

**DRAFT CONDITIONS OF CONSENT**  
**Development Application No. 17/1001**

**1. Approved Plans and Documents**

The development must be undertaken substantially in accordance with the details and specifications set out on the following approved plans:

Plan number	Reference	Prepared by	Date
DA-001 - Rev. BB	Site Plan	Bergstrom Architects	04.02.2019
-	Ground Floor Plan	Bergstrom Architects	26.08.19
-	Level 1 Floor Plan	Bergstrom Architects	26.08.19
-	Level 2 Floor Plan	Bergstrom Architects	26.08.19
-	East & South Elevation	Bergstrom Architects	26.08.19
-	North & West Elevation	Bergstrom Architects	26.08.19
-	Finishes Elevation (1) - East & South Elevation	Bergstrom Architects	26.08.19
-	Finishes Elevation (2) - North & West Elevation	Bergstrom Architects	26.08.19
DA01 - Rev. C	Erosion & Sediment Control Plan & Details	Bergstrom Architects	04/02/19
DA02 - Rev. D	External Stormwater Drainage Plan	Bergstrom Architects	11/02/19
DA03 - Rev. D	Internal Stormwater Drainage Plan	Bergstrom Architects	11/02/19

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

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

- i) A Construction Certificate.
- ii) Notification of the appointment of a Principal Certifying Authority and a letter of acceptance from that Principal Certifying Authority.
- iii) Notification of the commencement of building works with a minimum of 2 days' notice of such commencement.

## **2. Design Changes Required**

### **A. Before Construction**

The following design changes must be implemented:

- i) The parapet levels of the western egress stair 2 and the southern lift foyer must be lowered to match the height of the adjoining parapet.
- ii) The external wall finish to the ground floor commercial garbage room (western and southern walls) and western wall of stair 4 must be amended to be board-formed concrete.
- iii) The skylights within the public amenities (i.e. male change area, accessible & parents room 1, female change area, Council store, first aid and Council lifeguard lunch room) are to be frosted. Skylights above the equipment store room and kiosk are to also be frosted.
- iv) The southern fold up door providing access to the Council store and lifeguard facilities is to ensure provision of an ATV sized waste truck can move into this room. Written approval from Council's Group Manager for Operational Services is to be obtained that the size of this door is sufficient in height and width for the day to day operations of Council's waste staff. Written approval is to be obtained prior to issue of any Construction Certificate.
- v) To improve resistance to breakage, windows within the ground floor and first floor commercial space are to be chemically hardened and toughened laminated glass with a PVB interlayer and transparent polycarbonate sheeting.

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

## **3. Heritage Requirements**

### **A. Before Construction**

Prior to the issue of a construction certificate the applicant must amend the design:

### **A. Before Construction**

To ensure that heritage significance is retained and enhanced, the design must be amended prior to the issue of a Construction Certificate to include the following:

- i) The proposed windows within the Level 1 and Level 2 bathroom amenities adjacent to the existing function rooms within the surf club on the western elevation are to be amended to match the existing window pattern found on Level 2 (on the same western façade - three panel windows). The new amenities' windows are to match existing profiles and colours. The roof/parapet treatment is to match existing. The reveals of existing window openings shall be maintained so that they remain visible from within the original building through the use of recessed infill panels to openings.

- ii) All external wall finishes to the Level 1 and Level 2 bathroom amenities to match existing heritage finishes and colours.
- iii) The replacement of any windows in the existing surf club are to match existing profiles, materials and colours. No aluminium windows to be used in the heritage building.
- iv) Any future building signage is not to copy the heritage signage lettering. A similar style may be accepted but will need to be in a different material or colour.
- v) Existing southern walls within the existing gym (Ground floor) and existing function room (Level 1) are to express the original walls of the heritage building to show the transition between the new building addition and the heritage building. The finishes of these existing walls are to be conserved as they are elements of high significance according of the grading of the fabric in the Conservation Management Plan dated 2 May 2018 and prepared by NBRS Architecture. The service room door in the ground floor's main entry is to be recessed to highlight the heritage wall.
- vi) A suitably qualified and experienced Heritage Consultant must be nominated for the project. Council must be informed in writing of the name of the Consultant. The nominated Heritage Consultant must provide input into the detailed design of the building and proposed low impact solutions to any upgrade works, BCA, Fire or Access, in consultation with Council's Director of Shire Planning. The nominated Heritage Consultant must supervise the works to minimise impacts to heritage values and be consulted prior to the selection of appropriate tradespersons.
- vii) A photographic archival recording of the place is to be undertaken. The recording should capture the heritage site generally but focus on the heritage building. The archival recording must be prepared in accordance with the Heritage Council of NSW guidelines, especially Photographic Recording of Heritage Items Using Film or Digital Capture. Three copies are to be produced: one for Council, the second for the council's local studies library and the third to be retained by the surf club.
- viii) A Conservation Works and Maintenance Programme following the guidelines of the Conservation Management Plan (policies 34 and 35) shall be prepared by the Heritage Consultant before implementation and must include works to enable the place to remain a viable physical asset and to retain the cultural heritage values. Conservation works and maintenance plans shall include works to be completed immediately (urgent works) and within 12 months, 2 years and 5/10 years. The Maintenance Programme and the Conservation Management Plan is to be reviewed every 5 years or when changes to be heritage building are proposed.

- ix) An Interpretation Strategy of the surf club must be prepared and must detail how information on the history and significance of the place will be provided for the public, and must identify the types and locations of interpretive devices that will be installed as part of this project. Once approved, the strategy must be implemented.

The detail specified in points 3.A.i)-ix) are to be submitted to Sutherland Shire Council with the written approval given by the Director of Shire Planning prior to the issue of any Construction Certificate.

- i) Detailed heritage architectural and construction documentation is to be prepared for the project. The final plans are to be consistent with the DA approved plans and the Conservation Management Plan provided. This is to occur prior to issue of a Construction Certificate.
- ii) The Conservation Management Plan (prepared by NBRS Architecture Heritage dated 2 May 2018) to restore and maintain the building for perpetuity by funding agreements shall be adopted by Council and the surf club. The Plan is to be implemented by the surf club prior to construction.
- iii) An Archaeological Management Plan is to be prepared before demolition starts.

### **C. During Construction**

During all construction and demolition work:

- i) The appointed Heritage Consultant must oversee all the conservation and maintenance works to the heritage building according to conservation plans and documents.
- ii) All work must be carried out by suitably qualified tradespersons with practical experience in conservation and restoration of similar heritage items under the supervision of the nominated Heritage Consultant.
- iii) 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.
- iv) Excavation and demolition works must be assessed by the nominated heritage consultant in its suitability to be conducted close to or inside the heritage item. The nominated Heritage Consultant must propose strategies to ameliorate impacts.

- v) 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.

#### **D. Before Occupation**

Prior to the issue of any Occupation Certificate the following is to be completed:

- i) All conservation works stated in the Conservation Management Plan and works shall be completed.
- ii) The nominated Heritage Consultant must be satisfied that works have been carried out in accordance with the conditions of this consent in relation to heritage conservation.
- iii) Interpretation, Archival Research and Record Keeping  
An Interpretation Plan should be prepared as a means to share the history and culture of the North Cronulla Surf Club and related heritage items, Dunningham Park and remains of sea wall, in the context of the history of development of North Cronulla. The Interpretation Plan should explore ways to enhance an understanding and enjoyment of the heritage items and appeal to different audiences, levels of experience, knowledge, language and culture. It should aim to strengthen and sustain the connection between the community and its heritage and may provide economic and social benefits for the community.
- iv) The Conservation Works and Maintenance Programme is to be initiated and is to include but is not limited to:
- cleaning of gutters and downpipes;
  - inspection of roof cladding/s
  - termite inspections
  - servicing of electrical fixtures and fittings
  - servicing of plumbing fixtures and fittings
  - servicing of gas fixtures and fittings
  - checking of fire egress routes, detection and alarms, signage etc
  - checking compliance with Access to Premises Standards
  - checking of painted surfaces for deterioration
  - checking of timber elements for damage and degradation
  - easing all windows and doors and re-fixing loose mouldings and maintenance of door and window hardware

- trimming of mature trees as necessary
- Maintenance of garden areas, paving, stairs and ramps; etc.

The following program of conservation and repair works are required:

The following URGENT WORKS shall be completed within the next 12 MONTHS:

- Investigate and remediate damp ingress on the east side of the building
- Investigate and remediate corrosion of steel reinforcement within the structure
- Investigate and remediate damp ingress over stage
- Prepare and implement a programmed maintenance schedule

The following LONG-TERM WORKS shall be completed within the next 10 YEARS:

- Restore or adapt the swimming pool  
All works to be done following the detailed design by the Heritage Consultant and the guidelines of the Conservation Management Plan by NBRs, dated 2/05/2019. All works to the heritage building is to be supervised by the nominated Heritage Consultant.

A plan for funding to ensure long-term works are completed is to be established prior to issue of an Occupation Certificate.

#### **4. Public Place Environmental, Damage & Performance Security Bond**

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

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

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

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

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

The value of the bond is \$20,210.00

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

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

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

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

### **SECTION 94 CONTRIBUTIONS**

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

#### **5. Section 7.12 Levy - S94A 2016 Development Contributions Plan**

##### **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 \$85,099.89 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.

## **6. Approvals Required under Roads Act or Local Government Act**

### **A. Prior to issue of a Construction Certificate**

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:

- Motorised access through the adjacent public reserve adjacent to the development site;
- Frontage works including construction of a driveway, footpath, etc.
- Road openings and restoration to provide services to the development.
- Work Zones and hoardings. A Work Zone Permit is to be obtained from Council. An updated Construction Management Plan is to be prepared in consultation Council's Open Space Assets Unit and Public Domain Asset Engineers to determine the appropriate location for the storage of materials, temporary fencing and ancillary built elements is to be determined.
- 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.**



## 7. 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 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 one vehicle crossing 6m wide.
- iv) Redundant Laybacks and Crossings - remove redundant laybacks and vehicle crossings and replace with kerb and gutter (including associated road reconstruction works).
- v) Line Marking - adjust line marking within Mitchell Road, Prince Street and Car Park as required. This includes the removal / relocation / reconstruction of the existing raised threshold and kerb ramps to facilitate the new vehicle crossing.
- vi) Footpath - reconstruct footpath pavement along full frontage of site (as required).
- vii) Infrastructure Transitions - ensure there are adequate transitions between newly constructed and existing infrastructure as required.
- viii) Road Pavement - reconstruct road pavement as required.
- ix) Kerb and Gutter - reconstruct any damaged kerb and gutter as required including associated road reconstruction.
- x) Street Signage - alter existing and/or install new street signage as required.
- xi) Street Lighting - install new street lighting as required.
- xii) Utility Services - adjust public services infrastructure as required.

- xiii) 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) ~~<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

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

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

#### **C. Before Occupation**

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

- i) The supervising engineer must certify 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.

### **8. Site Management Plan**

#### **A. Before Commencement of Works including Demolition**

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

- i) Safe access to and from the site during construction and demolition.
- ii) Safety and security of the site, road and footpath area including details of proposed fencing, hoarding and lighting.

- iii) Method of loading and unloading excavation machines, building materials.
- iv) How and where, construction materials, excavated and waste materials will be stored.
- v) Methods to prevent material being tracked off the site onto surrounding roadways.
- vi) Erosion and sediment control measures.
- vii) All trees and their protection zones on and around the site 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.
- viii) The maximum sized truck servicing the site during construction must be no greater than a Heavy Ridged Vehicle "HRV" in accordance with AS2890.2.
- ix) All construction

## **B. During Works**

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

## **9. Pre-commencement Inspection**

### **A. Before Works**

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

The purpose of the meeting is to:

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

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

## **10. Supervising Engineer**

### **A. Before Construction**

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

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

The PCA must be informed of the supervising engineer's name and contact details, in writing, prior to the commencement of any construction works.

### **B. During Construction**

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

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

### **C. Before Occupation**

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

## **11. Driveway, Parking, Manoeuvring and Pedestrian Access Areas**

### **A. Design**

The internal driveway profile, parking, manoeuvring areas and associated pedestrian access 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 internal driveway and loading bay must be paved or concreted and must be finished in materials other than plain or exposed aggregate concrete.
- iv) Provide adequate sight distance for the safety of pedestrians using the footpath area.

- v) Comply with AS2890.2(2002) in relation to the design of vehicular access, parking and general manoeuvring for the HRV vehicle.
- vi) The maximum longitudinal grade of the driveway must not exceed 12.5%.
- vii) Upgrade and provide appropriate transitions from the proposed development to existing Council infrastructure within Dunningham Park and adjacent to North Cronulla Beach in accordance with all versions of AS1428 & AS2890. These transitions must include construction of new footpath / vehicle pavements and infrastructure as required to the satisfaction of Council's Public Domain Assets Manager.

## **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.

# **12. Stormwater Drainage**

## **A. Design**

The stormwater drainage system must be designed in accordance with the approved stormwater drainage design drawing; Australian Standard AS3500.3:2015; the BASIX Certificate issued for this development; Sutherland Shire Environmental Specification - Stormwater Management. Except where modified by the following:

- i) All stormwater pipelines to the south and west of the building footprint must be relocated to adjoin the building. The connection to the existing Council system must be made centrally between tree No.3 & 4
- ii) The rainwater tank and grease arrestor must be relocated to the north a minimum 9m from Tree No.6
- iii) All levels reduced to Australian Height Datum.
- iv) All pipelines must be a hot dipped galvanised steel hollow section with a minimum wall thickness of 4.0 millimetres or reinforced concrete.

- v) Where pipelines are located within the “tree protection zone” of significant vegetation to be retained, the lines shall be excavated by hand or by directional underboring techniques to reduce any adverse impact on the root zone of the trees under the direct supervision of the supervising arborist.

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

Certification from an Accredited Certifier in Civil Engineering or a Chartered Civil Engineer, to the effect that the drainage design is to their satisfaction and satisfies the design requirements in A. above must accompany the application for a Construction Certificate.

#### **C. Before Occupation**

Prior to the issue of an Occupation Certificate:

- i) A Works-As-Executed drawing (WAED) of the stormwater drainage system must be prepared by a Registered Surveyor. This drawing must detail the alignment of pipelines, pits and the rainwater tank. 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, and Public Domain Technical Manual. Prior to the occupation or use of the building the Applicant / Owner must submit to Council a copy of the aforementioned letter of certification.

Council a copy of the aforementioned letter of certification.

#### **D. Ongoing**

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.

### **13. Design of Structures Adjoining Drainage Easements**

#### **A. Design**

The proposed development adjoins a drainage easement. To ensure the structural integrity of both the pipeline within the easement and any structure adjoining the easement are maintained it must be designed as follows:

- i) All footings within 2m of the drainage easement must be designed in such a manner that they are supported by foundations set at a minimum of 300mm below pipe invert levels or, alternatively, founded on sound rock.

- ii) The walls of the dwelling / pool or of any structure adjoining the easement must be designed to withstand all necessary forces should excavation be required within the easement down to the existing pipe invert levels.

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

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

#### **C. Before Occupation**

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

### **14. Waste Collection**

#### **A. Design**

Waste Collection point must be designed in accordance with the following requirements:

- i) A "HRV" sized loading bay must be provided in accordance with AS2890.2 within the internal driveway of subject property for use by waste collection vehicle.
- ii) The maximum long and cross section grade of the loading bay must be  $\pm 5\%$
- iii) Clear and direct access must be provided from the bin holding areas to the loading bay
- iv) Sufficient space must be provided within the kiosk for the interim storage of at least 1 x 240L garbage and 1 x 240L recycling bin.
- v) The commercial garbage store room must accommodate waste for collection from the commercial and kiosk tenants.
- vi) Any permanent communal garbage and/or 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**

Prior to the issue of any construction certificate a suitable qualified civil engineer must certify that the Waste Collection Point has been design in accordance with part "A" above. A copy of this certification must form part of the construction certificate.

### **C. Before Occupation**

Prior to the issue of any occupation certificate a suitable qualified civil engineer must certify that the Waste Collection Point has been constructed to their satisfaction and in accordance with part "A" above. A copy of this certification must form part of the occupation certificate

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

- i) All waste collections must be undertaken from the designated loading bay at the southern end of the internal driveway of the development.
- ii) All commercial and surf club waste collection arrangements for the development are the responsibility of the North Cronulla Surf Life Saving Club.
- iii) Ongoing management, maintenance and cleaning of all commercial and surf club waste and recycling amenities is the responsibility of the North Cronulla Surf Life Saving Club.

## **15. Damage to Adjoining Properties**

### **A. Before Works**

To minimise vibration damage and loss of support to buildings / structures and properties in close proximity to the development site, a Geotechnical Engineer's 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.

## **16. Public Utilities**

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

### **A. Before Construction**

Suitable arrangements must be made with all relevant utility service providers to ensure the development is appropriately serviced by electricity, gas, telecommunications (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.4.55 of the Environmental Planning and Assessment Act.

### **17. Endorsement of Linen Plan of Subdivision for Consolidation**

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

Prior to the issue of any construction certificate, the Plan of Subdivision for the consolidation of the relevant allotments to facilitate the construction of the building into one lot, must be registered with NSW Land Registry Services. This will also include the expungement of any redundant easement and/or covenants.

## **18. Structural Design Requirements**

### **A. Design**

- i) To ensure the structural integrity of the building against major storm events, the building must be designed to withstand all forces up to and including the 100 year ARI storm event and the line of coastal recession
- ii) A geotechnical report must be prepared detailing the required footing design, construction limitations and methodology etc.

### **B. Before Construction**

Certification of "A" above has been addressed with the construction certificate plans must be obtained from a Chartered Professional Structural Engineer. A copy of this certification must accompany the Construction Certificate.

### **C. During Construction**

During construction, a Chartered Professional Structural Engineer must appointed to supervise the works

### **D. Before Occupation**

Prior to the occupation of the development or the issue of any Occupation Certificate, a Chartered Professional Structural Engineer must certify that the development has been constructed in accordance with "A" above and is fit for purpose. A copy of this certification must be submitted to the PCA and form part of the occupation certificate documents

## **19. Management of Potential Acid Sulfate Soils**

### **A. During Works**

- i) All piers must be driven or screwed into the substrate.
- iii) If acid sulfate soils are encountered during works; the situation is to be promptly evaluated by an appropriately qualified, experienced and certified environmental consultant.

The appropriately qualified and experienced environmental consultant must be certified by one of the following certification schemes:

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

The acid sulfate soils must then be treated and/or managed under the supervision of the environmental consultant in accordance with the requirements of the NSW Acid Sulfate Soil Manual (ASSMAC 1998).

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

If unexpected acid sulfate soils are treated and/or managed onsite; the appropriately qualified environmental consultant must certify that the acid sulfate soils were appropriately managed in accordance with the requirements of the NSW Acid Sulfate Soil Manual (ASSMAC 1998) prior to works recommencing on site.

This certification must be provided to the satisfaction of the Principal Certifier and a copy supplied to Sutherland Shire Council, Manager Environmental Science, prior to the recommencement of works.

## **20. Landscaping Works**

### **A. Design**

The landscaping works must be designed in accordance with the approved Landscape Plan except where modified by the following:

- i) The driveway access required for rubbish removal shall be constructed to minimum required dimensions to lessen the impact on the total park area.
- ii) For the driveway, a material and surface treatment that features recessive colours is to be utilised.
- iii) Provision of low height pedestrian fencing between the driveway and Dunningham Park. This will need to be designed in consultation with Council's Open Space Assets Unit and Public Domain Assets Engineers, with written approval from these Council's departments obtained.
- iv) The removal of the trees and shrubs along the pool boundary to install the service driveway will require a new garden bed to be installed along the new driveway's eastern side. The bed needs to be 800mm wide (widening slightly where the wall articulates inwards towards the pool). Within each articulated element along the western pool wall, a trellis screen is to be affixed to the existing brickwork. Immediately in front of each trellis, the area is to be planted out with climbers that can trail up and onto the palisade fence. Shrubs are to be planted within this garden bed along the full length of the driveway at 1m intervals.
- v) Clearly show on plans existing trees to be removed / retained including tree numbering in accordance with the Arborist Report OR provide a separate existing tree plan and schedule.

- vi) Tree Protection Zones (TPZ) / the location of tree protective fencing must be shown on plan for all existing trees and/or natural site features to be retained and protected.
- vii) All landscape retaining walls and planter boxes must be constructed in masonry, stone or gabions. Timber is not acceptable.
- viii) To improve coverage and reduce weeds and maintenance, planting densities in all planting areas including planter boxes must achieve a minimum of 4 plants per square metre.
- ix) To reduce long term maintenance of planting beds turf species must be native grass such as *Zoysia macrantha* 'Nara' or Buffalo grass varieties.

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 and written approval is to be obtained by Sutherland Shire Council's Director of Shire Planning.

**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 are 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 by persons with a minimum AQF Level III certification in Horticulture or Landscape Construction.

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. 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, that all new indigenous plants on the site and within the road reserve are the correct species and that all trees planted within the road reserve are in accordance with the detailed road frontage design where it forms part of the Roads Act Consent.

To arrange a Final Landscape Inspection please phone 9710-0333 a minimum of 48 hours prior to the required inspection date. An inspection fee will be charged in accordance with the current schedule of rates listed on Council's website. Any secondary inspections will incur a reinspection fee.

### **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 Boulevard, Gympie  
Ph: 02 9524 5672

## **21. Removal and/or Pruning of Trees on Council Land**

### **A. Design**

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

Alternatively, if Council's Contractor is unavailable, the applicant may engage their own contractor with appropriate qualifications, licences and insurances and forward their name and details to Council prior to the commencement of work. This information will be kept on record in the event of any reportable incidents. The applicant is responsible for contract management and payment of the Arborist. Any contractor used must undertake all work according to the Australian Standard for Amenity Pruning (AS4373).

Select from Council's list of preferred suppliers listed on Council's website:  
[www.sutherlandshire.nsw.gov.au/Residents/Trees/Trees-on-Council-or-Public-Land](http://www.sutherlandshire.nsw.gov.au/Residents/Trees/Trees-on-Council-or-Public-Land).

Payment of the quoted amount must be made prior to any works commencing on site.

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

Trees: 5, 8,9,10,11,12,13,14,15,16 17 and 18 as described and located within the Arborist report by Ross Jackson of Nature Works dated 30/5/17.

The approved Landscape Plan includes the pruning of tree/s as identified in the table below and/or as marked on Attachment 1:

<b>Tree No.</b>	<b>Tree Species (botanical and common name)</b>	<b>Location</b>
1	Araucaria hetrophylla - Norfolk Island Pine	South side of change rooms
2	Araucaria hetrophylla - Norfolk Island Pine	South side of change rooms
3	Araucaria hetrophylla - Norfolk Island Pine	South side of change rooms
4	Araucaria hetrophylla - Norfolk Island Pine	South side of change rooms
19	Araucaria hetrophylla - Norfolk Island Pine	North-west of pools

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

Approval is granted for the following pruning activity to be carried out to retained trees on site listed in the above table:

- i) ie, Trees 1,2,3 and 4: Selectively reduce the tips of the tree branches or tie them back where they interfere with the scaffolding on the northern side of the canopy.
- ii) ie, Tree 2: Vehicular clearance prune over driveway.
- iii) ie, Tree 19: Vehicular clearance prune over driveway.

#### **B. Prior to the Issue of a Construction Certificate**

Prior to the issue of the Construction Certificate the applicant must pay Council the scheduled fee for the replacement of the tree/s within the reserve in accordance with Council's 4:1 replacement policy (Sutherland Shire Council's Development Control Plan).

## **22. Tree Retention and Protection**

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.

**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 the trees numbered 1,2,3,4, and 6, the footings of the proposed building must be isolated pier and beam construction within a 5m radius of the trunk. 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) As Tree 6 will have a major incursion into its TPZ due to the building and landscape works, the project arborist shall be present and oversee all excavations that occur within the TPZ of this tree. If during the course of the works it becomes evident that too many structural roots will need to be removed in order to undertake the authorised work, and that the tree will be structurally compromised by the excavation, the works shall cease immediately. The Project Arborist shall immediately contact Council's Tree Management Officer (9710 0333) and provide a report with photos that explains why the tree requires removal. Removal of the tree shall be at the applicant's expense and the appropriate replacement ratio applied to the removal of this Council asset.
- iii) Protective fencing constructed of 1.8m high chain wire mesh supported by robust posts must be installed in accordance with the approved Arborist report prepared by Jacksons Nature works dated 30/5/17. Signage must be erected on the fence with the following words clearly displayed "TREE PROTECTION ZONE, DO NOT ENTER".
- iv) The tree protection zone within the protective fencing must be mulched with a maximum depth 75mm of suitable organic mulch (woodchips or composted leaf chip mulch) and kept regularly watered for the duration of the works subject to this consent.

- v) No development or associated activity is permitted within the fenced TPZ for the duration of works subject to this consent. This includes vehicular or pedestrian access, sheds, washout areas, excavations, backfilling, installation of services (including stormwater), removal of top soil, stockpiling of soil or building materials.
- vi) Where site access/egress is required over the roots of trees identified for retention and protection, provide hardwood rumble boards over a 200mm thick layer of wood chip.
- vii) Where it is impossible to install protection fencing to the full extent of the specified TPZ- install trunk and branch boarding protection as shown in Figure 4 of the Australian Standards AS4970- Protection of Trees on Development Sites (Page 17).

## **B. During Works**

- i) The tree protection measures detailed in 'A' above must be maintained during construction.
- ii) The supervising Consulting Arborist must be present during any approved hand excavation or under boring works within the Tree Protection Zone (TPZ) of any tree identified for retention and protection and have the authority to direct works to ensure the trees long term preservation.
- iii) The supervising Consulting Arborist must strictly supervise that there is no disturbance or severing of roots greater than 50mm diameter and to cleanly cut those roots between 10-50mm in diameter.
- iv) If the tree/s identified for retention in 'A' above are damaged or destabilised during construction then works must cease and Council's Tree Management Officer (ph. 9710 0333) must be contacted to assess the tree/s and recommend action to be taken.
- v) Ensure each hold point outlined below within the Tree Protection Schedule is signed off and dated progressively by the Consulting Arborist throughout the various development stages, including preconstruction, construction and post construction. Photographic evidence must also be provided.

<b>Hold Point</b>	<b>Task</b>	<b>Responsibility</b>	<b>Certification</b>	<b>Timing of Inspection</b>	<b>Sign/ Date</b>
<b>1.</b>	Indicate clearly with spray paint trees approval for removal only	Principal Contractor	Supervising Arborist	Prior to demolition and site establishment	



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

### C. Before Occupation

Prior to the issue of an Occupation Certificate the Supervising Arborist's signed and dated checkpoint list and photographic evidence must be provided to both the Principal Certifier and Council's Tree Management Officer at the time of the final landscape inspection.

## 23. 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, skilled and experienced environmental consultant, in accordance with relevant NSW EPA guidelines including the "Waste Classification Guidelines" 2014, prior to off-site disposal.

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

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

#### ii) Reused soils:

Any existing soils excavated to be reused on the site must be assessed by an appropriately qualified, skilled 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*.

Prior to placing any fill material on the site, appropriate waste classification/ certification documentation that verifies the material is VENM or complies with the requirements of the relevant Resource Recovery Exemption, including ENM, must be provided to the satisfaction of the Sutherland Shire Council, Manager Environmental Science.

**Note:** An appropriately qualified and experienced 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).

## **24. Protection for a Potential Item of Aboriginal Heritage**

### **A. During Construction**

Development consent from Council does not imply consent to destroy an Aboriginal site or Aboriginal object as defined 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)).

## **25. 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 an appropriately qualified and experienced environmental consultant. The contaminated soil and/or groundwater must then be managed under the supervision of the environmental consultant, in accordance with relevant NSW Environment Protection Authority (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).

### **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.

## **26. Cleanliness and Maintenance of Food Preparation and Storage Areas**

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

### **A. Design**

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

- i) Food Act 2003.
- ii) Food Regulation 2015.
- iii) Food Safety Standards 3.1.1, 3.2.2 and 3.2.3.
- iv) AS 4674 - 2004 (Design, construction and fit-out of food premises).
- v) Sydney Water Corporation - Trade Waste Section.
- vi) Protection of the Environment Operations (Clean Air) Regulation, 2002.

- vii) AS 1668.1 2015.
- viii) AS 1668.2 2015.

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

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

#### **C. Before Occupation**

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

### **27. Garbage, Recycling and Waste Storage Area**

To ensure the proper storage of waste from the premises:

#### **A. Design**

The garbage and recycling storage area must have:

- i) A smooth impervious floor that is graded to a floor waste. All waste water must be discharged to the sewer in accordance with the requirements of Sydney Water.
- ii) A tap and hose to facilitate the regular cleaning of the bins

All 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.

### **28. External Lighting - (Amenity)**

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

#### **A. Design**

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

#### **B. Ongoing**

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

### **29. Noise Control - Design and Operation (General Use)**

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

#### **A. Design**

The use of the premises and 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**

Prior to the occupation of the development or the issue of any Occupation Certificate 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.

### **30. Noise Control - Design of Plant and Equipment (Continual Operation)**

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 NSW Environmental Protection Authority Noise Policy for Industry 2017.

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**

Prior to the occupation of the development or the issue of any Occupation Certificate 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.

### **31. Building Ventilation**

To ensure adequate ventilation for the building:

#### **A. Design**

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

- i) The Building Code of Australia;
- ii) AS 1668.1 2015;
- iii) AS 1668.2 2012;

- iv) The Public Health Act - 2010;
- v) The Public Health Regulation 2012;
- vi) AS 3666.1 -2011;
- vii) AS 3666.2 -2011; and
- viii) AS 3666.3 -2011.

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

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

#### **C. Before Occupation**

- i) Prior to the occupation of the building or the issue of any Occupation Certificate 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.

### **32. Demolition Work**

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

#### **A. Before Commencement**

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

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

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

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

- a) Work Health and Safety Act 2011;
- b) Work Health and Safety Regulation 2017;
- c) Safe Work Australia Code of Practice - How to Manage and Control Asbestos in the Workplace;
- d) Safe Work Australia Code of Practice - How to Safely Remove Asbestos;
- e) Protection of the Environment Operations Act 1997; and
- f) Protection of the Environment Operations (Waste) Regulation 2014.

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>.

### **33. Noise Control - Design of Operation of Premises**

To minimise the impact of noise on the surrounding residents

#### **A. Design**

- (i) The premises shall be designed and operated in accordance with the recommendations of the Acoustic Report prepared by DK Acoustics Pty Ltd, dated 1 March 2019 Ref: 190211.
- (ii) The use of the premises and all associated plant and equipment must be designed and/or located so that the noise emitted does not exceed an LAeq sound pressure of 5dB above the ambient background level when measured at the most affected point on or within any residential property boundary.

#### **B. Ongoing - Surf Club**

- (i) The permitted hours of operation apply to the following areas:
  - Nipper room: Monday to Sunday, 7am to 6pm
  - Level 1 & 2 Function Room: Sunday to Thursday, 7am to 10:30pm  
Friday to Saturday, 7am to 12am (midnight)
  - Kiosk: Monday to Sunday, 7am to 5pm

**Note:** Hours of operation for the first floor commercial space will be assessed as part of a separate DA required for approval of the use and signage associated with the business.
- (ii) All external doors and windows to the existing function rooms and nippers / training room are to be closed from 10.00pm.



- (iii) There is to be no amplified music on any of the terraces and balconies.
- (iv) Patrons are to be gradually moved inside from terraces and balconies from 10pm, with no patrons to be within these outside areas after 10.30pm.
- (v) The use of the premises and all associated plant and equipment must be operated and maintained in accordance with "A" above."
- (vi) Certification from a qualified acoustic engineer shall be provided within 12 weeks of the occupation confirming that the design and operation requirements specified in "A" above are being achieved. The report is to include post validation results.

#### **C. Ongoing - Surf Club & Commercial Premises**

##### **Waste**

- (i) To minimise the noise impact of the development on the surrounding environment, the collection of goods including garbage and recycling waste from the premises must not take place between the hours of 10.00pm and 8.00am Monday to Saturday or before 9.00am Sunday and Public Holidays.
- (ii) Owners and operators must at all times display at all staff exits and in the garbage storage area, clearly visible and legible signs in the form of or like "Bottles and cans are NOT to be collected by waste operators after 10pm or before 8am (9am Sunday/Public Holidays). Movement of other waste from inside to outside the premises, after 10pm must occur quietly.

##### **Delivery/Collection of Goods**

To minimise the noise impact of the development on the surrounding environment, loading or unloading of goods and materials from the premises must not take place between the hours of 7pm and 8am Monday to Saturday or before 9am on Sunday and Public Holidays.

### **34. Dilapidation Report - Adjoining Properties**

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

To assist in the resolution of any future disputes about damage to property adjoining the development, prior to commencement of any work on-site, the applicant or principal contractor must provide dilapidation report/s on the Esplanade footpath (eastern side of building), lifeguard tower, sandstone blocks forming a circle in Dunningham Park, children's playground, sea wall, Prince Street carpark and ancillary structures etc. The report/s must be provided to the Principal Certifying Authority and to Sutherland Shire Council that are the subject of the report.

The report/s must be prepared by a suitably qualified and experienced person, such as a Structural Engineer.

### **35. Upgrade of Existing Building**

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

The alteration to the existing building is subject to the implementation of the following fire safety upgrade works in accordance with Clause 94 of the Environmental Planning and Assessment Regulation 2000:-

The existing building shall be upgraded so as to fully comply with Sections C, D and E of the Building Code of Australia, to protect persons using the building, to ensure adequate egress from the building in the event of an emergency, to ensure adequate fire safety measures are installed and to restrict the spread of fire from the building to other buildings nearby.

In issuing the required Construction Certificate, the Accredited Certifier must ensure that all upgrade works are documented and that details accompany the Construction Certificate.

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

Prior to issue of an Occupation Certificate for the new works, the PCA shall ensure that the upgrade works have been completed to the extent and standards detailed in the Construction Certificate.

### **36. Certification Requirement of Levels**

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

At the following stages of construction:

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

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

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

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

### **37. Sydney Water - Notice of Requirements**

#### **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.

### **38. Dial Before You Dig**

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

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

### **39. Noise Control and Permitted Hours for Building and Demolition Work**

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

To minimise the noise impact on the surrounding environment:

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

### **40. Toilet Facilities**

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

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

Each toilet must:

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

### **41. Containment of Fill**

#### **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.

### **42. Plan of Management**

#### **A. Ongoing**

The premises shall operate in accordance with the draft plan of management and once adopted, the final plan of management applicable to the land adopted by Sutherland Shire Council.

#### **43. Window Glazing**

To improve resistance to breakage, windows within the ground floor and first floor commercial space are to be chemically hardened and toughened laminated glass with a PVB interlayer and transparent polycarbonate sheeting.

#### **44. Closed Circuit Television (CCTV)**

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

To increase patron and staff safety for the commercial space on the first floor and kiosk on the ground floor, a dome enclosed CCTV system must be installed to monitor all common internal and external area.

The surveillance equipment will need to be able to zoom in and out on a person without losing focus. It must be maintained in working order at all times and installed by a qualified and reputable company. All security devices must be installed by a licenced security professional and must meet Australian Standard 4806.

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

Certification from a licenced security professional must be obtained once the CCTV system is installed stating that all devices installed meet Australian Standard 4806.

#### **45. Hours of Operation**

The permitted hours of operation apply to the following areas:

Nipper room:	Monday to Sunday, 7am to 6pm
Level 1 and 2 Function Centre:	Sunday to Thursday, 7am to 10:30pm Friday to Saturday, 7am to 11:30pm (midnight)
Kiosk:	Monday to Sunday, 7am to 5pm

**Note:** Hours of operation for the first floor commercial space will be assessed as part of a separate DA required for approval of the use and signage associated with the business.

#### **46. Permissible Land Uses**

##### **A. Ongoing**

The first floor commercial space is not to be used as a function centre. A function centre is defined within the Sutherland Shire Local Environmental Plan 2015 as a building or place used for the holding of events, functions, conferences and the like, and includes convention centres, exhibition centres and reception centres, but does not include an entertainment facility.

**47. Use of Commercial Tenancies and Installation of Commercial Signage**

**A. Ongoing**

This development consent does not grant approval for any use of the commercial tenancies or for any commercial signage. All future uses of the commercial tenancies and installation of signage are subject to separate application (except where a first use or installation of signage is permitted to be carried out as Exempt Development under relevant planning legislation). Hours of operation for the use of the commercial space is subject to a future development application.

**48. Schedule of Finishes - External Material**

**A. Before Construction**

A full schedule of external materials including brand name, product name and a sample board of each external material is to be submitted to Council prior to issue of any Construction Certification. This information is to be submitted to Council with written approval given by the Director of Shire Planning prior to the issue of a Construction Certificate.

**49. Schedule of Finishes - Public Amenities**

**A. Prior to Construction Certificate**

A detailed Schedule of Finishes for the fitout of areas to be used for public amenities (including toilets and change rooms) and Council staff amenities (including store rooms, lunch room and associated kitchen and bathrooms, first aid room) and any other area to be provided for general use by the community which is maintained by Council is to be prepared. This information is to be submitted to Council with written approval given by the Director of Shire Infrastructure prior to the issue of a Construction Certificate.

**END OF CONDITIONS**