

**DRAFT CONDITIONS OF DEFERRED COMMENCEMENT CONSENT****Development Application No. 17/0467**

## **PART 1 - DEFERRED COMMENCEMENT CONDITIONS**

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To enable the submission of further information to clarify or resolve specific aspects of the proposed development this Development Consent is issued as a "Deferred Commencement" Consent under the provisions of Section 4.16(3) of the Environmental Planning and Assessment Act as amended. The Consent does not operate until the applicant satisfies the Council as to the following matters.

The required information must be submitted within 12 months of the date of issue of this development consent.

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

### **1. Remedial Action Plan**

A Remedial Action Plan must be prepared by an appropriately qualified and experienced environmental consultant in accordance with relevant NSW EPA Guidelines including, but not limited to "Guidelines for Consultants Reporting on Contaminated Sites 2011."

The environmental consultant must be certified by one of the following certification schemes:

- EIANZ 'Certified Environmental Practitioner - Site Contamination' scheme (CEnvP SC).
- Soil Science Australia 'Certified Professional Soil Scientist - Contaminated Site Assessment & Management' scheme (SSA CPSS CSAM).

The Remedial Action Plan must set remediation goals to ensure the site will be made suitable for the proposed development and will not pose any unacceptable risk to human health or the environment. The Remedial Action Plan must also include an environmental site management plan, a work health & safety plan and an unexpected finds protocol. The Remedial Action Plan must also consider and be consistent with the Conservation Management Plan and any other approval granted by the NSW Heritage Council.

The Remedial Action Plan must be reviewed by a NSW EPA accredited site auditor. As part of the site audit review, the applicant must act in accordance with and comply with any requirements stipulated by the NSW EPA accredited site auditor, which may include further site investigation and the preparation of a long-term environmental management plan. The applicant must also modify the Remedial Action Plan as and if required by the NSW EPA accredited site auditor.

The accredited site auditor must provide verification of the suitability of the amended Remedial Action Plan and any associated environmental management plans, in the form of an interim site audit advice letter or a section B site audit statement and this must be submitted to the satisfaction of Sutherland Shire Council, Manager Environmental Science.

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## PART 2 - CONDITIONS OF CONSENT

### 2. Deferred Commencement Plans and Documents (UNI2003)

The development must be undertaken substantially in accordance with the details and specifications set out on the following plans except where they are the subject of the deferred commencement condition/s:

Plan number/ Reference	Title	Prepared by	Date
Project Number IA1633 DA00 Cover Sheet Issue I	Cover Sheet	Ink Architects	27 August 2019
Project Number IA1633 DA01 Site Plan Roof Plan Issue I	Site Plan Roof Plan	Ink Architects	27 August 2019 - <i>received by Council</i> 29 October 2019
Project Number IA1633 DA02 Issue A	Demolition Plan	Ink Architects	5/12/2017
Project Number IA1633 DA05 Issue I	Lower Basement Floor Plan - B2	Ink Architects	Amended by Council 25 September 2019
Project Number IA1633 DA06 Issue I	Basement Floor Plan - B1	Ink Architects	Amended by Council 25 September 2019
Project Number IA1633 DA07 Issue I	Ground Floor Plan	Ink Architects	Amended by Council 25 September 2019
Project Number IA1633 DA07 CMP Issue I	Ground Floor Plan CMP	Ink Architects	27 August 2019
Project Number IA1633 DA08 Issue I	First Floor Plan	Ink Architects	27 August 2019
Project Number IA1633 DA08 CMP Issue I	First Floor Plan CMP	Ink Architects	28 May 2019
Project Number IA1633 DA09 Issue I	Second Floor	Ink Architects	27 August 2019
Project Number IA1633 DA09 CMP Issue I	Second Floor CMP	Ink Architects	28 May 2019
Project Number IA1633 DA10 Issue I	East, North, West and South Elevations	Ink Architects	Amended by Council 30 October 2019
Project Number IA1633 DA11 Issue I	Sections A-A, B-B, C-C and D-D	Ink Architects	27 August 2019 - <i>received by Council</i> 29 October 2019
Project Number IA1633 DA12 Issue 1	Sections E-E, F-F, G-G, & , I-I	Ink Architects	27 August 2019
Project Number IA1633 DA13 Issue I	Sections H-H, J-J, K-K	Ink Architects	27 August 2019 - <i>received by Council</i> 29 October 2019
Project Number IA1633 DA16 Issue 1	Adaptable and Livable Dwellings	Ink Architects	27 August 2019
Project Number IA1633 DA20 Issue I	Material Finishes Board	Ink Architects	27 August 2019
Project Number IA1633 DA21 Issue D	Material Finishes	Ink Architects	20 March 2019
Project Number IA1633 DA29 Issue I	Wayfinding	Ink Architects	27/11/2017

Project Number 1609	Schedule of Drawings	Tropman and Tropman Architects	23/11/2017
Project 1609	Location	Tropman and Tropman Architects	23/11/2017
EX100 Revision F Project1609	Existing Site Plan	Tropman and Tropman Architects	23/11/17
EX101 Revision F Project1609	Ground Floor	Tropman and Tropman Architects	23/11/17
EX102 Revision F Project1609	Existing First Floor	Tropman and Tropman Architects	23/11/17
EX110 Revision F Project1609	Existing Elevations S-W	Tropman and Tropman Architects	23/11/17
EX111 Revision F Project1609	Existing Elevation S-E	Tropman and Tropman Architects	23/11/17
EX112 Revision F Project1609	Existing Elevation N-W	Tropman and Tropman Architects	23/11/17
EX113 Revision F Project1609	Existing Elevation N-E	Tropman and Tropman Architects	23/11/17
PR.200 Revision F Project1609	Existing Roof Plan	Tropman and Tropman Architects	23/11/17
PR 201 Revision F Project1609	Proposed Ground Floor Plan	Tropman and Tropman Architects	23/11/17
PR 202 Revision F Project1609	Proposed First Floor Plan	Tropman and Tropman Architects	23/11/17
PR 210 Revision F Project1609	Proposed Elevation S-W	Tropman and Tropman Architects	23/11/17
PR 211 Revision F Project1609	Proposed Elevation N-W	Tropman and Tropman Architects	23/11/17
PR 212 Revision F Project1609	Proposed Elevation N-E	Tropman and Tropman Architects	23/11/17
PR 213 Revision F Project1609	Proposed Elevation S-E	Tropman and Tropman Architects	23/11/17
DA-C01.01 Revision 5	Cover Sheet, Drawing Schedule and Locality Plan	Northrop	16/2/18
DA-C02.01 Revision 5	Concept Sediment and Erosion Control Plan	Northrop	16/2/18
DA-C02.11 Revision 5	Sediment and Erosion Control Details	Northrop	16/2/18
DA-C04.01 Revision 7	Stormwater Management Plan	Northrop	20/5/19
DA-C04.61 Revision 5	Stormwater Management Devices-OSD 1-Sheet 1	Northrop	16/2/18

DA-C04.62 Revision 6	Stormwater Management Devices- OSD1 - Sheet 2	Northrop	20/5/19
DA-C04.71 Revision 6	Stormwater Management Devices OSD 2- Sheet 1	Northrop	20/5/19
DA-C04.91 Revision 1	Pre-Development Stormwater Catchment Plan	Northrop	16/2/18
DA-C04.92 Revision 5	Post Development Stormwater Catchment Plan	Northrop	16/2/18
DA-C05.61 Revision 5	Site works General Arrangement Plan	Northrop	16/2/18
DA-C05.71 Revision 5	Siteworks Driveway Plan Sheet 1	Northrop	16/2/18
DA-C05.72 Revision 4	Siteworks Driveway Plan Sheet 2	Northrop	16/2/18
L-02 Issue D	Heritage Survey / Site Analysis	Site Design + Studios	11/12/2017
L-03 Issue D	Heritage Survey Site / Analysis	Site Design + Studios	11/12/2017
L-04 Issue D	Heritage Survey / Site Analysis	Site Design + Studios	11/12/2017
L-05 Issue D	Heritage Survey / Site Analysis	Site Design + Studios	11/12/2017
L-06 Issue C	Heritage Concept Plans - Italianate	Site Design + Studios in coordination with Michael Lehany	Received by Council on 20 March 2018
L-07 Issue D	Heritage Garden/ CMP Reference	Site Design + Studios	Received by Council on 20 March 2018
L-7A Issue D	Heritage - CMP	Site Design + Studios	Received by Council on 20 March 2018
L-09 Issue E	Site Analysis	Site Design + Studios	19/3/18
L-10 Issue E	Interpretation	Site Design + Studios	19/3/18
L-11 Issue E	Landscape Masterplan	Site Design + Studios	19/3/18
L-12 Issue D	Landscape Plans Levels	Site Design + Studios	11/12/2017
L-12A Issue E	Landscape Plans - Hydraulics	Site Design + Studios	19/3/18
L-13 Issue E	Landscape Plan - Details	Site Design + Studios	19/3/18

L-14 Issue E	Existing Trees Plan	Site Design + Studios	19/3/18
L-14A Issue E	Existing Trees Plan	Site Design + Studios	Received by Council on 20 March 2018
L-15 Issue E	Existing Tree Report - Draft	Site Design + Studios	Received by Council on 20 March 2018
L-16 Issue E	Incursions	Site Design + Studios	19/3/18
L-17 Issue E	Planting Area Plan	Site Design + Studios	Received by Council on 20 March 2018
L-18 Issue E	Plant List	Site Design + Studios	Received by Council on 20 March 2018
L-19 Issue E	Landscape Plans - Materials	Site Design + Studios	Received by Council on 20 March 2018
L-20 Issue E	Details	Site Design + Studios	Received by Council on 20 March 2018
L-21 Issue E	Sections	Site Design + Studios	Received by Council on 20 March 2018
L-22 Issue F	Heritage Paths	Site Design + Studios	18/9/18
Project Number IA1633 DA17 Issue A	Project Perspectives	INK Architects	7/12/2017
Reference: 170224 DSP Issue 1 Sheet 1 of 14	Location Plan	Tasy Moraitis	Printed 18 May 2018
Reference: 170224 DSP Issue 1 Sheet 2 of 14	Lower Basement Plan	Tasy Moraitis	Printed 18 May 2018
Reference: 170224 DSP Issue 1 Sheet 3 of 14	Basement Level 1	Tasy Moraitis	Printed 18 May 2018
Reference: 170224 DSP Issue 1 Sheet 4 of 14	Basement Level 1	Tasy Moraitis	Printed 18 May 2018
Reference 170224 DSP Issue 1 Sheet 5 of 14	Basement Level 1	Tasy Moraitis	Printed 18 May 2018
Reference 170224 DSP Issue 1 Sheet 6 of 14	Ground Level	Tasy Moraitis	Printed 18 May 2018
Reference 170224 DSP Issue 1 Sheet 7 of 14	Ground Level	Tasy Moraitis	Printed 18 May 2018
Reference 170224 DSP Issue 1 Sheet 8 of 14	Ground Level	Tasy Moraitis	Printed 18 May 2018
Reference 170224 DSP Issue 1 Sheet 9 of 14	Level 1	Tasy Moraitis	Printed 18 May 2018
Reference 170224 DSP Issue 1 Sheet 10 of 14	Level 1	Tasy Moraitis	Printed 18 May 2018
Reference 170224 DSP Issue 1 Sheet 11 of 14	Level 1	Tasy Moraitis	Printed 18 May 2018
Reference 170224 DSP Issue 1 Sheet 12 of 14	Second Level	Tasy Moraitis	Printed 18 May 2018
Reference 170224 DSP Issue 1 Sheet 13 of 14	Ground Level - Hall	Tasy Moraitis	Printed 18 May 2018

Reference 170224 DSP Issue 1 Sheet 14 of 14	Level 1 - Hall, Level 2 - Hall,	Tasy Moraitis	Printed 18 May 2018
SP Form 3.01 Issue 1 Sheet 1 of 3	Strata Plan Administration Sheet	Tasy Moraitis	Printed 18 May 2018
SP Form 3.07 Issue 1 Sheet 2	Strata Plan Administration Sheet	Unknown	Printed 18 May 2018
SP Form 3.08 (Annexure) Issue 1 Sheet 3	Strata Plan Administration Sheet	Unknown	Printed 18 May 2018

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.
- 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 6.5 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.

### 3. Design Changes Required (UNI2020)

#### A. Before Construction

The following design changes must be implemented:

##### i. Parking basement level 1

As per *Plan DA06 Basement Floor Plan – B1 Issue 1*, as amended by Council 25 September 2019 the following amendments shall be made:

- a) The stair well associated with Garage 22 shall be 'reversed' so that access is from the south. The stairwell shall also be moved south to facilitate parking for two cars in accordance with AS2890.
- b) All double garages shall be provided with a minimum 5.2m wide door opening to be provided central to the location of the parking spaces.
- c) All single and tandem garage spaces shall be provided with a minimum 2.8m wide door opening.
- d) The garage door for garage 25 shall be splayed to facilitate improved entry and exit for 2 vehicles.

**ii. Parking basement level 2**

*As per Plan DA05 Lower Basement Floor Plan – B2 Issue I, as amended by Council 25 September 2019, submit amended plans demonstrating:*

A. Basement 2 shall be amended to achieve compliance with AS2890.1, as per the following:

- a) As per AS2890.1, figure 5.2, the columns in Basement 2 adjacent to the central aisle must be moved 750mm into the parking spaces to facilitate manoeuvring.
- b) The shared space in basement 2 must be 2.4m wide and incorporate a bollard.

**iii. Commercial parking basement level 2**

- a) *As per Plan DA10 Issue I, East, North, West and South Elevations as amended by Council 30 October 2019; submit amended plans indicating the stair from commercial basement parking at Basement level 2, adjacent to the southern side of Building B shall be deleted.*
- b) *As per Plan DA05 Lower Basement Floor Plan – B2 Issue I, as amended by Council 25 September 2019; and Plan DA07 Ground Floor Plan Issue I, as amended by Council 25 September 2019 - submit amended plans indicating, a lift and stair exit shall be provided from basement 2 to ground level between Building A and Building B. This shall directly adjoin the pedestrian path to Heathcote Hall, and shall not encroach in the Heritage Curtilage or Heritage Buffer as per the endorsed CMP.*

**iv. Adaptable townhouses**

*As per Plan DA06 Basement Floor Plan – B1 Issue I, as amended by Council 25 September 2019; and Plan DA07 Ground Floor Plan Issue I, as amended by Council 25 September 2019; submit amended plans indicating:*

- a) Townhouses 7, 8, 11, 12, 13, 14 and 22 shall be dedicated as adaptable townhouses.
- b) Stair 04 shall be reconfigured so as to provide lift access in addition to stair access from the basement level 1, to provide access to Adaptable Townhouses 7 and 8 from the pedestrian path at ground level.
- c) A gate providing rear access directly to the rear private open space of Adaptable Townhouses 7 and 8 shall be provided from the pedestrian path at ground level.
- d) Direct and separate lift access from Basement Level 1 garages of Townhouses 11 and 12 shall be provided to each of these dwellings.
- e) Townhouses 13, 14 and 22 are to be provided direct access from basement 1 via the lift adjacent to Stair 06, to the rear Private Open Space of these dwellings, or each dwelling shall be allocated an individual lift from each respective basement level 1 garage.

**v. Livable Townhouses**

*As per Plan DA07 Ground Floor Plan Issue I, as amended by Council 25 September 2019 and Plan DA06 Basement Floor Plan – B1 Issue I, as amended by Council 25 September 2019:*

- a) Townhouse 27 shall be a livable dwelling, with a lift provided from the basement level 1 garage of this dwelling, the garage shall be a tandem garage.



- b) Townhouse 20 is not allocated as a livable dwelling as appropriate access cannot be provided.

**vi. Reconfiguration of Townhouses 11 and 12**

As per *Plan DA07 Ground Floor Plan Issue I, as amended by Council 25 September 2019*, the areas highlighted in Yellow (Townhouse 11) and Highlighted Blue (Townhouse 12) shall be allocated as gross floor area for each dwelling with a common party wall dividing each dwelling.

**vii. Landscaping General**

All landscape plans shall be updated to reflect all approved built form as per the architectural plans prepared by Ink Architects, as per **Condition 2 Approved Plans and Documents**, and as amended by all other relevant conditions in this determination

**viii. Fire Hydrant Booster Assembly**

As per *Plan DA05 Lower Basement Floor Plan – B2 Issue I, as amended by Council 25 September 2019; Plan DA07 Ground Floor Plan Issue I, as amended by Council 25 September 2019; and Plan DA06 Basement Floor Plan – B1 Issue I, as amended by Council 25 September 2019*, the fire hydrant booster assembly as indicated adjacent to townhouse 2 shall be relocated to minimise the visual impact upon the streetscape of Boronia Grove. Amended Plans shall be submitted for approval by the Director, Shire Planning prior to the issue of a Construction Certificate, and as per the following:

- a) The fire hydrant booster assembly shall be relocated, and designed in consultation with a fire engineer and hydraulic engineer; and to the satisfaction of Fire and Rescue NSW and the Heritage Council of NSW, in order to erect a hydrant booster without the need for a detached radiant heat shield as required by E1.3 of the BCA or AS2419.1-2005 or AS2419.1-2017.
- b) The fire hydrant booster assembly shall be located parallel to Boronia Grove, fully contained within the site, and at the property boundary.
- c) The location of the fire hydrant booster assembly shall be erected in a location adjacent to the Communal Pedestrian entry stair adjacent to Townhouse 3 and *Stair 01* of Basement Level 1 and Basement level 2. And shall be fully recessed into and under any stair/landing/structure. The fire hydrant booster assembly alcove shall be screened by non-lockable gates.
- d) The fire hydrant booster assembly will require an adjacent fire rated free standing wall with an FRL not less than 90/90/90 and extend not less than 1m each side of the outermost hydrant booster riser (a minimum of 3m wide) and extend to a height not less than 2m above the finished ground level.
- e) The communal pedestrian entry stair is to be relocated or reoriented to accommodate the relocated fire hydrant booster assembly and contained wholly within the site, without reducing the deep soil area, or impacting upon trees in the vicinity of the stairs.

- f) The relocation of the fire hydrant booster assembly may require the reorientation of Stair 01 of Basement Level 1 and Basement Level 2.
- g) As a result of the relocation of the fire hydrant booster assembly, the north facing courtyard of townhouse 3 shall be reduced in depth to be setback a minimum of 3.5m from the fire hydrant booster assembly, resulting in a reduction in the depth of this courtyard by a minimum of 1.5m in depth as shown in black hatching on *Plan DA07 Ground Floor Plan Issue 1, as amended by Council 25 September 2019*.

The north facing elevated Courtyards of Townhouses 2 and 3 shall have a minimum setback of 4m from the Boronia Grove boundary.

The existing ground levels in this front setback along shall remain as per the existing natural ground levels, no cut and fill shall occur in the areas outside the building foot print. No reshaping, battering, excavating or filling of the original ground surface is permitted within this area. Where building edges or feature walls are required adjoining/adjacent to the trees on Council verge or within the site; they must be constructed so as to minimise impact upon the adjoining landscape, and present a vertical face to the street, as per *Plan DA10 Issue 1, East, North, West and South Elevations, as amended by Council 30 October 2019*.

The resulting landscaped area to the north of the paved private open space of townhouse 3 shall be appropriately landscaped to screen the retaining wall of townhouse three (3). As the subject site is identified as being within a Greenweb Core area, all new plantings in this increased setback must be indigenous species selected from 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).

- h) All other fire hydrant boosters and meters must be fully enclosed and incorporated within the building fabric associated with the townhouses and residential flat buildings.

**ix. Stair on the east-west carriage way**

- a) As per the *General Terms of Approval issued by the Heritage Council (10 October 2019)*, and as per *Plan DA07 Ground Floor Plan Issue 1, as amended by Council 25 September 2019*; the stair associated with the east-west carriage way in front of townhouses 29-31 inclusive, shall be deleted and the carriageway designed in accordance with the requirements of the Heritage Council.
- b) Any additional stairs required to townhouses 29-31 (inclusive), as a result of the deletion of the stairs on the east-west carriageway required by condition **(ix)(a)** above, are to be incorporated into the individual paths leading from the carriageway to the front entries of the townhouses, and shall not encroach into the east-west carriageway.
- c) The finished levels of the east-west carriageway must be determined in consultation with the Heritage Council.

**x. Dwelling 28**

A laundry is required to be provided within the approved footprint of dwelling 28.

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

**4. Integrated Development Approval - Requirement of Approval Bodies (UNI2025)**

**A. General Terms of Approval from Other Approval Bodies**

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

- (i) NSW Heritage Council (dated 10 October 2019)
- (ii) NSW Rural Fire Service (dated 27 April 2018)

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

**5. Requirements of Authorities - NSW Police (UNI2030)**

**A. Requirements from Other Authorities**

The development must be undertaken in accordance with the requirements of NSW Police from “Issues and Recommendations” of the *Crime Risk Evaluation Report prepared for DA17/0467, (dated 31 May 2017), prepared by the NSW Police Force Crime Management Unit*. These requirements must be incorporated in the application for Construction Certificate:

- a) Heavy duty garage doors to be used with multi-programmable openers for common driveway. A sensor should be installed detecting vehicle movements or allow one vehicle at a time only through the main garage door. Individual garages to include an extra dead bolt for securing doors.
- b) Emergency service access should be allocated in the case of an emergency.
- c) Mirrors should be installed within the car park areas for viewing around blind corners.
- d) All basement car parks should be painted/paved in light colours, inclusive of lighting for illuminating the special area to maximum potential.
- e) Path Finding and/or directional signs should be installed to provide guidance to visitors and/or Emergency Services in locating units, prohibited areas etc
- f) Warning Signs can assist in controlling activities and movements throughout the premises
- g) Signs to be erected in order to ensure a secure premises and to remind residents to close the door/gates upon entry/exit.
- h) Post warning signs around the perimeter of the premises to warn possible intruders of what security treatments have been implemented to reduce opportunities for crime

- i. Warning. Trespassers will be prosecuted.*
  - ii. Warning. This property is under electronic surveillance.*
  - iii. All property has been marked for Police identification.*
- i) Keeping trees & shrubs trimmed can reduce concealment opportunities and increase visibility within the property.
- j) Remove obstacles & rubbish from property boundaries and footpaths to restrict concealment
- k) Install security lighting in and around each property, particularly over entry/exit points to create an even distribution of light with no glare, e.g. sensor lighting or floodlighting.
- l) Leave an amount of internal lighting on at night to enable patrolling Police, security guards or passing people to monitor activities within and around the premise.
- m) Maintain clear sightlines between the street, neighbouring property and the buildings.
- n) Security fencing and security gates and should be installed at entry points with a video intercom system.
- o) Solid wooden doors and security screen mesh doors should be installed for each dwelling. All external doors to be fitted with security locking mechanism and, security mesh door to be installed in addition with peep-view holes.
- p) Natural ladder opportunities should be minimised with removal/trimming of trees, awnings and neighbouring unit designs.
- q) Unit occupant's mail collection area should be positioned in an area which restricts general public access. The area should contain secure and lockable letterboxes for the prevention of mail theft specifically targeting Identity theft. Consultation in planning should be carried out with Australia Post, whereby a cyber-lock key system can be constructed and installed
- r) CCTV:
  - i. CCTV cameras should be installed in and around the property to maximise surveillance opportunities. Digital technology should be used to record images from the cameras.
  - ii. The use of CCTV is required to monitor the common areas to increase resident safety and reduce the likelihood of stealing/robbery type incidents.
  - iii. The recording equipment should be installed in a lockable, restricted area where person/s cannot tamper with the equipment, and shall be maintained in working order and regularly tested.
  - iv. Strata/staff members should be trained in the correct use of the system.
  - v. The CCTV System should be able to be recording and retained for a minimum of 28 days, and CCTV to be made available to police on request.
  - vi. Any surveillance system should be manufactured and installed by a qualified and reputable company and regularly function tested.
  - vii. Ensure that the requirements of the Surveillance, Telecommunications and Privacy Acts and any other applicable Act are adhered to.
- s) Emergency evacuation plans should be implemented and maintained by the strata to assist residents, staff and Emergency Services in the event of an emergency. This plan should be prominently displayed. Residents should be suitably trained in evacuation procedures.

**6. Lot Consolidation (UNI9001)**

Lots 1 & 2 in DP725184 must be consolidated and registered with the relevant authority prior to the issue of any Construction Certificate on the site.

**7. Requirements of Authorities - RailCorp and Sydney Trains (UNI9002)**

**A. During Construction**

The applicant must not at any stage block the corridor access gate on Wilson Parade, and should make provision for easy and ongoing 24 hour access by rail vehicles, plant and equipment to support maintenance and emergency activities.

*Reason:* The ongoing ability to access the rail corridor for maintenance and emergency situations is critical to the safety, integrity and operation of the Sydney Trains network. Sydney Trains needs to ensure that access to the corridor can continue to be easily achieved as a result of the development.

**B. Prior to Issue of Construction Certificate**

In order to protect Sydney Trains facilities and infrastructure, the integrity, safety and operation of the Sydney Trains network and services, the persons or entity having the benefit of this consent, must identify and incorporate the existence, and any restrictions, of Sydney Trains bridge assets and structures within all works of their proposed development.

Where bridges and structures exist near to or are intended for access use during any works of the proposed development, the persons or entity having the benefit of this consent, must incorporate any restrictions to be adhered to into their construction controls.

Prior to the issue of any Construction Certificate, the persons or entity having the benefit of this consent must include in the Construction Environmental Management Plan and Safe Working Method Statements (SWMS) adherence to the load restriction set in place for the Wilson Parade, Heathcote Bridge, of T44 (44 Tonne). The Principal Certifying Authority must not issue any Construction Certificate until these requirements have been addressed.

These requirements must be incorporated in the application for Construction Certificate where required.

**8. F6 Investigation Area (UNI9004)**

The subject property is within a broad area currently under investigation in relation to the proposed F6 project.

Further information about the project is available by contacting the F6 Team on 1800 789 297 or [motorwaydevelopment@rms.nsw.gov.au](mailto:motorwaydevelopment@rms.nsw.gov.au), or by visiting the project website at [www.rms.nsw.gov.au/projects/motorwaydevelopment](http://www.rms.nsw.gov.au/projects/motorwaydevelopment).

Details of this should accompany any Construction Certificate.

**9. Lift Design to accommodate stretchers(UNI9005)**

All lifts to be installed as part of this development must be designed to accommodate stretchers to be used by the NSW Ambulance Service.

Approval of lifts to be used must be gained by the NSW Ambulance Service prior to the issue of any Construction Certificate.

**10. Landscape Security (Council Tree Protection) (FIN1005)**

**A. Before Works**

The persons or entity having the benefit of this consent must provide a bond to Sutherland Shire Council to the value of **\$110,000** (in the form of cash, cheque or bank guarantee). This bond is to ensure that all trees on public land are maintained in the same condition as found prior to the granting of this consent, unless otherwise agreed to be removed with the consent of Councils arborist (as required by other conditions in this consent) prior to issue of Construction Certificate.

**B. After Occupation**

An application for refund of this bond may be made to Sutherland Shire Council twelve months after completion of works or in the case of subdivision, twelve months after the issue of a Subdivision Certificate. In the event that any of the specified trees are found damaged, dying or dead at any time during the construction, the bond may be forfeited to Council.

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

**A. Before Issuing of any Construction Certificate**

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

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

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

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

The value of the bond is **\$100,000**.

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

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

#### **B. After Occupation**

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

### **12. S94A 2016 Plan - Sutherland Shire (FIN3005)**

#### **A. Before Construction**

Pursuant to Section 4.17 of the *Environmental Planning and Assessment Act 1979*, and Sutherland Shire Council Section 94A Development Contributions Plan 2016, a levy of \$295,004.74 must be paid to Sutherland Shire Council. The amount to be paid is to be adjusted at the time of the actual payment, in accordance with the provisions of the Section 94A Development Contributions Plan.

The rate used to index the contribution rate and outstanding contributions is the Consumer Price Index (All Groups Index) for Sydney. Outstanding levies will be adjusted on the first of July each year in accordance with the following formula:

The formula to review a contribution rate is:

$$\text{Adjusted Contribution} = \text{Current Contribution} \times \frac{\text{Current CPI}}{\text{Previous year's CPI}}$$

Payment must be made before whichever is the first to occur:

- the issue of a Construction Certificate, or
- the release of the Subdivision Certificate/ linen plan, or
- the commencement of the use/occupation of the premises.

### **13. Approvals Required under Roads Act or Local Government Act (ENG1005)**

#### **A. Before Construction**

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

- Frontage Works including construction of a driveway, footpath, etc.
- Road openings and restoration to provide services to the development.
- Work Zones and Hoardings.
- Skip Bins.
- Shoring / Anchoring.
- Standing of cranes, concrete pumps, etc.

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

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

#### **14. Design and Construction of Works in Road Reserve (Council Design)**

##### **A. Design**

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

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

- i) Property alignment/ boundary levels - establish the property alignment/ boundary levels and crossing profiles.
- ii) Grades - regrade footpath verge to final design levels including topsoil, turf and all associated soft landscaping.
- iii) Vehicle Crossings - construct two vehicle crossings (One from Boronia Grove, and one from Dillwynnia Grove). They shall be a minimum of 6m wide at the boundary and 9m wide at the kerb. The maximum width will be dependent on the reversing manoeuvre of the HRV Garbage Truck. This must be from the correct lane within the respective street frontage.
- iv) Redundant Laybacks and Crossings - remove redundant laybacks and vehicle crossings and replace with kerb and gutter (including associated road reconstruction works).
- v) Stormwater Connection - construct new stormwater infrastructure as required to facilitate drainage for the proposed development including adjustment of Council's existing drainage system. Drainage calculations must be provided to determine if upgrading of Council's existing infrastructure is required.



- vi) Footpath
  - a) install new footpath pavement along all frontages of the site. The footpath must be designed to retain and protect existing Sydney Turpentine Ironbark Forest (an Ecologically Endangered Community) and Heritage Listed street trees.
  - b) Provide new footpath pavement on Boronia Grove from the subject property to Wilson Parade. Provide kerb ramps where required.
- vii) Infrastructure Transitions - ensure there are adequate transitions between newly constructed and existing infrastructure as required.
- viii) Retaining Structures - construct retaining/slope stability walls as required.
- ix) Road Pavement - construct road pavement as required.
- x) Kerb and Gutter - realign the kerb along all frontages of the site as required including associated road reconstruction.
- xi) Street Signage - alter existing and/or install new street signage as required.
- xii) Bus Stops - upgrade existing bus stops on Tecoma Avenue with pedestrian links as required.
- xiii) Trees - retain existing Sydney Turpentine Ironbark Forest (an Ecologically Endangered Community) and Heritage Listed street trees; and install *Syncarpia glomulifera* (Turpentine), *Eucalyptus saligna* x *botryoides* and *Eucalyptus paniculata* (Grey Ironbark) new street trees as required by Council.
- xiv) Undergrounding - provide replacement of existing local distribution power lines and other overhead utilities with subsurface utilities or with insulated aerial bundles cables (ABC) as required.
- xv) Street Lighting - install new street lighting in conjunction with the undergrounding of local distribution power lines and other utilities as required.
- xvi) Utility Services - adjust public services infrastructure as required.
- xvii) NBN - the Australian Government has issued a new policy on the provision of telecommunication infrastructure in new developments. The policy is effective from 1 March 2015. Developers are responsible for providing telecommunications infrastructure in their developments. To provide this infrastructure, developers need to contract a carrier to install and operate a telecommunications network.

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

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

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

### **C. Before Occupation**

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

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

## **15. Pre-commencement Inspection (ENG3015)**

### **A. Before Works**

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

The purpose of the meeting is to:

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

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

## **16. Supervising Engineer (ENG4005)**

### **A. Before Construction**

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

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

### **B. During Construction**

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

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

### **C. Before Occupation**

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

## **17. Internal Driveway, Parking and Manoeuvring (ENG4015)**

### **A. Design**

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

- i. Align with Access and Alignment levels issued by Council's Public Domain Unit.
- ii. The proposed loading and delivery area must be clearly defined with suitable signposting and pavement markings.
- iii. The car park must be able to accommodate a minimum 128 vehicles.
- iv. Provide adequate sight distance for the safety of pedestrians using the footpath area.
- v. Provide a maximum grade of 5% for the length required to accommodate the waste collection vehicle.
- vi. The maximum longitudinal grade of the driveway must not exceed 25%.
- vii. The crest for the driveways providing access to the basement car parks should be a minimum of the kerb level.
- viii. Comply with AS2890.1(2004) in relation to the design of vehicular access, parking and general manoeuvring for the B85 vehicle. This will require amending the widths, lengths, column location and location of some of the parking spaces, as per the **Condition 2 – Design Changes**.

### **B. Construction**

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

### **C. Occupation**

Prior to the occupation of the development or the issue of any occupation certificate a suitably qualified engineer must certify that the works required in “A” above were undertaken and completed to their satisfaction and in accordance with the requirements of this Development Consent. This certification must be provided to the PCA and a copy also provided to Council.

### **D. On-going**

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

## **18. Basement Car Park Design & Construction (ENG4025)**

### **A. Design**

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

- i. A minimum headroom of 2.2m measured from the parking floor to the underside of any beam, ventilation duct or service conduit, or to the underside of any door including a security door and fittings when those doors are in an open position in accordance with clause 5.3 of AS2890.1.
- ii. All parking bays must provide a minimum clear parking envelope in accordance with figure 5.2 of AS2890.1.
- iii. Any double garage accessing off a 6.0m aisle must have a minimum internal width of 5.5m x 2.2m high clear of any necessary hinges, jambs or fixtures required for the operation of garage doors or any services within the garage area.
- iv. A parking bay within each adaptable garage must have a clear width of 3.8m, a clear length of 5.4m and a head height clearance of 2.5m, except where this space is occupied by a remote controlled roller door.
- v. Parking bays provided for adaptable units must have the minimum clear dimensions of 3.8m wide by 5.4m long or comply with AS2890.6.
- vi. The security door fitted to the car parking area entrance must be independently mounted on rubber pads to prevent vibration noise transmission through the concrete walls and / or columns.
- vii. Visitor parking spaces adjacent to walls must be 2.7m wide.
- viii. Blind aisles are to be provided for all garages where applicable.
- ix. Parking bays in basement 2 must not be enclosed, caged or a door provided, except for the 3 double garages.

#### **B. Prior to Construction**

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

#### **C. Occupation**

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

#### **D. On-going**

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

### **19. Drainage Design - Detailed Requirements (ENG5015)**

#### **A. Design**

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

- i) A detailed drainage design supported by a drainage calculation.

- ii) 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.
- iii) The rainwater tank must have a minimum capacity of 50,000L.
- iv) All levels reduced to Australian Height Datum.
- v) Harvested rainwater must be used for irrigation of communal areas.
- vi) The pipeline within the footpath verge must be 375mm RCP.
- vii) All Council pits where private connections are proposed should be replaced and reconstructed in accordance with Council's standard engineering drawings.
- viii) A Dilapidation report shall be prepared for all Council stormwater assets in the vicinity of the proposed development. If the development results in damage to Council assets, the applicant shall replace or repair at their expense prior to the Occupation Certificate.
- ix) CCTV must be obtained for all drainage pipes where direct discharge is proposed. If any pipes or pits are to be in disrepair, the applicant should renew these assets as required to facilitate the development.
- x) Maintenance on all private stormwater assets shall be carried out in accordance with the maintenance schedule outlined in Appendix A of Stormwater Management Report prepared by Northrop dated 8th March 2018.
- xi) Orifice plates on both OSD tanks shall not be removed except for replacement.
- xii) The detailed design meets the aims, objectives, and criteria set out in section 2.2 of NSW state Government's Guidelines for developments adjoining land managed by the Office of Environment and Heritage.

#### **B. Before Construction**

- i. Certification from an Accredited Certifier in Civil Engineering or a Chartered Civil Engineer, to the effect that the drainage design is to their satisfaction and satisfies the design requirements in "A" above must accompany the application for a Construction Certificate.
- ii. The stormwater detailed design and construction certificate plans shall be prepared in accordance with Chapter 38 of SSDCP2015 and the NSW Government's "Guidelines for Developments Adjoining Land Managed by the Office of Environment and Heritage" 2013.
- iii. A revised stormwater management plan shall be prepared prior to the issue of the Construction Certificate in conjunction with detailed design. The revised plan shall be prepared in accordance with the 2009 Sutherland Shire Council Environmental Specifications - Stormwater Management and Chapter 38 of SSDCP 2015.
- iv. A suitably qualified and experienced engineer shall certify that the Stormwater Management Plan and detailed design has been prepared in accordance with Chapter 38 of SSDCP 2015, SSC Environmental Specification Stormwater Management Plan 2009, and NSW Government's "Guidelines for Developments Adjoining Land Managed by the Office of Environment and Heritage" 2013.

### **C. Before Occupation**

Prior to the issue of an Occupation Certificate:

- i) A Works-As-Executed drawing (WAED) of the stormwater drainage system must be prepared by a Registered Surveyor. This drawing must detail the alignment of pipelines, pits, the rainwater tanks and the detention facilities. An original or a colour copy must be submitted to Sutherland Shire Council.
- ii) The Supervising Engineer must certify the WAED of the stormwater drainage system that the stormwater drainage works, rainwater harvesting facility and rainwater reuse systems were constructed to their satisfaction and in accordance with the Development Consent. Prior to the occupation or use of the building the Applicant / Owner must submit to Council a copy of the aforementioned letter of certification.

### **D. Ongoing**

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

**Note 1:** Upon submission of the Works-As-Executed drawing for the stormwater drainage system a notation will be added to the section 149(5) certificate advising future owners that their property is burdened by a stormwater detention facility.

**Note 2:** Upon submission of the Certified Works-As-Executed drawing for the stormwater drainage system a notation will be added to the section 149(5) certificate advising future owners that their property is burdened by a stormwater treatment device that must be maintained, serviced and cleaned.

## **20. Stormwater Treatment ~ (ENG5025)**

### **A. Before Construction**

Appropriate stormwater treatment measures, selected and designed in accordance with Engineers Australia (2006) Australian Runoff Quality – A guide to Water Sensitive Urban Design, Argue J R (2013) WSUD: Basic Procedures for 'Source Control' of Stormwater – A Handbook for Australian practice, or other relevant industry design guidelines, must be provided as part of the permanent site stormwater quality management system. Details of the design, construction and maintenance must accompany the Construction Certificate.

### **B. Before Occupation**

The work required by A. above must be completed to the satisfaction of the supervising engineer before occupation of the site or the issue of any Occupation Certificate.

### **C. Ongoing**

The stormwater treatment measure must be maintained in accordance with the manufacturers' or designer's specification for the life of the development.

**Note:** Upon approval of the stormwater management designs a notation will be added to the Section 10.7 certificate in relation to any required stormwater treatment device.

## **21. Damage to Adjoining Properties (ENG6015)**

### **A. Before Works**

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

### **B. During Works**

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

## **22. Public Utilities (ENG7005)**

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

### **A. Before Construction**

Suitable arrangements must be made with all relevant utility service providers to ensure the development is appropriately serviced by electricity, gas, telecommunications (including NBN) and the like, and any necessary underground conduits are provided. The Australian Government has issued a new policy on the provision of telecommunications infrastructure in new development. This policy is effective from 1 March 2015. Developers are responsible for providing telecommunications infrastructure in their developments. To provide this infrastructure, developers need to contract a carrier to install and operate a telecommunications network. NBN is the IPOLR (infrastructure provider of last resort). NBN require 6 months' notice in order to make the network available.

A copy of the agreements/contracts with the utility providers must form part of the supporting construction certificate documentation.

### **B. Before Occupation/Subdivision**

Prior to issue of any Occupation/Subdivision certificate, certification must be provided from each utility service provider/approved agent to the effect that each lot has been serviced to their satisfaction.

Prior to the issue of any Occupation/Subdivision certificate, evidence satisfactory to the Certifying Authority that arrangements have been made for:

- i) The installation of fibre-ready facilities (conduits and pits) to all individual lots and/or premises/dwelling to enable fibre to be readily connected to any premises that is being or may be constructed on those lots. Certification from each carrier/provider must be provided to the PCA that they are satisfied that the fibre ready facilities are fit for purpose.
- ii) The provision of fixed-line telecommunications infrastructure (cables) in the fibre-ready facilities to all individual lots and/or premises/dwellings must be installed and certification from the carrier/provider must be provided to the PCA stating that the infrastructure has been provided and to their satisfaction.
- iii) Installation of gas and/or electricity must be constructed/installed by the utility service provider/approved agent to each allotment. Certification must be provided from each provider/agent stating that all allotments have been serviced to their satisfaction.
- iv) WAE drawings must to be prepared by a registered surveyor detailing location and depth of conduits/pits and connection points/ties within allotments. A copy of the WAE drawings must form part of any Occupation/Subdivision certificate documentation.

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.

## **23. Allocation of Common Property (ENG7030)**

### **A. Ongoing**

Common property must not be allocated by the Owners Corporation 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.

## **24. Land Dedication (ENG9001)**

A 3m x 3m land dedication by way of splay corners at the intersections of Dillwynnia Grove and Tecoma Street; and Tecoma Street and Boronia Grove must be made to Council prior to the release of any Subdivision Certificate.

## **25. Construction Environmental Management Plan (ENG9002)**

### **A. Design**

A Construction Environmental Management Plan (CEMP) must be prepared by an appropriately qualified, experienced and certified environmental consultant to manage and control all aspects of environmental site management throughout the development



The environmental consultant must be certified by one of the following certification schemes:

- EIANZ 'Certified Environmental Practitioner' scheme (CEnvP).
- Soil Science Australia 'Certified Professional Soil Scientist' scheme (SSA CPSS).

The CEMP must be submitted to Sutherland Shire Council for approval prior to the issue of a Construction Certificate. If demolition is to commence prior to the issue of a Construction Certificate, the applicant must submit to Sutherland Shire Council a separate Demolition Site Management Plan. These plans must satisfy the Objectives and Controls of Sutherland Shire Development Control Plan 2015 relating to environmental site management, and the following:

- (i) The CEMP must be prepared in accordance with the "Guidelines for the Preparation for Environmental Management Plans", by NSW Department of Infrastructure, Planning & Natural Resources (2004).
- (ii) The CEMP must be consistent with the management measures and controls stipulated by other plans relevant to the site including, but not limited to, the Remedial Action Plan. The CEMP must also consider and be consistent with the Conservation Management Plan and any other approvals granted by the NSW Heritage Council.
- (iii) The CEMP must address, but not be limited to, the following:
  - a) Description of works.
  - b) Details of all contractors involved with the project.
  - c) Protection of existing trees and vegetation i.e. tree protection zones etc.
  - d) Identification of all vegetation that is to be retained and the measures proposed to protect vegetation (including fencing, mulching, watering, erection of signs excluding access to the protection zone, etc), and identification of revegetation area.
  - e) All trees and their protection zones on and around the site that are identified for retention are to be protected according to Australian Standard AS 4970 – 2009 'Protection of Trees on Development Sites' using the methods outlined in that Standard.
  - f) Environmental awareness and training of contractors.
  - g) Compliance with legislation and regulations.
  - h) Measures to prevent noise, water, air and land pollution, including detail on the control of air-borne dust for all aspects of the proposed works.
  - i) Actions and method to be employed to ensure safe access to and from the site and what protection will be provided to the road and footpath area from building activities, crossings by heavy equipment, plant and materials delivery, and the like.
  - j) Safety and security of the entire work site, road and footpath area; including details of any proposed fencing, signage, hoarding and lighting, as required.
  - k) All construction traffic is to be restricted to using Wilson Parade, Boronia Grove, Dillwynnia Grove and Tecoma Street only.
  - l) Details regarding parking provision for all construction vehicles within the site.
  - m) Method and details of loading and unloading excavation machines, construction materials etc.

- n) Details of how and where construction material and any waste materials will be appropriately managed, stored and disposed of.
- o) Details of any fuel storage and management.
- p) Detailed erosion and sediment control measures including methods to prevent material impacting adjoining roadways, neighbouring land and the Royal National Park.
- q) Unexpected Finds Protocol i.e. to address unexpected finds of soil or groundwater contamination.
- r) Work, Health & Safety requirements.
- s) Contingency and emergency response plans.
- t) Inclusion of detailed site plans.
- u) The proposed method of support to any excavation adjacent to adjoining properties, or the road reserve. The proposed method of support is to be certified by a Certifier accredited in civil engineering.

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

#### **B. Prior to Commencement and Issue of Construction Certificate**

The CEMP must be approved by Sutherland Shire Council, prior to the issue of any Construction Certificate.

#### **C. During Works**

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

### **26. Geotechnical Supervision (ENG9003)**

All excavation for the basements within the development is to be done under the direction and supervision of a Geotechnical engineer

### **27. Restrictions for Truck Movements (ENG9004)**

Truck movements proposed to access or egress the development site via Wilson Parade, Boronia Grove, Dillwynnia Grove and Tecoma Street are not permitted between the hours of 8.00am and 9:30am and 2.30pm and 4.00pm, Monday to Friday.

### **28. Covenant for Pedestrian Pathway and Public Access (ENG9005)**

#### **A. Before Subdivision**

The design of the shared public/private walkways and gardens within the property from Boronia Grove, Tecoma St and Dillwynnia Grove shall be compliant with *Disability Discrimination Act 1992 (DDA)*, relevant Australian Standards and Building Code of Australia.

The Registered proprietor must create a legal right for public access to all pedestrian pathways, stairs and all lift, and all other areas. This right of access is to be registered and recorded on the Certificate of Title and is to include:

1. The pathways, gardens, any stairs and lift are to be accessible on an unrestricted basis to all members of the public.
2. Ongoing maintenance of the pathways, gardens, stairs and lift shall be undertaken by the Owners Corporation to ensure its compliance with the DDA, Australian Standards and building Code of Australia in order to provide a safe, unobstructed and fully operational thoroughfare at all times.
3. The ability to be extinguished only through agreement by Council.

## **29. Landscaping Works (ENV2005)**

### **A. Design**

The landscaping works must be designed in accordance with the approved Landscape Plan, except where modified by the following, and submitted to the Director of Shire Planning for approval prior to the issue of a Construction Certificate:

- i. All approved landscape plans shall be in accordance with the approved architectural and stormwater plans.
- ii. Amend the Existing Trees Plan, if required, in accordance with findings by Council's Arborist and the supervising Consulting Arborist following a site inspection carried out prior to any demolition works on site. The purpose of the inspection is to physically mark existing trees that are to be removed or pruned.
- iii. Show on plan Tree Protection Zones (TPZ) and the outline of protective fencing for all existing trees and heritage site features to be retained and protected.
- iv. Provide detailed planting plans for all landscaped areas showing plant locations, species and numbers that achieve a minimum plant density of 4 plants per sqm to ensure good coverage and to inhibit weed growth.
- v. No reshaping, battering, excavating or filling of the original ground surface outside the building footprint, is permitted. Where building edges or feature walls are required adjoining/adjacent to the trees on Council verge or within the site; they must be constructed so as to minimise impact upon the adjoining landscape, and present a vertical face to the street.
- vi. Ensure that new plantings satisfy the RFS bushfire code, heritage view corridors and STIF revegetation requirements.
- vii. Provide detailed hardworks details including all paving, ramps, stepping stones, walls, steps, edgings, fencing, gates and furniture. Note that all landscape retaining walls and planter boxes must be constructed in masonry, stone or gabions. Timber is not acceptable.
- viii. Provide detail levels of all courtyards and hardworks to confirm the protection of all existing trees to be retained.
- ix. Clarify the location and extent of fencing around the heritage compound and kitchen gardens and orchard. Ensure that fencing is located a minimum distance of 600mm away from the trunks of Trees 99, 99D, 112, 113, 114 and 124.
- x. In the heritage kitchen gardens and orchard delete the section of raised planting bed within the TPZs of Trees 99, 99B and 99C.
- xi. Provide minimum soil depths in planter boxes as follows:
  - 1200mm for large trees.
  - 900mm for small trees and tall shrubs.

- 600mm low shrubs.
  - 450mm grass and ground covers.
- xii. To improve coverage and reduce weeds and maintenance, planting densities in all planting areas must achieve a minimum of 4 plants per square metre.
  - xiii. To reduce long term maintenance of planting beds turf species must be native grass such as Zoysia 'Nara' or Buffalo varieties.
  - xiv. Each town house and ground floor unit must be provided with a clothes line in the rear garden easily accessible from the laundry. Each unit above the ground floor must be provided with a clothes line on a balcony. Ensure that clothes lines are not visible above the balustrade.
  - xv. The communal open space areas and all planter boxes on slab must be provided with a water-efficient irrigation system and taps at 25m centres, connected to a pump and the rainwater tank, to enable effective landscape maintenance.
  - xvi. Each area of private open space for townhouses and ground floor units must be provided with a tap, connected to mains water. In townhouses provide one tap in front garden and one tap in the rear garden.
  - xvii. As the subject site is identified as being within a Greenweb Core area, all new plantings around the perimeter of the site and along the public pathways must be indigenous species selected from 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). Within the Private Open Space of the townhouses at least 50% of tree and understorey species must be indigenous species. Within the Heritage Precinct exotic species are permitted in accordance with the Heritage Landscape Architect's plans except for the perimeter area bounded by the driveway and Dilwynnia Grove and Tecoma Street where indigenous species should predominate.
  - xviii. *Eucalyptus saligna x botryoides* is not generally available from Council's or other nurseries. Seed for this species must be collected from the site and the trees propagated in advance of planting.

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

**Notes:**

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

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

## **B. Prior to Occupation/Occupation Certificate**

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

To arrange a Final Landscape Inspection please phone 9710-0333 48 hours prior to the required inspection date. An inspection fee of \$230 is required to be paid, prior to the inspection. Additional inspections will be charged at a rate of \$103 each.

## **C. Ongoing**

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

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

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

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

## **30. Tree Removal on Private and Council Land**

The removal of the following trees is approved:

- i) Trees identified on the approved Landscape Plan as "existing tree to be removed" and in accordance with the findings by Council's Arborist and the supervising Consulting Arborist following a site inspection carried out prior to any demolition works on site.
- 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.

#### **A. Tree Replacement**

- i) Approximately 46 trees within the site and 8 street trees covered by the TPO (excluding trees in very poor health) are approved for removal as part of this consent. Where trees are proposed to be removed Sutherland Shire Council requires indigenous replacement canopy tree planting at a ratio of 8:1 on private land and 4:1 on Council land (Council Resolution EHR003-17 of 18 July 2016).
- ii) Approximately 400 replacement trees are required to be planted.  
**In determining this application, the extent of compensatory planting has been reduced as the development has been sensitively designed to maintain existing bush land or trees such that it makes a positive contribution to the local landscape character.**
- iii) The final number of replacement trees to be planted on the site and the street will be determined once the detailed landscape plans have been approved by Council, the RFS and the Heritage Office prior to the issue of the Construction Certificate. Replacement trees within the site must be planted within 3m of the front or rear setback of the subject property and not within 4m of an existing or approved building or structure.
- iv) Trees must have a minimum container size of 5 litres.

**Note:** Where replacement trees required by “B ii)” above are unable to be planted on the site or in the street, Council offers offsite planting under a ‘Deed of Agreement’ as an alternative to on site planting, at a cost of \$100 per tree. Offsite planting will be undertaken as part of Council’s Green Street Program. ‘Deed of Agreement’ forms can be downloaded from Council’s website at [www.sutherlandshire.nsw.gov.au/Development/Development-Applications/Off-Site-Tree-Replacement-and-Deed-of-Agreement](http://www.sutherlandshire.nsw.gov.au/Development/Development-Applications/Off-Site-Tree-Replacement-and-Deed-of-Agreement). A completed form and payment must be submitted to Council prior to the release of the Construction Certificate.

#### **B. Tree Removal on Council Land**

Council has preferred supplier agreements in place with arborists who are approved to carry out arbor works on Council land. Removal / pruning of the tree/s 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.

#### **C. Prior to Occupation/Occupation Certificate**

The replacement tree planting must be completed in accordance with the approved Landscape Plan/ required street tree planting. Certification will be provided as part of the Final Landscape Inspection by Council’s landscape officer (refer Condition - Approved Landscape Plan).

#### **D. Ongoing**

Trees required by this condition must be maintained and protected until they are covered by Council's Controls for Preservation of Trees and Bushland Vegetation (SSCDP2015 Chapter 38). Any replacement trees found damaged, dying or dead must be replaced with the same species in the same container size within one month with all costs to be borne by the owner.

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

Sutherland Shire Council Nursery

345 The Boulevard, Gympie

Ph: 02 9524 5672

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

#### **31. Tree Retention and Protection (ENV2040)**

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

##### **A. Before Works**

Prior to the commencement of any demolition, excavation or construction works on site the applicant must engage a suitably qualified and experienced Supervising Consulting Arborist to oversee the measures for the protection of existing trees as listed below. Once the protective measures are in place, Council's Tree Assessment Officer (ph. 9710 0333) must be contacted to confirm that the protective measures are adequate.

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

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

- i) To preserve any existing trees on site or in the road reserve, the footings of any proposed structure including fencing and retaining walls, must be isolated pier and beam construction within the Tree Protection Zone. The piers must be hand dug and located such that no roots of a diameter greater than 50mm are severed or injured in the process of any site works during the construction period. The beam must be located on or above the existing soil levels. The location and details of any footings within the Tree Protection Zone (TPZ) shall be detailed in accordance with i) above and on the Construction Certificate Plans.

- ii) Protective fencing constructed of 1.8m high chain wire mesh supported by robust posts must be installed in accordance with the approved Landscape Plan and supervising Consulting Arborist's advice. Signage must be erected on the fence with the following words clearly displayed "TREE PROTECTION ZONE, DO NOT ENTER".
- iii) The tree protection zone within the protective fencing must be mulched with a maximum depth 75mm of suitable organic mulch (woodchips or composted leaf chip mulch) and kept regularly watered for the duration of the works subject to this consent.
- iv) No development or associated activity is permitted within the fenced tree protection zone for the duration of works subject to this consent. This includes vehicular or pedestrian access, sheds, washout areas, excavations, backfilling, installation of services (including stormwater), removal of top soil, stockpiling of soil or building materials.
- v) Where site access/egress is required over the roots of trees identified for retention and protection, provide hardwood rumble boards over a 200mm thick layer of wood chip.
- vi) Tree trunk/branch batten protection boards are to be installed as per 4.5.2 of Australian Standard (AS4970-2009) - Protection of Trees on Development Sites.

#### **B. During Works**

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

<b>Hold Point</b>	<b>Task</b>	<b>Responsibility</b>	<b>Certification</b>	<b>Timing of Inspection</b>
<b>1.</b>	Indicate clearly with spray paint trees approval for removal only	Principal Contractor	Supervising Arborist	Prior to demolition and site establishment
<b>2.</b>	Establishment of tree protection fencing	Principal Contractor	Supervising Arborist	Prior to demolition and site establishment
<b>3.</b>	Supervise the removal of deadwood or pruning of the canopy to allow for building works.	Principal Contractor	Supervising Arborist	As required prior to the works proceeding adjacent to the tree



4.	Supervise all excavation works proposed within the TPZ	Principal Contractor	Supervising Arborist	As required prior to the works proceeding adjacent to the tree
5.	Inspection of trees by Project Arborist	Principal Contractor	Supervising Arborist	Bi-monthly during construction period
6.	Final inspection of trees by project Arborist	Principal Contractor	Supervising Arborist	Prior to issue of interim/final Occupation Certificate

### C. Before Occupation

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

## 32. Pruning of Trees on Private Land

### A. Before Works

The approved Landscape Plan includes the pruning of trees as identified on site and adjoining streets during the site inspection carried by Council's Arborist and the supervising Consulting Arborist prior to any demolition works on site. The purpose of the inspection is to physically mark existing trees that are to be removed or pruned.

Pruning works include the removal of deadwood, to allow vehicular access into driveways and to allow clearance where adjacent to buildings. The details of pruning works required must be incorporated on the approved Landscape Plan.

All pruning must be carried out by a qualified Tree Surgeon/Arborist and conform to the provisions of AS4373 - 2007 **Australian Standard for Pruning of Amenity Trees.**

## 33. Supervising Environmental Consultant (ENV9001)

### A. Before Commencement

The applicant must engage an appropriately qualified and experienced environmental consultant to supervise all aspects of site remediation, site validation and environmental site management matters.

The environmental consultant must be certified by one of the following certification schemes:

- EIANZ 'Certified Environmental Practitioner - Site Contamination' scheme (CEnvP SC).
- Soil Science Australia 'Certified Professional Soil Scientist - Contaminated Site Assessment & Management' scheme (SSA CPSS CSAM).

**B. Before Works and issue of any Construction Certificate**

The applicant must provide clear evidence of the appointment of the supervising environmental consultant to the satisfaction of Sutherland Shire Council, Manager Environmental Science, prior to the commencement of any works or the issue of any Construction Certificate, whichever occurs first.

**C. During Works**

The certified environmental consultant must supervise all aspects of site remediation and validation and onsite environmental management to ensure compliance with the approved plans.

**34. Site Remediation (Env 9002)**

**A. During Works**

The site must be remediated in accordance with the Remedial Action Plan as endorsed by the NSW EPA accredited site auditor, under the supervision of the supervising environmental consultant.

Any required variations to the Remedial Action Plan, must be notified and approved by the NSW EPA accredited site auditor, prior to implementation.

**35. Site Validation**

**A. Prior to Occupation and Issue of Occupation Certificate**

On completion of site remediation, a Validation Report must be prepared by an appropriately qualified and experienced environmental consultant in accordance with, but not limited to, the NSW EPA 'Guidelines for Consultants Reporting on Contaminated Sites' 2011.

The environmental consultant must be certified by one of the following certification schemes:

- EIANZ 'Certified Environmental Practitioner - Site Contamination' scheme (CEnvP SC).
- Soil Science Australia 'Certified Professional Soil Scientist - Contaminated Site Assessment & Management' scheme (SSA CPSS CSAM).

The Validation Report must verify that the site has been remediated in accordance with the Remedial Action Plan as endorsed by the NSW EPA accredited site auditor. The validation report must also verify that the site is suitable for the proposed development.

If a long-term environmental management plan is required through the site audit review process, such a plan must be prepared by an appropriately qualified and experienced environmental consultant. This plan must also be reviewed by the NSW EPA accredited site auditor.

The Validation Report must be reviewed by a NSW EPA accredited site auditor and a Site Audit Statement issued to certify that the land is suitable for the proposed development. The Site Audit Statement must be submitted to the satisfaction of Sutherland Shire Council, Environmental Science prior to occupation and issue of any occupation certificate.

### **36. Long-Term Environmental Management Plan**

#### **A. Prior to occupation and the issue of any occupation certificate**

If a Long-term Environmental Management Plan is required by the site audit review process; this plan must be prepared by an appropriately qualified and experienced environmental consultant in accordance with relevant NSW EPA guidelines.

The environmental consultant must be certified by one of the following certification schemes:

- EIANZ 'Certified Environmental Practitioner - Site Contamination' scheme (CEnvP SC).
- Soil Science Australia 'Certified Professional Soil Scientist - Contaminated Site Assessment & Management' scheme (SSA CPSS CSAM).

Any Long-term Environmental Management Plan must be consistent with the Conservation Management Plan and any other approvals granted by the NSW Heritage Council.

The applicant must create and register a covenant on the title of the land under the provisions of the *Conveyancing Act 1919* that stipulates the use of the site is subject to the requirements provided in the site auditor endorsed long-term environmental management plan.

The positive covenant must be binding upon the registered proprietors of the subject lots and successors in title. The instrument shall nominate Sutherland Shire Council as the only authority empowered to release, vary or modify the terms of the covenant.

Evidence that the required covenant on the land title has been created, must be provided to the satisfaction of Sutherland Shire Council, Manager Environmental Science, prior to occupation and the issue of any occupation certificate.

### **37. Potential Contaminated Land - Unexpected Finds**

#### **A. During Works**

If unexpected soil and/or groundwater contamination is encountered during any works; all work must cease and the situation must be promptly evaluated by the supervising environmental consultant. The contaminated soil and/or groundwater must then be managed under the supervision of the environmental consultant, in accordance with the Unexpected Finds Protocol within the Remedial Action Plan, as endorsed by the NSW EPA accredited site auditor.

#### **B. Prior to recommencement of works**

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

The verification documentation must be provided to the satisfaction of the Principal Certifier and Sutherland Shire Council, Manager Environmental Science, prior to the recommencement of any works.

### **38. Management of Site Soil / Fill Material**

#### **A. During Works**

##### **i) Disposal of site soils**

Any soils to be excavated and disposed of from the site must be analysed and classified by an appropriately qualified and experienced environmental consultant, in accordance with the Remedial Action Plan, as endorsed by the NSW EPA accredited site auditor and relevant NSW EPA guidelines including the "Waste Classification Guidelines" 2014, prior to off-site disposal.

The environmental consultant must be certified by one of the following certification schemes:

- EIANZ 'Certified Environmental Practitioner - Site Contamination' scheme (CEnvP SC).
- Soil Science Australia 'Certified Professional Soil Scientist - Contaminated Site Assessment & Management' scheme (SSA CPSS CSAM).

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

With respect to fill material classified as special waste (asbestos); the waste facility must be licensed to accept asbestos waste.

##### **ii) Reused soils**

Any existing soils excavated to be reused on the site must be assessed by an appropriately qualified and experienced environmental consultant in accordance with the National Environment Protection (Assessment of Site Contamination) Measure 1999 (amended 2013) and any relevant guidelines approved under the *Contaminated Land Management Act 1997*; to verify that the material is suitable for the intended land use, prior to reuse.

Any soils not suitable for the intended land use must be removed from site and disposed of in accordance with i) above.

##### **iii) Importation of fill material**

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

### **39. Protection for a Potential Item of Aboriginal Heritage (ENV4050)**

#### **A. During Construction**

Development consent from Council does not imply consent to destroy an Aboriginal site or object issued under the National Parks and Wildlife Act.

Should any Aboriginal objects be unearthed/exposed during the project, works must temporarily cease within the immediate vicinity and the Office of Environment and Heritage be contacted to advise on the appropriate course of action.

## **Requirements of National Parks and Wildlife Act 1974**

The National Parks and Wildlife Act is the primary legislation for the protection of Aboriginal cultural heritage in NSW. Under the National Parks and Wildlife Act 1974 it is an offence to desecrate or harm an Aboriginal object without having obtained an Aboriginal Heritage Impact Permit (AHIP) under section 90 or without having exercised due diligence in accordance with the Due Diligence Code of Practice for the Protection of Aboriginal Objects in NSW (NSW Department of Environment, Climate Change & Water (DECCW)).

### **40. Car Wash Bays (HLT2005)**

To prevent contamination of the stormwater drainage system three car-wash bays 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.

### **41. Garbage, Recycling and Green-waste Storage Area (HLT3015)**

To ensure the proper storage of waste from the premises:

#### **A. Design**

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

#### **B. Before Construction**

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

### **C. Before Occupation**

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

### **D. Ongoing**

All waste and recycling bins must be stored wholly within the approved waste storage area. The bins must only be put out for collection in the evening prior to pick-up and returned to the storage area as soon as possible after pick-up.

## **42. Heritage Consultant and Qualified Tradespersons**

- a) A suitably qualified and experienced heritage consultant must be nominated for the conservation works approved under this application. The nominated heritage consultant must provide input into design including the preparation of detailed conservation works and supervise the works to minimise impacts to heritage values. The nominated heritage consultant must be consulted prior to the selection of appropriate tradespersons and must be satisfied that all work has been carried out in accordance with the conditions of this consent.
- b) All work shall be carried out by suitably qualified tradespersons with practical experience in conservation and restoration of similar heritage items, and under the supervision of a suitably qualified and experienced heritage consultant, and as per the requirements of the General Terms of Approval (dated 10 October 2019), issued by the Heritage Council.

## **43. Site Protection - Heritage**

- a) Significant heritage elements are to be adequately protected during the works from potential damage. Protection systems must be employed to ensure historic fabric is not damaged or removed.
- b) Excavation and demolition works shall be assessed by the nominated heritage consultant in its suitability to be conducted close to or inside the heritage item. The nominated heritage consultant to propose strategies to ameliorate impacts.

## **44. Photographic Archival Recording**

- a) A photographic archival recording of the place is to be undertaken prior to the commencement of works and submitted to Council's Heritage Officer for assessment and approval. The recording should capture the heritage site generally but focus on the cottage. The archival recording must be prepared in accordance with the Heritage Council of NSW guidelines, in particular *Photographic Recording of Heritage Items Using Film or Digital Capture*; and the General Terms of Approval dated 10 October 2019, issued by the Heritage Council. A minimum of three copies are to be produced: one for Council, the second for the local council's local studies library and the third to be retained by the owner; and any other copies as required by the Heritage Council of NSW.

**45. Unexpected Historical Archaeological Relics Protection**

The applicant must ensure that if unexpected archaeological deposits or relics not identified and considered in the supporting documents for this approval are discovered, work must cease in the affected area(s) and the Heritage Council of NSW must be notified. Additional assessment and approval may be required prior to works continuing in the affected area(s) based on the nature of the discovery; and in accordance with the requirements of the Heritage Council of NSW.

**46. External Lighting - (Amenity) (HLT3025)**

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

**A. Design**

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

**B. Ongoing**

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

**47. Noise Control - Residential Air Conditioning Unit / Heat Pump Water Heater (HLT4005)**

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.

**48. Noise Control - Design of Plant and Equipment (General Use) (HLT4010)**

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

**A. Design**

All plant and equipment must be designed and / 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.

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

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

**A. Design**

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

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

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

**B. Before Construction**

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

**C. Before Occupation**

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

**D. Ongoing**

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



## **50. Noise and Vibration Control - Residential Car Park (HLT4060)**

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

### **A. Design**

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

### **B. Before Occupation**

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

## **51. Building Ventilation (HLT5005)**

To ensure adequate ventilation for the building:

### **A. Design**

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

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

## **52. Car-Park Ventilation - Alternate System (HLT5010)**

To ensure adequate ventilation for the car park:

### **A. Design**

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

### **B. Before Construction**

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

### **C. Before Occupation**

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

### **D. Ongoing**

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

## **53. Demolition and other Building Work including Heritage Restoration - (HLT5015)**

To ensure that demolition of structures and other building work, including Heritage Restoration, is carried out in an environmentally acceptable and safe manner:

### **A. Before Commencement**

If works involve the removal of more than 10 square metres of asbestos material, a bonded asbestos licence is required, any removal of asbestos must also be consistent with the requirements of the Remedial Action Plan as required in *Deferred Commencement Condition 1*. A friable asbestos licence is required to remove, repair or disturb any amount of friable asbestos. For further information contact SafeWork NSW.

### **B. During Works**

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

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

- a) Work Health and Safety Act 2011;
- b) Work Health and Safety Regulation 2011;
- c) Safe Work Australia Code of Practice - How to Manage and Control Asbestos in the Workplace;

- d) Code of Practice for the Safe Removal of Asbestos 2nd Edition [NOHSC:2002(2005)];
- e) SafeWork NSW 'Working with Asbestos - Guide 2008';
- f) Protection of the Environment Operations Act 1997; and
- g) Protection of the Environment Operations (Waste) Regulation 2005.

Asbestos waste in any form must be disposed of at a waste facility licensed by the NSW EPA to accept asbestos waste. Any asbestos waste load over 100kg (including asbestos contaminated soil) or 10m<sup>2</sup> or more of asbestos sheeting must be registered with the EPA on-line reporting tool WasteLocate. More information can be found at <https://wastelocate.epa.nsw.gov.au>.

#### **54. Dilapidation Report - Adjoining Properties (ORD1005)**

##### **A. Before Works**

To assist in the resolution of any future disputes about damage to properties adjoining the development site, prior to commencement of any work on site the Applicant or principal contractor must provide dilapidation reports on the adjacent buildings, including any basements and ancillary structures at:

- 24 and 26 Boronia Grove, Heathcote
- 23 and 25 Dillwynnia Grove, Heathcote

The reports must be provided to the Principal Certifying Authority and to the owners of the properties that are the subject of the report.

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

#### **55. Design Requirements for Adaptable Housing (ORD4010)**

##### **A. Design**

The development must provide Townhouses 7, 8, 11, 12, 13, 14 and 22; and Apartments 1, 3, 11 and 13 in Building B as Adaptable Housing, and in accordance with **Condition 3**. A report prepared by a suitably qualified Adaptable Housing Specialist must be submitted with the Construction Certificate, demonstrating that the development complies with the requirements of AS4299 - Adaptable Housing. The report must contain a completed checklist (Appendix A - AS4299) demonstrating compliance with the requirements of a Class C Adaptable House.

##### **B. Before Occupation**

Prior to the occupation of the development, or this issue of any Occupation Certificate, a suitably qualified Adaptable Housing Specialist must certify that the development has been constructed in accordance with the requirements of "A" above. A copy of this certification must accompany the Occupation Certificate.

#### **56. Design Requirements for Livable Housing (ORD4012)**

##### **A. Design**

The development must provide Townhouses 27, 23, 24 and 25; and Apartments 2, and 12 in Building A as Livable Housing. These units must be designed to the 'Silver Standard' as outlined in the *Livable Housing Design Guidelines* (prepared by Livable Housing Australia).

Details must be included in documentation submitted with the application for a Construction Certificate.

**B. Before Occupation**

Prior to the occupation of the development, or this issue of any Occupation Certificate, a suitably qualified Livable Housing Specialist must certify that the development has been constructed in accordance with the requirements of “A” above. A copy of this certification must accompany the Occupation Certificate.

**57. Verification of Design for Construction - SEPP 65 (ORD4015)**

**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.

**58. Fire Safety - Upgrade of Heathcote Hall (ORD4025)**

The works to Heathcote Hall are subject to the implementation of the following fire safety upgrade works considered necessary for the buildings proposed new use:

- a) Compliance with Part E1 and E4 of the Building Code of Australia. The upgrade shall be designed and certified by a heritage professional with expertise in Fire Safety and BCA upgrade of heritage buildings to reduce the impacts onto the original fabric of the item.

Prior to issue of any Construction Certificate, the Accredited Certifier must ensure that all recommended upgrade works are documented and accompany the application for a Construction Certificate.

**59. Certification Requirement of Levels (ORD4035)**

**A. During Construction**

At the following stages of construction:

- i. Prior to the pouring of each basement floor or roof slab;
- ii. Prior to the pouring of each floor or roof slab for all townhouses and residential flat buildings.
- iii. Upon completion of the roof frames.

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

**B. Before Occupation**

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

## **60. Sydney Water Requirements & Section 73 Compliance Certificate (ORD4040)**

### **A. Before Any Works**

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

Please refer to the web site [www.sydneywater.com.au](http://www.sydneywater.com.au).

### **B. Before Occupation / Subdivision Certificate**

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

#### **Sydney Water Advice on Compliance Certificates:**

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

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

## **61. Dial Before You Dig (ORD4050)**

### **A. Before Construction**

Underground assets may exist in the area that is subject to your application. In the interests of health and safety and in order to protect damage to third party assets please contact Dial Before You Dig at [www.1100.com.au](http://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.

## **62. Containment of Fill (ORD5015)**

### **A. Design**

Fill must not extend beyond the perimeter of the building. (The use of a dropped edge beam is a method of complying with this condition.)

## **B. Before Construction**

Details of the finished levels around the perimeter of the building must accompany the application for a Construction Certificate.

### **63. Certification - of Approved Ground Levels (ORD7010)**

Verification of approved ground levels

#### **A. Before Occupation**

Upon completion of the development certification must be provided by a registered surveyor verifying that the ground levels of the site are in accordance with the approved plans and any conditions of consent regarding site levels along the boundaries of the site.

### **64. Noise Control and Permitted Hours for Building and Demolition Work (ORD5006)**

#### **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.

Both Council and affected neighbours must be notified a minimum of 48 hours prior to commencement of works. Affected neighbours include those in the immediate vicinity, adjacent or adjoining the development site. Notification must be by way of written advice including:

- 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.

### **65. Toilet Facilities (ORD5010)**

#### **A. During Works**

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

Each toilet must:

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

**66. Street Numbering and Provision of Letter Box Facilities (ORD6005)**

**A. Before Occupation**

- i) Street / unit numbers must be clearly displayed.
- ii) Suitable letterbox facilities must be provided in accordance with Australia Post specifications.
- iii) The dwellings must have the following street address format:
  - 1-3 / 19 Dillwynia Grove, Heathcote (Townhouses facing Dillwynia Grove)
  - 4-55 / 16 Boronia Grove, Heathcote (All other townhouses and both residential flat buildings)
  - Heathcote Hall shall be known at 37 Tecoma Street, Heathcote.

**67. Car parking Areas (ORD7015)**

**A. Ongoing**

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

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

**68. Car Parking Allocation (ORD7020)**

**A. Before Subdivision**

Residential car parking must be allocated to individual strata lots as part of their unit entitlement.

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

Parking must be allocated on the following basis:

- Residential dwellings: a minimum of 1 space per one bedroom dwelling; 1.5 spaces per two bedroom dwelling; and 2 spaces per three bedroom dwelling.
- Residential visitors: a minimum of 1 space per 4 dwellings
- Car wash bay(s): 3 spaces total
- Bicycle bays: 10 spaces total
- Retail/commercial: minimum of 12 spaces, including a minimum of eight spaces to be provided in the separate basement level 2 commercial parking.
- Loading/servicing: wholly within the site and within the driveway waste collection/ loading area

**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.

Note: This condition has been imposed to ensure that the car parking spaces are only used for car parking by the unit that it has been allocated to. It is intended to restrict the sale or subleasing of car parking to parties unrelated to each strata entitlement. Council's condition is a "restrictive use condition" pursuant to the Strata Schemes Development Act 2015 and should be noted as such on any future the Strata Certificate.

**69. Loading and Unloading (ORD7035)**

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

**A. Ongoing**

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

**70. Storage volumes per dwelling (ORD9001)**

Storage must be provided at the following rates for each dwelling, with 50% of the volumes to be provided within the dwelling:

- One bedroom dwelling - 6m<sup>3</sup>
- Two bedroom dwelling - 8m<sup>3</sup>
- Three bedroom dwelling - 10m<sup>3</sup>

Details of this must be shown on plans accompanying any Construction Certificate.

**END OF CONDITIONS**





Our ref: DOC19/785584  
Your ref: DA17/0467

Ms Lisa Pemberton  
Environmental Assessment Officer – Planner  
Sutherland Shire Council  
Locked Bag 17  
SUTHERLAND NSW 1499

By email: [lpemberton@ssc.nsw.gov.au](mailto:lpemberton@ssc.nsw.gov.au)

Dear Ms Pemberton

**HERITAGE COUNCIL OF NSW – REVISED GENERAL TERMS OF APPROVAL  
INTEGRATED DEVELOPMENT APPLICATION IDA/2017/55**

**Site:** 1-21 DILLWYNNIA GROVE, HEATHCOTE - HEATHCOTE HALL SHR N° 00191

**Proposal:** Refurbishment and restoration of Heathcote Hall, construction of 35 townhouses and 20 apartments, extensive landscape works across the entire site, and 56 lot strata subdivision.

**Additional Information Requested:** No

As delegate of the Heritage Council of NSW, I have considered the above integrated development application. In accordance with section 4.47 of the *Environmental Planning and Assessment Act 1979*, the following amended terms of approval are proposed to be granted:

**APPROVED DEVELOPMENT**

1. Development must be in accordance with:
  - a) Architectural drawings, prepared by Tropman and Tropman Architects as listed below:

Drawing No.	Title	Date	Rev
Project Name: Heathcote Hall			
Ex100	Existing Site Plan	23/11/17	A
Ex101	Ground Floor	23/11/17	A
Ex102	Existing First Floor	23/11/17	A
Ex110	Existing Elevation S-W	23/11/17	B
Ex111	Existing Elevation S-E	23/11/17	A
Ex112	Existing Elevation N-W	23/11/17	A
Ex113	Existing Elevation N-E	23/11/17	A
PR.200	Existing Roof Plan	23/11/17	F
PR.201	Proposed Ground Floor Plan	23/11/17	F
PR.202	Proposed First Floor Plan	23/11/17	F

Level 6, 10 Valentine Ave Parramatta NSW 2150 • Locked Bag 5020 Parramatta NSW 2124  
P: 02 9873 8500 • E: [heritagemailbox@environment.nsw.gov.au](mailto:heritagemailbox@environment.nsw.gov.au)

PR.210	Proposed Elevation S-W	23/11/17	F
PR.211	Proposed Elevation N-W	23/11/17	F
PR.212	Proposed Elevation N-E	23/11/17	F
PR.213	Proposed Elevation S-E	23/11/17	A

b) Architectural drawings, prepared by Ink Architects, as listed below:

Dwg No	Dwg Title	Date	Rev
<b>Project Name: Historic Heathcote Hall – 1-21 Dillwynnia Grove, Heathcote, Sutherland</b>			
DA00	Cover Sheet	27/08/19	I
DA01	Site Plan Roof Plan	17/09/19	J
DA02	Demolition Plan	5/12/17	A
DA05	Lower Basement B2	27/08/19	I
DA06	Basement Floor Plan - B1	27/08/19	I
DA07	Ground Floor Plan	27/08/19	I
DA07 CMP	Ground Floor Plan CMP	27/08/19	I
DA08	First Floor Plan	27/08/19	I
DA08 CMP	First Floor Plan CMP	27/08/19	I
DA09	Second Floor Plan	27/08/19	I
DA09 CMP	Second Floor Plan CMP	27/08/19	I
DA10	East, North, West & South Elevations	27/08/19	I
DA11	Sections A-A, B-B, C-C & D-D	27/08/19	I
DA12	Sections E-E, F-F, G-G, H-H, & I-I	27/08/19	I
DA13	Sections H-H, J-J, K-K	27/08/19	I
DA15	FSR Calculations	27/08/19	I
DA16	Adaptable and Livable Dwellings	27/08/19	I
DA24	Building A Area Over 8.5m	27/08/19	I
DA20	Material Finishes Board	27/08/19	I
DA21	Material Finishes	20/03/19	D
DA29	Wayfinding	27/08/19	I

c) Landscape drawings, prepared by Site Design + Studios and Michael Lehany, as listed below:

Dwg No	Dwg Title	Date	Rev
<b>Project Name: Heathcote Hall, 1-21 Dillwynnia Grove, Heathcote NSW</b>			
L-06	Heritage Concept Plans-Italianate	11/12/17	C
L-07	Heritage Garden/ CMP Reference	11/12/17	D
L-7A	Heritage-CMP	11/12/17	D
L-09	Site Analysis	19/3/18	E
L-10	Interpretation	19/3/18	E

L-11	Landscape Masterplan	19/3/18	E
L-12	Landscape Plans - Levels	11/12/17	D
L-12A	Landscape Plans - Hydraulics	19/3/18	E
L-13	Landscape Plans - details	19/3/17	E
L-14	Existing Trees Plan	19/3/17	E
L-14A	Existing Trees Plan	19/3/17	E
L-15	Existing Tree Report - Draft	19/3/17	E
L-16	Incursions	19/3/17	E
L-17	Planting Areas Plan	19/3/17	E
L-18	Plant List	19/3/17	E
L-19	Landscape Plans - Materials	19/3/17	E
L-20	Details	19/3/17	E
L-21	Sections	19/3/17	E

- d) *Heathcote Hall, 1-21 Dillwynnia Grove, Heathcote, NSW – Revised Heritage Impact Statement*, prepared by Tropman and Tropman Architects, dated December 2017, as amended by Condition 1 b) above.
- e) *Heathcote Hall, 1-21 Dillwynnia Grove, Heathcote, NSW - Schedule of Works*, prepared by Tropman and Tropman Architects, dated April 2017.
- f) *Heathcote Hall, 1-21 Dillwynnia Grove, Heathcote NSW – Conservation Management Plan*, prepared by Anne Warr Heritage Consulting, dated 18 July 2017.
- g) *Statement of Environmental Effects: Proposed restoration of the State Significant Historic Heathcote Hall and Gardens Incorporating the Development of 36 Town Houses and 21 Units Including Basement Parking*, prepared by HGPS, dated 12 April 2017, as amended by Condition 1 b) above.
- h) *Addendum to the Statement of Environmental Effects – 1-21 Dillwynnia Grove, Heathcote*, prepared by HGPS, dated 11 December 2017, as amended by Condition 1 b) above.
- i) *Heritage Landscape Assessment* by the Expert Michael Lehany, prepared by Michael Lehany, dated 9 March 2017 (included as Appendix to HIS).
- j) Report titled *RE: Addendum Arborist Report at Heathcote Hall, 1-21 Dillwynnia Grove, Heathcote (The Site) – DA 17/1467 with Sutherland Shire Council (Council)*, prepared by Jacksons Nature Works, dated 8 March 2018.
- k) *Flora and Fauna Report: Heathcote Hall Residential Development*, prepared by Eco Logical Australia, dated 8 March 2018 (refer to DOC17/636501-26).
- l) *Quantity Surveyors Construction Cost Report – Historic Heathcote Hall, 1-21 Dillwynnia Grove, Heathcote NSW*, prepared by Mitchell Brandtman, dated April 2017, as amended by Condition 1 b) above.

- m) *Re: Proposed Re-Development of 'Heathcote Hall' 1-24 (sic) Dillwynnia Grove – Quantity Surveyors Construction Cost Report*, prepared by Mitchell Brandtman, dated 1 May 2017, as amended by Condition 1 b) above.
- n) *Heathcote Hall – Buffer Zone Planting Report*, prepared by Tropman and Tropman Architects, dated 9 April 2019.

**EXCEPT AS AMENDED** by the following conditions of this approval:

**DEFERRED COMMENCEMENT - HERITAGE AGREEMENT**

2. The approval for refurbishment and restoration of Heathcote Hall, construction of 35 townhouses and 20 apartments, extensive landscape works, and 56 lot strata subdivision is subject to Deferred Commencement in accordance with s63A of the Heritage Act 1977. This approval is subject to the following condition:

- a) The applicant is to enter into a heritage agreement with the Minister for Heritage – and have it registered on the title of the property – to ensure:
  - i. the appropriate conservation works are undertaken prior to the issue of an Occupation Certificate for any new residential development within the curtilage;
  - ii. development and implementation of a comprehensive maintenance plan which identifies urgent, short, medium and long term maintenance works in perpetuity;
  - iii. appropriate interpretation in accordance with an approved interpretation strategy, implemented prior to the issue of an Occupation Certificate for any new residential development within the curtilage;
  - iv. an annual open day to allow public access to Heathcote Hall;
  - v. no new structures to be constructed within the reduced landscape setting of Heathcote Hall; and
  - vi. funding to implement conservation and maintenance works as well as interpretation.

*Reason: Despite the adverse heritage impact on the setting of the place, the proposed development is considered the only viable means of funding the required works to conserve the place in perpetuity.*

**FUTURE WORKS APPLICATION**

3. Conservation works set out in the Schedule of Works are approved. However, works relating to the service upgrade and adaptive reuse of Heathcote Hall are not approved, including:

- a) kitchen exhaust;
- b) WCs (A12, B11);
- c) widening of door (D15);
- d) removal of dividing wall (between B8 and B11);
- e) air-conditioning; and
- f) flat roofed structure (A14).

The use and fitout of the place is to form a separate, future application.



*Reason: Modifications for a potential future use is premature and could unnecessarily impact significant fabric. Whilst sympathetic adaptive reuse is encouraged, and the proposed modifications may be acceptable, without more detail and a definitive use it is not possible to undertake a thorough heritage impact assessment.*

#### **ADDITIONAL INFORMATION**

4. In order to clarify issues and enable a thorough impact assessment, the following information is to be submitted with the section 60 application for assessment by the Heritage Council of NSW (or delegate):

a) Detailed planting plans are required and are to include proposed revegetation areas, particularly those to the main hall's south and east. Detailed management strategies to retain significant views to Dillwynia Grove from Heathcote Hall and views from its remnant and recreated drive, paths, pleasure gardens by:

- i. controlling shrub heights;
- ii. only planting new native trees under or near mature existing ones to bolster groves and elsewhere in the hall's south;
- iii. removing new tree seedlings in most of the southern 'fringe'.

*Reason: Remaining or recoverable views to and from Heathcote Hall, its remnant and recreated drive, paths, pleasure gardens have higher cultural heritage value relative to that of the site's natural heritage value and should be favoured over the latter. Additional detail has been provided which appears to control shrub height to retain/ reinstate views, however further assessment of the information is required at s60 stage, in conjunction with detailing of the pleasure garden, to ensure appropriate landscaping.*

b) Detailed information on the proposed design of the pleasure garden based on further site investigation.

*Reason: To enable investigation of the historical garden and appropriate conservation and reconstruction of this significant garden setting.*

c) Amended plans showing the detail and location of all fences.

*Reason: Insufficient information has been provided to enable a thorough impact assessment of this element. The location of the 1200mm picket fence appears at odds with the existing landscape plan, crossing paths at unusual angles. The location of this fence is to be carefully reconsidered in light of the future investigations which are required to aid the detailed design of the pleasure garden.*

d) The landscape plans prepared by Tropman and Tropman Architects titled Proposed Buffer Zone Planting plans (L100 – L106, dated 9 April 2019) are not approved. The Buffer Zone Planting Report is approved in principle and is to be considered and incorporated where relevant in the development of the detailed design of the pleasure garden, planting plans, and fencing. The stairs proposed in the 'Old Carriageway Interpretation' are to be removed and the path graded to accommodate the change in levels.

*Reason: The Buffer Zone Planting Report provides an appropriate means of mitigating the potential adverse impacts on the setting of Heathcote Hall of private open space encroachment into the buffer zone. The approach detailed in the report should be integrated into the detailed design of the pleasure garden. The associated plans are generally supported but are not approved as they encroach into the pleasure garden and do not reflect the detailed*

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*investigation required for the final design. The stairs in the interpreted drive within the buffer zone would impede the interpretive potential of this element.*

- e) Internal and external paint scrapes are to be taken at Heathcote Hall to determine the early decoration schemes. New paint schemes are to be based on the findings of this investigation.

*Reason: No detailed information on the internal or external paint scheme for Heathcote Hall has been provided to enable a thorough heritage impact assessment. To ensure compliance with CMP policy 5.2.27.*

- f) Amended plans and supporting documentation showing inconsistencies have been rectified. The duplication in numbering of building spaces on the ground floor of Heathcote Hall and ancillary structures is to be removed; ancillary structures are to be renumbered from A1 to C1, etc.

*Reason: To ensure there is no confusion over proposed works.*

- g) Detailed information addressing fire protection of the historic elements of the place.

*Reason: No provision for fire protection of the historic dwelling, associated landscaped setting and elements has been indicated. Considering the local bushfire threat, and the significance of the place, means to address this issue should be installed.*

#### **DESIGN MODIFICATIONS**

5. Repainting of the stair dado (A6) is not approved. Preservation of this significant decoration is required.

*Reason: Repaint of this element is contrary to CMP policy 5.2.28. Preservation is preferred and must be investigated.*

6. Replacement light fittings in Heathcote Hall are to be appropriate to the character of Heathcote Hall and approved by the nominated heritage consultant.

*Reason: To ensure replacement fittings are sympathetic to the aesthetic significance of the place.*

7. Ancillary structure A5 (WC) is to be retained and conserved.

*Reason: This structure is identified as being of exceptional-high significance in the CMP and should be conserved.*

#### **HISTORICAL ARCHAEOLOGY**

8. The applicant shall submit an Archaeological Research Design and Excavation Methodology undertaken by a suitably qualified and experienced historical archaeologist as part of the section 60 application.

*Reason: To appropriately manage archaeological resources on the site.*

9. The name of a nominated excavation director suitable to satisfy the Excavation Director Criteria of the Heritage Council of NSW for the proposed activity and significance level is submitted with the section 60 application.

*Reason: To ensure that archaeological excavation at the site is managed by a suitably qualified excavation director.*

10. Following the receipt of the Archaeological Research Design and Excavation Methodology as part of the section 60 application, the Heritage Council of NSW reserves the right to issue Archaeological Conditions as part of the section 60 approval to manage the archaeology. Matters such as (but not limited to) fieldwork methodology, artefact analysis, and final reporting may be included as part of these archaeological conditions.

*Reason: To ensure that archaeological resources are managed in accordance with the approved research design and methodology.*

11. This archaeological approval does not cover the removal of any State significant relics. This approval covers the archaeological monitoring of works which may disturb or expose relics. Only relics of local heritage significance can be removed.

*Reason: To ensure that locally significant relics are appropriately managed and State significant relics are not removed.*

#### **UNEXPECTED HISTORICAL ARCHAEOLOGICAL RELICS**

12. The applicant must ensure that if unexpected archaeological deposits or relics not identified and considered in the supporting documents for this approval are discovered, work must cease in the affected area(s) and the Heritage Council of NSW must be notified. Additional assessment and approval may be required prior to works continuing in the affected area(s) based on the nature of the discovery.

*Reason: This is a standard condition to identify to the Applicant how to proceed if unexpected historical archaeological relics are discovered on site.*

#### **ABORIGINAL OBJECTS**

13. Should any Aboriginal 'objects' be uncovered by the work, excavation or disturbance of the area is to stop immediately and the Office of Environment & Heritage is to be informed in accordance with Section 89A of the National Parks and Wildlife Act, 1974 (as amended). Works affecting Aboriginal 'objects' on the site must not continue until the Office of Environment and Heritage has been informed. Aboriginal 'objects' must be managed in accordance with the National Parks and Wildlife Act, 1974.

*Reason: This is a standard condition to identify to the Applicant how to proceed if Aboriginal objects are unexpectedly identified during works.*

#### **HERITAGE CONSULTANT**

14. A suitably qualified and experienced heritage consultant must be nominated for this project. The nominated heritage consultant must provide input into the detailed design, provide heritage information to be imparted to all tradespeople during site inductions, and oversee the works to minimise impacts to heritage values. The nominated heritage consultant must be involved in the selection of appropriate tradespersons, and must be satisfied that all work has been carried out in accordance with the conditions of this consent.

*Reason: So that appropriate heritage advice is provided to support best practice conservation and ensure works are undertaken in accordance with this approval.*



#### **HERITAGE INTERPRETATION STRATEGY**

15. An interpretation plan must be prepared in accordance with the NSW Heritage Division publication Interpreting Heritage Places and Items Guidelines and submitted for approval to the Heritage Council of NSW (or delegate) prior to the issue of any Construction Certificate.
16. The interpretation plan must detail how information on the history and significance of name of item will be provided for the public, and make recommendations regarding public accessibility, signage and lighting. The plan must identify the types, locations, materials, colours, dimensions, fixings and text of interpretive devices that will be installed as part of this project.
17. The approved interpretation plan must be implemented prior to the issue of an occupation certificate for any residential development within the curtilage of Heathcote Hall.

*Reason: Whilst interpretation is generally encouraged, the proposal should be informed by an interpretation strategy to ensure that interpretation is cohesive and appropriate to convey the significance of the site. Interpretation is an important part of every proposal for works at heritage places.*

#### **SITE PROTECTION**

18. Significant built and landscape elements are to be protected during site preparation and the works from potential damage. Protection systems must ensure significant fabric, including landscape elements, is not damaged or removed.

*Reason: To ensure significant fabric including vegetation is protected during construction.*

#### **PHOTOGRAPHIC ARCHIVAL RECORDING**

19. A photographic archival recording of Heathcote Hall (including built and landscape elements and the setting) must be prepared prior to the commencement of works. This recording must be in accordance with the NSW Heritage Division publication Photographic Recording of Heritage Items using Film or Digital Capture (2006). The digital copy of the archival record must be provided to the Heritage Division, Office of Environment and Heritage.

*Reason: To capture the condition and appearance of the place prior to modification of the site which impacts significant fabric.*

#### **COMPLIANCE**

20. If requested, the applicant and any nominated heritage consultant may be required to participate in audits of Heritage Council of NSW approvals to confirm compliance with conditions of consent.

*Reason: To ensure that the proposed works are completed as approved.*

#### **SECTION 60 APPLICATION**

21. An application under section 60 of the Heritage Act 1977 must be submitted to, and approved by, the Heritage Council of NSW (or delegate) prior to work commencing.

*Reason: To meet legislative requirements.*



**ADVICE**

Section 148 of the *Heritage Act 1977* (the Act), allows people authorised by the Minister to enter and inspect, for the purposes of the Act, with respect to buildings, works, relics, moveable objects, places or items that is or contains an item of environmental heritage. Reasonable notice must be given for the inspection.

If you have any questions regarding the above approval, please contact Shikha Jhaldiyal, Senior Heritage Assessments Officer at Heritage, Department of Premier and Cabinet, on 9873 8545 or [shikha.jhaldiyal@environment.nsw.gov.au](mailto:shikha.jhaldiyal@environment.nsw.gov.au).

Yours sincerely



**STEVEN MEREDITH**

Regional Manager Southern

Heritage NSW

Department of Premier and Cabinet

As Delegate of the Heritage Council of NSW

10 October 2019

# NSW RURAL FIRE SERVICE



**NSW RURAL FIRE SERVICE**



The General Manager  
Sutherland Shire Council  
Locked Bag 17  
SUTHERLAND NSW 1499

Your reference: DA17/0467  
Our reference: D17/1511  
DA17051607313 GB

ID:107313/104574/5

27 April 2018

**Attention:** Lisa Pemberton

Dear Sir/Madam,

**Proposal: Integrated Development Application 1-21 Dillwynnia Grove Heathcote**

Reference is made to Council's correspondence dated 9 May 2017 seeking general terms of approval for the above Integrated Development Application in accordance with section 91 of the *Environmental Planning and Assessment Act 1979*.

The New South Wales Rural Fire Service (NSW RFS) has considered the information provided. General Terms of Approval, under Part 5 of the *Environmental Planning and Assessment Act 1979*, and a Bush Fire Safety Authority, under Section 100B of the *Rural Fires Act 1997*, are now issued subject to the following conditions:

1. A Bush Fire Emergency Management and Evacuation Plan shall be prepared for the residential complex that is consistent with *Development Planning- A Guide to Developing a Bush Fire Emergency Management and Evacuation Plan December 2014*.

**Water and Utilities**

The intent of measures is to provide adequate services of water for the protection of buildings during and after the passage of a bush fire, and to locate gas and electricity so as not to contribute to the risk of fire to a building. To achieve this, the following conditions shall apply:

2. The provision of water, electricity and gas supplies shall comply with section 4.1.3 of *Planning for Bush Fire Protection 2006*.

**Access**

The intent of measures for internal roads is to provide safe operational access for emergency services personnel in suppressing a bush fire, while residents are accessing or egressing an area. To achieve this, the following conditions shall apply:

Postal address  
NSW Rural Fire Service  
Records Management  
Locked Bag 17  
GRANVILLE NSW 2141

Street address  
NSW Rural Fire Service  
Planning and Environment Services (East)  
42 Lamb Street  
GLENDENNING NSW 2761

T 1300 NSW RFS  
F (02) 8741 5433  
E [csc@rfs.nsw.gov.au](mailto:csc@rfs.nsw.gov.au)  
[www.rfs.nsw.gov.au](http://www.rfs.nsw.gov.au)



3. The proposed emergency vehicle access into the centre of the site shall comply with the following requirements: the pavement shall be capable of carrying a load of 15 tonnes; a minimum carriageway width of 4 metres; a minimum vertical clearance of 4 metres to any overhead obstruction; the access road shall be a through road or suitable turning provisions shall be provided for a medium rigid vehicle.

#### **Design and Construction**

The intent of measures is that buildings are designed and constructed to withstand the potential impacts of bush fire attack. To achieve this, the following conditions shall apply:

4. Heathcote Hall shall be upgraded to improve ember protection. This shall include enclosing all openings (excluding roof tile spaces) or covering openings with a non-corrosive metal screen mesh with a maximum aperture of 2mm. Where applicable, this includes any sub floor areas, openable windows, vents, weepholes and eaves. External doors are to be fitted with draft excluders.
5. Any new works to Heathcote Hall shall comply with Sections 3 and 5 (BAL 12.5) Australian Standard AS3959-2009 *Construction of buildings in bush fire-prone areas* or NASH Standard (1.7.14 updated) *National Standard Steel Framed Construction in Bushfire Areas – 2014* as appropriate and section A3.7 Addendum Appendix 3 of *Planning for Bush Fire Protection 2006*.
6. Proposed Town Houses 18, 19, 20, 21 & 22 shall comply with Sections 3 and 5 (BAL 12.5) Australian Standard AS3959-2009 *Construction of buildings in bush fire-prone areas* or NASH Standard (1.7.14 updated) *National Standard Steel Framed Construction in Bushfire Areas – 2014* as appropriate and section A3.7 Addendum Appendix 3 of *Planning for Bush Fire Protection 2006*.
7. The Garage Door to the Lower Basement Car-parking B2, shall comply with Sections 3 and 5 (BAL 12.5) Australian Standard AS3959-2009 *Construction of buildings in bush fire-prone areas*.

#### **Landscaping**

8. Landscaping within the site shall comply with the principles of Appendix 5 of *Planning for Bush Fire Protection 2006*.

#### **General Advice – consent authority to note**

The Council, together with the Local Emergency Management Committee (LEMC) and relevant government authorities, should ensure that the vehicular crossing of the railway line at Heathcote Station is kept trafficable at all times in case of an emergency.

If you have any queries regarding this advice, please contact Garth Bladwell, Development Assessment and Planning Officer, on 1300 NSW RFS.

Yours sincerely,



Nika Fomin  
Manager, Planning and Environment Services (East)