



Daniel Lukic – 9710 0668
File Ref: DA15/1134

13 December 2017

Combined Projects (Kirrawee) Pty Ltd
Level 3, 161 3.01 Redfern Street
REDFERN NSW 2016

Dear Sir/Madam

S.96 Modification Application No. MA17/0129
Development Consent No. DA15/1134

Proposal: Mixed use retail, commercial and residential development and associated public park including 749 dwellings, fitout and use of 2 supermarkets, 1 liquor store, 9000m2 public park with lake and surrounding forest, 1500m2 community facility, torrens subdivision for road dedication, torrens subdivision of 1 lot into 2 lots for public reserve dedication, 5 lot stratum subdivision and signage strategy

Property: 566-594 Princes Highway, Kirrawee

I refer to your application to modify Development Consent No. DA15/1134.

Following careful consideration of your application, Council is pleased to advise that your request for modification has been supported and an amended Development Consent is attached. In this respect your attention is drawn to Condition Nos. 1, 2, 5 and 62 which have been modified from the original development consent.

Under section 96(6) of the Environment Planning and Assessment Act, 1979 an applicant who is dissatisfied with the determination of the Consent Authority has a right of appeal to the Land and Environment Court.

Please note that you must obtain either a Construction Certificate or an amended Construction Certificate prior to the commencement of any work that may have been approved within the subject site under this modified Development Consent.

Should you require further information please contact Daniel Lukic on 9710 0668 during business hours.

Yours faithfully

Peter Barber

MODIFIED DEVELOPMENT CONSENT

Environmental Planning and Assessment Act 1979

Application Number: DA15/1134
Modification Application Number: MA17/0129
Authority: Sydney South Planning Panel

APPLICATION DETAILS

Applicant: Combined Projects (Kirrawee) Pty Ltd
Level 3, 161 3.01 Redfern Street
REDFERN NSW 2016

Land Description Lot 1 DP 589977, Lot 1 DP 179075
Lot 2 DP 589977
566-594 Princes Highway, Kirrawee

Proposed Development: Mixed use retail, commercial and residential development and associated public park including 749 dwellings, fitout and use of 2 supermarkets, 1 liquor store, 9000m2 public park with lake and surrounding forest, 1500m2 community facility, torrens subdivision for road dedication, torrens subdivision of 1 lot into 2 lots for public reserve dedication, 5 lot stratum subdivision and signage strategy

Date of Determination: 2 May 2016

Date of Modification 13 December 2017

Date of Operation 2 May 2016

Date of Lapsing 2 May 2021

Under Section 96 of the Environmental Planning and Assessment Act 1979, Sutherland Shire Council has determined MA17/0129 as described above, by approving the application to modify the 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, Documents & Relationship with other Consents.

The development must be undertaken in accordance with the terms and conditions of the Major Project MP10_0076 'Concept Approval' (Inclusive of Modifications 1 - 4) and Development Consent No. DA14/0368 (relating to the early works), **except where modified by Modification Application MA17/0129 submitted to Council on 3 April 2017 and where superseded by the amendments submitted to Council in October 2017.** The development must also be undertaken substantially in accordance with the details and specifications set out on the Plan / Drawings:

Plan number	Reference	Date
Architectural Plans - Prepared by Turner Architects		
DA-101-040 (Rev 3)	Site Plan - General Envelope Diagram	29.01.16
General Arrangement Plans		
DA-110-005 (Rev 4)	Basement 03	12.02.16
DA-110-006 (Rev 3)	Basement 02	29.01.16
DA-110-007 (Rev 3)	Basement 01	29.01.16
DA-110-008 (Rev 4)	Ground Level	12.02.16
DA-110-008 (Rev 10)	Ground Level	10.10.17
DA-110-010 (Rev 3)	Level 01, Building B-C & G Podium	29.01.16
DA-110-020 (Rev 3)	Level 02, Building D-E Podium	29.01.16
DA-110-030 (Rev 3)	Level 03	29.01.16
DA-110-040 (Rev 3)	Level 04	29.01.16
DA-110-050 (Rev 3)	Level 05	29.01.16
DA-110-060 (Rev 3)	Level 06	29.01.16
DA-110-070 (Rev 3)	Level 07	29.01.16
DA-110-080 (Rev 3)	Level 08	29.01.16
DA-110-090 (Rev 3)	Level 09	29.01.16
DA-110-100 (Rev 3)	Level 10	29.01.16
DA-110-110 (Rev 3)	Level 11	29.01.16
DA-110-120 (Rev 3)	Level 12	29.01.16
DA-110-130 (Rev 3)	Level 13	29.01.16
DA-110-140 (Rev 3)	Roof Level	29.01.16
Elevations		
DA-250-001 (Rev 3)	North & South Elevations	29.01.16
DA-250-001 (Rev 6)	North & South Elevations	04.10.17
DA-250-101 (Rev 3)	East & West Elevations	29.01.16
Elevations 1:200		
DA-251-010 (Rev 1)	Building A	11.09.15
DA-251-020 (Rev 3)	Building A	29.01.16
DA-252-010 (Rev 3)	Building B	29.01.16
DA-252-010 (Rev 8)	Building B_Sheet_01	10.10.17
DA-253-010 (Rev 3)	Building C	29.01.16

DA-254-010 (Rev 3)	Building D	29.01.16
DA-254-020 (Rev 3)	Building D	29.01.16
DA-254-030 (Rev 3)	Building D	29.01.16
DA-254-040 (Rev 3)	Building D	29.01.16
DA-255-010 (Rev 3)	Building E	29.01.16
DA-255-020 (Rev 3)	Building E	29.01.16
DA-255-030 (Rev 3)	Building E	29.01.16
DA-255-040 (Rev 3)	Building E	29.01.16
DA-256-010 (Rev 4)	Building F	12.02.16
DA-257-010 (Rev 3)	Building G	29.01.16
DA-257-020 (Rev 3)	Building G	29.01.16
Sections		
DA-350-001 (Rev 4)	Section 1 & 2	29.01.16
DA-350-101 (Rev 3)	Section 3 & 4	29.01.16
DA-350-201 (Rev 3)	Section 5 & 6	29.01.16
DA-890-001 (Rev 4)	Additional Information N/S Section RT05	10.10.17
Staging Diagrams		
DA-730-006 (Rev 1)	Basement 02 to Level 01	11.09.15
DA-730-020 (Rev 1)	Level 02 to Level 05	11.09.15
DA-730-060 (Rev 1)	Level 06 to Level 09	11.09.15
DA-730-100 (Rev 1)	Level 10 to Level 13	11.09.15
Adaptable Apartment Plans		
DA-800-001 (Rev 3)	Sheet 01	29.01.16
DA-800-002 (Rev 3)	Sheet 02	29.01.16
DA-800-003 (Rev 1)	Sheet 03	11.09.15
DA-800-004 (Rev 1)	Sheet 04	11.09.15
DA-800-005 (Rev 1)	Sheet 05	11.09.15
DA-800-006 (Rev 1)	Sheet 06	11.09.15
DA-800-007 (Rev 1)	Sheet 07	11.09.15
Apartment Plans		
DA-810-101 (Rev 1)	1 Bedroom Small	11.09.15
DA-810-151 (Rev 1)	1 Bedroom Large	11.09.15
DA-810-201 (Rev 1)	2 Bedroom Small	11.09.15
DA-810-251 (Rev 3)	2 Bedroom Large	29.01.16
DA-810-301 (Rev 1)	3 Bedroom Small	11.09.15
DA-810-351 (Rev 3)	3 Bedroom Large	29.01.16
DA-810-352 (Rev 3)	3 Bedroom Large	29.01.16
Retail Tenancy Plans		
DA-811-010 (Rev 3)	Retail 01 Supermarket (Major) 1	29.01.16
DA-811-011 (Rev 3)	Retail 01 Supermarket (Major) 2	29.01.16
DA-811-020 (Rev 3)	Retail 02 Liquor	29.01.16
DA-811-030 (Rev 3)	Retail 03 Supermarket (Mini Major)	29.01.16

Signage (External)		
DA-850-008 (Rev 3)	Signage - Ground Level	29.01.16
DA-850-251 (Rev 3)	Signage - North & South Elevations	29.01.16
DA-850-252 (Rev 3)	Signage - East & West Elevations	29.01.16
DA-850-351 (Rev 3)	Signage - Sections 2 & 3	29.01.16
Materials and Finishes		
DA-950-001 (Rev 1)	External Finishes	11.09.15
Landscape Plans - Prepared by Scott Carver Pty Ltd Note: The final design and delivery of the public park is to be determined and finalized as part of the VPA.		
LD-DA000 (Rev 2)	Landscape Cover Sheet	27.01.2016
LD-DA100 (Rev 2)	Tree Management Plan	27.01.2016
LD-DA101 (Rev 2)	General Arrangement Plan	27.01.2016
LD-DA101 (Rev 3)	General Arrangement Plan	12.10.17
LD-DA102 (Rev 2)	Detail Plan 1	27.01.2016
LD-DA103 (Rev 2)	Detail Plan 2	27.01.2016
LD-DA104 (Rev 2)	Detail Plan 3	27.01.2016
LD-DA105 (Rev 2)	Detail Plan 4	27.01.2016
LD-DA106 (Rev 2)	Level 1 Podium Plan	27.01.2016
LD-DA107 (Rev 2)	Level 1 Building B Podium Plan	27.01.2016
LD-DA108 (Rev 2)	Level 1 Building C Podium Plan	27.01.2016
LD-DA109 (Rev 2)	Level 2 Podium Plan	27.01.2016
LD-DA110 (Rev 2)	Level 2 A&B Podium	27.01.2016
LD DA111 (Rev 1)	Building B – Ground Floor Plan	12.10.17
LD-DA200 (Rev 2)	Landscape Section AA	27.01.2016
LD-DA201 (Rev 2)	Landscape Section BB	27.01.2016
LD-DA202 (Rev 2)	Landscape Section CC	27.01.2016
LD-DA203 (Rev 2)	Landscape Section DD	27.01.2016
LD-DA204 (Rev 2)	Landscape Section EE	27.01.2016
LD-DA205 (Rev 2)	Landscape Section FF	27.01.2016
LD-DA206 (Rev 2)	Landscape Section GG	27.01.2016
LD-DA210 (Rev 2)	Level 1 Podium Section AA + BB	27.01.2016
LD-DA211 (Rev 2)	Level 2 Podium Section AA + BB	27.01.2016
LD-DA212 (Rev 1)	Landscape Section FF	12.10.17
MA16/0352 - Landscape Plans Prepared by Scott Carver Pty Ltd relating to Structural set downs, frontage deep soil and landscape design.		
Sheet 1 of 2	Structural Set downs to Podium Landscape Areas	N/A
Sheet 2 of 2	Structural Set downs to Podium Landscape Areas	N/A
LD-CD130 (Rev 1)	Building G & F Level 1: General Arrangement Plan	30.01.2017
LD-CD133 (Rev 1)	Building G & F Level 1: Grading & Setout 01	30.01.2017
LD-CD134 (Rev 1)	Building G & F Level 1: Grading & Setout 02	30.01.2017

LD-CD136 (Rev 1)	Building B, Level 1 – Levels & Setout	30.01.2017
LD-CD138 (Rev 1)	Building C, Level 1 – Levels & Setout	30.01.2017
LD-CD150 (Rev 1)	Building D & E, Level 2: General Arrangement	1.02.2017
LD-CD153 (Rev 1)	Building D & E, Level 2: Levels & Setout 1	1.02.2017
LD-CD154 (Rev 1)	Building D & E, Level 2: Levels & Setout 2	1.02.2017
LD-CD101 (Rev 1)	Ground Floor – Detail Plan 1	14.03.2017
LD-CD102 (Rev 1)	Ground Floor – Detail Plan 2	14.03.2017
LD-CD103 (Rev 1)	Ground Floor – Detail Plan 3	14.03.2017
LD-CD104 (Rev 1)	Ground Floor – Detail Plan 4	15.03.2017
LD-CD200 (Rev 1)	Typical OSD Tank Landscape Sections	09.03.2017
LD-CD201 (Rev 1)	Typical OSD Tank Landscape Sections	09.03.2017
Internal Site Works Plans – Prepared by NORTHROP		
DA1.01	Cover Sheet, Drawing Schedule and Locality Plan	28.01.16
DA1.11	Specification Notes – Sheet 1	28.01.16
DA1.12	Specification Notes – Sheet 2	28.01.16
DA1.21	General Arrangement Plan	28.01.16
DA1.31	Typical Sections – Sheet 1	28.01.16
DA1.32	Typical Sections – Sheet 2	28.01.16
DA1.40	Property Acquisition Works - Overall	28.01.16
DA1.41	Property Acquisition Works – Sheet 1	28.01.16
DA1.42	Property Acquisition Works – Sheet 2	28.01.16
DA1.43	Property Acquisition Works – Sheet 3	28.01.16
DA2.01	Concept Sediment and Erosion Control Plan	28.01.16
DA2.11	Sediment and Erosion Control Details – Sheet 1	28.01.16
DA3.01	Bulk Earthworks Plan	28.01.16
DA4.01	Concept Stormwater Management Plan – Overall	28.01.16
DA4.02	Stormwater Catchment Plan	28.01.16
DA4.11	Concept Stormwater Management Plan – Sheet 1	28.01.16
DA4.12	Concept Stormwater Management Plan – Sheet 2	28.01.16
DA4.13	Concept Stormwater Management Plan – Sheet 3	28.01.16
DA4.14	Concept Stormwater Management Plan – Sheet 4	28.01.16
DA4.31	Stormwater Management Devices – Sheet 1	28.01.16
DA4.32	Stormwater Management Devices – Sheet 2	28.01.16
DA4.33	Stormwater Management Devices – Sheet 3	28.01.16
DA4.34	Stormwater Management Devices – Sheet 4	28.01.16

DA4.35	Stormwater Management Devices – Sheet 5	28.01.16
DA5.01	Concept Siteworks and grading Plan – Overall	28.01.16
DA5.11	Concept Siteworks and Grading Plan – Sheet 1	28.01.16
DA5.12	Concept Siteworks and Grading Plan – Sheet 2	28.01.16
DA5.13	Concept Siteworks and Grading Plan – Sheet 3	28.01.16
DA5.14	Concept Siteworks and Grading Plan – Sheet 4	28.01.16
DA5.31	Road Longitudinal Sections – Sheet 1	28.01.16
DA5.32	Road Longitudinal Sections – Sheet 2	28.01.16
DA5.41	Road Cross Sections – Sheet 1	28.01.16
DA5.42	Road Cross Sections – Sheet 2	28.01.16
DA5.43	Road Cross Sections – Sheet 3	28.01.16
DA9.01	Details – Sheet 1	28.01.16
External Works Plans – Prepared by NORTHROP		
DA11.01	Cover Sheet, Drawing Schedule and Locality Plan	28.01.16
	Inclusive to	
DA20.06	Details – Sheet 6	28.01.16
Torrens and Stratum Title Subdivision – Prepared by John Walton		
2750-15DP1 (Ver 1)	Draft Subdivision Road Dedication Sheets 1-2	28.09.15
2750-15DP2 (Ver 1)	Draft Subdivision Park dedication Sheets 1-2	28.09.15
2750-15DP3	Draft Subdivision 5 Lot Stratum Sheets 1-8	29.01.16

(Modified – 13 December 2017)

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 or subdivision work.

- i) A Construction Certificate/s.
- 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 and/or subdivision works with a minimum of 2 days' notice of such commencement.

Under section 109E(2) of the Environmental Planning and Assessment Act 1979, please note that Sutherland Shire Council must be appointed as the Principal Certifying Authority for all subdivision works.

2. Design Changes Required

A. Before Construction

The following design changes must be implemented. Details of these changes shall be provided prior to the release of the final Construction Certificate for the Stage 1 works.

a) Setback to Flora Street

To satisfy Condition B2A of the Concept Approval the following design changes shall be implemented to the 7th storey of the Buildings E and F:

- The trafficable balcony areas encroaching within the 3m setback of Building E shall be deleted. The balustrade edge of apartment E5.12 shall be relocated accordingly. All door openings to the balconies must be converted to windows.
- The eastern orientated balcony of Unit E5.11 must be enlarged only to the minimum size required to satisfy the ADG.
- Building F shall be relocated northward within the site to the minimum distance of the stair well encroachment to achieve a 3m setback to Flora Street (approximately 900mm). Alternatively; adjustment to the internal floor plan or combination of both can be deployed.
- The trafficable balcony areas encroaching within the 3m setback shall be deleted and the balustrade edges relocated accordingly. Narrow juliet style balconies are permitted to remain or alternatively can be deleted from the development and reinstated with window openings. The internal non bedroom areas of Units F5.03 and F5.04 are permitted to be utilised for additional balcony space.
- All Blade walls and balconies encroaching within the 3m setback must also be deleted.
- All roof forms projecting from the building within the 3m setback shall be reduced in length to a standard projecting eave.

Note: Any loss of commercial or residential parking spaces shall be offset accordingly (i.e. reduction in commercial floor space / residential) to ensure the parking requirement of the Concept Approval is satisfied.

b) Pedestrian Access from Flora Street

The eastern most pedestrian access arrangement from Flora Street (i.e. between buildings E & F) as referred to in the approved plans shall be modified to incorporate the access design (which includes stairs, escalators and elevator) depicted in Revision 1 of the Architectural Plans Prepared by Turner Architects dated 11.09.2015.

c) Architectural and Civil Design Issues

- i) Replacement of the cycle path along the eastern side of Oak Road with a 1.5m wide footpath adjacent to the kerb.
- ii) Relocation of light poles on the eastern side of Oak Road to the western side of the road.
- iii) Provision of two additional planter boxes/cells for street trees and a wider footpath along the northern edge of the park. Planter boxes/cells for street trees must be a minimum size of 5.0 x 3.5m and have a minimum soil depth of 1200mm of which 600mm is set below road level **with the exception of planters along Kiln Lane. (Modified - 28 March 2017)**

- iv) **Deep soil planting areas and the extent of OSD / RW structures along the Princes Highway frontage (including planting over the structures) shall be provided as per the approved landscape plans and maintained in perpetuity. The OSD / RW structures shall be designed to withstand the weight of soil (minimum 1.5m soil depth) and planting above. (Modified - 28 March 2017)**
- v) Provision of Common Open Space (COS) and facilities as follows:
 - **(Deleted - 28 March 2017)**
 - Provision of an outdoor toilet, BBQ and basic kitchen facilities in all buildings.
 - Provision of a storage area and workbench with all-weather cover next to the community garden areas in Buildings D/E and F/G.
 - Provision of deep planter boxes as required to ensure that 50% or more seats have shade from canopy trees or shade structures.
 - Planter boxes must have a minimum soil depth as follows:
 - a. Large trees 3.0 x 3.0 m x 1200mm
 - b. Small trees -1000mm
 - c. Tall and medium shrubs - 600mm
 - d. Grass and ground covers - 450mm

Planter boxes must be set down in the slab **as per the approved levels and set down plans. (Modified - 28 March 2017)**
- vi) Any construction works, signposting or linemarking required to comply with the approved Loading Dock and Commercial Vehicle Access Management Plan
- vii) Redesign of the Oak Road/Brick Kiln Road intersection to realign with the further widening of Oak Road to include:-
 - a) Relocation of the vehicle threshold device to the west of its current location
 - b) Relocation of the two proposed street trees previously located to the west of the vehicle threshold device to a position further east of the relocated threshold device to improve visibility of pedestrians
 - c) Provision of pedestrian fences or other devices to ensure that pedestrians on the eastern side of Oak Road are directed to cross Brick Kiln Road at the vehicle threshold device.
 - d) Dedication of that area of Brick Kiln Road as Public Road to the east of the relocated vehicle threshold device to ensure that the provisions of the Motor Traffic regulations are applicable to this area of the road and its associated footways.

B. Before Occupation

- (a) **Prior to the issues of any Occupation Certificate, each entrance and egress to the public care parking must be fitted with license plate recognition technology to manage car parking access. (Added – 13 December 2017)**

3. Requirements of Authorities

A. Requirements from Other Authorities

The development must be undertaken in accordance with the requirements of the following Authorities:

- Office of Environment & Heritage - Heritage Division (Dated 18 November 2015)
- NSW Police Force (Dated 26 November 2015)
- Roads & Maritime Service (Dated 19 January 2016)

- Sydney Water (Dated 1 February 2016)
- NSW - Sydney Trains

A copy of the GTA and any further requirements of the Authority(s) are attached to this development consent. These requirements must be incorporated in the application for Construction Certificate where required.

Notes:

- Where the Authority(s) requirements noted above deviates from any prior terms of approval issued under the Major Concept Approval, it is the responsibility of the applicant to fulfill / or negotiate the terms with the relevant Authority(s) or apply accordingly for the modification of the terms of the original Major Concept Approval.
- The Department of Primary Industries (Water) have advised that the development approval and proposed activities is not a controlled activity as defined by the Water Management Act 2000. Should the proposed development be varied in any way that results in development extending onto land that is waterfront land, or encompassing works that are defined as controlled activities, then DPI should be notified and appropriate approvals sought.

4. Subdivision of Lot 2 DP 589977

The Applicant is to undertake the subdivision of Lot 2 in DP589977 being No.566 - 594 Princes Highway, Kirrawee as detailed in Plan - Surveyor's Reference 2750-15DP2 prepared by John Walton, 2015, to affect this transfer. Within 8 weeks of the date of **issue of the s.73 Certificate from Sydney Water**, the applicant must lodge all necessary documents with the transfer application to the LPI office, which will allow the transfer of title, of the 9,004m² lot so created to Council, but not dedicated as Public Reserve within that same period. **(Modified – 25 August 2016)**

4A. Public Reserve Design and Construction

The design for and construction of the embellishment of the proposed public reserve shall be undertaken at the full cost of the developer and to Council's approval. (The scope of the works to be fully detailed in the Voluntary Planning Agreement required by the Concept Approval)

Should the area of the proposed public reserve be required for construction purposes relating to the Stage 1 works, (ie administration/site offices, materials, construction plant and equipment storage for the duration of those works), a separate agreement shall be reached between Council and the developer.

4B. Heritage Kiln Area

The part of Lot 2 shown on Surveyor's Ref 2750-15DP3 as "PT2 (461.1m²)" shall not form part of PT2 but shall be incorporated into Lot 3.

5. Commercial Spaces

- This consent does not authorize the fitout or use of commercial tenancies no's 4 - 19. Separate development consent must be obtained where required. The occupation and use of these tenancies shall not occur until the development has received final Occupation Certification.

- ii) Separate Construction Certificates are required to be obtained for the fitout / use of the Coles supermarket, Aldi supermarket and First Choice liquor store. The Occupation Certificate must not be released until the Occupation Certificate has been issued for the Stage 1 works, including the local road network construction works.
- iii) **Total number of car parking spaces for the proposed development shall not exceed the following car parking rates:**
 - (a) **residential component of the development:**
 - 1 space per 1 bedroom unit;
 - 1.25 spaces per 2 bedroom unit;
 - 1.5 spaces per 3 bedroom unit; and
 - 0.125 visitor space per unit (1 space per 8 units).
 - (b) **non-residential component of the replacement of 40 street car parking spaces development displaced by (including the the development):**
 - Supermarket - 4.5 spaces per 100m²;
 - Mini-Major (faster trade retail) - 4.0 spaces per 100m²;
 - Speciality Retail (incl. secondary retail, kiosks) - 4.2 spaces per 100m²;
 - Showroom - 2.4 spaces per 100m²;
 - Office - 2.5 spaces per 100m²; and
 - Medical - 0.9 spaces per 100m².

**An updated schedule of parking allocation for the site shall be prepared and submitted with each subsequent application. The parking demand for the non-residential uses within the development must not exceed the parking provision provided (i.e. 541 spaces).
(Modified – 13 December 2017)**

6. Public Place Environmental, Damage & Performance Security Bond

A. Before Construction

Prior to the issue of any Construction Certificate, the person acting on this consent must provide security to Sutherland Shire Council against damage 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 two (2) days prior to the commencement of works.

In the event that the dilapidation report is not submitted two 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 \$250,000.

Note: Bond amount includes a non refundable administration fee which must be paid separately.

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 multiply 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.

7. Approvals Required under Roads Act or Local Government Act

A. Before Construction

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

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

8. Design and Construction of Works in Road Reserves

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 assessment application under the Roads Act must be submitted to Sutherland Shire Council, prior to the release of the final Construction Certificate for the Stage 1 works. The form is available on Council's website. A fee applies to the assessment of the road frontage design for assessment, coordination and the issue of permits providing consent to undertake frontage works.

Internal landscaping and embellishment of the development site, associated road frontage works including Kirrawee Centre road frontage works are to be designed and constructed to comply with Council's Public Domain Design Manual utilizing the palette of the Sutherland Centre. This design will generally comply with the approved architectural and engineering design drawings, except where amended and/or addressing the following:

- i) Establish the property alignment levels and crossing profiles,
- ii) Construct vehicle crossing/s,
- iii) Construct retaining / slope stability walls where required,
- iv) Road pavement construction,
- v) Kerb & gutter where required,
- vi) Alter / install street signage where required,
- vii) Regrade, topsoil, turf and landscape the footpath verge to final design levels,
- viii) Adjust public services infrastructure where required,
- ix) Remove existing street trees,
- x) Install new street trees
- xi) Ensure there are adequate transitions between newly constructed and existing infrastructure.
- xii) Widening of Oak Road and Flora Streets.
- xiii) Works as required by the NSW RMS.
- xiv) Intersection Design and Construction Works – Oak and Flora Streets
- xv) Stormwater drainage works
- xvi) Street lighting in accordance with the requirements of AS/NZ 1158 Series.
- xvii) Undergrounding of power on all three frontages of the proposed development and the proposed public reserve.
- xix) Installation of “Tripstop” to all joints within the footpath areas of the road frontage works and internal road footpath areas.

Evidence of the lodgement of this application must be provided to the PCA prior to the release of the final Construction Certificate for the Stage 1 works.

B. Before Construction

Prior to the release of any Construction Certificate for the Stage 1 works property alignment levels and crossing profiles must be obtained from Sutherland Shire Council and the design of all works within the public domain shall be submitted to Council for review.

C. Before Occupation

Prior to the occupation of the building or the issue of any Occupation Certificate for the Stage 1 works the following certification must be provided to Sutherland Shire Council:

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

All road frontage construction works apart from those works to be completed by the NSW RMS shall be completed prior to the issue of any Occupation Certificate for the Stage 1 works.

9. Site Management Plan

A. Before Commencement of Works including Demolition

An Environmental Site Management Plan must accompany the application for any Construction Certificate. These plans must satisfy the Objectives and Controls of Sutherland Shire Development Control Plan 2015 relating to environmental site management and must incorporate the following throughout demolition and construction:

- i) safe access to and from the site during construction and demolition
- ii) safety and security of the site, road and footpath area including details of proposed fencing, hoarding and lighting
- iii) method of loading and unloading excavation machines, building materials
- iv) how and where, construction materials, excavated and waste materials will be stored.
- v) methods to prevent material being tracked off the site onto surrounding roadways
- vi) erosion and sediment control measures
- vii) locations of cranes
- viii) proposed kerbside locations of work zones and concrete pump locations (NB No approval shall be granted for any work zones or concrete pump zones within roadways under the control of the NSW Roads and Maritime Services.

B. During Works

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

10. 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 Civil Assets Branch, the Principal Certifying Authority, the builder/site manager of the building/civil construction company and the site 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.

11. Supervising Engineer

A. Before Construction

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

- i) Road frontage works.
- ii) Construction / installation of stormwater drainage.
- iii) Rainwater harvesting & reuse.
- iv) Civil works required as part of the landscaping works for the VPA park.
- v) All other works that form part of a subdivision.

B. During Construction

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

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

C. Before Occupation

The Supervising Engineer must certify the works required in “A” above were undertaken and completed in accordance with the requirements of this Development Consent and to their satisfaction. This shall form part of the Works as Executed plan submission.

12. Internal Driveway Profile

A. Before Construction

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

B. Design

The internal driveway profile must be designed to:

- i) Provide adequate sight distance for the safety of pedestrians using the footpath area.
- ii) Align with Council's issued footpath crossing levels.
- iii) Provide a maximum grade of 5% for the first 3 metres inside the property boundary.
- iv) Comply with AS2890.1(2004) in relation to the design of vehicular access, parking and general manoeuvring for the B85 vehicle including visibility at car park and loading dock entry/exit points.
- v) Comply with AS2890.2(2002) in relation to the design of vehicular access, parking and general manoeuvring for all classes of commercial vehicles shown in the Standard up to and including the 19m articulated vehicle.
- vi) The maximum longitudinal grade of the driveway for normal passenger vehicles must not exceed 25% and that relating to all commercial vehicles 15%.

Certification by an appropriately qualified person to the effect that these design requirements have been met shall accompany the application for any related Construction Certificate.

13. Parking Areas and Access

A. Design

All vehicular access, parking and manoeuvrability including loading areas for the proposed development must be designed and constructed to comply with AS2890.1 - 2004 and AS2890.2.

The following specific requirements must be incorporated into the design:

- i) All "one way" traffic aisles in the car parking area must be clearly identified by signposting and pavement marking.
- ii) The ingress and egress crossings must be clearly identified by signage.
- iii) The proposed loading and delivery areas must be clearly defined with suitable signposting and pavement markings.
- iv) The car park must be line marked to accommodate 541 vehicles.

B. Before Construction

Certification of the above must accompany the application for any applicable Construction Certificate.

14. Basement Car Park Design

A. Design

The basement car park must be designed in accordance with AS 2890 or AS4299 and must incorporate the following:

- i) A minimum headroom of 2.2m measured from the parking floor to the underside of any beam, ventilation duct, fire suppression service component or service conduit, or to the underside of any door including a security door and fittings when those doors are in an open position.
- ii) **(Deleted - 28 March 2017)**
- iii) Any proposed security door fitted to the car parking area entrance must be independently mounted on rubber pads to prevent vibration noise transmission through the concrete walls and / or columns.
- iv) Any proposed "Small Car" parking spaces as defined in AS2890.1 shall be signposted in accordance with that Standard.
- v) All proposed Disabled parking spaces shall be marked and signposted in accordance with the requirements of AS2890.6
- vi) All proposed Adaptable parking spaces shall be marked in accordance with the **relevant** requirements of AS4299 **or AS2890.6 (Modified - 28 March 2017)**

B. Before Construction

Certification of the above must accompany the application for the final Construction Certificate for the Stage 1 works.

15. Drainage Design - Requirements

A. Design

A detailed drainage design must be prepared in accordance with Sutherland Shire Development Control Plan 2015 and the accompanying Environmental Specification - Stormwater Management 2009, "Australian Rainfall and Runoff (1987)", Council's Drainage Design Manual, Australian Standard AS3500.3:2003 and the BASIX Certificate issued against this development.

The design must include;

- i) A detailed drainage design supported by a catchment area plan and drainage calculations (including a Hydraulic Grade Line Analysis).
- ii) A layout of the drainage system showing existing and proposed pipe sizes, type, class, grades, lengths, invert levels, finished surface levels and location of all pipes with levels reduced to Australian Height Datum. Impacts on existing trees must be indicated on the plan.
- iii) A longitudinal section of the pipeline within the road reserve including existing natural surface levels, design surface levels, design invert levels of the proposed pipeline and the location, size and reduced level of all services to AHD where those services cross the proposed drainage line.
- iv) A physical barrier (eg. concrete kerb or earth mound within the landscaping) must be provided around the perimeter of the site to prevent the discharge of surface water flows onto adjoining properties or the road reserve.
- v) Water from pathways and access drives must be prevented from entering the road reserve as surface flow. This can be achieved by constructing a box drain at the boundary equipped with a 300mm wide grate and frame to collect the flow or directing the flow to a sag pit within the property.
- vi) The rate of discharge of stormwater from the site to a drainage system under Council's control must be controlled so that it does not exceed the pre-development rate of discharge. Specific certification from the designer to this effect must be incorporated in the submitted drainage plans / details.
- vii) Remodeling of the existing and proposed stormwater condition for the site based on the true contour of the land confirming that discharge of stormwater from the northern 1/3 of the site shall not exacerbate flooding downstream in any storm up to and including the 1% AEP event. The modeling shall extend all the way to the receiving waters and assume that all inlet pits in the network are 50% blocked.
- viii) That the existing "Zero Discharge" condition for the Dents Creek Catchment be remodeled to confirm that the discharge of stormwater from the southern 2/3 of the site shall not exacerbate flooding downstream in any storm up to and including the 1% AEP event. The modeling shall extend all the way to North West Arm receiving waters and assume that all inlet pits are 50% blocked.
- ix) A drainage depression must be provided for the full width and length of any proposed overland flowpath. The escape route must be designed to have the capacity to carry the difference between the 1% AEP flow and flow in the pipeline assuming all inlet pits in the network are 50% blocked.. Specific certification must be provided by the designer to this effect as part of the submitted drainage design / details.
- x) Where underground service lines (ie water, drainage, sewerage and gas) are required which are in conflict with the location of the root zone of trees and significant vegetation to be retained, the lines must be excavated by hand or by directional or underboring techniques to reduce any adverse impact on the root zone of the trees.
- xi) The design drawings are to indicate the alignment, sizes, type, class, grades and lengths of all the pipelines, rainwater tanks, irrigation system, overland flow path and associated structures,
- xii) The overland flow path must match the property alignment level along the front boundary of the property.
- xiii) Drain by gravity to the existing downstream stormwater drainage network.

- xiv) Prior to the issue of stage 1 final Construction Certificate for the development works, full approval of NSW Government - Sydney Trains shall be obtained to the proposed increase in stormwater within the stormwater drainage system under its control. All General and Specific terms of approval to the increase in stormwater within the Sydney Trains lands shall be incorporated into the approved stormwater drainage plans. Certification shall be provided with the issue of the appropriate Construction Certificate for these works that all Sydney Trains requirements have been complied with. Any works required within the Sydney Trains lands as part of its terms of approval shall be the subject of fully detailed Works as Executed plans Certified by the Supervising Engineer prior to the issue of any Occupation Certificate for the Stage 1 works for the development site.

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 the final Construction Certificate for the Stage 1 works.

C. Before Occupation

- 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.
- 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 SSDCP 2015 and the accompanying Environmental Specification- Stormwater Management 2009 and has been carried out in order that the rate of stormwater flow downstream is not increased in any storm up to and including the 1% AEP event as a result of the development.
 - c) That the stormwater quality management measures meet all the treatment objectives (Short Term) set out in Section 6.2 of Council's Environmental Specification – Stormwater Management 2009.
- 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 of the Stage 1 works. 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.

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

D. Ongoing

The onsite stormwater detention facility and rainwater tanks shall meet the following requirements:

- Keep the drainage system facility clean and free from silt, rubbish and debris.
- Maintain and repair the drainage system facility so that it functions in a safe and efficient manner.
- Replace, repair, alter and renew the whole or parts of the project internal boundary drainage system facility within the time and in a manner specified in a written notice issued by the Council.
- Not make any alteration to the drainage system facility or elements thereof without prior consent in writing of the Council.
- Permit the Council or its authorised agent from time to time upon giving reasonable notice (but at anytime and without notice in the case of an emergency) to enter and inspect the land for compliance with the requirements of this clause.
- Comply with the terms of any written notice issued by the Council in respect to the requirements of the Clause within the time stated in the notice.
- On completion the works are to be certified by a suitably qualified and experienced Chartered Professional Engineer NPER in Civil Engineering or a Land Surveyor registered with the Institute of Surveyors NSW and "Works As Executed" drawings provided to Council in respect of:
 - Fitness for purpose of storage structure
 - The structural adequacy of the storage device
 - The adequacy of the OSD system
 - The works being approved in accordance with the approved design

The Works-As-Executed drawings submitted to Council are also to 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.

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.

16. Stormwater Treatment

A. Before Construction

Appropriate stormwater treatment measures, selected from the Environment Protection Authority's document "Managing Urban Stormwater - Treatment Techniques, November 1997", Sutherland Council DCP 2015 and its accompanying Environmental Specification - Stormwater Management 2009 and also compliant with the requirements of the Lower Georges River Catchment Management Plan, must be provided as part of the permanent site stormwater (water quality) management system. Details must accompany the application for the final Construction Certificate for the Stage 1 works.

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 for the Stage 1 works.

C. Ongoing

The stormwater treatment measure/s must be maintained in accordance with the manufacturers' 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 and/or stormwater treatment device. See Section 4.4 of the Environmental Specification 2009.

17. Design of Structures Adjoining Drainage Pipelines

A. Design

The walls of any structure adjoining stormwater drainage pipelines must be designed to withstand all necessary forces should excavation of the pipeline be required down to the existing pipe invert levels.

B. Before Construction

Certification of the above must accompany the application for the final Construction Certificate for the Stage 1 works.

18. 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 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 prior to the issue of any Construction Certificate.

B. During Works

The constraints and recommendations of the Geotechnical Engineers Report shall be implemented and maintained at all times during the works.

19. 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 public and private utility service providers to ensure the development is appropriately serviced by electricity, gas, telecommunications and the like, and any necessary underground conduits are provided. Any required electrical substations shall be incorporated into the development and accommodated within the site and not within the sites frontages.

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.

20. Linen Plan of Subdivision to Conform with Development Consent

A. Before Subdivision

Any Linen Plan of Subdivision issued as a result of this development consent must conform with Council's Development Consent No.15/1134.

20A. Construction, Traffic and Parking Management Plan

Construction, traffic management and parking management plans shall be prepared for all phases of the development construction works to cater for the control of traffic movements and parking relative to the development. These plans shall include but not be limited to the location of Work Zones, materials delivery, construction worker parking and the like and shall relate to both the commercial and residential development works and to the construction works for the embellishment of the proposed public park. Details must accompany the application for the final Construction Certificate for the Stage 1 works, and for each subsequent stage thereafter.

20B. External Drainage works to Flora Street

External drainage works in Flora St are not to commence until approval of such works has been granted under the Roads Act.

21. Allocation of Common Property

A. Ongoing

Common property within the development must not be allocated by the Owners Corporation/s for the exclusive use of a proprietor. No modification may be made to a Plan of Strata Subdivision without the prior development consent of Council.

22. Noise Control during Construction

To minimise the impact on the surrounding environment the construction of the development shall be carried out in accordance with the Construction Noise Management Plan and recommendations provided under Part 7 of the acoustic report from Acoustic Noise and Vibration Solutions Pty Ltd dated 26 August 2015, Reference No: 2015-317 R2.

23. Public Road Signposting and Linemarking

All public road signposting and linemarking or the provision of other traffic facilities within those areas except the roadways under the control of the NSW Roads and Maritime Services shall be approved by the Sutherland Traffic Committee prior to their installation.

24. Loading Dock and Commercial Vehicle Access Management Plan

A Loading Dock and Commercial Vehicle Access Management Plan shall be prepared to control the movement of such vehicles to and from the site. These management plans shall include restrictions on the movement of 19m Articulated Vehicles as defined in Australian Standard AS.2890.2 such that access to the development site loading docks shall be via Bath Road and Flora Street only with egress from the site being gained via Flora Street and Oak Road northbound. Details of these management plans shall be provided to all commercial and retail tenancies and incorporated in all applicable leases, sales documents and shall also form part of all applicable Strata Management Rules.

25. Detailed Landscape Plan

A. Design Changes

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

- i) Clear labeling of Buildings A to G on all plans.
- ii) Accurate location of all existing trees on the site and in the road reserve to be retained and removed must be shown in the Tree Management Plan and other landscape drawings prepared by Scott Carver (Dwg No.DA100 Rev 1 or A, dated 11.09.2015), the arborist report prepared by Matthew Reed (dated 28th September 2015) and the civil and hydraulic plans prepared by Northrop (Rev 2 dated 16.09.15) in accordance with the site survey prepared by LTS Lockley (Sheets 1-5 dated 18/10/2013).
Note that Trees 66, 67, 68, 70, 73, 75, 76, 77 and 78 (all *Eucalyptus paniculata*) are remnant Sydney Turpentine Ironbark Forest (STIF) and that Tree 74 (*Angophora costata*) no longer exists.
- iii) Tree Protection Zones (TPZ) must be shown on plan for all existing trees and/or natural site features to be retained and protected.
- iv) Detail planting plans showing the densities and location of all proposed plants.
- v) Provision of canopy trees over 50% of seats within all Common Open Space (COS) except on the roof top in Building A.
- vi) All landscaped areas including 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.
- vii) As the subject site is identified as being within a Greenweb Support area, all new tree plantings in deep soil must be indigenous species and 80% of understorey plants in deep soil 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 <<http://www.sutherlandshire.nsw.gov.au>> and search for Native Plant Selector).

For planter boxes on slab, tree and understorey species such as *Cupaniopsis anacardiodes* (Tuckeroo), *Tristaniopsis laurina* (Water Gum), *Banksia serrata* (Old Man Banksia) and *Elaeocarpus reticulatus* (Blueberry Ash) and others which are indigenous to the Sutherland Shire, and not just to the site, may be substituted. Suitable species are available by selecting “Plants anywhere across the Shire” in Native Plant Selector.

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 and submitted to Council’s landscape architect for approval prior to the final Construction Certificate for the Stage 1 works being issued.

Notes:

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

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

B. Prior to Occupation Certificate

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

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

C. Ongoing

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

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

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

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

26. Trees on Private Land

A. Tree Removal

The removal of the following trees is approved:

- i) Trees identified on the Tree Management Plan as part of the approved Landscape Plan as “existing tree to be removed. **(Modified – 16 August 2016)**
- 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.

27. Removal and/or Pruning of Trees on Council Land

A. Design

Council has preferred supplier agreements in place with arborists who are approved to carry out arbor works on Council land. Removal of the trees listed below 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.

The following trees have been approved for removal within the road reserve:

Tree No.	Tree Species (botanical and common name)	Location
70	<i>Eucalyptus paniculata</i> (Grey Iron Bark)	Flora Street
73	<i>Eucalyptus paniculata</i> (Grey Iron Bark)	Flora Street
75	<i>Eucalyptus sideroxylon</i> (Mugga Ironbark)	Oak Road
76	<i>Eucalyptus sideroxylon</i> (Mugga Ironbark)	Oak Road

(Modified – 16 August 2016)

Trees approved for removal within the road reserve require replacement planting at a rate of 4 to 1 in accordance with Council's tree replacement policy (Sutherland Shire Council's Development Control Plan). The full extent and terms of compensatory tree replanting shall be determined as part of the future application for the road widening works.

28. Tree Retention and Protection

A. Before Works

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

Note: An Arborist is a person with a current membership of the National Arborist's Association of Australia at a grade of General Member, Affiliate Member or Life Member, or alternatively a person who has obtained an Australian Qualifications Framework AQF Level 5 in Arboriculture.

Prior to the commencement of any works, including demolition, the supervising Arborist must oversee the protection of the trees as marked on the Tree Management Plan in the approved Landscape Plans prepared by Scott Carver (Rev 1 dated 11.09.2015) to ensure the installation and adequacy of all tree protection measures. **(Modified – 16 August 2016)**

	(Deleted – 16 August 2016)	

The trees identified for retention must be protected by the following measures:

- i) **(Deleted – 16 August 2016)**
- ii) The location and details of any footings within the Tree Protection Zone (TPZ) shall be detailed in accordance with ii) above and on the Construction Certificate Plans.
- iii) Protective fencing constructed of 1.8m high chain wire mesh supported by robust posts must be installed in accordance with Arborist report prepared by Matthew Reed (dated 28th September 2015). Signage must be erected on the fence with the following words clearly displayed "TREE PROTECTION ZONE, DO NOT ENTER".
- iv) 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.
- v) 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.
- vi) 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.

B. During Construction

- i) The tree protection measures detailed in 'A' above must be maintained during construction.
- ii) The supervising 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 Arborist must strictly supervise that there is no disturbance or severing of roots greater than 30mm diameter and to cleanly cut those roots between 10-30mm 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.

29. Prevention of Air Pollution

A. Ongoing

To ensure contaminants are not released into the atmosphere from the premises, the use of the building and any plant, equipment and fittings installed therein must be operated so as to meet the following requirements:

- i) Protection of the Environment Operations Act 1997.
- ii) Protection of the Environment Operations (Clean Air) Regulation 2002.
- iii) AS 1668 - Part 2 - 1991.
- iv) AS 3666.1 - 2002.
- v) AS 3666.2 - 2002
- vi) AS 3666.3 - 2000
- vii) Public Health Act - 1991.
- viii) Public Health Act (Microbial Control) Regulation 2000.

30. Supervising Environmental Consultant

A. Before Commencement

The applicant must engage an appropriately qualified and experienced environmental consultant to supervise the remediation of the site and manage related environmental issues.

B. During Works

The environmental consultant must supervise any required remediation of the site and ensure compliance with the approved Site Contamination Management Plan and associated documentation.

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

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

31. Validation of Site Establishment Phase

A. Before Commencement of Building Works

Prior to commencement of any works relative to this consent, a Validation Report must be prepared by an appropriately qualified and experienced environmental consultant. This Validation Report must verify that any remedial works undertaken during the site establishment phase was undertaken in accordance with the approved Site Contamination Management Plan.

The Validation Report must be prepared in accordance with, but not limited to, the NSW EPA 'Guidelines for Consultants Reporting on Contaminated Sites' 2011.

32. Construction Environmental Management Plan

A. Before Commencement of Works

Prior to commencement of any works, a Construction Environmental Management Plan (CEMP) must be prepared by an appropriately qualified and experienced environmental consultant. The CEMP must satisfy the objectives and controls of 'Sutherland Shire Development Control Plan 2015' relating to environmental management, and the 'Sutherland Shire Environmental Specification 2007 - Environmental Site Management'.

The CEMP must also include the requirements of the 'Site Contamination Management Plan' by Environmental Investigation Services (EIS), November 2010 [REF: E21714FK-CMP2.1].

Specially, the CEMP must address, but not be limited to, the following:

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

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

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

B. During Works

The site management measures within the Environmental Site Management Plan must remain in place and be maintained throughout the period of works until the site has been stabilised.

C. Prior to Use and Issue of Occupation Certificate

The Construction Environmental Management Plan must be submitted to the satisfaction of Sutherland Shire Council - Manager Environmental Science, prior to the issue of any Construction Certificate. Therefore, the approved Construction Environmental Management Plan must accompany the application for any Occupation Certificate.

33. Final Site Validation

A. Prior to Use and Issue of Occupation Certificate

On completion of works, a Validation Report must be prepared by an appropriately qualified and experienced environmental consultant verifying that the site has been remediated in accordance with the approved Site Contamination Management Plan. The Validation Report must also verify that the site is suitable for final land use.

The Validation Report shall be prepared in accordance with, but not limited to, the NSW EPA 'Guidelines for Consultants Reporting on Contaminated Sites' 2011.

The Validation Report must be submitted to the satisfaction of Sutherland Shire Council - Manager Environmental Science, prior to the use of the site and the issue of an Occupation Certificate. The approved Validation Report must therefore accompany the application for an Occupation Certificate.

34. Management of Groundwater

A. During Works

Groundwater at the site must be managed in accordance with the requirements of the "Long-Term Groundwater Management Plan" by C.M Jewell & Associated Pty Ltd, October 2010 [J1418.11R-rev0].

Where basement construction intercepts groundwater, the basement structures must be fully tanked and groundwater monitoring must be undertaken in accordance with the requirements of the NSW Office of Water.

B. Prior to Occupation

Certification must be provided by the suitably qualified, supervising Engineer that the basement structures have been fully tanked in accordance with the requirements of the NSW Office of Water.

This certification must accompany the application for an Occupation Certificate.

35. Heritage Conservation and Works

A. Before Occupation

All heritage conservation works shall be done according to the permit issued by the Heritage Council, Statement of Heritage Impact and Heritage Interpretation Plan prepared by NBRSP dated 28 September 2015 (Including Addendum dated 28 January 2016), and Archaeological Conservation Report prepared by International Conservation Services dated November 2014. A separate permit (139(4) exemption or s140 permit) is required to be obtained from the Heritage Council if works exceed the scope of the previous permit.

36. 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.

37. Cleanliness and Maintenance of Food Preparation and Storage Areas

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

A. Design

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

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

B. Before Construction

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

C. Before Occupation

- i) Prior to issue of an Occupation Certificate, certification must be provided from a suitably qualified person that all work in connection with the occupation or use of the premises for the preparation, display and storage of food has been carried out in accordance with the terms of the development consent.

- ii) Occupation of the premises must not occur until a registration application has been submitted to Council's Environment and Health Regulation Department for the food business.

38. 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. Waste management shall be undertaken in accordance with the Waste Management Plan dated 22/09/2015 prepared by Elephants Foot Recycling Solutions.

39. 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.

40. Noise Control - Residential Air Conditioning Unit / Heat Pump Water Heater

To minimise the noise impact on the surrounding environment:

A. Design

The unit must be designed and/or located so that noise generated does not cause an LAeq (15min) sound pressure level in excess of 5 dB(A) above the ambient background level when measured on or within any residential property.

B. Ongoing

- i) The unit must be operated in accordance with 'A' above.

- ii) Between the hours of 10.00pm and 8.00am on weekends and public holidays and 10.00pm and 7.00am any other day, noise emitted must not be heard within any residence with its windows and/or doors open or closed.

41. Noise Control - Design and Operation

To minimise the impact of noise on the surrounding residential neighbourhood

A. Design

- i) The development shall be designed and operated in accordance with the recommendations of the acoustic report by Acoustic Noise and Vibration Solutions Pty Ltd dated the 26 August 2015 Ref No: 2015-317 R2
- ii) All plant and equipment must be designed and / or 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.

C. Ongoing

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

42. Noise Control - Design of Plant and Equipment

To minimise the impact on the surrounding residents, all sound producing plant, equipment, machinery, mechanical ventilation systems or refrigeration systems:

A. Design

All plant and equipment must be acoustically attenuated so that the noise emitted

- before 8am or after 10pm on any Saturday, Sunday or public holiday, or
 - before 7am or after 10pm on any other day
- i) does not exceed an LAeq sound pressure level of 5dB above the ambient background noise level when measured
 - a) at the most effected point on or within any residential property boundary or
 - b) at the external edge of any sole occupancy unit balcony within the premises itself at any time the units operate.
 - ii) cannot be heard within a habitable room in any sole occupancy unit* or other residential premises (regardless of whether any door or window to that room is open).* As defined in the Building Code of Australia

Note: Noise measurement must be carried out in accordance with Australian Standard 1055.1.

B. Before Construction

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

C. Before Occupation

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

D. Ongoing

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

**43. Noise - Pedestrian Inclinorator
(Deleted - 28 March 2017)****44. Noise from Road**

To minimise the impact of noise from the adjoining major road on the occupants:

A. Design

The building design must be in accordance with the recommendations of the acoustic report by Acoustic Noise and Vibration Solutions Pty Ltd dated 26 August 2015 Ref No: 2015-317 R2 approved as part of this application.

B. Before Construction

Details of the acoustic attenuation treatment must accompany the documentation forming part of the Construction Certificate.

C. Before Occupation

Details of the acoustic attenuation treatment must accompany the application for a Construction Certificate in accordance with 'A' above and must include all post construction validation test results.

45. Noise and Vibration Control - Residential Car Park

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

A. Design

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

B. Before Occupation

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

46. 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.

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

B. Before Construction

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

C. Before Occupation

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

D. Ongoing

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

48. Dilapidation Report - Adjoining Properties

A. Before Works

To assist in the resolution of any future disputes about damage to properties and public areas adjoining the development site, prior to commencement of any work on site relative to this consent, the Applicant or principal contractor must provide dilapidation reports on the adjacent buildings in Flora Street, Bath Road and Oak Road including any basements and ancillary structures as well as the road reservation. The reports must be provided to the Principal Certifying Authority, Council and to the owners of the properties that are the subject of the report.

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

49. Design Requirements for Disabled Access

A. Design

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

50. Design Requirements for Liveable and Adaptable Housing

A. Design

The development is to provide for 10% Liveable and 20% Adaptable Housing.

A report prepared by a suitably qualified Specialist must be submitted with the Construction Certificate, demonstrating that the development complies with the requirements of AS4299 - Adaptable Housing and the Liveable Housing Design Guidelines. The report must contain a completed checklist (Appendix A - AS4299) demonstrating compliance with the requirements of a Class C Adaptable House.

51. 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.

52. BCA Assessment Report

A. Before Construction

The recommendations of the Building Code of Australia Assessment Report prepared by Vic Lilli & Partners Consulting and dated 24 September 2015 (Ref: J150263) must be complied with and must accompany the application for a Construction Certificate.

53. Certification Requirement of Levels

A. During Construction

At the following stages of construction:

- i) Prior to the pouring of each basement, floor or roof slab,

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 any Occupation Certificate and the Works as Executed plans.

54. Sydney Water Tap inTM & Compliance Certificate

A. Before Construction

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

B. Before Occupation / Prior to issue of Subdivision Certificate

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

Sydney Water Advice on Compliance Certificates:

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

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

55. 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.

56. Noise Control and Permitted Hours for Building and Demolition Work

A. During Works

To minimise the noise impact on the surrounding environment:

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

Only for the purpose of pouring large floor or roof slabs, work may be carried out on the site from 7.00am to 8pm Monday to Friday, excluding Public Holidays on a week day. In order to activate the extended hours of operation both Council and affected neighbours must be notified a minimum of 48 hours prior to commencement. Affected neighbours include those in the immediate vicinity, adjacent or adjoining the development site. Notification must be by way of written advice including:

- Date/s the extended hours will be utilised.
- The purpose of the extended hours - pouring large slab.
- Address of the development works / site.
- Contact name and number of appropriate site officer (supervisor or manager) for enquiries.

Notification to Council must include a copy of the letter and a map or list identifying those affected neighbours who have been notified.

57. 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.

58. Street Numbering and Provision of Letter Box Facilities

A. Before Occupation

- i) Street / unit / shop numbers must be clearly displayed.
- ii) Suitable letterbox facilities must be provided in accordance with Australia Post specifications.

59. Car parking Areas

A. Ongoing

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

- i) **the retail parking area** must be made available on an unrestricted basis and free of charge at all times **for a minimum 3 hours** for commercial 'visitor' vehicles. **Arrangements shall be made to ensure employees are not subject to charged parking and are permitted to park vehicles wholly within the site.**
- ii) **the residential parking areas must be made available on an unrestricted basis and free of charge at all times for 'resident' or resident 'visitor' vehicles.**
- iii) any parking nominated as visitor parking or common property must be continually available as common property.

(Modified - 28 March 2017)

60. Car Parking Allocation

A. Before Subdivision

Car parking must be allocated to individual strata lots as part of their unit entitlement. Parking must be allocated on the basis as specified in the Concept Approval:

Visitor parking facilities and/or car wash bays must be designated as common property on any strata plan and clearly delineated by signposting and/or linemarking.

B. Ongoing

The car-parking provided must only be used in conjunction with the dwellings and/or tenancies contained within the development and not for any other purpose.

61. 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 from the dedicated basement facilities and or the dedicated loading dock/s and not from the public or internal roadways. All service/delivery vehicles must enter and leave the site in a forward direction at all times.

62. Hours of Operation & Operational Management

These conditions are imposed to ensure that the operation of the licensed premises does not adversely affect the amenity of the locality.

A. Ongoing

i) Trading Hours

The Coles and Aldi supermarkets may operate between the hours of 6.00am and 12 midnight seven days a week. The ancillary liquor retail sales within Coles and Aldi shall cease trade at 9:00pm **or as reduced by the NSW Department of Industry – Liquor and Gaming (or subsequent amending department or authority).**

**The First Choice Liquor Store shall operate between the hours of 9.00am to 9.00pm Monday to Saturday and 10.00am to 9.00pm Sundays.
(Modified – 13 December 2017)**

ii) Occupation of the site

The premises must not be occupied by staff or contractors beyond 1 hour after the cessation of trading nor before 8.00am on any day.

Note: Only Cleaning, bakery and fresh food preparation for staff and contractors is permitted undertaken outside these hours of operation, between midnight and 6am daily

iii) Sale of Liquor

The sale and supply of liquor in the licensed premises must be in accordance with the terms and conditions of an approved liquor licence issued by the Office of Liquor Gaming and Racing.

Any liquor supplied or sold must not be consumed on the premises.

iv) Plan of Management

In addition to the above the premises must operate in accordance with the Operational Management Plan (Appendix 27) submitted with this application.

v) Hours of Operation for dispatch vehicles associated with the shopping distribution facility

All dispatch vehicles associated with the shopping distribution centre [‘dark store’] must only enter and leave the site between 6am to 10pm, Monday to Sunday. (Added – 13 December 2017)

63. Shopping Trolley Management

A. Ongoing

The business operator must:

- i) ensure that all shopping trolleys provided for customers are clearly labelled with the name of the business, including a contact telephone number that can be used to report abandoned trolleys;
- ii) provide convenient, safe, designated trolley return bays to encourage the orderly management of shopping trolleys;
- iii) put in place measures to minimise the occurrence of shopping trolleys being taken off the site (e.g. signs, proximity wheel locking devices, coin deposit locks, etc);

- iv) implement a process to ensure that any trolleys abandoned within the site, any associated car park, and within 100m of the site are collected at least every 2 hours by scheduled staff/contractor patrols; and
- v) ensure that any trolley abandoned outside of the areas specified in (iii) above reported to the business operator by Council or a member of the public is collected within 24 hours.

64. Deliveries and Waste Collection

To minimise the noise impact of the development on the surrounding environment, the deliveries and collection of goods **for the commercial components of the development** including garbage and recycling waste from the premises must not take place **outside** the hours of **7.00am to 10.00pm** Monday to Saturday and **8.00am to 9.00pm** Sunday and Public Holidays.

**Note: Garbage pickups from the residential component of the development are not subject to the above time restrictions.
(Modified - 28 March 2017)**

65. Signage Strategy

A. Design and On-Going

- i. Signage area No.6 shall be reduced to not exceed 20m² in area.
- ii. Signage area No. 19 shall be deleted.
- iii. Signage area No.2 shall be reduced in width to 5.6m.
- iv. Wall signage shall not protrude > 300mm from face of the built form
- v. The signage areas must only accommodate 'business identification signage' for commercial land uses within the development site. Commercial sponsorship advertising is not permitted.
- vi. No additional signage is permitted to be erected at the periphery of the site or affixed to the buildings elevations where immediately adjoining Princes Highway, Oak Road, Flora Street or eastern adjoining properties. Any signage associated with commercial tenancies 4 - 19 must be contained internally within the site and are subject to future consent.
- vii. No illumination of signage is permitted outside of business trading hours. Illumination shall be reduced to a low level of illumination between after 10pm.
- viii. Only internally illuminated is permitted. External illumination is not permitted (e.g. flood lit signs).
- ix. Animated signs, mechanical moving signs, scrolling messages, moving LED signs, video/television screens, projected laser advertising and other flashing lights, signs with large areas of red or resembling traffic lights are not permitted.
- x. **The final design of the 'potential interpretive signage' as depicted on the approved landscape plans facing the Princes Highway, shall be submitted to Council for approval prior to any installation. (Added - 28 March 2017)**

66. 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. Design & On-going

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 Barker Ryan Stewart (Reference No. CC150070 - dated September 2015), in addition to the following:

- i. Security systems and CCTV cameras must be installed by a licensed security professional in and around the property to monitor all common areas, commercial spaces, entry / exit points (including lobbies), mail and waste collection areas, docks, driveways and carparks . Suitable sign posting shall be placed to deter potential offenders.
- ii. Onsite security must be provided 24/7 for surveillance of CCTV, conducting regular patrols and for the emergency management of the site.
- iii. All security and access control devices installed should meet or exceed Australian Standard 4806. Areas of the building not needing to be accessed by the public should be restricted to authorised persons with access control and supported by security (patrols/CCTV) and adequate signage.
- iv. All levels of the car park, pedestrian routes, communal areas and entry and exit points must be adequately lit to meet Australian Standard 1158.3.1. Lighting must be compatible with the CCTV system.
- v. Residential lobbies and mail boxes shall be secure and provided with appropriate access control devices. Mailboxes should be located in the entry lobbies along an accessible path of travel.
- vi. Exterior fixtures and fittings must be made from robust and vandal resistant materials.
- vii. All graffiti is to be removed within 7 days.
- viii. Signage shall be installed to assist in way finding through the development and to clearly mark emergency parking spaces. Line marked/sign posted pedestrian path of travel between access/egress points, including lifts in the parking levels shall also be provided.
- ix. Emergency evacuation plans shall be implemented, maintained and displayed to assist residents, visitors and emergency services in the event of an emergency.
- x. The eastern side of the site where immediately adjoining Building C and D/E shall be secured to prevent entrapment areas and opportunities for crime.
- xi. The Brick Kiln conservation / display area must be secured during evening hours and provided with appropriate surveillance and access control.
- xii. Mail should be delivered and received from secured mailrooms within each building lobby/foyer. Only residents and Australia Post should have access control to these secured mail rooms.

67. Hours of Use - Communal Podium Areas

A. On-Going

To minimise the impact of the proposed communal podium areas on the amenity of surrounding residential properties, the use of this space must not begin before 6am on any day, and end no later than 9pm Sundays-Wednesdays (inclusive) or 10pm Thursdays-Saturdays (inclusive). Further, the areas shall be restricted to resident use only and there shall be no amplified music played at any time. Signage shall be clearly placed advising residents of these restrictions.

68. 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 25 September 2015.

69. Green Travel Plan

A. Before Occupation & On-Going

The Green Travel Plan accompanying the Development Application prepared by Combined Projects (Kirrawee) Pty Ltd shall be implemented

A handwritten signature in black ink, appearing to read 'P Barber', with a horizontal line extending from the end.

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 96AB of the Environmental Planning and Assessment Act confers on an applicant who is dissatisfied with the determination of the application the right to lodge an application with Council for a review of such determination. Any such review must however be lodged within 28 days from this determination. Should a review be contemplated sufficient time should be allowed for Council to undertake public notification and other processes involved in the review of the determination. See S96AB (7) for details of determinations not subject to review under S96AB.
3. Division 8 (Appeals and Related Matters) Part 4 of the Environmental Planning and Assessment Act confers on an applicant who is dissatisfied with the determination of the application a right of appeal to the Land and Environment Court.
4. This Section 96 modification does not extend the lapsing date of the original development consent.