

<b>DATE OF DETERMINATION</b>	Wednesday, 20 June 2018
<b>PANEL MEMBERS</b>	Helen Lochhead (Chair), Bruce McDonald, Nicole Gurrán, Steve Simpson and Michael Forshaw
<b>APOLOGIES</b>	None
<b>DECLARATIONS OF INTEREST</b>	None

Public meeting held at Sutherland Shire Council, 4-20 Eton Street, Sutherland on 20 June 2018, opened at 1.25pm and closed at 3.30pm.

#### **MATTER DETERMINED**

2017SSH033 – Sutherland – DA17/1144 at 25 Bay Rd, Taren Point (AS DESCRIBED IN SCHEDULE 1)

#### **PANEL CONSIDERATION AND DECISION**

The Panel considered: the matters listed at item 6, the material listed at item 7 and the material presented at meetings and the matters observed at site inspections listed at item 8 in Schedule 1.

The Panel adjourned during the meeting to deliberate on the matter and formulate a resolution.

The Panel determined to approve the development application as described in Schedule 1 pursuant to section 4.16 of the *Environmental Planning and Assessment Act 1979*.

The decision was unanimous

#### **REASONS FOR THE DECISION**

The reasons for the decision of the Panel were:

1. The proposed development will add further seniors housing and aged care facilities within the Sutherland Shire and the Sydney South District connected to an existing retirement village. The subject site has been specifically identified under Sutherland Shire LEP 2015 to accommodate this form of development.
2. The proposed development adequately satisfies the relevant State Environmental Planning Policies including SEPP (Coastal Management)2018, SEPP 55 -Remediation of Land, SEPP (Infrastructure) 2007, SEPP 65- Design Quality of Residential Apartment Development and its associated Apartment Design Guide.

Regarding SEPP 55 The Panel notes that subject land contains contaminants of potential concern. The Panel accepts the advice that the measures to be taken to address contamination sources and the associated conditions of consent conditions of consent will render the subject site suitable for the proposed use.






Regarding SEPP 65 the Panel recognises that while the subject site is in a context of predominantly industrial character the building effectively responds to the adjoining retirement village and the anticipated future development of the locality. It has been assessed on merit as being acceptable and not significantly impacting negatively on future residents or the amenity of adjoining properties.

3. The Panel has considered the applicants request to vary the development standard relating to the height of buildings contained in Clause 4.3(2) of Sutherland Shire LEP 2015, and considers that compliance with the standard in the circumstances of this case would be unreasonable and unnecessary as the variation is in response to the management of the onsite contamination groundwater and flood conditions. The variation will have no significant environmental impacts and remains consistent with the objectives of the standard.
4. The proposal adequately satisfies the applicable objectives and provisions of Sutherland Shire LEP 2015 and Sutherland Shire DCP 2012. In this regard the Panel notes that the subject site is zoned B7 Business Park and is identified as a Key Site under the provisions of the LEP. In accordance with Schedule 1 of the LEP seniors housing development is permitted on this site.
5. The proposed development subject to the conditions imposed will have no unacceptable adverse impacts on the natural or built environments including the amenity of housing located within the adjacent retirement village, including no unacceptable loss of views and the operation of the local road system.
6. In consideration of conclusions 1-5 above the Panel considers the proposed development is a suitable use of the site and approval of the proposal is in the public interest.

#### CONDITIONS

The development application was approved subject to the conditions in the Council Assessment Report which will be adjusted to reflect the applicant's desire to stage the development; including the staged payment of s94 contributions; and will also be amended to require the relocation or deletion of the 10 street parking spaces adjacent to the central open space to improve the visual and physical connectivity of this open space spine and the overall pedestrian amenity of the precinct.

The final wording of the conditions is as per attached below.

PANEL MEMBERS	
 Helen Lochhead (Chair)	 Bruce McDonald
 Nicole Gurrán	 Steve Simpson
 Michael Forshaw	

SCHEDULE 1		
1	PANEL REF – LGA – DA NO.	2017SSH033 – Sutherland – DA17/1144
2	PROPOSED DEVELOPMENT	Construction of a seniors housing development comprising 5 apartment buildings, residential aged care facility and community and recreational facilities.
3	STREET ADDRESS	25 Bay Rd, Taren Point
4	APPLICANT/OWNER	Applicant: David Edbrooke, Anglican Community Services Owner: Anglican Community Services
5	TYPE OF REGIONAL DEVELOPMENT	General development over \$30 million
6	RELEVANT MANDATORY CONSIDERATIONS	<p>7. Environmental planning instruments:</p> <ul style="list-style-type: none"> <li>○ State Environmental Planning Policy (State and Regional Development) 2011</li> <li>○ State Environmental Planning Policy (Coastal Management) 2018</li> <li>○ State Environmental Planning Policy No. 55 – Remediation of Land (SEPP 55)</li> <li>○ State Environmental Planning Policy No. 65 – Design Quality of Residential Flat Development (SEPP 65)</li> <li>○ State Environmental Planning Policy (Infrastructure) 2007 (Infrastructure SEPP)</li> <li>○ State Environmental Planning Policy (Building Sustainability Index: BASIX) 2004</li> <li>○ Apartment Design Guide (ADG)</li> <li>○ Sutherland Shire Local Environmental Plan 2015</li> </ul> <p>8. Draft environmental planning instruments: Nil</p> <p>9. Development control plans:</p> <ul style="list-style-type: none"> <li>○ Sutherland Shire Development Control Plan 2015 (SSDCP 2015)</li> </ul> <p>10. Planning agreements: Nil</p> <p>11. Provisions of the <i>Environmental Planning and Assessment Regulation 2000</i>: Nil</p> <p>12. Coastal zone management plan: Nil</p> <p>13. The likely impacts of the development, including environmental impacts on the natural and built environment and social and economic impacts in the locality</p> <p>14. The suitability of the site for the development</p> <p>15. Any submissions made in accordance with the <i>Environmental Planning and Assessment Act 1979</i> or regulations</p> <p>16. The public interest, including the principles of ecologically sustainable development</p>
7	MATERIAL CONSIDERED BY THE PANEL	<ul style="list-style-type: none"> <li>• Council assessment report: 5 June 2018</li> <li>• Written submissions during public exhibition: 2</li> <li>• Verbal submissions at the public meeting: <ul style="list-style-type: none"> <li>○ Support – Nil</li> <li>○ Object – Nil</li> <li>○ On behalf of the applicant – David Edbrooke and Amy Cropley</li> </ul> </li> </ul>
8	MEETINGS AND SITE INSPECTIONS BY THE PANEL	<ul style="list-style-type: none"> <li>• Site inspection 20 June 2018</li> <li>• Briefing meeting 29 November 2017</li> <li>• Final briefing meeting to discuss council's recommendation, 20 June 2018, 12pm. Attendees: <ul style="list-style-type: none"> <li>○ <u>Panel members</u>: Helen Lochhead (Chair), Bruce McDonald, Nicole Gurran, Steve Simpson and Michael Forshaw</li> </ul> </li> </ul>

		<ul style="list-style-type: none"><li>○ <u>Council assessment staff</u>: Carolyn Howell, Slavco Bujaro and Mark Adamson</li></ul>
9	COUNCIL RECOMMENDATION	Approval
10	DRAFT CONDITIONS	Attached to the council assessment report

**DRAFT CONDITIONS OF CONSENT**  
**Development Application No. 17/1144**

**1. Approved Plans and Documents**

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

<i>Plan number</i>	<i>Reference</i>	<i>Prepared by</i>	<i>Date</i>
Drawing No.DA-003 Issue 3	Site Analysis	Jackson Teece	18/04/2018
Drawing No.DA-006 Issue 3	Staging Plan	Jackson Teece	18/04/2018
Drawing No.DA-050 Issue 3	Site Plan	Jackson Teece	18/04/2018
Drawing No.DA-100 Issue 2	Ground Floor Plan	Jackson Teece	18/04/2018
Drawing No.DA-101 Issue 4	Floor Plan - Level 01 / Podium	Jackson Teece	29/05/2018
Drawing No.DA-102 Issue 2	Floor Plan - Level 02	Jackson Teece	18/04/2018
Drawing No.DA-103 Issue 2	Floor Plan - Level 03	Jackson Teece	18/04/2018
Drawing No.DA-104 Issue 2	Floor Plan - Level 04	Jackson Teece	18/04/2018
Drawing No.DA-105 Issue 2	Floor Plan - Level 05	Jackson Teece	18/04/2018
Drawing No.DA-106 Issue 3	Roof Plan	Jackson Teece	18/04/2018
Drawing No.DA-200 Issue 4	Floor Plan - Building AB Ground Floor	Jackson Teece	18/04/2018
Drawing No.DA-201 Issue 5	Floor Plan - Building AB Level 01 / Podium	Jackson Teece	29/05/2018
Drawing No.DA-202 Issue 4	Floor Plan - Building AB Level 02 (Typical)	Jackson Teece	18/04/2018
Drawing No.DA-203 Issue 5	Floor Plan - Building AB Level 05 (Top floor)	Jackson Teece	18/04/2018
Drawing No.DA-210 Issue 5	Floor Plan - Building CD Ground Floor	Jackson Teece	18/04/2018
Drawing No.DA-211 Issue 4	Floor Plan - Building CD Level 01 (Podium)	Jackson Teece	18/04/2018
Drawing No.DA-212 Issue 4	Floor Plan - Building CD Level 02 (Typical)	Jackson Teece	18/04/2018
Drawing No.DA-213 Issue 5	Floor Plan - Building C Level 05 & Building D Level 4 (Top floors)	Jackson Teece	18/04/2018
Drawing No.DA-220 Issue 5	Floor Plan - Building E Ground Floor	Jackson Teece	18/04/2018
Drawing No.DA-221 Issue 5	Floor Plan - Building E Level 01 (Podium)	Jackson Teece	29/05/2018
Drawing No.DA-222 Issue 4	Floor Plan - Building E Level 02 (Typical)	Jackson Teece	18/04/2018

Drawing No.DA-230 Issue 4	Floor Plan - Building F Ground Floor	Jackson Teece	18/04/2018
Drawing No.DA-231 Issue 4	Floor Plan - Building F Level 01 (Podium)	Jackson Teece	29/05/2018
Drawing No.DA-232 Issue 3	Floor Plan - Building F Level 02	Jackson Teece	18/04/2018
Drawing No.DA-233 Issue 3	Floor Plan - Building F Level 03 (Top floor)	Jackson Teece	18/04/2018
Drawing No.DA-234 Issue 3	Adaptable Unit Types	Jackson Teece	18/04/2018
Drawing No.DA-300 Issue 3	Site Elevations	Jackson Teece	18/04/2018
Drawing No.DA-301 Issue 3	Site Elevations	Jackson Teece	18/04/2018
Drawing No.DA-302 Issue 3	Site Sections	Jackson Teece	18/04/2018
Drawing No.DA-310 Issue 4	Building A & B Elevations	Jackson Teece	18/04/2018
Drawing No.DA-311 Issue 3	Building A & B Elevations	Jackson Teece	18/04/2018
Drawing No.DA-312 Issue 4	Building A & B Elevations	Jackson Teece	18/04/2018
Drawing No.DA-320 Issue 4	Building C & D Elevations	Jackson Teece	18/04/2018
Drawing No.DA-321 Issue 3	Building C & D Elevations	Jackson Teece	18/04/2018
Drawing No.DA-322 Issue 4	Building C & D Elevations	Jackson Teece	18/04/2018
Drawing No.DA-330 Issue 3	Building E Elevations	Jackson Teece	18/04/2018
Drawing No.DA-331 Issue 3	Building E Elevations	Jackson Teece	18/04/2018
Drawing No.DA-340 Issue 3	Building F Elevations	Jackson Teece	18/04/2018
Drawing No.DA-341 Issue 3	Building F Elevations	Jackson Teece	18/04/2018
Drawing No.DA-400 Issue 4	Sections 01	Jackson Teece	18/04/2018
Drawing No.DA-401 Issue 3	Sections 02	Jackson Teece	18/04/2018
Drawing No. L1	Landscape Master Plan Development	Nicholas Bray Landscapes	24/05/2018
Drawing No. L2	Landscape On Grade Central Courtyard	Nicholas Bray Landscapes	24/05/2018
Drawing No. L3	Landscape Master Plan Central Forecourt and Access Road	Nicholas Bray Landscapes	24/05/2018
Drawing No. L4	Landscape Master Plan Foreshore	Nicholas Bray Landscapes	24/05/2018
Drawing No. L5	Landscape On Podium Building A/B	Nicholas Bray Landscapes	24/05/2018
Drawing No. L6	Landscape On Podium Building C/D	Nicholas Bray Landscapes	24/05/2018
Drawing No. L7	Landscape On Podium Building E	Nicholas Bray Landscapes	24/05/2018
Drawing No. L8	Landscape On Podium Building F	Nicholas Bray Landscapes	24/05/2018
Drawing No. L9	Landscape Softening of Car Parks	Nicholas Bray Landscapes	24/05/2018

Drawing No. L11	Landscape Elevations	Nicholas Bray Landscapes	24/05/2018
Drawing No. L12	Landscape Master Plan - Children's Playground	Nicholas Bray Landscapes	24/05/2018
Drawing No. L13	Landscape Detailing	Nicholas Bray Landscapes	24/05/2018
Drawing No. L14	Landscape Lighting Concept	Nicholas Bray Landscapes	24/05/2018
Drawing No. L15	Sculpture Screens, Rain Gardens	Nicholas Bray Landscapes	24/05/2018
Drawing No. L16	Wayfinding and Movement Flows	Nicholas Bray Landscapes	24/05/2018
Drawing No. L17	Courtyard Themes	Nicholas Bray Landscapes	24/05/2018
Drawing No. L19	Paving Configuration	Nicholas Bray Landscapes	24/05/2018
Drawing No. L22	Landscape Irrigation	Nicholas Bray Landscapes	24/05/2018
Drawing No. L23	Site Levels & Handrails	Nicholas Bray Landscapes	24/05/2018
Drawing No. L24	Underplanting Ground Floor	Nicholas Bray Landscapes	24/05/2018
Drawing No. L25	Underplanting Podiums	Nicholas Bray Landscapes	24/05/2018
Drawing No. L26	Elevations - Podiums / Riparian Zones	Nicholas Bray Landscapes	24/05/2018
Drawing No. L27	Elevations -Riparian Overplanting	Nicholas Bray Landscapes	24/05/2018
Drawing No.16644_D1_C100 Revision 04	General Arrangement Plan	Henry & Hymas	11/05/2018
Drawing No.16644_D1_C101 Revision 05	Detail Civil Plan Sheet 1 of 3	Henry & Hymas	11/05/2018
Drawing No.16644_D1_C102 Revision 05	Detail Civil Plan Sheet 2 of 3	Henry & Hymas	11/05/2018
Drawing No.16644_D1_C103 Revision 05	Detail Civil Plan Sheet 3 of 3	Henry & Hymas	11/05/2018
Drawing No.16644_D1_C111 Revision 03	Turning Path Plan	Henry & Hymas	11/05/2018
Drawing No.16644_D1_C200 Revision 02	Stormwater Miscellaneous Details & Pit Lid Schedule	Henry & Hymas	14/12/2017

Drawing No.16644_D1_C201Revision 01	Stormwater SW360 Details and Sections	Henry & Hymas	14/12/2017
Drawing No.16644_D1_SE01 Revision 01	Sediment & Erosion Control Plan	Henry & Hymas	3/05/2017
Drawing No.16644_D1_SE02 Revision 01	Sediment & Erosion Control Typical Sections and Details	Henry & Hymas	7/06/2017
Drawing No.16644_D1_BE00 Revision 03	Cut and Fill Plan	Henry & Hymas	20/07/2017

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

**Note:** The following must be submitted to Sutherland Shire Council prior to the commencement of any building 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) Provide handrails wherever paths adjoin rain gardens.
- ii) To all edges of podium landscapes where adjoining planter boxes are less than 1.0m high provide glass balustrades to meet BCA requirements.
- iii) Hydrant boosters and meters must be fully enclosed and incorporated within the building fabric.
- iv) Apartment storage in accordance with the requirements of the Apartment Design Guide must be provided to all apartments as follows:
  - 6m<sup>3</sup> per 1br apartment
  - 8m<sup>3</sup> per 2br apartment
  - 10m<sup>3</sup> per 3br+ apartment

A minimum of 50% of the above requirements must be included in each apartment with the remainder located within the ground floor parking level. This requirement may result in a loss of parking spaces.

- v) Drawing No.L22 Landscape Irrigation, architectural plans and stormwater concept plans must be amended to provide a minimum of 150kL of rainwater storage for irrigation to be allocated to each building as follows:



- Building A        25kL
- Building B        25kL
- Building C        25kL
- Building D        20kL
- Building E        30kL
- Building F        25kL

The rainwater tanks must be integrated into the approved building form.

- vi) The 10 visitor car spaces located immediately to the west of the café must be either removed or relocated along the central road. The finished surface previously occupied by the car spaces is to be amended to be 'Primary Granite Paving'.

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

### **3. Integrated Development Approval - Requirement of Approval Bodies**

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

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

- Department of Primary Industries - Water
- Department of Primary Industries - Fisheries

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

### **4. Requirements of Authorities**

#### **A Requirements from Other Authorities**

The development must be undertaken in accordance with the requirements of Ausgrid. A copy of the requirements of Ausgrid are attached to this development consent. These requirements must be incorporated in the application for Construction Certificate where required.

### **5. Completion of Bridge Required**

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

All works associated with DA17/0048 must be completed and an occupation certificate issued prior to the occupation of Stage 1 of the development or the issue of an Occupation Certificate for Stage 1 of this development as defined by the approved plan titled 'Staging Plan' Drawing No.DA-006 Issue 3 prepared by Jackson Teece dated 18/04/2018.

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

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

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

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

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

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

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

The value of the bond is \$100,210.00

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.

#### **7. S94A 2016 Plan - Sutherland Shire**

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

Pursuant to s.80A(1) of the Environmental Planning and Assessment Act 1979, and Sutherland Shire Council Section 94A Plan 2016, a total contribution of \$1,644,412.38 must be paid to Sutherland Shire Council towards the cost of works contained in the contribution plan.

Payment must be made before the issue of any construction certificate relating to each stage of the development as identified on the approved plan titled 'Staging Plan' Drawing No.DA006 Issue 3 prepared by Jackson Teece dated 18/04/2018 and as follows:

Stage 1:	\$548,137.46
Stage 2:	\$548,137.46
Stage 3:	\$548,137.46

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:

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

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

### **A. Before Construction**

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

- 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.**

## 9. 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) Roundabout - construct a new roundabout at the corner of Alexander Avenue and Toorak Avenue including the adjustment of all infrastructure associated with the works. This includes the reconstruction of kerb returns, kerb ramps, footpath pavement, road pavement and stormwater infrastructure as required.
- iv) Redundant Laybacks and Crossings - remove redundant laybacks and vehicle crossings and replace with kerb and gutter (including associated road reconstruction works) where required.
- v) Stormwater Connection - construct new stormwater infrastructure as required to facilitate drainage for the proposed development.
- vi) Footpath - reconstruct new footpath pavement where required to facilitate new infrastructure associated with the development. This includes linkage pathways to Council's infrastructure adjacent to the foreshore.
- 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 - construct kerb and gutter including associated road reconstruction where required.

- xi) Street Signage - alter existing and/or install new street signage as required for the new roundabout in Alexander Avenue and at the entry / exit point located on Bay Road. Parking restrictions must be installed in accordance with the direction provided by Council's Traffic Engineer.
- xii) Street Lighting - install new street lighting in conjunction with the adjustment of local distribution power lines and other utilities as required to facilitate the construction of a new roundabout at the corner of Alexander Avenue and Toorak Avenue. This includes provision for the upgrade of lighting at the pedestrian crossing directly adjacent to the north of the new roundabout.
- xiii) Utility Services - adjust public services infrastructure as required.
- xiv) 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 a Construction Certificate for Stage 1 of the development as defined by the approved plan titled 'Staging Plan' Drawing No.DA-006 Issue 3 prepared by Jackson Teece dated 18/04/2018.

## **B. Before Construction**

Prior to the release of any Construction Certificate, a detailed frontage works application must be lodged with Sutherland Shire Council.

## **C. Before Occupation**

Prior to the occupation of Stage 1 of the development or the issue of an Occupation Certificate for Stage 1 of the development, 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.

## 10. Construction Environmental Management Plan

### A. Design

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

The environmental practitioner 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).
- (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 have regard for the management measures and controls required by the site-specific environmental management plan, acid sulfate soil management plan and any other management plan.
- (iii) The CEMP must address, but not be limited to, the following:
- a. Description of works.
  - b. Details of all contractors involved with the project.
  - c. Environmental awareness and training of contractors.
  - d. Compliance with legislation and regulations.
  - e. Measures to prevent noise, water, air and land pollution.
  - f. Safe access to and from the site during construction.
  - g. Safety and security of work site, road and footpath area; including details of any proposed fencing, signage, hoarding and lighting.
  - h. Method of loading and unloading excavation machines, construction materials.
  - i. Details of how and where construction material and any waste materials will be appropriately managed, stored and disposed of.
  - j. Construction vehicle access and egress must be undertaken from Bay Road only.
  - k. Erosion and sediment control measures.
  - l. Details of any fuel storage and management.
  - m. Detailed erosion and sediment control measures including methods to prevent material impacting adjoining waterways, roadways and neighbouring land.
  - n. Protection of existing trees and vegetation, including aquatic vegetation.
  - o. Unexpected Finds Protocol i.e. the address unexpected finds of soil or groundwater contamination.
  - p. Work, Health & Safety requirements.
  - q. Contingency and emergency response plans.

- r. Inclusion of a detailed site plans.
- s. Ground gas protection measures

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

The CEMP must be included in the documentation for any construction certificate application for each stage of the development as defined by the approved plan titled 'Staging Plan' Drawing No.DA-006 Issue 3 prepared by Jackson Teece dated 18/04/2018.

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

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

### **11. 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 Councils Adopted Schedule of Fees and Charges.

### **12. Supervising Engineer**

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

The principal contractor 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.

## **B. During Construction**

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

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

## **C. Before Occupation**

The supervising engineer must certify the works required in "A" above were undertaken and completed in accordance with the requirements of this Development Consent and to their satisfaction. This certification is required for each stage of the development as defined by the approved plan titled 'Staging Plan' Drawing No.DA-006 Issue 3 prepared by Jackson Teece dated 18/04/2018.

# **13. Internal Driveway, Parking and Manoeuvring**

## **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 the levels of the right of carriageway and levels of the bridge.
- ii) All "one way" traffic aisles in the car parking area must be clearly identified by signposting and pavement marking.
- iii) The ingress and egress crossing must be clearly identified by signage.
- iv) The proposed loading and delivery area must be clearly defined with suitable signposting and pavement markings.
- v) The car park must be line marked to accommodate all vehicles as per DA / CC approved documentation for each stage.
- vi) The internal driveway and car parking area must be paved or concreted and must be finished in materials other than plain or exposed aggregate concrete.
- vii) Provide adequate sight distance for the safety of pedestrians using the footpath area.
- viii) Comply with AS2890.1(2004) in relation to the design of vehicular access, parking and general manoeuvring for the B85 vehicle.
- ix) Generally comply with AS2890.2(2002) in relation to the design of vehicular access, parking and general manoeuvring for the MRV vehicle for waste collection and loading requirements, with minimum clearance of 3.5m.
- x) The maximum longitudinal grade of the driveway must not exceed 12.5%.
- xi) Provide a minimum of 22 bicycle parking spaces for the whole development in accordance with AS2890.3 (Bicycle Parking Facilities).

## **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 for each stage of the development as defined by the approved plan titled 'Staging Plan' Drawing No.DA-006 Issue 3 prepared by Jackson Teece dated 18/04/2018.



### **C. Occupation**

Prior to the occupation of each stage of the development or the issue of an occupation certificate for each stage of the development as defined by the approved plan titled 'Staging Plan' Drawing No.DA-006 Issue 3 prepared by Jackson Teece dated 18/04/2018, 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.

## **14. Car Park Design & Construction**

### **A. Design**

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

- i) A minimum headroom of 2.2m measured from the parking floor to the underside of any beam, ventilation duct or service conduit, or to the underside of any door including a security door and fittings when those doors are in an open position in accordance with clause 5.3 of AS2890.1.
- ii) Parking bays must not be enclosed, caged or a door provided.
- iii) All parking bays must provide a minimum clear parking envelope in accordance with figure 5.2 of AS2890.1.
- iv) Parking bays provided for adaptable units (37 total) must have the minimum clear dimensions of 3.8m wide by 5.4m long. A 2.5m height clearance must also be provided.
- v) Any security door fitted to the car parking area entrance must be independently mounted on rubber pads to prevent vibration noise transmission through the concrete walls and / or columns.

### **B. 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 a Construction Certificate for each stage of the development as defined by the approved plan titled 'Staging Plan' drawing No.DA-006 Issue 3 prepared by Jackson teece dated 18/04/2018.

### **C. Occupation**

Prior to the occupation of each stage of the development or the issue of an Occupation Certificate for each stage of the development, 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.

### **15. Drainage Design - Detailed Requirements**

#### **A. Design**

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

- i) A detailed drainage design supported by a drainage calculation demonstrating that the stormwater management infrastructure consisting of piped and overland system can convey the 100 year ARI storm event without impacting habitable floor levels (including a Hydraulic Grade Line Analysis).
- ii) A layout of the drainage system showing existing and proposed pipe sizes, type, class, grades, lengths, invert levels, finished surface levels and location of all pipes with levels reduced to Australian Height Datum.
- iii) The Rain garden excavation is to be lined with an impermeable liner.
- iv) The inlet openings at the base of the chamber are to be fitted with a non-return reflux valve.
- v) Water quality devices are to be installed as per the approved stormwater management plan.
- vi) All levels reduced to Australian Height Datum.
- vii) The storm filter chamber 'under drain' piped outlet is to be provided with a non-return reflux valve designed to ensure no backflow occurs into the extended detention depth due to Mean High Water Level at RL 0.53m AHD.

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

- i) Prior to the release of a Construction Certificate for any stage of the development as defined by the approved plan titled 'Staging Plan' Drawing No.DA-006 Issue 3 prepared by Jackson Teece dated 18/04/2018, a maintenance schedule is to be created detailing the annual (or more frequent) inspection and maintenance and cleaning/repair (if necessary) of all stormwater management infrastructure including concrete pipes, pits, Stormwater360 water quality products, non-return reflux valves and discharge headwalls.
- ii) Certification from an Accredited Certifier in Civil Engineering or a Chartered Civil Engineer, to the effect that the drainage design is to their satisfaction and satisfies the design requirements in "A" above must accompany the application for a Construction Certificate for any stage of the development as defined by the approved plan titled 'Staging Plan' Drawing No.DA006 Issue 3 prepared by Jackson Teece dated 18/04/2018.

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

Prior to the issue of an Occupation Certificate for each stage of the development as identified on the approved plan titled 'Staging Plan' Drawing No.DA-006 Issue 3 prepared by Jackson Teece dated 18/04/2018:

- 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, reflux valves, discharge points and the water quality system. 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 buildings related to each stage of the development, the Applicant / Owner must submit to Council a copy of the aforementioned letter of certification.
- iii) Confirmation from a water quality maintenance contractor that they have been appointed to carry out maintenance works in accordance with the maintenance schedule must be received by the PCA and a copy sent to Council.

#### **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 treatment system must be maintained in accordance with the Maintenance Schedule and 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 quality treatment system and applicable maintenance schedule.

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

### **A. Design**

The proposed development adjoins a drainage easement. To ensure that 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 the invert levels of the drainage channel or, alternatively, founded on sound rock.
- ii) The walls of the building or of any structure adjoining the drainage easement must be designed to withstand all necessary forces should excavation be required within the easement down to the existing invert levels of the drainage channel.

### **B. Before Construction**

Certification of A. above from an appropriately qualified engineer must accompany the application for a Construction Certificate for both Stage 1 and Stage 2 of the development as defined by the approved plan titled 'Staging Plan' Drawing No.DA-006 Issue 3 prepared by Jackson Teece dated 18/04/2018.

### **C. Before Occupation**

Prior to the occupation of both Stage 1 and Stage 2 of the development or the issue of an Occupation Certificate for Stage 1 and Stage 2 of the development as defined by the approved plan titled 'Staging Plan' Drawing No.DA-006 Issue 3 prepared by Jackson Teece dated 18/04/2018, certification from an appropriately qualified engineer detailing that the development has been constructed in accordance with A. above must be submitted to the PCA.

## **17. Damage to Adjoining Properties**

### **A. Before Works**

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

### **B. During Works**

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

## **18. 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 for each stage of the development as defined by the approved plan titled 'Staging Plan' Drawing No.DA-006 Issue 3 prepared by Jackson Teece dated 18/04/2018.

### **B. Before Occupation**

Prior to issue of an Occupation certificate for each stage of the development as defined by the approved plan titled 'Staging Plan' Drawing No.DA-006 Issue 3 prepared by Jackson Teece dated 18/04/2018, certification must be provided from each utility service provider / approved agent to the effect that each stage of the development has been serviced to their satisfaction.

Prior to the issue of an Occupation certificate for each stage of the development as identified on the approved plan titled 'Staging Plan' Drawing No.DA006 Issue 3 prepared by Jackson Teece dated 18/04/2018, 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.

## **19. Car Parking Allocation**

### **A. Ongoing**

Car parking must be provided on the following basis:

- i) 5 parking spaces for RACF residents
- ii) 15 spaces for RACF staff
- iii) 31 visitors spaces, including 2 accessible visitor spaces
- iv) 1 Ambulance Space
- v) Any tandem/'stacked' parking bay must be allocated to a single dwelling.
- vi) The remainder of parking spaces for residents

## **20. Waste Collection and Waste Storage (On Site Collection)**

### **A. Design**

Waste Collection and waste storage points must be designed in accordance with the following requirements:

- i) The subject property must accommodate a "MRV", generally in accordance with AS2890.2, for the purpose of waste collection, minimum height clearance to be 3.5m.

- ii) The maximum long and cross section grade of the waste collection area must be  $\pm 5\%$
- iii) Clear and direct access must be provided from the bin holding areas to the Waste/bin collection points.
- iv) Each 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**

Details of compliance with 'A' above must form part of the documentation accompanying the application for a Construction Certificate for each stage of the development as defined by the approved plan titled 'Staging Plan' Drawing No.DA-006 Issue 3 prepared by Jackson Teece dated 18/04/2018.

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

The works must be completed prior to the issue of an Occupation Certificate for each stage of the development as defined by the approved plan titled 'Staging Plan' Drawing No.DA-006 Issue 3 prepared by Jackson Teece dated 18/04/2018.

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

All ongoing management, maintenance and cleaning of all waste and recycling management facilities, including suitable collection arrangements and how bins are to be moved from waste storage areas to waste collection areas are to be carried out in accordance with "A" above and the approved Waste Management Plan for the development. All waste and recycling bins must be stored wholly within the approved waste storage area. The bins must only be put out for collection on the evening prior to pick-up and returned to the storage area as soon as possible after pick-up.

### **21. Flood Requirements**

#### **A Design**

- i) All habitable floor levels are to be constructed at a minimum height of RL 2.8m  $\pm 20$ mmAHD.
- ii) Car Parking levels are to be constructed no lower than existing natural ground level.
- iii) All building materials must be flood resistant, or flood compatible to a height of RL 2.8m  $\pm 20$ mmAHD.
- iv) A suitably qualified engineer must certify that the structure can withstand the forces of floodwater, scour, debris and buoyancy up to and including the aforementioned levels.
- v) No excavation is permitted on the site apart from the proposed raingarden, bioretention swale, lift pits, water tanks, services, footings, road-grading and car park grading for Building F.

#### **B Before Construction**

- i) A site specific 'Emergency Flood Response Plan' must be submitted to the PCA, including details of evacuation and 'shelter in place' requirements for each stage of the development as defined by the approved plan titled 'Staging Plan' drawing No.DA-006 Issue 3 prepared by Jackson teece dated 18/04/2018.

- ii) Certification from an Accredited Certifier in Civil / Structural Engineering or a Chartered Civil / Structural Engineer, to the effect that the building materials and structural design was prepared having regard to the conditions of development consent and to their satisfaction, shall accompany the application for a Construction Certificate for each stage of the development as defined by the approved plan titled 'Staging Plan' Drawing No.DA-006 Issue 3 prepared by Jackson Teece dated 18/04/2018.

**C Before Occupation**

- i) Each apartment must be provided with the 'Emergency Flood Response Plan' required by 'B' above.
- ii) Prior to the occupation of each stage of the development or the issue of any Occupation Certificate for each stage of the development as defined by the approved plan titled 'Staging Plan' Drawing No.DA-006 Issue 3 prepared by Jackson Teece dated 18/04/2018, an appropriately qualified engineer must certify that the works required in 'A' above have been completed to their satisfaction.

**22. Acid Sulfate Soil Management**

**A. Before Construction and Issue of any Construction Certificate**

A site-specific Acid Sulfate Soil Management Plan must be prepared by an appropriately qualified and certified environmental practitioner that has demonstrated expertise and experience with the management of acid sulfate soils.

The environmental practitioner 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 Acid Sulfate Soil Management Plan must be prepared in accordance with the requirements of the NSW Acid Sulfate Soil Manual (ASSMAC 1998) and must have regard for the management measures and controls required by the site-specific environmental management plan - Environmental Management Plan, 25 Bay Road, Taren Point NSW' by JBS&G, 3 August 2017 [51010//108521(Rev 1)].

The Acid Sulfate Soil Management Plan must be submitted to the satisfaction of Sutherland Shire Council, Manager Environmental Science prior to the commencement of any works and prior to the issue of a construction certificate for each stage of the development as defined by the approved plan titled 'Staging Plan' Drawing No.DA-006 Issue 3 prepared by Jackson Teece dated 18/04/2018.

**B. During Works**

The Council approved Acid Sulfate Soil Management Plan must be implemented during works under the supervision of the Supervising Environmental Practitioner.

### **C. Before Occupation and the issue of an Occupation Certificate**

The Supervising Environmental Practitioner must certify in writing that the management of acid sulfate soils was undertaken in accordance with the approved Acid Sulfate Soil Management Plan for each stage of the development.

This certification must be provided to the satisfaction of Sutherland Shire Council, Manager Environmental Science, prior to occupation of each stage of the development or the issue of an occupation certificate for each stage of the development as defined by the approved plan titled 'Staging Plan' Drawing No.DA-006 Issue 3 prepared by Jackson Teece dated 18/04/2018.

## **23. Landscaping Works**

### **A. Design**

The landscaping works must be designed in accordance with the approved Landscape Plan and have regard to the vegetation management plan except where modified by the following:

- i) Amend the landscape plan in accordance with the approved architectural plans.
- ii) At the NE end of the podium level between Blocks A and B make the planter box between the path and the edge subject to ground floor clearance requirements (coloured pink) 1.0m high.
- iii) At the NE end of the podium level between Blocks C and D replace the small area of artificial grass with secondary paving clay pavers and make the planter box between the paths and the edge subject to ground floor clearance requirements (coloured pink) 1.0m high.
- iv) Tree Protection Zones (TPZ) and the location of tree protective fencing must be shown on plan for all existing trees to be retained and protected.
- v) Provide minimum soil depths in planter boxes as follows:
  - 1100mm for large trees.
  - 900mm for small trees and tall shrubs.
  - 600mm low shrubs.
  - 450mm grass and ground covers.
- vi) All landscape retaining walls and planter boxes must be constructed in masonry, stone or gabions. Timber is not acceptable.
- vii) Each ground floor unit must be provided with a clothes line easily accessible from the laundry.
- viii) All landscaped 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.



- ix) The private open space of each ground floor dwelling must be provided with one tap, connected to mains water.
- x) To improve coverage and reduce weeds and maintenance, planting densities in all planting areas except the drainage easement must achieve a minimum of 4 plants per square metre. Planting density in the drainage easement must achieve a minimum of 6 plants per square metre.
- xi) For ease of long-term maintenance of planting beds all turf species must be *Zoysia macrantha* 'Nara' or Buffalo species. Kikuyu is not acceptable.
- xii) Indigenous or native tree pot or bag sizes must be between 5 - 45 litres.
- xiii) Substitute the following plant species:
  - *Angophora costata* for *Corymbia (Eucalyptus) maculata*
  - *Melaleuca stypheloides* for *M. armillaris*
- xiv) Provide an additional 6 x large indigenous canopy trees along the avenue.
- xv) To the deep soil courtyard between Blocks B and C provide an additional 7x large indigenous canopy trees - 2 x trees near the café (able to be replaced with 2 x deciduous trees) and 5 x trees in the grassed area between the herb garden and the rain garden.
- xvi) To the podium between Blocks A and B provide an additional 9 x small indigenous canopy trees. As an alternative to indigenous trees, 9 x deciduous trees can be used as a replacement.
- xvii) To the podium between Blocks C and D provide an additional 12 x small indigenous canopy trees. As an alternative to indigenous trees, 12 x deciduous trees can be used as a replacement.
- xviii) Provide metal or 100x50mm hardwood edging between grass and planting beds. For all trees in grass provide a 1200mm square 100x50mm hardwood edge.
- xix) Staking to trees on podiums must be designed to prevent penetrating the waterproof membrane in planter boxes.
- xx) As the subject site is identified as being within a Greenweb Restoration area, all new tree plantings must be indigenous species and 50% of understorey plants must be indigenous species. All indigenous species must be 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).

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 for each stage of the development as defined by the approved plan titled 'Staging Plan' Drawing No.DA-006 Issue 3 prepared by Jackson Teece dated 18/04/2018.

**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 of each stage of the development or the issue of an Occupation Certificate (interim or final) for each stage of the development as defined by the approved plan titled 'Staging Plan' Drawing No.DA-006 Issue 3 prepared by Jackson Teece dated 18/04/2018. 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 (SSCDCP 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

**24. Vegetation Management Plan (VMP)**

In order to ensure the restoration and revegetation of the subject site and provide for the ongoing management of vegetation:

**A. During Construction**

The revegetation works detailed in the approved VMP (with additional information) must be implemented / commenced under the supervision of an appropriately qualified and experienced Environmental Scientist, Bush Regenerator, Horticulturalist or Ecologist during the construction phase of the development. The VMP must be read in conjunction and be co-ordinated with the approved landscape concept plans.

**B. Ongoing**

The ongoing monitoring and management required by the VMP must be undertaken under the supervision of an appropriately qualified Environmental Scientist, Bush Regenerator, Horticulturalist or Ecologist. Copies of all monitoring results are to be submitted to Council's Environmental Science Unit.

**25. Tree Removal on Private Land (Projects Dual Occupancies and Larger) (ENV2030)**

The removal of the following trees is approved:

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

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

**26. 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) 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 the supervising Consulting Arborist's advice. Signage must be erected on the fence with the following words clearly displayed "TREE PROTECTION ZONE, DO NOT ENTER".
- ii) 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.
- iii) 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.
- iv) 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.
- v) Tree trunk/branch batten protection boards are to be installed as per 4.5.2 of Australian Standard (AS4970-2009) - Protection of Trees on Development Sites.

**B. During Works**

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

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

### **C. Before Occupation**

Prior to the occupation of each stage the development or the issue of an Occupation Certificate for each stage of the development as defined by the approved plan titled 'Staging Plan' Drawing No.DA-006 Issue 3 prepared by Jackson Teece dated 18/04/2018, 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.

## **27. 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 the supervising environmental practitioner, 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.

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

Any existing soils excavated to be reused on the site must be assessed by the supervising environmental practitioner 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**

- (a) Notice must be provided by the applicant to Sutherland Shire Council, Manager Environmental Science and the Principal Certifying Authority (PCA) two business days prior to the commencement of any land filling works and within two business days of the completion of such works.
- (b) Any fill material that is imported onto the site must comprise Virgin Excavated Natural Material (VENM), Excavated Natural Material (ENM) or other material covered by an appropriate resource recovery order / exemption that is suitable for the proposed landuse.
- (c) Prior to the acceptance of any fill material to be imported on to the site, appropriate materials characterisation documentation that verifies the material is suitable for the intended land use, must be provided to the satisfaction of the supervising environmental practitioner and copies provided to Sutherland Shire Council, Manager Environmental Science and the Principal Certifying Authority (PCA).
- (d) Copies of all materials characterisation documentation must also be kept onsite at all times and must be made available by the site manager at the request of the Sutherland Shire Council Officers and the PCA.
- (e) Prior to the spreading of any fill material at the site, the supervising environmental practitioner must inspect any stockpiled/ imported material to verify conformance with the materials characterisation documentation.
- (f) On completion of the land filling/ spreading works; a report must be prepared by the supervising environmental practitioner to certify that all fill material that has been imported on to the site is suitable for the intended land use 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*.

**B. Prior to Occupation and issue of Occupation Certificate**

The report required by A(iii)(f) must be provided to the satisfaction of Sutherland Shire Council, Manager Environmental Science prior to occupation of each stage of the development or the issue of an occupation certificate for each stage of the development as defined by the approved plan titled 'Staging Plan' Drawing No.DA-006 Issue 3 prepared by Jackson Teece dated 18/04/2018.

## **28. Supervising Environmental Practitioner**

### **A. Before Commencement**

The principal contractor must engage an appropriately qualified, experienced and certified environmental practitioner to supervise all aspects of environmental site management, including, but not limited to, ground gas protection for the development.

The environmental practitioner must have demonstrated expertise in ground gas protection, management of contaminated land and acid sulfate soils. The environmental practitioner must also be certified by the EIANZ 'Certified Environmental Practitioner - Site Contamination' scheme (CEnvP SC).

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

The applicant must provide clear evidence of the appointment of the appropriately qualified, experienced and certified environmental practitioner to the satisfaction of Sutherland Shire Council, Manager Environmental Science, prior to the commencement of any works and the issue of a construction certificate for any stage of the development as identified on the approved plan titled 'Staging Plan' Drawing No.DA006 Issue 3 prepared by Jackson Teece dated 18/04/2018.

### **C. During Works**

The certified environmental practitioner must supervise all aspects of environmental site management requirements and ensure compliance with approved plans including, but not limited to, the site specific environmental management plan.

## **29. Construction Quality Assurance Plan**

### **A. Design**

A Construction Quality Assurance Plan (CQAP) must be prepared in accordance with, but not limited to, the requirements provided in section '8.4 Landfill Gas' of the 'Environmental Management Plan, 25 Bay Road, Taren Point NSW' by JBS&G, 3 August 2017 [51010//108521(Rev 1)].

The CQAP must be prepared by an appropriately qualified and certified environmental practitioner that has demonstrated expertise and experience in ground gas protection.

The environmental practitioner must also be certified by the EIANZ 'Certified Environmental Practitioner - Site Contamination' scheme (CEnvP SC).

The CQAP must also have regard for the NSW EPA "Guidelines for the Assessment and Management of Sites Impacted by Hazardous Ground Gases", November 2012, as amended.

### **B. Before Construction and Issue of any Construction Certificate**

The CQAP must be reviewed by a NSW EPA accredited site auditor (site auditor) to confirm that the CQAP is appropriate to adequately mitigate identified risks relevant to the proposed development. The site auditor must certify the verification of the CQAP in the form of an interim site audit advice letter or a section B site audit statement.

The CQAP and certification from the site auditor must be submitted to the satisfaction of Sutherland Shire Council, Environmental Science, prior to the commencement of any works and prior to the issue of a construction certificate for any stage of the development as defined by the approved plan titled 'Staging Plan' Drawing No.DA-006 Issue 3 prepared by Jackson Teece dated 18/04/2018.

**C. During Works**

- i) The gas protection measures provided in the site auditor certified CQAP must be installed / constructed as follows:
  - a) Structural gas protection measures must be installed / constructed by the general construction contractor and observed and certified by the supervising environmental practitioner at relevant hold points.
  - b) Specific ground gas protection measures, such as membranes and ventilation, must be installed/ constructed by a specialist gas protection contractor who is independent from the environmental consultancy that has prepared the CQAP. Installation/ construction of these measures must be observed and certified by the supervising environmental practitioner at relevant hold points.
  - c) Required testing of the gas protection measures must be undertaken by the specialist gas protection practitioner and supervised and certified by the supervising environmental practitioner at relevant hold points.
- ii) Any amendments or additions to the CQAP must be reviewed and certified by the site auditor prior to implementation.
- iii) The installation/ construction/ testing of the gas protection measures provided in the site auditor certified CQAP must be observed and certified by the site auditor at relevant hold points. The site auditor must also review and certify appropriate records and construction quality assurance documentation as relevant to the gas protection measures.

**D. Before Occupation and Issue of any Occupation Certificate**

The site auditor must certify that the gas protection measures have been installed and are being managed as appropriate for the intended use of the site, in accordance with the requirements of the CQAP and the 'Environmental Management Plan, 25 Bay Road, Taren Point NSW' by JBS&G, 3 August 2017 [51010//108521(Rev 1)] or subsequent amendments and supporting documents as certified by the site auditor. The site auditor must provide this certification in the form of a site audit statement and site audit report.

The site audit statement and site audit report must be provided to the satisfaction of Sutherland Shire Council, Manager Environmental Science prior to occupation of each stage of the development or the issue of an occupation certificate for each stage of the development as defined by the approved plan titled 'Staging Plan' Drawing No.DA-006 Issue 3 prepared by Jackson Teece dated 18/04/2018.



**Note:** Site Audit Statement No. SAS KJL 143, dated 5 October 2017 includes a condition provided by the NSW EPA accredited site auditor that the subject must be notified to the NSW Environment Protection Authority (EPA), as required by section 60 “Duty to Report Contamination” of the *Contaminated Land Management Act 1997*.

**30. Environmental Management Plan**

**A. During Works**

Development of the site must be undertaken in accordance with, but not limited to, the requirements of the ‘Environmental Management Plan, 25 Bay Road, Taren Point NSW’ by JBS&G, 3 August 2017 [51010//108521(Rev 1)], under the supervision of the supervising environmental practitioner.

**B. Before Occupation and Issue of an Occupation Certificate**

- i) The supervising environmental practitioner must certify that requirements of the environmental management plan were implemented as required throughout the development works. This certification must be provided to the satisfaction of Sutherland Shire Council, Manager Environmental Science prior to occupation of each stage of the development or the issue of an occupation certificate for each stage of the development as defined by the approved plan titled ‘Staging Plan’ Drawing No.DA-006 Issue 3 prepared by Jackson Teece dated 18/04/2018.
- ii) The ‘Environmental Management Plan, 25 Bay Road, Taren Point NSW’ by JBS&G, 3 August 2017 [51010//108521(Rev 1)], must be amended by an appropriately qualified and certified environmental practitioner to facilitate long term management and maintenance of the gas protection measures. This must be undertaken prior to occupation of each stage of the development or the issue of an occupation certificate for each stage of the development as defined by the approved plan titled ‘Staging Plan’ Drawing No.DA-006 Issue 3 prepared by Jackson Teece dated 18/04/2018.

The environmental practitioner must have demonstrated expertise and experience in ground gas protection and be certified by the EIANZ ‘Certified Environmental Practitioner - Site Contamination’ scheme (CEnvP SC).

- iii) The amended environmental management plan must be reviewed and approved by a NSW EPA accredited site auditor. The site auditor must provide a site audit statement and site audit report, certifying that the site is suitable for the proposed use, subject to the implementation of the environmental management plan. This must be undertaken prior to occupation of each stage of the development or the issue of an occupation certificate for each stage of the development as defined by the approved plan titled ‘Staging Plan’ Drawing No.DA-006 Issue 3 prepared by Jackson Teece dated 18/04/2018.

The site audit report and site audit statement must be provided to the satisfaction of Sutherland Shire Council, Manager Environmental Science prior to the occupation of each stage of the development or the issue of an occupation certificate for each stage of the development.

- iv) The applicant must create and register a covenant/s on the title of the land under the Conveyancing Act 1919 stipulating the following:
  - a) that the use of the site is subject to the long term management and maintenance requirements provided in the site auditor approved environmental management plan.
  - b) that abstraction of groundwater at the site is prohibited at all times.

The positive covenant/s shall 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 under the provision of the Conveyancing Act 1919 must be provided to the satisfaction of Sutherland Shire Council, Manager Environmental Science, prior to occupation of Stage 1 of the development or the issue of an occupation certificate for Stage 1 of the development.

- v) The requirements and controls of the site auditor approved environmental management plan relevant to disturbance of onsite subsurface environments, must be notified by the applicant to Dial Before Your Dig (DBYD). Evidence that the appropriate DBYD notification/ registration has been undertaken must be provided to the satisfaction of Sutherland Shire Council, Manager Environmental Science, prior to occupation of each stage of the development or the issue of an occupation certificate for each stage of the development as identified on the approved plan titled 'Staging Plan' Drawing No.DA006 Issue 3 prepared by Jackson Teece dated 18/04/2018.
- vi) The requirements and controls of the site-audit approved environmental management plan relating to long term site management and maintenance obligations must be incorporated in to the relevant management scheme documentation as required under the *Retirement Villages Act 1999* and/or the *Strata Schemes Management Act 2015*.

### **31. Unexpected Finds Protocol**

#### **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 practitioner.

The contaminated soil and/or groundwater must then be managed in accordance with the Unexpected Finds Protocol provided in the site-specific environmental management plan - Environmental Management Plan, 25 Bay Road, Taren Point NSW' by JBS&G, 3 August 2017 [51010//108521(Rev 1)]

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

If unexpected contaminated soil or groundwater is treated and/or managed onsite; the supervising environmental practitioner must certify that the situation was appropriately managed in accordance with site-specific environmental management plan.

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

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

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

### **A. Design**

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

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

### **B. Before Construction**

Details of compliance with the above must form part of the documentation accompanying the application for a Construction Certificate for Stage 1 and Stage 3 of the development as defined by the approved plan titled 'Staging Plan' Drawing No.DA-006 Issue 3 prepared by Jackson Teece dated 18/04/2018.

### **C. Before Occupation**

- i) Prior to occupation of Stage 1 and Stage 3 of the development or the issue of an Occupation Certificate for Stage 1 and Stage 3 of the development as defined by the approved plan titled 'Staging Plan' Drawing No.DA-006 Issue 3 prepared by Jackson Teece dated 18/04/2018, 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 kitchen and cafe within Stage 1 and Stage 3 respectively must not occur until a registration application has been submitted to Council's Environment and Health Regulation Department for the food business.

### **33. External Lighting**

To ensure that any lighting on the site does not cause a nuisance to neighbours and the threatened shorebird community:

#### **A. Design**

- i) All lighting must be designed in accordance with Australian Standard AS4282 - Control of the Obtrusive Effects of Outdoor Lighting.
- ii) Lighting within the western drainage easement, within the northern riparian zone and lighting installed on the buildings on the subject site, must be designed to minimise light spill into the adjoining mangroves and foreshore. This includes lighting from balconies and landscaped areas.

#### **B. Ongoing**

All lighting must be operated and maintained in accordance with the requirements of 'A' above.

### **34. Noise Control - Residential Air Conditioning Unit / Heat Pump Water Heater**

To minimise the noise impact on the surrounding environment:

#### **A. Design**

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

#### **B. Ongoing**

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

### **35. Noise Control - Design of Plant and Equipment (General Use)**

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 before occupation

of each stage of the development or the issue of an occupation certificate for each stage of the development as defined by the approved plan titled 'Staging Plan' Drawing No.DA-006 Issue 3 prepared by Jackson Teece dated 18/04/2018.

### **C. Ongoing**

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

## **36. Noise and Vibration Control - Residential Car Park**

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

### **A. Design**

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

### **B. Before Occupation**

The Principal Certifying Authority must be satisfied that 'A' above has been complied with before the occupation of each stage of the development or the issue of an occupation certificate for each stage of the development as defined by the approved plan titled 'Staging Plan' Drawing No.DA-006 Issue 3 prepared by Jackson Teece dated 18/04/2018.

## **37. Building Ventilation**

To ensure adequate ventilation for the building:

### **A. Design**

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

- i) The Building Code of Australia;
- ii) AS 1668 Part 1 - 1998;
- iii) AS 1668 Part 2 - 1991;
- iv) The Public Health Act - 2010;
- v) The Public Health Regulation 2012;
- vi) AS 3666.1 - 2002;
- vii) AS 3666.2 - 2002; and
- viii) AS 3666.3 - 2000.

### **B. Before Construction**

Details of compliance with the above must form part of the documentation accompanying the application for a Construction Certificate for each stage of the development as defined by the approved plan titled 'Staging Plan' Drawing No.DA-006 Issue 3 prepared by Jackson Teece dated 18/04/2018.

### **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) The occupation of each stage of the development or the issue of an occupation certificate for each stage of the development as defined by the approved plan titled 'Staging Plan' Drawing No.DA-006 Issue 3 prepared by Jackson Teece dated 18/04/2018 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.

## **38. Car-Park Ventilation**

To ensure adequate ventilation for the car park;

### **A. Design**

The above ground enclosed car park must comply with natural ventilation requirements of Section 4 of Australian Standard AS1668.2-1991 or alternatively mechanically ventilated by a system complying with AS1668.1-1991.

The above ground enclosed car park must be certified by a qualified mechanical ventilation engineer to the effect that the system is adequate. The certification must confirm that the system will protect the health of the occupants of the car park at any time it is used and satisfies the atmospheric contaminate exposure rates specified in the Worksafe Australia document: Workplace Exposure Standards for Airborne Contaminants.

### **B. Before Construction**

Details of Compliance with 'A' above must form part of the application for a Construction Certificate for each stage of the development as defined by the approved plan titled 'Staging Plan' drawing No.DA-006 Issue 3 prepared by Jackson teece dated 18/04/2018.

### **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 prior to occupation of each stage of the development or prior to the issue of an occupation certificate for each stage of the development as defined by the approved plan titled 'Staging Plan' drawing No.DA-006 Issue 3 prepared by Jackson teece dated 18/04/2018.

### **D. Ongoing**

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

### **39. Demolition Work**

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

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

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

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

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

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

- a) Work Health and Safety Act 2011;
- b) Work Health and Safety Regulation 2011;
- c) Safe Work Australia Code of Practice - How to Manage and Control Asbestos in the Workplace;
- d) Code of Practice for the Safe Removal of Asbestos 2nd Edition [NOHSC:2002(2005)];
- e) SafeWork NSW 'Working with Asbestos - Guide 2008';
- f) Protection of the Environment Operations Act 1997; and
- g) Protection of the Environment Operations (Waste) Regulation 2005.

Asbestos waste in any form must be disposed of at a waste facility licensed by the NSW EPA to accept asbestos waste. Any asbestos waste load over 100kg (including asbestos contaminated soil) or 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>.

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

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

To assist in the resolution of any future disputes about damage to properties adjoining the development site, prior to commencement of any work on site the Applicant or principal contractor must provide dilapidation reports on the adjacent buildings at No's 3-13 Atkinson Road & 15 Atkinson Road, Taren Point, including any basements and ancillary structures. The reports must be provided to the Principal Certifying Authority and to the owners of the properties that are the subject of the report.

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

**41. Design Requirements for Disabled Access**

**A. Design**

A report prepared by a suitably qualified Access Consultant must be submitted with the Construction Certificate for each stage of the development as defined by the approved plan titled 'Staging Plan' Drawing No.DA-006 Issue 3 prepared by Jackson Teece dated 18/04/2018, demonstrating that the development complies with the requirements of AS1428 - Design for Access and Mobility.

**B. Before Occupation**

A suitably qualified Access Consultant must certify that the development has been constructed in accordance with the requirements of AS1428 - Design for Access and Mobility prior to occupation of each stage of the development or prior to the issue of an occupation certificate for each stage of the development as defined by the approved plan titled 'Staging Plan' Drawing No.DA-006 Issue 3 prepared by Jackson Teece dated 18/04/2018. A copy of the required certification must accompany the Occupation Certificate for each stage of the development.

**42. Design Requirements for Adaptable Housing**

**A. Design**

A report prepared by a suitably qualified Adaptable Housing Specialist must be submitted with the Construction Certificate for each stage of the development as defined by the approved plan titled 'Staging Plan' Drawing No.DA-006 Issue 3 prepared by Jackson Teece dated 18/04/2018, 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**

A suitably qualified Adaptable Housing Specialist must certify that the development has been constructed in accordance with the requirements of AS4299 - Adaptable Housing for a Class C Adaptable House prior to occupation of each stage of the development or the issue of an occupation certificate for each stage of the development as defined by the approved plan titled 'Staging Plan' Drawing No.DA-006 Issue 3 prepared by Jackson Teece dated 18/04/2018. A copy of this certification must accompany the Occupation Certificate.

**43. Verification of Design for Construction - SEPP 65**

**A. Design**

Design verification must be provided by a registered Architect pursuant to SEPP 65 stating that the design intent approved by the Development Consent has been maintained in the building / architectural plans submitted with the Construction Certificate for each stage of the development as identified on the approved plan titled 'Staging Plan' Drawing No.DA006 Issue 3 prepared by Jackson Teece dated 18/04/2018. This must accompany the application for a Construction Certificate for each stage of the development.



## **B. Before Occupation**

Prior to the occupation of each stage of the development or the issue of an occupation certificate for each stage of the development, a design verification must be provided in accordance with SEPP 65.

### **44. External Walls and Cladding Flammability**

#### **A. Design**

The external walls of the building, including attachments, must comply with the relevant requirements of the *National Construction Code (NCC)*. This includes the products and systems proposed for use or used in the construction of external walls including finishes and claddings such as synthetic or aluminium composite panels

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

Details of compliance with “A” above must form part of the application for a Construction Certificate for each stage of the development as defined by the approved plan titled ‘Staging Plan’ Drawing No.DA-006 Issue 3 prepared by Jackson Teece dated 18/04/2018.

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

Certification, including an appropriate level of detail to demonstrate compliance with the NCC as built, must be provided by an appropriately accredited professional that external finishes of the building complies with “A” above prior to occupation of each stage of the development or the issue of an occupation for each stage of the development as defined by the approved plan titled ‘Staging Plan’ Drawing No.DA-006 Issue 3 prepared by Jackson Teece dated 18/04/2018.

### **45. 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 for each stage of the development as defined by the approved plan titled ‘Staging Plan’ Drawing No.DA-006 Issue 3 prepared by Jackson Teece dated 18/04/2018.

### **46. Sydney Water Requirements & Section 73 Compliance Certificate**

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

Prior to the commencement of any works on site, including demolition or excavation, the plans approved as part of the Construction Certificate for each stage of the development as defined by the approved plan titled ‘Staging Plan’ Drawing No.DA-006 Issue 3 prepared by Jackson Teece dated 18/04/2018, 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**

Prior to the issue of an Occupation Certificate for each stage of the development as defined by the approved plan titled 'Staging Plan' Drawing No.DA-006 Issue 3 prepared by Jackson Teece dated 18/04/2018, 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.

## **47. 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.

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

### **A. During Works**

To minimise the noise impact on the surrounding environment and the threatened Shorebird Community:

- 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) Loud intermittent noises” (such as, but not limited to, pile driving or jackhammering) associated with the construction of the building and ancillary facilities that are likely to disturb the threatened Taren Point Shorebird Community or other migratory and/or wading/wetland birds in the area, are not permitted.
- iii) 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.

#### **49. 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.

#### **50. Certification - of Approved Ground Levels**

Verification of approved ground levels

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

Prior to occupation of each stage of the development or the issue of an occupation certificate for each stage of the development as defined by the approved plan titled ‘Staging Plan’ Drawing No.DA-006 Issue 3 prepared by Jackson Teece dated 18/04/2018, certification must be provided by a registered surveyor verifying that the ground levels of the site are in accordance with the approved plans.

#### **51. Housing for Seniors or People with a Disability - Restriction as to User**

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

Prior to the occupation of Stage 1 of the development or the issue of an occupation certificate for Stage 1 of the development as defined by the approved plan titled ‘Staging Plan’ Drawing No.DA-006 Issue 3 prepared by Jackson Teece dated 18/04/2018, a Restriction as to User must be registered against the title of the property in accordance with section 88E of the Conveyancing Act 1919. This restriction must limit the use of the approved accommodation to the kinds of people referred to under State Environmental Planning Policy (Housing for Seniors or People with a Disability) 2004.

##### **B. Ongoing**

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

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

“Seniors” are any of the following:

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

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

## **52. Graffiti Removal and Vandalism**

### **A. Design**

- a) Exterior fixtures and fittings must be made from robust and vandal resistant materials;
- b) In order to improve sight-lines and maximise opportunities for surveillance, shrubs and low hedges should be no higher than 600mm and high canopied vegetation should not have branches hanging lower than 2m from the ground at maturity; except where planting is for green screening;
- c) All entry points to the dwellings and windows accessible from the ground floor must be fitted with appropriate access control devices;
- d) All access control devices proposed by the applicant must be installed by a licensed security professional to meet or exceed AS 4806-2008;
- e) Lighting must meet AS 1158.3.1;
- f) All aspects of the development should comply with AS 1428.1 - 2009, be consistent with the Building Code of Australia and abide by the Disability and Discrimination Act 1992.

Details of the above requirements must be submitted with the application for a Construction Certificate for each stage of the development as defined by the approved plan titled 'Staging Plan' Drawing No.DA-006 Issue 3 prepared by Jackson Teece dated 18/04/2018.

### **B. Ongoing**

Graffiti is to be removed within 7 days;

**53. Unexpected Finds - Heritage**

**A. During Works**

If any archaeological remains are uncovered during excavation, then works in the affected area must cease and NSW Office of Environment and Heritage is to be immediately informed in accordance with the requirements of the Heritage Act 1977. Works cannot resume until permits or exemptions are in place.

**54. Covenant on Title - Control of Domestic Animals**

**A. Before Occupation**

An instrument must be registered on the title of the land in accordance with the Conveyancing Act 1919 requiring the restriction on the use of land for the control of dogs and cats prior to the occupation of Stage 1 of the development or the issue of an occupation certificate for Stage 1 of the development as defined by the approved plan titled 'Staging Plan' Drawing No.DA-006 Issue 3 prepared by Jackson Teece dated 18/04/2018.

The instrument must nominate Sutherland Shire Council as the only authority empowered to release, vary or modify the terms of the covenant and must include the following:

- i) A maximum of 2 domestic animals may be kept in any dwelling at any time. This may comprise either 2 cats or 2 dogs or 1 cat and 1 dog.
- ii) Any cat must be kept within the dwelling or in a cattery or cat run within the dwelling curtilage at all times.
- iii) Any dog must be kept in a fenced or caged enclosure, physical restraint or within the dwelling between sunset and sunrise each day.
- iv) Any dog must not be permitted to enter areas of any foreshore public reserve unless the dog is restrained on a leash.

**B. Ongoing**

Any plan or policy related to the ongoing management of the facility must incorporate the restrictions in "A" above.

**55. Street Numbering and Provision of Letter Box Facilities**

**A. Before Occupation**

The following is required to be undertaken prior to the occupation of each stage of the development or the issue of an occupation certificate for each stage of the development as defined by the approved plan titled 'Staging Plan' Drawing No.DA-006 Issue 3 prepared by Jackson Teece dated 18/04/2018:

- i) Street / unit must be clearly displayed.
- ii) Suitable letterbox facilities must be provided in accordance with Australia Post specifications.
- iii) The dwellings must be addressed in accordance with the approved architectural plans for 25 Bay Road identified in Condition 1 of this consent.
- iv) Dwelling numbers must be unique across each floor of the development with the 'Block' letter as the suffix to the street number, as follows;

#### Ground Floor

- Block A units to be numbered G01 - G03 / 25A Bay Road, Taren Point
- Block C units to be numbered G04 - G06 / 25C Bay Road, Taren Point
- Block D unit to be numbered G07 / 25D Bay Road, Taren Point
- Block E units to be numbered G08 - G09 / 25E Bay Road, Taren Point

#### First Floor

- Block A units to be numbered 101 - 108 / 25A Bay Road, Taren Point
- Block B units to be numbered 109 - 116 / 25B Bay Road, Taren Point
- Block C units to be numbered 117 - 124 / 25C Bay Road, Taren Point
- Block D units to be numbered 125 - 130 / 25D Bay Road, Taren Point
- Block E units to be numbered 131 - 137 / 25E Bay Road, Taren Point

#### Second Floor

- Block A units to be numbered 201 - 208 / 25A Bay Road, Taren Point
- Block B units to be numbered 209 - 216 / 25B Bay Road, Taren Point
- Block C units to be numbered 217 - 224 / 25C Bay Road, Taren Point
- Block D units to be numbered 225 - 230 / 25D Bay Road, Taren Point
- Block E units to be numbered 231 - 237 / 25E Bay Road, Taren Point

#### Third Floor

- Block A units to be numbered 301 - 308 / 25A Bay Road, Taren Point
- Block B units to be numbered 309 - 316 / 25B Bay Road, Taren Point
- Block C units to be numbered 317 - 324 / 25C Bay Road, Taren Point
- Block D units to be numbered 325 - 330 / 25D Bay Road, Taren Point
- Block E units to be numbered 331 - 337 / 25E Bay Road, Taren Point

#### Fourth Floor

- Block A units to be numbered 401 - 408 / 25A Bay Road, Taren Point
- Block B units to be numbered 409 - 416 / 25B Bay Road, Taren Point
- Block C units to be numbered 417 - 424 / 25C Bay Road, Taren Point
- Block D units to be numbered 425 - 428 / 25D Bay Road, Taren Point
- Block E units to be numbered 429 - 435 / 25E Bay Road, Taren Point

#### Fifth Floor

- Block A units to be numbered 501 - 506 / 25A Bay Road, Taren Point
- Block B units to be numbered 507 - 512 / 25B Bay Road, Taren Point
- Block C units to be numbered 513 - 518 / 25C Bay Road, Taren Point
- Block E units to be numbered 519 - 525 / 25E Bay Road, Taren Point

**END OF CONDITIONS**