



DEVELOPMENT CONSENT

Environmental Planning and Assessment Act 1979

Application Number: DA16/1068
Authority: Sydney South Planning Panel

APPLICATION DETAILS

Applicant: Bluestone Capital Ventures No. 1 Pty Ltd
P O Box R1898
ROYAL EXCHANGE NSW 1225

Land Description Part Lot 25 DP 1213512
475 Captain Cook Drive, Woollooware

Proposed Development: Construction and use of 238 dwellings across 4 residential flat buildings including associated podium car parking, landscaping and communal areas and 4 ground level non-residential tenancies

Date of Determination: 21 December 2017

Date of Operation: 21 December 2017

Date of Lapsing: 21 December 2022

Under Section 80 of the Environmental Planning and Assessment Act 1979, Sutherland Shire Council has determined DA16/1068 as described above, by the granting of development consent subject to the conditions specified in this notice.

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

CONDITIONS OF CONSENT

1. Approved Plans and Documents

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

<i>Plan number</i>	<i>Reference</i>	<i>Prepared by</i>	<i>Date</i>
<i>Architectural Plans</i>			
A-DA-100-010 Revision E	Context Plan	Turner	Prepared 16.08.16
A-DA-100-020 Revision E	Site Plan / Staging Plan	Turner	Prepared 16.08.16
A-DA-110-001 Revision Q	Lower Ground	Turner	Prepared 14.04.17
A-DA-110-002 Revision Q	Ground	Turner	Prepared 14.04.17
A-DA-110-010 Revision P	Level 1	Turner	Prepared 07.04.17
A-DA-110-020 Revision P	Level 2	Turner	Prepared 07.04.17
A-DA-110-030 Revision L	Level 3	Turner	Prepared 07.04.17
A-DA-110-040 Revision L	Level 4	Turner	Prepared 07.04.17
A-DA-110-050 Revision M	Level 5	Turner	Prepared 07.04.17
A-DA-110-060 Revision M	Level 6	Turner	Prepared 07.04.17
A-DA-110-070 Revision Q	Level 7	Turner	Prepared 16.05.17
A-DA-110-080 Revision N	Level 8	Turner	Prepared 16.05.17
A-DA-110-090 Revision K	Level 9	Turner	Prepared 07.04.17
A-DA-110-100 Revision L	Level 10	Turner	Prepared 07.04.17
A-DA-110-110 Revision K	Level 11	Turner	Prepared 07.04.17
A-DA-110-120 Revision L	Level 12	Turner	Prepared 07.04.17
A-DA-110-130 Revision L	Level 13	Turner	Prepared 07.04.17
A-DA-110-140 Revision L	Level 14 Roof	Turner	Prepared 07.04.17

A-DA-110-201 Revision A	Building A - Minimum ADG Unit Size	Turner	Prepared 11.04.17
A-DA-110-202 Revision A	Building B - Minimum ADG Unit Size	Turner	Prepared 11.04.17
A-DA-112-001 Revision F	Adaptable Apartment Layouts	Turner	Prepared 12.04.17
A-DA-112-002 Revision F	Adaptable Apartment Layouts	Turner	Prepared 12.04.17
A-DA-210-010 Revision F	North Elevation	Turner	Prepared 16.08.16
A-DA-210-020 Revision G	South Elevation	Turner	Prepared 16.05.17
A-DA-210-030 Revision G	East Elevations	Turner	Prepared 16.05.17
A-DA-210-040 Revision G	West Elevations	Turner	Prepared 16.05.17
A-DA-210-050 Revision G	Section / North Elevation Building A	Turner	Prepared 16.05.17
A-DA-210-060 Revision F	Section / South Elevation Building B	Turner	Prepared 16.08.16
A-DA-210-070 Revision F	Section / South Elevation Building D	Turner	Prepared 16.08.16
A-DA-210-080 Revision F	Section / North Elevation Building B	Turner	Prepared 16.08.16
A-DA-310-010 Revision F	Sections AA	Turner	Prepared 01.07.16
A-DA-320-010 Revision B	Section DD	Turner	Prepared 16.08.16
A-DA-600-010 Revision B	Materials and Finishes Sample Board	Turner	Prepared 18.5.16
A-DA-700-100 Revision B	Construction Staging	Turner	Prepared 01.07.16
A-DA-900-010 Revision D	Perspective 01	Turner	Prepared 01.07.16
A-DA-900-011 Revision D	Perspective 02	Turner	Prepared 01.07.16

A-DA-900-012 Revision D	Perspective 03	Turner	Prepared 26.07.16
A-DA-900-013 Revision E	Perspective 04	Turner	Prepared 01.07.16
A-DA-900-014 Revision F	Perspective 05	Turner	Prepared 16.08.16
A-DA-900-015 Revision E	Perspective 06	Turner	Prepared 01.06.16
A-DA-900-016 Revision B	Perspective 07	Turner	Prepared 01.07.16
A-DA-900-017 Revision E	Perspective 08	Turner	Prepared 06.12.16
<i>Infrastructure Plans</i>			
CS3-2-10 Rev G	Flood Extents Plan Post Development Q100 with 2100 Sea Level	Calibre Consulting	Prepared 21.08.17
CS3-2-11 Rev A -	General Arrangement Plan - Design (2017 Survey 2) Sheet 1 of 2	Calibre Consulting	Prepared 21.08.17
CS3-2-12 Rev A -	General Arrangement Plan - Design (2017 Survey 2) Sheet 2 of 2	Calibre Consulting	Prepared 21.08.17
CS3-4-30 Rev A	Design X-Sections (2017 Survey 2) Sheet 1 of 4	Calibre Consulting	Prepared 21.08.17
CS3-4-31 Rev A	Design X-Sections (2017 Survey 2) Sheet 2 of 4	Calibre Consulting	Prepared 21.08.17
CS3-4-32 Rev A	Design X-Sections (2017 Survey 2) Sheet 3 of 4	Calibre Consulting	Prepared 21.08.17
CS3-4-33 Rev A	Design X-Sections (2017 Survey 2) Sheet 4 of 4	Calibre Consulting	Prepared 21.08.17
Drawing 01	Pedestrian Bridge	Fleetwood Urban	Prepared 08.08.17
Drawing 02	Pedestrian Bridge	Fleetwood Urban	Prepared 08.08.17

Drawing 03	Pedestrian Bridge	Fleetwood Urban	Prepared 08.08.17
<i>Landscape Plans</i>			
S3-DA-02 Rev D	Site Context and Pedestrian Links	Aspect Studios	Prepared July 2016
S3-DA-03 Rev D	Site Context Plan	Aspect Studios	Prepared July 2016
S3-DA-04 Rev D	Lower Ground / Ground Floor Plan	Aspect Studios	Prepared July 2016
S3-DA-05 Rev D	Lower Ground / Section	Aspect Studios	Prepared July 2016
S3-DA-06 Rev D	Ground Floor / Section	Aspect Studios	Prepared July 2016
S3-DA-07 Rev D	Level 1 Communal Courtyards Plan	Aspect Studios	Prepared July 2016
S3-DA-08 Rev D	Level 1 Communal Courtyards Section CC	Aspect Studios	Prepared July 2016
S3-DA-09 Rev D	Level 1 Communal Courtyards Section DD	Aspect Studios	Prepared July 2016
S3-DA-010 Rev D	Planting Strategy Lower Ground & Ground Level	Aspect Studios	Prepared July 2016
S3-DA-011 Rev D	Planting Strategy Level 1 Communal Courtyard	Aspect Studios	Prepared July 2016
LC01 Revision D	Landscape Masterplan	Habit8	Prepared 22.09.17
LC02 Revision D	Landscape Staging Plan	Habit8	Prepared 22.09.17
LC03 Revision D	Indicative Planting Strategy Plan	Habit8	Prepared 22.09.17
LC09 Revision D	Stage A2 - Landscape Concept Plan	Habit8	Prepared 22.09.17
LC10 Revision D	Stage B - Landscape Concept Plan	Habit8	Prepared 22.09.17
LC11 Revision D	Stage B - Landscape Cross Sections	Habit8	Prepared 22.09.17

LC12 Revision D	Typical Landscape Construction & Bridge Details	Habit8	Prepared 22.09.17
LC13 Revision D	Landscape Specification Notes and Maintenance Program	Habit8	Prepared 22.09.17

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

A. Before Construction

The following design changes must be implemented:

- i) To help activate and improve surveillance of Grove Lane a vertical window must be provided on the southern side of the entry door for each of the nine townhouses in the Part West Elevation: Building C facing Grove Lane.
- ii) To improve the sense of enclosure and experience of pedestrians in Grove Lane, provide a pergola structure with climbers at the northern end of the lane to match the one at the southern end.
- iii) A disabled access ramp must be provided on the south-eastern side of Building A to enable access between Captain Cook Drive and the terrace adjoining the commercial area colonnade (as shown on the Landscape Masterplan L005 prepared by Habit8).
- iv) The fixed louvres shown on the northern side of the balcony on Unit A.1.03 must be deleted and relocated to the southern side of the balcony of Unit A.1.04 to improve outdoor amenity for this unit.

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

3. Integrated Development Approval - Requirement of Approval Bodies

A. General Terms of Approval from Other Approval Bodies

The development must be undertaken in accordance with all General Terms of Approval (GTA) of the following approval bodies under Section 91A of the Environmental Planning and Assessment Act 1979:

- Department of Primary Industries (Fisheries)
- Department of Primary Industries (Water)

A copy of the GTA and any further requirements of the approval body/bodies are attached to this development consent. These requirements must be incorporated in the application for a Construction Certificate.

4. Requirements of Authorities

A. Requirements from Other Authorities

The development must be undertaken in accordance with the requirements of Ausgrid as follows:

Proximity to Existing Network Assets

Overhead Power lines

There are existing overhead electricity network assets in Captain Cook Drive and Proposed Foreshore Park area.

Safework NSW Document - Work Near Overhead Powerlines: Code of Practice outlines the minimum safety separation requirements between these mains / poles to structures within the development throughout the construction process. It is a statutory requirement that these distances be maintained throughout construction. Special consideration should be given the locating and operations of cranes and the location of any scaffolding.

The “as constructed” minimum clearances to the mains should also be considered. These distances are outlined in the Ausgrid Network Standard, NS220 Overhead Design Manual. This document can be sourced from Ausgrid’s website, www.ausgrid.com.au.

Should the existing overhead mains require relocating due to the minimum safety clearances being compromised in either of the above scenarios, this relocation work is generally at the developers cost. It is also the responsibility of the developer to ensure that the existing overhead mains have sufficient clearance from all types of vehicles that are expected be entering and leaving the site.

Underground Cables

There are existing underground electricity network assets in Captain Cook Drive.

Special care should also be taken to ensure that driveways and any other construction activities within the footpath area do not interfere with the existing cables in the footpath. Ausgrid cannot guarantee the depth of cables due to possible changes in ground levels from previous activities after the cables were installed. Hence it is recommended that the developer locate and record the depth of all known underground services prior to any excavation in the area.

Safework Australia - Excavation Code of Practice and Ausgrid’s Network Standard NS156 outlines the minimum requirements for working around Ausgrid’s underground cables.

Prior to the commencement of works and prior to the issue of the Construction Certificate, Ausgrid requires a joint inspection of the electrical infrastructure and property in the vicinity of the project (especially the poles CR 09778, CR 09779, CR 09780 and CR 09778). (These dilapidation surveys will establish the extent of any existing damage and enable any further deterioration during construction to be observed.) The submission of a detailed dilapidation report will be required unless otherwise notified by Ausgrid.

Works shall not commence until written endorsement of the dilapidation report has been obtained from Ausgrid. The Principle Certifying Authority shall not issue the Construction Certificate until Ausgrid's written endorsement of the dilapidation report has been obtained.

Prior to the commencement of works, the Applicant shall peg-out the common boundary with Ausgrid's easement to ensure that there is no encroachment. This work is to be undertaken by a registered surveyor. Ausgrid is to be provided with minimum 7 days notification of the intent to peg the boundary and will be given 7 days to review/ comment on the survey. The Principle Certifying Authority shall not issue the Construction Certificate until the expiration of the 7 day review period. A Construction Certificate can then be issued only if there is no response from Ausgrid.

The following items are to be submitted to Ausgrid for review and endorsement prior to the commencement of any works:

- Scaffolding plan that includes identifies location of scaffolding parallel to the overhead feeder. The plan should identify how the scaffolding will be connected to earth via electrode with an earth impedance of 30ohm or less to bleed off any capacitive charge that may otherwise deliver a shock.
- A work site safety plan that identifies the clearances required from the power line for excavation equipment.
- Machinery to be used during excavation/construction.
- An electrical safety plan including but not limited to:
 - instrumentation and the monitoring regime;
 - testing of the scaffold bleed resistor.
- If power tools are to be used in close proximity to the transmission tower / poles shown then a locally earthed generator should be used as there is potential to receive an electric shock.
- Material storage plan identifying storage areas as long metallic materials such as pipes or steel reinforcing should not be stored in close parallel orientation to the feeder as they present a risk of induced voltage shock hazard during handling. Note for safety reasons scaffolding may not be erected in the easement as it may compromise the safety clearance to the in-service power line.

No works are to commence until written confirmation is received from Ausgrid to this condition.

The applicant is to obtain Ausgrid's endorsement prior to the installation of any hoarding or scaffolding facing the common boundary with the electrical infrastructure / easement.

As there is a risk that rubble / debris may fall down from the construction site onto the transmission power lines during demolition/excavation and or construction, a reliable method of prevention of such incidents must be provided to Ausgrid for its endorsement prior to the issue of a construction certificate.

No metal ladders, tapes and plant/machinery, or conductive material are to be used within 6 horizontal meters of any live electrical equipment. This applies to power lines not covered by “tiger tails” in accordance with WorkCover guideline “work near overhead power lines” within or adjacent to the electrical infrastructure / easement.

Prior to the issue of a Construction Certificate a Risk Assessment / Management Plan and detailed Safe Work Method Statements (SWMS) for the proposed works are to be submitted to Ausgrid for review and comment on the impacts on electrical infrastructure / easement / substation.

The Principle Certifying Authority is not to issue the Construction Certificate until written confirmation has been received from Ausgrid confirming that this condition has been satisfied.

Prior to the issuing of the Construction Certificate the Applicant is to submit to Ausgrid a plan showing all the craneage and other aerial operations for the development and must comply with all Ausgrid requirements. Ausgrid does not permit any load to be lifted over the power lines. Nor shall any part of the crane jib / boom be above the transmission power line whilst lifting a load.

The Principle Certifying Authority is not to issue the Construction Certificate until written confirmation has been received from Ausgrid confirming that this condition has been satisfied.

The Principle Certifying Authority shall not issue the Construction Certificate until written endorsement from Ausgrid has been obtained and that the Ausgrid endorsed measures have been indicated on the Construction Drawings.

The Applicant must provide a plan of how future maintenance of the development facing the electrical infrastructure / easement is to be undertaken. The maintenance plan is to be submitted to Ausgrid prior to the issuing of the Occupancy Certificate.

The Principle Certifying Authority is not to issue an Occupation Certificate until written confirmation has been received from Ausgrid advising that the maintenance plan has been prepared to its satisfaction.

Low voltage light standards in the park / foreshore area are in close proximity to the transmission line should be double insulated to prevent a shock hazard at the light standard.

Water taps that are located within the transmission easement or with pipe run parallel to the easement in excess of 15m should be supplied with non-conductive pipework to prevent a shock hazard.

If conductive pipes are required for a firefighting water supply near the transmission tower or poles, a bonded concrete pad should be installed around the base of faucet connections.

No external GPOs or electrical appliances (e.g. BBQ's) should be located in close proximity to the transmission tower and poles.

The design of the building should take into consideration the risk of capacitive charge build up on metallic windows / louvres / balustrades, etc.

5. Crime Prevention through Environmental Design

A. During Construction

Security lighting and/or a security company shall be incorporated to protect the site during the construction phase.

B. Before Occupation

To minimise the opportunity for crime, and in accordance with Crime Prevention Through Environmental Design (CPTED) principles, the development shall incorporate the mitigation measures identified in the CPTED Assessment prepared by JBA dated August 2016, in addition to the following:

- i) Access control shall be installed to the car parking area and residential foyers to permit admission of authorised persons only (including employees of the commercial premises and residents). An intercom system shall be installed to enable controlled access for visitors.
- ii) Security lighting shall be installed to the entry and exit points, pathways, footpaths and car parking areas. External Lighting must satisfy AS1158.3.1.
- iii) The concrete floor of the parking levels shall be shined to increase light bounce.
- iv) A CCTV system shall be installed with a focus on monitoring the parking and storage areas and access points to the buildings.
- v) Signage shall be installed to assist in way finding through the development.
- vi) All Graffiti is removed as soon as is practical from the time of reporting.

6. Design Requirements for Adaptable Housing

A. Design

A report prepared by a suitably qualified Adaptable Housing Specialist must be included with the Construction Certificate, demonstrating that a minimum of 71 dwellings (combined adaptable and livable) and the required allocated vehicular parking spaces have been designed within this stage of the development. These are to comply with the requirements of AS4299 - Adaptable Housing. The report must contain a completed checklist (Appendix A - AS4299) demonstrating compliance with the requirements of a Class C Adaptable Dwellings.

The report shall demonstrate that all services (water-closet, basins, showers, floor wastes etc.) must have pipes installed in locations required for adaptation and capped ready for use. Capping points are to be identifiable within the finished bathroom.

B. Before Occupation

A suitably qualified Adaptable Housing Specialist must certify prior to the issue of any Occupation Certificate that the development has been constructed in accordance with the requirements of AS4299 - Adaptable Housing for a Class C Adaptable House. A copy of this certification must accompany the Occupation Certificate.

7. Foreshore Landscaping

A. Prior to Occupation

Prior to the issue of any Occupation Certificate:

- i) A Final occupation certificate must be issued for the works within Stages A1 and A2 detailed in DA17/1585 prior to issue of any Occupation Certificate for this development consent (Stage 3 Residential). The landscape works to be completed must include the high level bridge as detailed in condition 31 of this consent.

This condition should also be read in conjunction with Conditions 22, 28, 29, 30, 31, 33, 35, 38, 39, 40, 41 and any other relevant conditions of this consent.

- ii) A positive covenant under Section 88B of the Conveyancing Act 1919 must be created over Lot 3 DP 1218707 requiring that the landscaping works undertaken within Stage A1 as part of DA17/1585 be maintained in perpetuity.

B. On-going

The on-going maintenance of the area within Stage A2 will be the responsibility of the relevant owner's committee for Stage 3 Residential.

8. Green Travel Plan

A. During Works

An updated Green Travel Plan shall be prepared and submitted to Sutherland Shire Council's Director - Shire Planning for approval. The Plan shall include the following:

- i) The responsibility of the Plan implementation and review.
- ii) Quantify and measurement of mode share for bus and active transport.
- iii) The setting of quantifiable mode share timeframes, targets and milestones.
- iv) Mode share target reporting, measuring, and auditing.
- v) Frequency of reporting (and where reports will be sent) .
- vi) Demonstrate how targets will be met, and how residents and commercial/ retail tenants will be compelled to participate in achieving the set mode share targets.
- vii) Plan review and amendment procedure.

B. Before Occupation

The approved Green Travel Plan shall be implemented prior to occupation and thence made readily available to all residents, visitors and any employees of the development.

9. Ecologically Sustainable Design Measures

A. Before Construction

In accordance with the Ecologically Sustainable Development Report (ARUP, July 2016), the following ESD measures shall be incorporated into the design:

- i) Implementation of energy monitoring systems to enable each household to track energy usage.
- ii) The use of recycled or FSC - Forestry Stewardship Council certified timber.
- iii) Incorporation of Photovoltaic Cells within the dedicated rooftop PV panel zones on Building A to power services provided within the communal areas.

Details shall be included with the Construction Certificate.

B. Prior to Occupation

Certification of these requirements must be provided prior to the issue of any Occupation Certificate for the Stage 3 residential development.

10. Aboriginal Archaeological Investigation

To ensure the aboriginal heritage is managed appropriately through the development, the recommendations of the La Perouse Local Aboriginal Land Council, dated 15 February 2013 must be implemented, including the following:

A. During Construction

- i) Should any Aboriginal objects (such as human or animal bone, shell material or stone artifacts) be unearthed during the works, all works must cease and the NSW Office of Environment and Heritage and La Perouse Local Aboriginal Land Council must be contacted immediately.

B. Before Occupation

- i) Interpretive signs are implemented throughout the development to promote the Aboriginal cultural heritage values of the area, in particular the heritage values of Woollooware Bay. This should be informed by research into the Aboriginal cultural heritage values of Woollooware Bay.

11. Pedestrian Wind Environment

A. Before Construction

Prior to the issue of any Construction Certificate for the building/s, the proponent shall demonstrate compliance with the recommendations of the Pedestrian Wind Environment Study prepared by Windtech dated 22 April 2016.

12. Complaints handling procedure

A. Before Construction

Prior to the issue of any Construction Certificate, a Complaints Handling Plan is to be prepared by a suitably qualified person and shall be submitted to and approved by the Accredited Certifier. Details addressing, but not limited to, how to prevent or minimise any complaint from the public or government authority, how to keep site employees up to date with accurate information and in a caring manner, and how to manage the complaint in a thoughtful and respectful manner, by understanding the concerns or needs of the person or authority.

The Complaints Handling Plan, information on the progress of the development and contact details of the Stage 2 Project Manager shall be communicated on the Cronulla Sutherland Leagues Club and developer's websites.

13. Internal Apartment Storage

A. Prior to Construction Certificate

A minimum of 888m³ of storage shall be provided within the individual apartments allocated on the basis of 6m³ per 1 bedroom unit, 8m³ per 2 bedroom unit and 10m³ per 3 bedroom units. The storage must be in addition to that provided in kitchens, bathrooms and bedrooms. Details of the storage shall be clearly shown on the Construction Certificate plans.

14. Modification of Development Consent No. DA14/0598

An application is to be made under Section 80A(5) of the Environmental Planning and Assessment Act 1979 requiring Development Consent No. DA14/0598 to be modified to require the on-going maintenance of the area within Stage A2 to be the responsibility of the relevant owner's committee for Stage 2 Residential, and this is to be done as follows:

- i) A positive covenant under Section 88B of the Conveyancing Act 1919 must be created over Lot 2 DP 1218707 requiring that the landscaping works undertaken within Stage 2 as part of DA17/1585 be maintained in perpetuity.

15. Noise Control During Construction

A. Prior to Construction

A detailed Construction Noise and Vibration Management Plan (CNVMP) must be included with any Construction Certificate. The CNVMP shall be based on the recommendations contained in the Noise Impact Assessment prepared by Acoustic Logic, dated April 2016 and the Review of Noise, Light and Bird Strike Potential, prepared by EcoLogical dated 28 July 2016 with regard to noise.

B. During Works

To minimise the noise impact on the surrounding environment the development shall be undertaken in accordance with the noise recommendations contained in the EcoLogical Review of Noise, Light and Bird Strike Potential, dated 28 July 2016. Works from construction activities are not permitted within 50m of habitat areas during October to January.

Building and demolition work must be carried out between the hours of 7:00am to 5:00pm Monday to Friday so that peak fauna foraging periods at dawn, dusk and night-time are avoided, and between 8:00am and 4:00pm Saturday.

No work must be carried out on Sundays and Public Holidays.

16. Public Place Environmental, Damage & Performance Security Bond

A. Before Issuing of any Construction Certificate

Prior to the issue of a Construction Certificate or the commencement of any works on site, whichever occurs first, the person acting on this consent must provide security to Sutherland Shire Council against damage that may be caused to any Council property and/or the environment as a consequence of the implementation of this

consent. The security may be provided by way of a deposit with Council or a bank guarantee. A non-refundable inspection/administration fee is included in the bond value.

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

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

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

The value of the bond is \$100,000.00

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.

SECTION 94 CONTRIBUTIONS

The following dedication of land and/or monetary contributions have been levied in relation to the proposed development pursuant to Section 94 of the Environmental Planning and Assessment Act 1979.

The Contributions Plan may be viewed on line on Council's web page (search for S94 Contributions Plan). A copy may also be viewed or purchased at the Customer Service Counter in Council's Administration Centre, Eton Street, Sutherland during office hours.

17. Monetary Contribution for Shire-Wide Open Space and Recreational Facilities

A. Before Construction

Pursuant to Section 94 of the Environmental Planning and Assessment Act 1979 and Sutherland Shire Council's Contributions Plan - Shire Wide Open Space and Recreation Facilities 2005, a monetary contribution of \$2,171,350.16 must be paid to Sutherland Shire Council toward the cost of land identified for acquisition and works contained in the Works Programme of the Contributions Plan.

This contribution has been assessed and calculated in accordance with the Shire Wide Open Space and Recreation Facilities 2005, Contribution Plan on the basis of 238 proposed Residential Flat Units.

The contribution will be indexed on 1 July in each year in accordance with the Implicit Price Deflator for Gross Fixed Capital Expenditure - Private Dwellings, with amended rates being available from Council.

Payment must be made prior to the issue of the Construction Certificate.

18. Community Facilities, Shire Wide 2003 Plan

A. Before Construction

A monetary contribution of \$358,925.42 must be made for the cost of providing community facilities.

This contribution has been assessed pursuant to s.94 of the Environmental Planning and Assessment Act, and the Sutherland Shire Contributions Plan - Community Facilities in the Sutherland Shire, after identifying the likelihood that this development will require or increase the demand for community facilities within the shire. It has been calculated on the basis 238 proposed Residential Flat Units.

The contribution will be indexed on 1 July in each year in accordance with the Implicit Price Deflator for Gross Fixed Capital Expenditure - Private Dwellings, with amended rates being available from Council.

Payment must be made prior to the issue of the Construction Certificate

19. Approvals Required under Roads Act or Local Government Act

A. Before Construction

No occupation or works are to be carried out on public land (including a road or footpath) or access provided over a public reserve adjacent to the development site without approval being obtained from Sutherland Shire Council and the necessary fee paid under the Roads Act 1993 and/or the Local Government Act 1993. These approvals must be to the satisfaction of Council for the required development works and may include but are not limited to the following:

- Detailed Frontage Works including construction of a driveway, footpath, etc.
- Road openings and restoration to provide services to the development.
- Work Zones and Hoardings.
- Skip Bins.

- Shoring / Anchoring.
- Standing of cranes, concrete pumps, etc.

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

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

20. Design and Construction of Works in Road Reserve

A. Design

Council has determined that the proposed development generates a need for the following works to be undertaken by the applicant in the road reserve. To this end a Detailed Frontage Works application under the Roads Act 1993 must be submitted to Sutherland Shire Council, prior to the release of any Construction Certificate. The form is available on Council's website. A fee applies for the relevant inspections, assessment, coordination and the issue of permits providing consent to undertake frontage works.

This design will generally comply with the approved architectural design drawings and the current website version of Council's Public Domain Design Manual (PDDM) and Public Domain Technical Manual (PDTM) except where modified by/or addressing the following:

- i) Property alignment/ boundary levels - establish the property alignment/ boundary levels and crossing profiles.
- ii) Grades - regrade footpath verge to final design levels including topsoil, turf and all associated soft landscaping as required.
- iii) Redundant Laybacks and Crossings - remove any redundant laybacks and vehicle crossings and replace with kerb and gutter (including associated road reconstruction works).
- iv) Footpath - install new footpath pavement along full frontage of site (as required).
- v) Cycleway - install new cycleway (as required).
- vi) Infrastructure Transitions - ensure there are adequate transitions between newly constructed and existing infrastructure as required.
- vii) Retaining Structures - construct retaining/slope stability walls as required.
- viii) Road Pavement - construct road pavement as required.
- ix) Kerb and Gutter - construct kerb and gutter as required including associated road pavement reconstruction including provision for a bus bay/s
- x) Street Signage - alter existing and/or install new street signage as required.
- xi) Trees - Install new street trees as approved on the landscape plans.
- xii) Undergrounding - provide replacement of existing local distribution power lines and other overhead utilities with subsurface utilities or with insulated aerial bundles cables (ABC) as required.

- xiii) Street Lighting - install new street lighting in conjunction with the undergrounding of local distribution power lines and other utilities as required.
- xiv) Utility Services - adjust public services infrastructure as required.
- xv) NBN - the Australian Government has issued a new policy on the provision of telecommunication infrastructure in new developments. The policy is effective from 1 March 2015. Developers are responsible for providing telecommunications infrastructure in their developments. To provide this infrastructure, developers need to contract a carrier to install and operate a telecommunications network.

NBN is the IPOLR (infrastructure provider of last resort) in developments of 100 lots/dwellings or more within its fixed-line footprint and in new development where its fixed-line network is available, or the NBN rollout has been announced (www.nbnco.com.au/learn-about-the-nbn/rollout-map.html).

If you use NBN, you will need to provide six months' notice before your network needs to be available.

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

B. Before Construction

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

C. Before Occupation

Prior to the occupation of the building or the issue of any Occupation the following certification must be provided to Sutherland Shire Council:

- i) The supervising engineer must certify that the road frontage works were constructed in accordance with the development consent and associated approval under the Roads Act 1993 including the approved drawings and specification.

21. Construction Environmental Management Plan (CEMP)

A. Design

To ensure that the works can be undertaken in a manner that will prevent damage to natural environmental features, a Construction Environmental Management Plan (CEMP) must be prepared by an appropriately qualified and experienced environmental consultant.

- i) The CEMP must satisfy the objectives and controls of 'Chapter 38, "Natural Resource Management" of the Sutherland Shire Development Control Plan 2015', and the 'Sutherland Shire Environmental Specification 2007 - Environmental Site Management'.
- ii) The CEMP must be prepared in accordance with the "Guidelines for the Preparation for Environmental Management Plans", by NSW Department of Infrastructure, Planning & Natural Resources (2004).

- iii) The CEMP must address, but not be limited to, the following:
- a) Description of works
 - b) Details of all contractors involved with the project.
 - c) Environmental awareness and training of contractors.
 - d) Compliance with legislation and regulations.
 - e) Measures to prevent noise, water, air and land pollution.
 - f) Safe access to and from the site during construction.
 - g) Safety and security of work site, road and footpath area; including details of any proposed fencing, signage, hoarding and lighting, as required.
 - h) Method of loading and unloading excavation machines, construction materials etc.
 - i) Details of how and where construction material and any waste materials will be appropriately managed, stored and disposed of.
 - j) Details of any fuel storage and management.
 - k) Soil Management Plan is including detailed erosion and sediment control measures including, methods to prevent material being tracked off the site onto surrounding roadways and adjoining land.
 - l) Protection of existing trees and vegetation located nearby but outside of the excavation/ construction zone.
 - m) Unexpected Finds Protocol i.e. the address unexpected finds of soil or groundwater contamination etc.
 - n) Contingency and emergency response plans.
 - o) Inclusion of a detailed site plan/s.
 - p) Consideration of and references to relevant management plans addressing, but not limited to: site remediation and ground gas management, acid sulfate soil management, vegetation management and protection, protection of microbats and migratory birds, etc.
 - q) Requirement of other regulatory authorities such as NSW Department of Primary Industries - Water and Department of Primary Industries - Fisheries.

B. Prior to Commencement and Issue of Construction Certificate

The CEMP must be submitted to the satisfaction of Sutherland Shire Council, Manager Environmental Science and the Private Certifying Authority prior to commencement of works and prior to the issue of any construction certificate.

C. During Works

The site management measures within the approved CEMP must be established during site preparation, prior to the commencement of excavation/ construction. These measures must remain in place and be maintained throughout the period of works until the site is stabilised, landscaped and re-instated.

Note: An appropriately qualified and experienced environmental consultant shall be certified by following certification scheme; or demonstrate an equivalent standard:

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

22. Pre-commencement Inspection

A. Before Works

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

The purpose of the meeting is to:

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

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

23. Supervising Engineer

A. Before Construction

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

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

B. During Construction

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

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

C. Before Occupation

The supervising engineer must certify the works required in "A" above were undertaken and completed in accordance with the requirements of this Development Consent and to their satisfaction prior to the issue of any Occupation Certificate. This Certification to accompany the Works as Executed Plans.

24. Drainage Channel Works - Design Requirements

A. Design

A detailed drainage design must be prepared in accordance with Sutherland Shire Development Control Plan 2015 "Australian Rainfall and Runoff (1987)", Council's Drainage Design Manual and Council's "On-site Stormwater Detention Policy and Technical Specification, Australian Standard AS3500.3:2003, the BASIX Certificate issued against this development and in accordance with the recommendations of the report prepared by WMAwater (August 2017).

All works relative to the drainage channel, the proposed sheet piling and other works relative to the mitigation of flooding in Captain Cook Drive detailed in the above report and its associated drawings shall be undertaken prior to the commencement of the construction of the residential development. These works shall also include any plantings within the drainage channel area (i.e. salt marsh plantings within the area of excavation east of the sheet piling wall) to prevent scour and sediment transfer to the adjacent Aquatic Reserve.

The design must include;

- i) An easement for overland flow through the property to a drainage system within the natural catchment under Council's control. This easement width shall comply with the requirements and recommendations of WMAwater Report (August 2017).
- ii) A detailed drainage design plan supported by a catchment area plan and drainage calculations (including a Hydraulic Grade Line Analysis).
- iii) A layout of the drainage system showing existing and proposed pipe sizes, type, class, grades, lengths, drainage swales, invert levels, finished surface levels and location of all pipes with levels reduced to Australian Height Datum. Impacts on existing trees must be indicated on the plan.
- iv) A longitudinal section of the pipelines and drainage swales including existing natural surface levels, design surface levels, design invert levels of the proposed pipelines and drainage swales and the location, size and reduced level of all services to AHD where those services cross the proposed drainage lines or swales.
- v) The design floor level, including the level of any opening in the wall adjacent to the drainage easement, must be set a minimum of 500mm above the level of the overland flow of stormwater generated by a storm of design recurrence interval of 1 in 100 years, flowing along the overland escape route within the drainage easement and easement for overland surcharge within or adjacent to the site. Specific certification from a designer to this effect must be incorporated in the submitted drainage design / details.
- vi) Drainage depression must be provided for the full width and length of the easement for overland surcharge that facilitates the overland escape flow of stormwater. The escape route must be designed to have the capacity to carry the 1 in 100 year flow. Specific certification must be provided by the designer to this effect as part of the submitted drainage design / details.
- xi) Where underground service lines (i.e. 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 must be excavated by hand or by directional or under-boring techniques to reduce any adverse impact on the root zone of the trees.

- xii) The design drawings are to indicate the alignment, sizes, type, class, grades and lengths of all the pipelines, rainwater tanks, any irrigation system, overland flow path within the easement and proposed easement and associated structures,
- xiii) The overland flow path within the easement must match the property alignment level along the front boundary of the property.
- xiv) Drain by gravity to the receiving waters.

B. Before Construction

- i) Certification issued by an appropriately accredited person to the effect that these design requirements have been met must accompany the application for any Construction Certificate.
- ii) The required easement must be created prior to the issue of any Occupation Certificate.

C. Before Occupation

Prior to the issue of any Occupation certificate

- i) Certification must 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 required by conditions of this development consent have been provided.
- ii) 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 Specification and On-site Detention Policy and has been carried out in order that stormwater runoff downstream is not increased as a result of the development.
- iii) 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 application for any Occupation Certificate. The Works-As-Executed drawings must also include all relevant levels, reduced to Australian Height Datum, dimensions and locations including:
 - invert levels,
 - surface and pavement levels,
 - floor levels, including adjacent property,
 - maximum water surface level for a 1% AEP storm event,
 - floor levels and freeboard, the location, volume and dimensions of the basin and level and dimensions of overflow weir, distances from boundaries and buildings.

- iv) A positive covenant under Section 88B of the Conveyancing Act 1919 must be created over Lot 3 DP 1218707 requiring that the sheet piling and channel works undertaken as part of this consent be maintained in perpetuity.

Note: Upon approval of the stormwater management designs a notation will be added to the s.149 certificate in relation to any stormwater treatment device.

D. Ongoing

The stormwater treatment facility, sheet piling and channel shall be maintained in perpetuity by the respective owner's committee's for Stage 3 Residential and be:

- i) Kept clean and free from silt, rubbish and debris.
- ii) Maintained so that it functions in a safe and efficient manner.
- iii) Not be altered without the prior written consent of the Council.

Note: Council has the ability to enforce conditions of consent and may inspect the facility, and issue fines or orders if these requirements are not being complied with.

25. Drainage Design - Detailed Requirements

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) A detailed drainage design supported by a drainage calculation.
- ii) A longitudinal section of the pipeline within the property 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.
- iii) All levels reduced to Australian Height Datum.
- iv) All harvested rainwater must be used for irrigation, toilet flushing and a cold water tap in the laundry for clothes washing.

B. Before Construction

- i) Prior to the release of any Construction Certificate the proposed for overland surcharge must be registered with NSW Land and Property Information.
- ii) Certification from an Accredited Certifier in Civil Engineering or a Chartered Civil Engineer, to the effect that the drainage design is to their satisfaction and satisfies the design requirements in "A" above must accompany the application for a Construction Certificate.

C. Before Occupation

Prior to the issue of an Occupation Certificate:

- i) A Works-As-Executed drawing (WAED) of the stormwater drainage system must be prepared by a Registered Surveyor. This drawing must detail the alignment of pipelines, pits, the rainwater tanks 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.
- iii) The Supervising Engineer must certify the stormwater drainage, rainwater harvesting 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 stormwater pipelines, bio-swales, treatment devices and the like requiring conditions pertinent to rainwater harvesting and rainwater reuse must be maintained in good operating order at all times.

Note 1: Upon submission of the Certified 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 treatment device that must be maintained, serviced and cleaned.

Note 2 Be aware that there may be significant stormwater sheet flow across the property from the existing stormwater drainage channel within the easement for overland surcharge/overland flow

26. Stormwater Treatment

A. Before Construction

The stormwater treatment measure, (bioswale), selected from the Environment Protection Authority's document "Managing Urban Stormwater - Treatment Techniques, November 1997", must be provided as part of the permanent site stormwater (water quality) management system. Details must accompany the application for any Construction Certificate.

B. Before Occupation

The above work must be completed in accordance with 'A' above to the satisfaction of the supervising engineer before the issue of any Occupation Certificate.

C. Ongoing

The stormwater treatment measure must be maintained in accordance with the design drawings and specification at all times .

Note: Upon approval of the stormwater management designs a notation will be added to the 149 certificate in relation to any required detention facility or stormwater treatment device.

27. Design of Structures Adjoining Drainage Easements

A. Design

The proposed development adjoins a drainage easement and proposed easement for overland surcharge. To ensure that the structural integrity of any structure adjoining the easement are maintained it must be designed as follows:

- i) All footings within 2m of the drainage easement must be designed in such a manner that they are supported by foundations set at a minimum of 300mm below channel invert levels or, alternatively, founded on sound rock.
- ii) The walls of any structure adjoining the easement must be designed to withstand all necessary forces should excavation be required within the easement down to the design invert levels.

B. Before Construction

Certification of A. above from an appropriately qualified engineer must accompany the application for any Construction Certificate.

C. Before Occupation

Prior to any occupation of the development or the issue of any Occupation Certificate certification from an appropriately qualified engineer detailing that the development has been constructed in accordance with A. above must be submitted to the PCA.

28. Damage to Adjoining Properties

A. Before Works

To minimise vibration damage and loss of support to buildings / structures and properties in close proximity to the development site, a Geotechnical Engineers Report must be prepared detailing constraints to be placed on earth moving and building plant and piling 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 at all times.

29. Public Utilities

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

A. Before Construction

Suitable arrangements must be made with all relevant utility service providers to ensure the development is appropriately serviced by electricity, gas, telecommunications 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.

30. Removal of Existing Bridge

A. Before Works

To mitigate against the effects of potential flooding during the course of the Stage 3 Residential Development construction, the existing pedestrian/vehicle bridge located between Ch 156.77m and 163.78m, detailed on Drwg No.CS3-2-10, Rev G dated 21/8/17, (Flood Extents Plan Post Development Q100 with 2100 Sea Level), prepared by Calibre Consulting, together with any associated structures, must be removed prior to the commencement of all other excavation, piling and site construction works relative to Stage 3.

31. Removal of Existing Cable and Services Support Structure

A. Before Works

To mitigate against the effects of potential flooding during the course of the Stage 3 Residential Development construction, the existing cable and services support structure located between Ch.100m and 110m shown on Drwg CS3-2-10, Rev G dated 21/8/17 by Calibre Development, (Flood Extents Plan Post development Q100 with 2100 Sea Level), together with any associated structures, must be removed prior to the commencement of all other excavation, piling and site construction works relative to Stage 3.

32. Emergency Evacuation Route

A. Prior to Occupation

Prior to the issue of any occupation certificate for the Stage 3 Residential development, the Emergency Evacuation Route detailed within the "Woollooware Bay Town Centre Redevelopment - Residential Stage 1, Stage 2 and Stage 3 and Retail Flood Assessment Report" prepared by WMA Water, dated August 2016; must be fully implemented and operational. Further, during the course of construction of the Stage 3 Residential development, the temporary FERP created as part of the Stage 1 and 2 Residential development must be updated as required during the course of the Stage 3 construction.

B. Prior to Occupation

Certification of this requirement must be provided prior to the issue of any Occupation Certificate for the Stage 3 residential development.

33. Construction of Pedestrian Bridge

A. Prior to Occupation

Prior to the issue of any Occupation Certificate for the Stage 3 Residential development, the proposed pedestrian bridge located between Ch.156.77m and 163.78m on Drwg No.CS3-2-10, Rev G, dated 21/8/17 by Calibre Development, (Flood Extents Plan Post development Q100 with 2100 Sea Level), together with any associated structures, must be constructed and fully operational.

34. Dedication of Easement for Overland Flow

A. Prior to Occupation

An easement for overland flow benefitting Council must be created under the provisions of s.88E of the Conveyancing Act, as amended, prior to the issue of any occupation certificate for the Stage 3 Residential development.

This easement must be created over the full extent of the lands inundated as shown on Drwg CS3-2-10, Rev G dated 21/8/17 by Calibre Development, (Flood Extents Plan Post development Q100 with 2100 Sea Level). Should it be required to more easily define the extent of the easement boundary abutting the building, such alteration is approved provided that the alteration is made by increasing the area of the easement to the west, away from the drainage channel and above the level of the 2100 1% AEP event.

35. Flood Compatible Building Materials

A. During Works

All structures located below the 1% AEP level shown on Drwg CS3-2-10, Rev G dated 21/8/17 by Calibre Development, (Flood Extents Plan Post development Q100 with 2100 Sea Level), must be constructed of materials that are flood compatible.

B. Prior to Occupation

Certification of this requirement must be provided as part of the submission of the 'Works as Executed' plans prior to the issue of any occupation certificate for the Stage 3 residential development.

36. Certification for Structures within Easement

A. Prior to Occupation

Prior to the issue of any occupation certificate for the stage 3 residential development; certification must be provided from a suitably qualified Structural Engineer acting as an Accredited Certifier, demonstrating that all structures located within the easement for overland flow, including but not limited to the shoring for the drainage easement, can withstand forces of floodwater, debris and buoyancy. This certification must apply to all structures located in the 1% AEP event plus 500mm freeboard above that event level.

37. Drainage Channel Sheet Piling

A. During Works

The entire length of the drainage channel proposed sheet piling and any of its foundations or supports must be located completely clear of the existing drainage easement boundary and within the land that forms part of the overland surcharge path of the stage 3 residential development.

B. On-going

The ongoing maintenance of this sheet piling and any/all required foundations or supports shall be the responsibility of the strata management body/ies of the Stage 3 residential development.

38. Internal Vehicle Accessway

A. Design

The internal driveway profile, parking and manoeuvring areas must be designed in accordance with the approved architectural plans, except where modified by the following:

- i) All "one way" and "two way" traffic aisles in the car parking area must be clearly identified by signposting and pavement marking.
- ii) The ingress and egress crossing must be clearly identified by signage.
- iii) The first 3m (minimum) of any ramp from the western boundary line shall have a maximum grade of 5%.
- iv) The vertical alignment of the access driveway shall comply with AS2890.1(2004).
- v) The proposed loading and delivery area must be clearly defined with suitable signposting and pavement markings
- vi) Provide adequate sight distance for the safety of pedestrians using the footpath area.

B. Construction

Certification from an appropriately qualified engineer to the effect that the design requirements of "A" above have been met must accompany the Construction Certificate.

C. Occupation

Prior to the occupation of the development or the issue of any occupation certificate a suitably qualified engineer must certify that the works required in "A" above were undertaken and completed to their satisfaction and in accordance with the requirements of this Development Consent.

39. Car Park Design & Construction

A. Design

The basement car park must be designed in accordance with the approved architectural drawings, subject to the following modifications:

- i) A minimum headroom of 2.2m measured from the parking floor to the underside of any beam, ventilation duct or service conduit, or to the underside of any door including a security door and fittings when those doors are in an open position in accordance with clause 5.3 of AS2890.1.
- ii) Parking bays must not be enclosed, caged or a door provided.
- iii) All "disabled" parking bays and associated shared zones, "small car", "Visitor" and "Shared" spaces shall be signed.
- iv) All parking bays besides "small car" bays must provide a minimum clear parking envelop in accordance with figure 5.2 of AS2890.1. "Small Car" bays must comply with Clause 2.4.1 of AS2890.1
- v) A minimum 5.8m width is to be provided for all two-way internal roadways or ramps
- vi) Parking bays provided for adaptable units are to comply with AS2890.6 or AS4299

- vii) The security door fitted to the car parking area entrance must be independently mounted on rubber pads to prevent vibration noise transmission through the concrete walls and / or columns.
- viii) The concrete floor of the parking levels shall be shined to increase light bounce.

B. Prior to Construction

Certification from a Chartered Civil Engineer or a Registered Surveyor, to the effect that the car park layout and vehicle access-way design has been prepared in accordance with A above must accompany the application for the Construction Certificate.

C. Occupation

Prior to the occupation of the development or the issue of any Occupation Certificate a Chartered Civil Engineer or a Registered Surveyor must certify that the works required in “A” above have been completed to their satisfaction and in accordance with the requirements of this Development Consent. This certification must be provided to the PCA and a copy provided to Council.

D. On-going

Visitor parking facilities and car wash bays must be designated as common property on any future strata plan and must be continually available as common property. Parking must be allocated to individual strata lots as part of their unit entitlement and linemarked and signposted as follows:

Residential Dwellings	266 spaces (minimum 1 space per unit)
Residential Visitors	43 spaces
Car Wash Bay	1 common space
Retail/Commercial (Cafe)	6 spaces
Shared residential / visitor	4 spaces
Bicycle Parking	37 spaces
Total	319 spaces

Note: The car wash bay can be ‘double counted’ as a visitor space.

E. On-going

The approved parking must be used exclusively for car parking as approved for the life of the development.

To ensure that the car parking area satisfies the demands of the development, the car park must be made available on an unrestricted basis and free of charge at all times for employees', tenants and owners vehicles pertinent to the development.

40. Landscaping Works

A. Design

The landscaping works must be designed in accordance with the approved Landscape Plan except where modified by the following and with the final approval of the Directors of Shire Planning and Shire Infrastructure prior to the issue of the Construction Certificate:

- i) All existing trees to be retained or removed must be clearly identified on the plans. Show the tree number, species, trunk location, canopy spread, level at the base of the trunk and Tree Protection Zone (TPZ). Ensure that any excavation or filling does not occur within the TPZ of trees to be retained.
- ii) Provide detailed hardworks and planting plans for all landscaped areas including materials, details, individual plant locations/species/numbers and plant schedules.
- iii) Provide a separate lighting plan for all Level 1 communal areas and Grove Lane, as well as pathways and steps around the perimeter of the site.
- iv) Include all the landscape works between the Stage 3 building works and the eastern side of the drainage channel.
- v) Amend the plans and sections for the Level 1 communal courtyards to ensure they are consistent..
- vi) Show clearly the different edge treatments along the drainage channel.
- vii) Provide Saltmarsh planting to RL 1.1m along the western side of the drainage channel.
- viii) Where embankment slopes on the eastern side of the Grove Terrace are greater than 1 in 3, provide a retaining wall next to the footpath and shared pathway to achieve a maximum 1 in 3 slope.
- ix) Between the Grove Terrace and the footpath reduce the height of fencing from 1500mm to 1200mm. Fencing shall be open form.
- x) On both sides of the shared pathway alongside the drainage channel a minimum of 20 large to medium indigenous canopy trees must be to offset the scale and bulk of the adjoining buildings.
- xi) All vehicular trafficable pathways within the overland surcharge area are to be constructed as industrial driveways a minimum of 200mm thick as per Council's Civil Works Specifications.
- xii) In the 'quiet courtyard' at the western end of the Northern Courtyard provide a shade structure and BBQ/basic kitchen facilities.
- xiii) To achieve better solar access for the communal vegetable/herb garden, swap the location with the open lawn (No.7) at the eastern end of the Northern Courtyard. Provide facilities such as a universal toilet, all-weather structure, tools and materials storage, water supply, work bench and sink.
- xiv) Provide minimum soil depths in planter boxes as follows:
 - 1200mm for large trees.
 - 900mm for small trees and tall shrubs.
 - 600mm low shrubs.
 - 450mm grass and ground covers.
- xv) Each ground floor unit must be provided with a clothes line easily accessible from the laundry. Each unit above the ground floor must be provided with a clothes line on a balcony. Ensure that clothes lines are not visible above the balustrade.
- xvi) 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 tank, to enable effective landscape maintenance.

- xvii) The private open space of each dwelling with a garden or planter box must be provided with one tap, connected to mains water, to enable hand watering.
- xviii) As the subject site is identified as being within a Greenweb Support area, all new tree plantings must be indigenous species and 80% of understorey plants must be indigenous species. All indigenous species must be selected from Sutherland Shire Council's 'Native Plant Selector' available on Council's website (www.sutherlandshire.nsw.gov.au and search for Native Plant Selector). Plant species such as *Aloe plicatilis*, *Beschorneria yuccoides*, *Juniperus conferta*, *Senecio mandraliscae* and *Pennisetum alopecuroides* 'Nafray' are unacceptable.
- xix) Substitute *Melaleuca stypheloides* for *Agathis robusta* along the Captain Cook Drive frontage.

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 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 tree protection measures, landscaping works, replacement tree planting and the deep soil percentage requirements have been carried out in accordance with 'A' above and other conditions within this consent, 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 \$230 is required to be paid, prior to the inspection. Additional inspections will be charged at a rate of \$103 each.

C. Ongoing

All landscaping works required by 'A' above must be maintained for 12 months following the final landscape inspection date. Trees required by this condition must be maintained and protected until they are covered by Council's Controls for Preservation of Trees and Bushland Vegetation (SSDCP 2015 Chapter 38).

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

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

Sutherland Shire Council Nursery
345 The Boulevarde, Gymea
Ph: 02 9524 5672

41. Vegetation Management Plan (VMP)

A. Design

The “Woollooware Bay Town Centre Foreshore Park DA - Vegetation Management Plan” by EcoLogical Australia, dated 3 October 2017, version 2 [Project Number 17SUT-6511] must be amended by an appropriately qualified and experienced ecologist as follows:

i) **Saltmarsh Planting - Ground overs/climbers:**

Delete *Zoysia macrantha*

Saltmarsh Planting - Rushes/grasses:

Delete *Gahnia clarkei*

Add *Ficinia nodosa*

Swale Planting - Rushes/grasses:

Delete *Juncus kraussii ssp australiensis*

Add *Gahnia clarkei* and *Juncus usitatus*

Upper Riparian Planting (Outside Easement) - Trees

Substitute *Banksia integrifolia* for *Banksia serrata*

Delete *Melaleuca linariifolia*

Upper Riparian Planting (Inside Easement) - Trees

Substitute *Cupaniopsis anacardioides* for *Melaleuca linariifolia*

ii) Planting densities must meet the following ratios:

- a) Swamp Oak Floodplain Forest: 1 tree every 5m², 1 shrub and 3 sedges/rushes/grasses per 1m²;
- b) Coastal Saltmarsh: 6 plants per 1 m²;
- c) Swale planting of rushes and grasses at 6 plants per 1m².

Note: An appropriately qualified and experienced ecologist must be certified by one of the following certification schemes; or demonstrate an equivalent standard:

- Environment Institute of Australia & New Zealand (EIANZ) ‘Certified Environmental Practitioner’ (CEnvP) Scheme.
- Ecological Consultants Association (NSW) Certification Scheme.

42. Tree Removal on Private and Council Land

The removal of the following trees is approved:

- i) Trees identified on the approved Landscape Plan as “existing tree to be removed”.
- ii) Any declared noxious plant. The applicant is to ensure that all noxious plants are properly identified and controlled/removed.
- iii) Any tree species exempted by the Sutherland Shire Local Environmental Plan 2015.

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

B. Tree Removal on Council Land

Council has preferred supplier agreements in place with arborists who are approved to carry out arbor works on Council land. Removal / pruning of trees on Council land must only be undertaken using Council's preferred supplier at the applicant's expense. The applicant is responsible for contract management and payment of the arborist prior to works being undertaken.

Select from Council's list of preferred suppliers listed on Council's website: <http://www.sutherlandshire.nsw.gov.au/Residents/Trees/Trees-on-Council-or-Public-Land>. Payment of the quoted amount provided must be made prior to any works commencing on site.

C. Prior to Occupation/Occupation Certificate

Any replacement tree planting must be completed in accordance with the approved Landscape Plan. Certification will be provided as part of the Final Landscape Inspection by Council's landscape officer (refer Condition - Landscaping Works).

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 (SSCDP2015 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 1: If you have difficulty sourcing suitable indigenous plants from other suppliers, plants grown from local provenance seed may be available from:

Sutherland Shire Council Nursery

345 The Boulevard, Gymea

Ph: 02 9524 5672

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

Note 2: Tree removal works must also have regard for the requirements provided in: “Woolooware Bay Town Centre Foreshore Park DA - Vegetation Management Plan” by EcoLogical Australia, dated 3 October 2017, version 2 [17SUT-6511].

43. Tree Retention and Protection

The following condition applies to all existing trees on the subject site, trees on the adjoining sites (which are potentially affected by the development works), as well as trees on the adjoining Council land that are not approved for removal.

A. Before Works

Prior to the commencement of any demolition, excavation or construction works on site the applicant must engage a suitably qualified and experienced Supervising Consulting Arborist to oversee the measures for the protection of existing trees as listed below.

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

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

- i) Any trees to be retained that have a structure proposed within their Tree Protection Zone (TPZ) must use isolated pier and beam construction for the footings. The piers must be hand dug and located such that no roots of a diameter greater than 50mm are severed or injured in the process of any site works during the construction period. The beam must be located on or above the existing soil levels. The location and details of any footings within the TPZ shall be detailed in accordance with i) above and on the Construction Certificate Plans.
- ii) Protective fencing constructed of 1.8m high chain wire mesh supported by robust posts must be installed in accordance with the approved Landscape Plan and Arborist's advice. Signage must be erected on the fence with the following words clearly displayed "TREE PROTECTION ZONE, DO NOT ENTER".
- iii) The tree protection zone within the protective fencing must be mulched with a maximum depth 75mm of suitable organic mulch (woodchips or composted leaf chip mulch) and kept regularly watered for the duration of the works subject to this consent.
- iv) No development or associated activity is permitted within the fenced tree protection zone for the duration of works subject to this consent. This includes vehicular or pedestrian access, sheds, washout areas, excavations, backfilling, installation of services (including stormwater), removal of top soil, stockpiling of soil or building materials.
- v) Where site access/egress is required over the roots of trees identified for retention and protection, provide hardwood rumble boards over a 200mm thick layer of wood chip.
- vi) Tree trunk/branch batten protection boards are to be installed as per 4.5.2 of Australian Standard (AS4970-2009) - Protection of Trees on Development Sites.

B. During Works

- i) The tree protection measures detailed in 'A' above must be maintained during construction.

- ii) The supervising Consulting Arborist must be present during any approved hand excavation or under boring works within the Tree Protection Zone (TPZ) of any tree identified for retention and protection and have the authority to direct works to ensure the trees long term preservation.
- iii) The supervising Consulting Arborist must strictly supervise that there is no disturbance or severing of roots greater than 50mm diameter and to cleanly cut those roots between 10-50mm in diameter.
- iv) If the tree/s identified for retention in 'A' above are damaged or destabilised during construction then works must cease and Council's Tree Assessment Officer (ph. 9710 0333) must be contacted to assess the tree/s and recommend action to be taken.
- v) The supervising Consulting Arborist must inspect the tree protection measures and maintain a record throughout the construction process. As a minimum an inspection must be undertaken at each hold point listed below:

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

C. Before Occupation

Prior to the occupation of the development or the issue of any Occupation Certificate the supervising Consulting Arborist must provide final certification that the tree protection measures required by this condition have been maintained throughout the construction process including that the inspections required by B(v) above have been undertaken. The final certification must be provided to the PCA and a copy must be provided to Council's Landscape Officer at the time of the final landscape inspection.

Note: Tree removal works must also have regard for the requirements provided in: "Woollooware Bay Town Centre Foreshore Park DA - Vegetation Management Plan" by EcoLogical Australia, dated 3 October 2017, version 2 [17SUT-6511]

44. Supervising Environmental Consultant

A. Before Construction

The applicant must engage an appropriately qualified and experienced environmental consultant to supervise all aspects of onsite environmental management including, but not limited to, acid sulfate soil management, site remediation, ground gas management and site validation.

B. During Remediation

The environmental consultant must supervise all aspects of the works in accordance with relevant environmental management plans, including the Remedial Action Plan as reviewed and accepted by a NSW EPA accredited site auditor.

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

- Environment Institute of Australia & New Zealand (EIANZ) 'Certified Environmental Practitioner' (CEnvP) - Contaminated Land Specialist.
- Soil Science Australia (SSA) 'Certified Professional Soil Scientist' (CPSS) - Contaminated Site Assessment & Management.
- Site Contamination Practitioners Australia (SCPA) 'Certified Practitioner'.

45. Site Remediation Works and Ground Gas Management

A. Design

The "Gas Management Plan, Cronulla Sharks Redevelopment, Stage 2 Residential Development Area, 461 Captain Cook Drive, Woollooware" by DLA Environmental, February 2013 [DL3007_S0000360]", which is Appendix B of "Remediation Action Plan, Cronulla Sharks Redevelopment Stage, Residential Development Area, 461 Captain Cook Drive, Woollooware" by DLA Environmental, February 2013 (Revision 1) [DL3007_S0000363]; must be updated and amended as relevant to the proposed development, by the appropriately qualified and experienced supervising environmental consultant.

B. Before Construction and Issue of a Construction Certificate

The updated and amended Gas Risk Assessment must be reviewed by a NSW EPA accredited site auditor who must issue an interim site audit advice verifying that the site can be made suitable for the proposed land use with the implementation of the Remediation Action Plan.

The applicant must adhere to any additional conditions or requirements that may be imposed by the accredited site auditor, in order to satisfy the accredited site auditor that the site can be made suitable for the proposed land use.

The interim site audit advice must be submitted to the satisfaction of Sutherland Shire Council's Manager, Environmental Science prior to commencement of any construction and the prior to the issue of any construction certificate.

C. During Construction

The site shall be remediated in accordance with the "Remediation Action Plan, Cronulla Sharks Redevelopment Stage, Residential Development Area, 461 Captain Cook Drive, Woollooware" by DLA Environmental, February 2013 (Revision 1) [DL3007_S000363], as updated and amended in accordance with Part A of this condition.

D. Before Occupation and Issue of an Occupation Certificate

A site audit statement must be prepared by a NSW EPA accredited site auditor that certifies that the site is suitable for the proposed land use.

The applicant must adhere to any additional conditions or requirements that may be imposed by the accredited site auditor, if required.

The site audit statement, site audit report and associated documentation must be provided to the satisfaction of Sutherland Shire Council, Manager Environmental Science prior to occupation and the issue of any occupation certificate.

Note: Site remediation and ground gas management works also must have regard for the recommendations provided in "Drainage Channel Management Requirements - Woollooware Residential Development, 461 Captain Cook Drive, Woollooware Bay, NSW" by DLA Environmental Services, 3 November 2017 [DL4244_S007746].

46. 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 1: Attention is drawn to Part 4: "Acid Sulfate Soils" of the NSW EPA "Waste Classification Guidelines" 2014, which specifies the management and disposal of actual and potential acid sulfate soils.

ii) Reused soils

Any existing soils excavated to be reused on 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 reuse. These soils must be verified as being suitable for the proposed land use of the site.

iii) Importation of Fill Material

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

Note 2: Management of site soil/ fill material must have regard for the recommendations provided in "Drainage Channel Management Requirements - Woollooware Residential Development, 461 Captain Cook Drive, Woollooware Bay, NSW" by DLA Environmental Services, 3 November 2017 [DL4244_S007746].

47. Unexpected Finds - Soil and/or Groundwater Contamination

A. During Works

If unexpected soil or groundwater contamination is encountered during works, all work must cease. The situation is to be promptly evaluated by the supervising environmental consultant. The contaminated soil and/or groundwater must then be treated and/or managed under the supervision of the environmental consultant in accordance with the requirements of relevant NSW Environment Protection Authority (EPA) Guidelines.

B. Prior to recommencement of works

If unexpected contaminated soil or groundwater is treated and/or managed onsite; the supervising environmental consultant must certify that the situation was appropriately managed in accordance with the requirements of the relevant NSW EPA guidelines.

This certification must be provided to the satisfaction of the Principal Certifying Authority (PCA) and Sutherland Shire Council, Manager Environmental Science, prior to the recommencement of works.

Note: Management of unexpected finds must have regard for the recommendations provided in "Drainage Channel Management Requirements - Woollooware Residential Development, 461 Captain Cook Drive, Woollooware Bay, NSW" by DLA Environmental Services, 3 November 2017 [DL4244_S007746].

48. Groundwater Management and Protection

Groundwater that is encountered during the development must be managed and protected in accordance with, but not limited to, the requirements and recommendations of the following documents:

- i) The amended and site auditor reviewed Remediation Action Plan.
- ii) "Acid Sulfate Soil Management Plan"(ASSMP) by DLA Environmental, February 2017.
- iii) Flood Assessment Report, by MWATER, August 2017.
- iv) "Drainage Channel Management Requirements - Woollooware Residential Development, 461 Captain Cook Drive, Woollooware Bay, NSW" by DLA Environmental Services, 3 November 2017 [DL4244_S007746].

as well as any requirements stipulated by the NSW Department of Primary Industries - Water.

49. Supervising Ecologist

A. Before Commencement

The applicant must engage an appropriately qualified and experienced supervising Ecologist to supervise all aspects of biodiversity and vegetation protection / management.

B. During Works

The ecologist must supervise all aspects of biodiversity and vegetation protection/management; and ensure compliance with the approved plans and environmental reports.

Note: An appropriately qualified and experienced ecologist must be certified by one of the following certification schemes; or demonstrate an equivalent standard:

- Environment Institute of Australia & New Zealand (EIANZ) 'Certified Environmental Practitioner' (CEnvP) Scheme.
- Ecological Consultants Association (NSW) Certification Scheme.

50. Ecological Requirements - Lighting and Bird Strike Potential

A. During Construction

i) Lighting Plan

A lighting plan for the public domain and exterior facades of the building must be submitted to the satisfaction of Sutherland Shire Council, Manager Environmental Science. The mangrove habitat is not to be directly illuminated by external lighting. A vegetated buffer must be created between light sources and the estuarine mangrove area to prevent light spill affecting habitat.

B. Ongoing

- i) The recommendations and measures of the Review of Noise, Light and Bird Strike Potential - Woollooware Bay Town Centre Residential Stage 3 (prepared by Eco Logical Australia dated 28 July 2016) must be implemented and adhered to.
- ii) Lighting within the public domain, including the exterior facades of the building, must be managed and maintained in accordance with the approved Lighting Plan as required by A above.

51. Ecological Requirements - Microbats

A. During Construction

The recommendations from the "Microbat Study, Woollooware Bay Town Centre" by EcoLogical, 22 November 2016 [15SUT-2742] and "WBTC 75W - Ecological Comment on Channel" by EcoLogical, 24 October 2017 [17SUT-6511] must be implemented during construction works to minimise impacts on microbat species, educate the community and protect microbat habitat, including the following:

- i) The engagement of a suitably qualified and experienced ecologist to inspect any culverts for microbat roosting before any reconstruction work is carried out. Any roosting microbats discovered should be relocated by a suitably qualified ecologist or fauna spotter to appropriate nest boxes.
- ii) No removal of any mangroves containing habitat hollows is to be undertaken without a suitably qualified and experienced supervising ecologist or fauna spotter.
- iii) Schedule ongoing maintenance such as weed control ensuring that it minimises the use of pesticides and herbicides within the vicinity of the mangrove area and is conducted by suitably qualified bush regenerators in accordance with the relevant Vegetation Management Plan developed specifically for the site.

- iv) Ensure mangrove areas are maintained free of rubbish and debris and the appropriate erosion and sediment control measures are in place as per Sutherland Shire Council Environmental Site Management Environmental Specification 2007 and Development Control Plan 2016.

B. Post Construction

The recommendations from the "Microbat Study, Woollooware Bay Town Centre" by EcoLogical, 22 November 2016 [15SUT-2742] and "WBTC 75W - Ecological Comment on Channel" by EcoLogical, 24 October 2017 [17SUT-6511], must be implemented during occupation to minimise impacts on microbat species and habitat, including:

- i) A vegetated buffer must be created between light sources and the Estuarine Mangrove Forest to prevent light spill affecting microbat habitat.
- ii) Schedule ongoing maintenance such as weed control ensuring that it minimises the use of pesticides and herbicides within the vicinity of the mangrove area and is conducted by suitably qualified bush regenerators in accordance with the relevant Vegetation Management Plan developed specifically for the site.
- iii) Ensure mangrove areas are maintained free of rubbish and debris and that appropriate waste disposal and recycling facilities are made available at the site.
- iv) Discourage public access to the mangroves by installing a timber bollard and chain barrier on the eastern side of the pathway in accordance with the approved Landscape Plan.
- v) Install interpretive signage to educate the community on the significance of microbats (i.e. mosquito control) and the importance of protecting their habitat.

Note 1: An appropriately qualified and experienced ecologist or bush regenerator must be certified by one of the following certification schemes; or demonstrate an equivalent standard:

- Environment Institute of Australia & New Zealand (EIANZ) 'Certified Environmental Practitioner' (CEnvP) Scheme.
- Ecological Consultants Association (NSW) Certification Scheme.
- Australian Association of Bush Regenerators.

52. Environmental Protection during Engineering and Flood Mitigation Works

A. During Construction

All works in the mangrove channel must be undertaken in accordance with the Construction Environmental Management Plan, the requirements of "Ecological Impact Assessment of Flood Engineering works in the Mangrove Channel" by ELA, 10 March 2017 [17SUT-6511] and must also be undertaken as follows:

- i) The sheet pile wall proposed to be constructed on the western edge of the channel must not be constructed of PVC or any type of plastic.
- ii) Construction must be conducted in a way that minimises the impact to mangroves, habitat and any vegetation associated with the mangrove channel.

- iii) A suitably qualified and experienced ecologist or fauna spotter must inspect any mangroves or other trees prior to removal in case there are any hollows, nests or potential fauna habitat. If fauna that requires relocation is discovered then it must be relocated in accordance with NSW Office of Environment and Heritage guidelines.
- iv) Hydro-jetting (rather than hammering) must be used to minimise impacts on the tree root systems whilst sheeting is being installed. An arborist must be onsite when this is carried out to supervise tree sensitive construction techniques including root pruning.
- v) During construction, works must incorporate sediment, erosion and dust control measures. Water runoff must be controlled during construction in accordance with a Soil and Water Management Plan. Pollutants from old landfill must be captured and treated to prevent their release into the bay. An additional silt curtain is required downstream of the works and across the drainage channel to prevent turbid plumes entering Woollooware Bay.

Note: Engineering and flood mitigations works must also have regard for the requirement provided in: "Drainage Channel Management Requirements - Woollooware Residential Development, 461 Captain Cook Drive, Woollooware Bay, NSW" by DLA Environmental Services, 3 November 2017 [DL4244_S007746].

53. Car Wash Bays

To prevent contamination of the stormwater drainage system a car-wash bay must be provided on site:

A. Design

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

B. Before Construction

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

C. Before Occupation

The Principal Certifying Authority must be satisfied that

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

D. Ongoing

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

54. Garbage, Recycling and Green-waste Storage Area

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.

55. External Lighting - (Amenity)

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

A. Design

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

B. Ongoing

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

Note: External lighting must also have regard for the recommendations and measures provided in: "The Review of Noise, Light and Bird Strike Potential - Woollooware Bay Town Centre Residential Stage 3", by EcoLogical Australia, dated 28 July 2016).

56. Building Ventilation

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;
- vi) AS 3666.1 - 2002;
- vii) AS 3666.2 - 2002; and
- viii) AS 3666.3 - 2000.

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) Certification must be provided by a qualified mechanical ventilation engineer that the installation of the ventilation system has been carried out in accordance with 'A' above.
- ii) Occupation of the premises must not occur until a registration application has been submitted to Council's Environment and Health Regulation Department for any cooling tower / warm water system

D. Ongoing

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

57. Car-Park Ventilation - Alternate System

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 any time it is used and satisfies the atmospheric contaminate exposure rates specified in the Worksafe Australia document: Workplace Exposure Standards for Airborne Contaminants.

B. Before Construction

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

C. Before Occupation

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.

58. Demolition Work

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

A. Before Commencement

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

B. During Works

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

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

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

59. Noise - Emissions and Acoustic Measures

To make provision for a comfortable internal noise environment for residential units

A. Design

The building's design and construction must incorporate the content and recommendations of the acoustic report of Acoustic Logic dated 20/4/16 and reference 20151022.1/2004A/RO/BW.

B. Before Construction

Details of the Acoustic Report's recommended acoustic treatments must be included on plans &/or specifications presented for the Construction Certificate.

With respect to mechanical plant and equipment not yet selected and hence noise output unknown; once selected, advice of the acoustic engineer is to be obtained regarding any attenuation measures required to make the item meet the design parameters of the acoustic report.

C. Before Occupation

Certification must be obtained from a qualified acoustic engineer that acoustic attenuation treatments have been properly installed.

60. Noise Control - Design of Plant and Equipment

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

A. Design

All plant and equipment must be designed and located so that the noise emitted does not exceed an LAeq sound pressure level of 5dB above the ambient background level when measured at the most affected point on or within any residential property boundary.

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

B. Before Occupation

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. The certification must be included with the Occupation Certificate.

C. Ongoing

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

61. Verification of Design for Construction - SEPP 65

A. Design

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

B. Before Occupation

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

62. Certification Requirement of Levels

A. During Construction

At the following stages of construction:

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

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

B. Before Occupation

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

63. Sydney Water Requirements & Section 73 Compliance Certificate

A. Before Any Works

Prior to the commencement of any works on site, including demolition or excavation, the plans approved as part of the Construction Certificate must also be approved by Sydney Water. This allows Sydney Water to determine if sewer, water or stormwater mains or easements will be affected by any part of your development. Customers will receive an approval receipt which must be included in the Construction Certificate documentation.

Please refer to the web site www.sydneywater.com.au.

B. Before Occupation / Subdivision Certificate

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

Sydney Water Advice on Compliance Certificates:

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

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

64. Dial Before You Dig

A. Before Construction

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

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

65. Toilet Facilities

A. During Works

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

Each toilet must:

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

66. Loading and Unloading

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.

67. Waste Management / Loading (Commercial Waste)

A. Design

- i) Garbage storage areas are to be sized appropriately to suit the number of bins required per room as described in the Elephant's Foot Waste Management Report dated April 2016, with adequate bin handling area to allow for rotation of garbage bins.
- ii) All general deliveries to the site by Medium Rigid Vehicle (MRV) or larger must be carried out within the hard stand waste collection / loading bay within the site.
- iii) The hard stand waste collection / loading bay must be clearly signposted as being used for both the collection of waste and for all general deliveries / loading.
- iv) Commercial Waste stored on the Lower Ground Floor garbage room is to be transported to the Loading Bay on the Ground Floor through the Lower Ground Floor car park and via an internal service lift in close proximity to the loading bay on the Ground Level.

If iv) cannot be achieved then the following must be met:

- v) Collection of commercial waste by a suitable vehicle able to enter and exit the Lower Ground Floor in a forward manner.
- vi) The provision of a lined bay within the aisle adjacent parking spaces "BLD A 40", "BLD A 9" and adjacent shared area.
- v) A 3.6m wide (single direction) lane is to be maintained outside of the waste vehicle collection bay to enable vehicle movement. This will require the deletion of parking space "BLD A 17".

B. Prior to Construction

Prior to the issue of any Construction Certificate:

- i) An amended Waste Management Report is to demonstrate the changes noted in "A".
- ii) Amended architectural Plans are to depict the required number of bins and maneuvering area to demonstrate the requirements noted in "A" above.

C. Ongoing

- iii) Waste Management for the development must satisfy the following:
 - Waste collection to be managed by Private Contractors;
 - Waste collection to be carried out between the hours of 7am and 6pm Monday to Friday inclusive and no waste collection to be carried out on Sundays and Public Holidays; and
 - The aforementioned waste collection requirement shall be adopted as a By-Law in any future Strata Plan.



Peter Barber
Sutherland Shire Council

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.

NOTES

1. The cutting down, lopping, injury and destruction of trees is regulated by Sutherland Shire Local Environmental Plan 2015 and Sutherland Shire Development Control Plan 2015. A person who contravenes, causes or permits the controls in relation to trees to be contravened is guilty of an offence. Trees designated to be removed on the approved plans under this consent may be removed unless specified otherwise in the conditions in this consent. All other trees on the site covered by Council's controls referred to above must be retained.
2. Section 82A of the Environmental Planning and Assessment Act confers on an applicant who is dissatisfied with the determination of the application the right to lodge an application with Council for a review of such determination. Any such review must however be completed within 6 months from this determination. Should a review be contemplated sufficient time should be allowed for Council to undertake public notification and other processes involved in the review of the determination.

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

3. Division 8 (Appeals and Related Matters) Part 4 of the Environmental Planning and Assessment Act 1979 confers on an applicant who is dissatisfied with the determination of the application a right of appeal to the Land and Environment Court of New South Wales.
4. This consent will lapse unless the development is physically commenced within 5 years from the Date of Operation of this consent, in accordance with Section 95 of the Environmental Planning and Assessment Act 1979 as amended.