146 into one lot must be submitted and registered with NSW Land & Property Information under the Conveyancing Act.

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

PREScribed CONDITIONS

Division 8A of the Environmental Planning and Assessment Regulation Prescribes the following conditions of development consent

S98 Compliance with Building Code of Australia and insurance requirements under the Home Building Act 1989

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

- (1) For the purposes of section 80A (11) of the Act, the following conditions are prescribed in relation to a development consent for development that involves any building work:
 - (a) that the work must be carried out in accordance with the requirements of the Building Code of Australia,
 - (b) in the case of residential building work for which the Home Building Act 1989 requires there to be a contract of insurance in force in accordance with Part 6 of that Act, that such a contract of insurance is in force before any building work authorised to be carried out by the consent commences.
- (1A) For the purposes of section 80A (11) of the Act, it is prescribed as a condition of a development consent for a temporary structure that is used as an entertainment venue, that the temporary structure must comply with Part B1 and NSW Part H102 of Volume One of the Building Code of Australia.
- (2) This clause does not apply:
 - (a) to the extent to which an exemption is in force under clause 187 or 188, subject to the terms of any condition or requirement referred to in clause 187 (6) or 188 (4), or
 - (b) to the erection of a temporary building, other than a temporary structure to which subclause (1A) applies.
- (3) In this clause, a reference to the Building Code of Australia is a reference to that Code as in force on the date the application is made for the relevant:
 - (a) development consent, in the case of a temporary structure that is an entertainment venue, or
 - (b) construction certificate, in every other case.

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

S98A Erection of signs

- (1) For the purposes of section 80A (11) of the Act, the requirements of subclauses (2) and (3) are prescribed as conditions of a development consent for development that involves any building work, subdivision work or demolition work.
- (2) A sign must be erected in a prominent position on any site on which building work, subdivision work or demolition work is being carried out:
 - (a) showing the name, address and telephone number of the principal certifying authority for the work, and
 - (b) showing the name of the principal contractor (if any) for any building work and a telephone number on which that person may be contacted outside working hours, and
 - (c) stating that unauthorised entry to the work site is prohibited.
- (3) Any such sign is to be maintained while the building work, subdivision work or demolition work is being carried out, but must be removed when the work has been completed.
- (4) This clause does not apply in relation to building work, subdivision work or demolition work that is carried out inside an existing building that does not affect the external walls of the building.
- (5) This clause does not apply in relation to Crown building work that is certified, in accordance with section 109R of the Act, to comply with the technical provisions of the State's building laws.
- (6) This clause applies to a development consent granted before 1 July 2004 only if the building work, subdivision work or demolition work involved had not been commenced by that date.

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

S98B Notification of Home Building Act 1989 requirements

- (1) For the purposes of section 80A (11) of the Act, the requirements of this clause are prescribed as conditions of a development consent for development that involves any residential building work within the meaning of the Home Building Act 1989.
- (2) Residential building work within the meaning of the Home Building Act 1989 must not be carried out unless the principal certifying authority for the development to which the work relates (not being the council) has given the council written notice of the following information:

- (a) the case of work for which a principal contractor is required to be appointed:
 - (i) the name and licence number of the principal contractor, and
 - (ii) the name of the insurer by which the work is insured under Part 6 of that Act,
 - (b) in the case of work to be done by an owner-builder:
 - (i) the name of the owner-builder, and
 - (ii) if the owner-builder is required to hold an owner-builder permit under that Act, the number of the owner-builder permit.
- (3) If arrangements for doing the residential building work are changed while the work is in progress so that the information notified under subclause (2) becomes out of date, further work must not be carried out unless the principal certifying authority for the development to which the work relates (not being the council) has given the council written notice of the updated information.
- (4) This clause does not apply in relation to Crown building work that is certified, in accordance with section 109R of the Act, to comply with the technical provisions of the State's building laws.

S98E Condition relating to shoring and adequacy of adjoining property

- (1) For the purposes of section 80A (11) of the Act, it is a prescribed condition of development consent that if the development involves an excavation that extends below the level of the base of the footings of a building on adjoining land, the person having the benefit of the development consent must, at the person's own expense:
- (a) protect and support the adjoining premises from possible damage from the excavation, and
 - (b) where necessary, underpin the adjoining premises to prevent any such damage.
- (2) The condition referred to in subclause (1) does not apply if the person having the benefit of the development consent owns the adjoining land or the owner of the adjoining land has given consent in writing to that condition not applying.

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