

2019SSH002 455 – 461 Captain Cook Drive, Woollooware

DA18/1448

ASSESSMENT REPORT APPENDICES

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DRAFT CONDITIONS OF CONSENT – Stage 1
Development Application No. 18/1448

1. Approved Plans and Documents

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

Plan number	Reference	Prepared by	Date
Architectural Plans			
S4-A-DA-100-020 Rev D	Site Plan	Turner	Prepared 09/09/19
S4-A-DA-110-001 Rev F	Ground Level	Turner	Prepared 07/02/20
S4-A-DA-110-010 Rev F	Level 1	Turner	Prepared 07/02/20
S4-A-DA-110-020 Rev G	Level 2	Turner	Prepared 07/02/20
S4-A-DA-110-030 Rev G	Level 3	Turner	Prepared 07/02/20
S4-A-DA-110-040 Rev G	Level 4	Turner	Prepared 07/02/20
S4-A-DA-110-050 Rev G	Level 5	Turner	Prepared 07/02/20
S4-A-DA-110-060 Rev G	Level 6	Turner	Prepared 07/02/20
S4-A-DA-110-070 Rev H	Level 7	Turner	Prepared 07/02/20
S4-A-DA-110-080 Rev H	Level 8	Turner	Prepared 07/02/20
S4-A-DA-110-090 Rev H	Level 9	Turner	Prepared 07/02/20
S4-A-DA-110-100 Rev G	Level 10	Turner	Prepared 07/02/20
S4-A-DA-110-110 Rev E	Level 11	Turner	Prepared 10/10/19
S4-A-DA-110-120 Rev E	Level 12	Turner	Prepared 10/10/19
S4-A-DA-110-130 Rev F	Level 13	Turner	Prepared 18/10/19
S4-A-DA-110-140 Rev F	Level 14	Turner	Prepared 18/10/19
S4-A-DA-110-150 Rev F	Level 15	Turner	Prepared 18/10/19
S4-A-DA-150-011 Rev D	Building A_Level 6-7	Turner	Prepared 10/07/19
S4-A-DA-150-012 Rev D	Building A_Level 8-9	Turner	Prepared 10/07/19
S4-A-DA-150-013 Rev D	Building A_Level 10-11	Turner	Prepared 10/07/19
S4-A-DA-150-014 Rev E	Building A_Level 12-13	Turner	Prepared 18/10/19
S4-A-DA-150-015 Rev E	Building A_Plant	Turner	Prepared 18/10/19
S4-A-DA-150-021 Rev D	Building B_Level 6-8	Turner	Prepared 10/07/19
S4-A-DA-150-022 Rev E	Building B_Level 9-14	Turner	Prepared 10/10/19
S4-A-DA-150-023 Rev F	Building B_Plant	Turner	Prepared 18/10/19
S4-A-DA-150-031 Rev F	Building C_Level 4-5	Turner	Prepared 23/06/20
S4-A-DA-150-032 Rev E	Building C_Level 6-7	Turner	Prepared 18/10/20
S4-A-DA-150-033 Rev E	Building C_Level Plant	Turner	Prepared 18/10/20
S4-A-DA-150-041 Rev F	Building D_Level 6-9	Turner	Prepared 07/02/20
S4-A-DA-150-042 Rev E	Building D_Level 10-12	Turner	Prepared 10/10/19

S4-A-DA-150-043 Rev E	Building D_Level 13 Plant	Turner	Prepared 10/10/19
S4-A-DA-150-061 Rev F	Building E_Level 2	Turner	Prepared 07/02/20
S4-A-DA-150-062 Rev F	Building E_Level 3	Turner	Prepared 07/02/20
S4-A-DA-150-062.5 Rev A	Building E_Level 4	Turner	Prepared 07/02/20
S4-A-DA-150-063 Rev F	Building E_Level 5	Turner	Prepared 07/02/20
S4-A-DA-150-064 Rev E	Building E_Level 6	Turner	Prepared 07/02/20
S4-A-DA-150-065 Rev F	Building E_Level 7	Turner	Prepared 07/02/20
S4-A-DA-150-066 Rev E	Building E_Level 8	Turner	Prepared 07/02/20
S4-A-DA-150-067 Rev F	Building E_Level 9	Turner	Prepared 07/02/20
S4-A-DA-150-067.5 Rev A	Building E_Level Roof Terrace	Turner	Prepared 07/02/20
S4-A-DA-250-101 Rev F	South Elevation	Turner	Prepared 07/02/20
S4-A-DA-250-102 Rev F	East Elevation	Turner	Prepared 07/02/20
S4-A-DA-250-103 Rev F	North Elevation	Turner	Prepared 07/02/20
S4-A-DA-250-104 Rev F	Building A & E Elevations	Turner	Prepared 07/02/20
S4-A-DA-250-105 Rev E	Building B,D & C Elevations	Turner	Prepared 07/02/20
S4-A-DA-250-300 Rev E	GA Elevation Western Elevation	Turner	Prepared 07/02/20
S4-A-DA-250-310 Rev A	Detailed Northern Façade	Turner	Prepared 07/02/20
S4-A-DA-350-101 Rev F	Section A - Street Section	Turner	Prepared 07/02/20
S4-A-DA-350-102 Rev E	Section B - Street Section	Turner	Prepared 07/02/20
S4-A-DA-350-103 Rev E	Section C - Podium Section	Turner	Prepared 07/02/20
S4-A-DA-350-104 Rev E	Section D - Podium Section	Turner	Prepared 07/02/20
S4-A-DA-250-301 Rev A	Detailed Façade Sections Sheet 01	Turner	Prepared 12/12/18
S4-A-DA-250-302 Rev C	Detailed Façade Sections Sheet 02	Turner	Prepared 12/12/18
S4-A-DA-250-303 Rev C	Detailed Façade Sections Sheet 03	Turner	Prepared 07/02/20
Staging Plan			
S4-A-DA-750-050 Rev A	Supplementary Drawings Staging Plan Diagrams - Stage 6	Turner	Prepared 12/12/18
Adaptable Housing Plans			
S4-A-DA-810-010 Rev A	Supplementary Drawings Adaptable Apartments	Turner	Prepared 12/12/18
S4-A-DA-810-020 Rev A	Supplementary Drawings Adaptable Apartments	Turner	Prepared 12/12/20

S4-A-DA-810-030 Rev A	Supplementary Drawings Adaptable Apartments	Turner	Prepared 07/02/20
S4-A-DA-810-040 Rev A	Supplementary Drawings Livable Apartments	Turner	Prepared 12/12/20
Material and Finishes			
S4-A-DA-990-010 Rev B	Material Board Materials & Finishes Board	Turner	Prepared 10/07/19
Signage			
A-670-002 Rev H	Façade Signage Strategy South Elevation	Turner	Prepared 09/10/19
A-670-003 Rev H	Façade Signage Strategy East Elevation	Turner	Prepared 09/10/19
A-670-004 Rev H	Façade Signage Strategy North Elevation	Turner	Prepared 09/10/19
A-670-005 Rev H	Façade Signage Strategy Section B	Turner	Prepared 09/10/19
Landscape Plans			
S4-A110-008 Rev ZE	GA Plans 1:200 Ground Level	Turner	Prepared 04/05/20
16-000464 C1-210 Rev M	Erosion and Sediment Control	Calibre Consulting	Prepared 23/06/20
SS18-3919 L-100 Rev G	Landscape Masterplan	Site Image	Received 24/06/20
SS18-3919 L-101.1 Rev H	Landscape Plan - Ground floor/ Public Domain	Site Image	Prepared 30/01/20
SS18-3919 L-101.2 Rev H	Landscape Plan - Ground floor/ Public Domain	Site Image	Prepared 30/01/20
SS18-3919 L-101.3 Rev H	Landscape Plan - Ground floor/ Public Domain	Site Image	Prepared 30/01/20
SS18-3919 L-101 Rev H	Landscape Plan - Ground floor/ Public Domain	Site Image	Prepared 30/01/20
SS18-3919 L-102 Rev I	Landscape Plan - Level 2 Hotel & Club Setdown	Site Image	Prepared 07/02/20
SS18-3919 L-103 Rev G	Landscape Plan - Levels 3, 4, 5 & Car park Façade Elevation	Site Image	Prepared 30/01/20
SS18-3919 L-104 Rev G	Landscape Plan - Level 5 Hotel Common Open Space	Site Image	Prepared 30/01/20
SS18-3919 L-105.1 Rev H	Landscape Plan - Level 6 Podium - Southern Terrace	Site Image	Prepared 30/01/20
SS18-3919 L-105.2 Rev H	Landscape Plan - Level 6 Podium - Sculpture Lawn	Site Image	Prepared 30/01/20

SS18-3919 L-105.3 Rev H	Landscape Plan - Level 6 Podium - Bay pool & Lookout	Site Image	Prepared 30/01/20
SS18-3919 L-105.4 Rev H	Landscape Plan - Level 6 Podium - Dune Walk	Site Image	Prepared 30/01/20
SS18-3919 L-105 Rev H	Landscape Plan - Level 6 Podium	Site Image	Prepared 30/01/20
SS18-3919 L-106 Rev G	Landscape Plan - Level 8 Building C Penthouses	Site Image	Prepared 30/01/20
SS18-3919 L-107 Rev G	Landscape Plan - Level 9 Sky Terrace & Bldg D Residential Terrace	Site Image	Prepared 30/01/20
SS18-3919 L-108 Rev F	Landscape Plan - Level 14 Building D Penthouses	Site Image	Prepared 28/08/20
SS18-3919 L-109 Rev B	Landscape Plan -Ground Lvl 2 & 4 Eastern Façade Planting & Elevation	Site Image	Prepared 03/02/20
SS18-3919 L-201.1 Rev H	Planting plan Ground Floor/Public Domain	Site Image	Prepared 30/01/20
SS18-3919 L-201.2 Rev H	Planting plan Ground Floor/Public Domain	Site Image	Prepared 30/01/20
SS18-3919 L-201.3 Rev H	Planting plan Ground Floor/Public Domain	Site Image	Prepared 07/02/20
SS18-3919 L-202 Rev I	Planting plan Ground Floor/Public Domain	Site Image	Prepared 30/01/20
SS18-3919 L-203 Rev G	Planting Plan - Levels 2, 3 & 4 Car park Façade Planting & Elevation	Site Image	Prepared 30/01/20
SS18-3919 L-204 Rev G	Planting Plan - Levels 5 Hotel Common Open Space	Site Image	Prepared 30/01/20
SS18-3919 L-205.1 Rev H	Planting Plan - Levels 6 Podium Southern Terrace	Site Image	Prepared 30/01/20
SS18-3919 L-205.2 Rev H	Planting Plan - Level 6 Podium Sculpture Lawn	Site Image	Prepared 30/01/20
SS18-3919 L-205.3 Rev H	Planting Plan - Level 6 Podium Bay Pool & Lookout	Site Image	Prepared 30/01/20
SS18-3919 L-205.4 Rev H	Planting Plan - Level 6 Podium Dune Walk	Site Image	Prepared 30/01/20
SS18-3919 L-205 Rev H	Planting Plan - Level 6 Podium & Planting Schedule	Site Image	Prepared 30/01/20

SS18-3919 L-206 Rev G	Planting Plan - Level 8 Building C Penthouses	Site Image	Prepared 30/01/20
SS18-3919 L-207 Rev G	Planting Plan - Level 9 Bldg B Sky Terrace & Bldg D Terrace	Site Image	Prepared 30/01/20
SS18-3919 L-208 Rev G	Planting Plan - Level 14 Bldg D Penthouse & Bldg A Planter	Site Image	Prepared 30/01/20
SS18-3919 L-500 Rev F	Landscape Specification Notes	Site Image	Prepared 28/08/19
SS18-3919 L-501 Rev F	Landscape Details	Site Image	Prepared 28/08/19
SS18-3919 L-502 Rev F	Landscape Details	Site Image	Prepared 28/08/19
SS18-3919 L-503 Rev F	Landscape Details	Site Image	Prepared 28/08/19
SS18-3919 L-504 Rev G	Landscape Details	Site Image	Prepared 30/01/20
SS18-3919 L-505 Rev F	Landscape BBQ Details	Site Image	Prepared 28/08/19
SS18-3919 L-506 Rev F	Landscape Arbour Details	Site Image	Prepared 28/08/19
SS18-3919 L-507 Rev F	Landscape Pool Cabana Details	Site Image	Prepared 28/08/19
SS18-3919 L-508 Rev F	Landscape Pool Deatils	Site Image	Prepared 28/08/19
SS18-3919 L-509 Rev F	Landscape Podium Sections	Site Image	Prepared 28/08/19
SS18-3919 L-510 Rev B	Carpark Green Wall Details	Site Image	Prepared 05/02/20
SS18-3919 L-511 Rev B	Carpark Green Wall Details	Site Image	Prepared 05/02/20
SS18-3919 L-601 Rev F	Landscape Materials Schedule	Site Image	Prepared 28/08/19
SS18-3919 L-602 Rev F	Landscape Materials Schedule	Site Image	Prepared 28/08/19

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

Note 1: 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.

Note 2: Management of Groundwater

If dewatering of groundwater is required during works, the applicant must apply for and receive a Water Supply Works Approval (for groundwater dewatering) from WaterNSW.

A water supply work approval authorises its holder to construct and use a specified water supply work at a specified location. Approvals may be granted by WaterNSW to construct and operate water supply works such as pumps, bores, spear points or wells. Each approval includes conditions to minimise adverse impacts.

Contact WaterNSW for details regarding the “Mandatory Assessment Requirements for Groundwater Approval” on ph 1300 662 077 or customer.helpdesk@waternsw.com.au

2. Design Changes Required

A. Before Construction

The following design changes must be implemented:

- i) Hydrant boosters and meters must be fully enclosed and incorporated within the building fabric and screened by planting where possible.
- ii) The north-south pedestrian access at Ground Level shall have the same or equivalent paving to that used at the primary pedestrian retail entry forecourt off Captain Cook Drive. This internal link must have a special ceiling treatment for its full length together with lighting and signage and appropriate glazing along the eastern side adjacent the carpark to ensure it is defined as a high quality, safe and welcoming shared spaces, visually separated from the adjacent car park.
- ii) Deletion of the following projecting wall signs: S08, S09, S12 and S13 as well as the pylon sign shown on Dwg A-670-002 Rev H prepared by Turner
- iv) Vertical green bays shall be included in the western portion of the north elevation of the building for Ground Level and Level 1 as shown marked on the approved plans referred to in Condition 1.

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

3. Requirements from Other Authorities

A. Requirements from Other Authorities

The development must be undertaken in accordance with the requirements of the following authorities;

- Ausgrid;
- NSW Roads and Maritime Services
- Sydney Water

A copy of the Requirements of the Approval Authority(s) are attached to this development consent. These requirements must be incorporated in the application for a Construction Certificate and where required, relevant approvals must be obtained prior to the release of the Construction Certificate.

4. Nature and Content of Signage

A. Ongoing

- i) All signage must relate to the tenancy to which it is affixed or proximate. No general advertising of goods, products or services which does not relate to the development is permitted.
- ii) Should any of the tenancies cease to operate at the premises, all approved signage relating to [them](#) must be removed.
- iii) No sign is approved to be externally illuminated.
- iv) Any illuminated signage must be fitted with timers and dimers so that their timing and brightness can be controlled.
- v) Separate development consent is required for the signage platforms shown on the signage plans and for those 'zones' shown within approved signage structures and for any other signage on the premises unless that signage is exempt or complying development.

5. Road dedication

A. Before Construction

Prior to the issue of any construction certificate, dedication must be provided to Council for the following areas to facilitate the road works required by the development:

- i) Adjacent to the western side of Woollooware Road north to facilitate the cul-de-sac and turning movements of articulated vehicles servicing the development and the easement for transmission.
- ii) On the north western corner of the intersection of Captain Cook Drive and Woollooware Road to facilitate the new signalized intersection and footpath pavement.
- iii) On the northern side of Captain Cook Drive adjacent to the new loading dock / egress to facilitate the new signalized intersection.

6. Foreshore Landscape Works

Prior to Occupation Certificate

An Occupation Certificate must not be issued for the retail centre development until the foreshore landscape and civil infrastructure works under DA20/0266 are fully constructed and an Occupation Certificate for the works has been granted. Evidence of the issue of this Occupation Certificate must be provided to the satisfaction of the Director, Shire Planning prior to the issue of the Occupation Certificate for the retail development.

7. Plans of Management

A. On-Going

The hotel, Club and retail centre shall operate in accordance with the following plans of Management submitted with the application:

- Retail Centre Plan of Management prepared by EthosUrban dated 14 February unless otherwise specified in the Conditions of this consent with respect to the permitted hours of operation.
- Waste Management Plan prepared by Pitt & Sherry dated 7 February 2020 unless as otherwise required by conditions of this consent.
- Quest Hotel Plan of Management received by council on 17 July 2019.
- Cronulla Sutherland Leagues Club Plan of Management 2019 unless as otherwise specified in the conditions of consent with respect to the hours of operation or other specific requirements.

8. 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 \$300,500.00.

Note: Bond amount includes a non-refundable administration fee, specified in Council's Schedule of Fees and Charges, 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.

The Bank Guarantee must also:

- Note Council as the interested party
- Have NO expiry date
- Describe the type of development using the description on the consent
- Include both the address of the development site and the application number
- NOT include the non-refundable administration fee; this must be paid separately.

B. After Occupation

A request for release of 50% of the bond may be made to Sutherland Shire Council after the issue of the final occupation certificate relating to stage 2 (final residential uplift / hotel stage) and the remaining 50% Twelve (12) months after the date of the final occupation certificate issued against Stage 2 (final residential uplift / hotel stage). 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 7.12 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.

9. Section 7.12 Levy - Section 7.12 Development Contribution Plan 2016

A. Before Construction

Pursuant to Section 4.17 of the Environmental Planning and Assessment Act 1979, and Sutherland Shire Council Section 7.12 Development Contribution Plan 2016, a levy of \$1,724,729.44 must be paid to Sutherland Shire Council. The amount to be paid is to be adjusted at the time of the actual payment, in accordance with the provisions of the Section 7.12 Development Contribution Plan.

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

The formula to review a contribution rate is:

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

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

- the issue of a Construction Certificate, or

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

10. 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.

B. During Works

There must be no occupation or works 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. Any work on public land must be undertaken strictly in accordance with the relevant approval issued under the Roads Act 1993 and/or the Local Government Act 1993 by Sutherland Shire Council.

11. 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.

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 for all frontages on Captain Cook Drive & Woollooware Road.
- ii) Road Works - Design and construct the following to cater for the proposed development:
 - a. Remove the roundabout at the corner of Captain Cook Drive / Woollooware Road and construct a new signalised intersection.
 - b. Extend Woollooware Road North creating a cul-de-sac and transitions to all existing and proposed vehicle access crossings and infrastructure.
 - c. Construct a new signalised intersection adjacent to the proposed access to the development & loading dock at the western end of the site on Captain Cook Drive.
 - d. Adjust Captain Cook Drive & Woollooware Road as required to cater for the intensification of the site, inclusion of signalised intersections as well as provision for parking, taxi & bus bays and associated shelters, as well as bicycle, turning & acceleration lanes as required by Council & RMS.
 - e. Construct a left turn "slip lane" from Woollooware Road onto Captain Cook Drive in a north & westerly direction.
 - f. Provide transition works as required to facilitate all conditions mentioned above. This includes road pavement, kerb, gutter, etc.
 - g. All road pavements are to be designed and constructed in accordance with Council requirements.
- iii) Footpath Works - Construct new footpath pavement as required by Council. This includes but is not limited to:
 - a. Providing off road shared paths where required on Captain Cook Drive & Woollooware Road.
 - b. Providing full width footpath pavement with associated paving across the full frontages of the development site.
 - c. Providing connections to Woollooware High School and existing infrastructure where required.
- iv) Levels & Gradients - Establish new levels for all required works as specified in i) & ii) as above. These levels must take into account all appropriate Australian & Council standards as well as any flood mitigation and emergency access requirements.
- v) Vehicle Crossings - Construct new vehicles crossings for the proposed development, easement adjacent to the northern boundary of the site and reconstruct all existing vehicle crossings providing appropriate and compliant connections to all new road works.

- vi) Stormwater - Design and construct the following stormwater infrastructure:
 - a. Construct new and adjust existing stormwater infrastructure to cater for all new road works as required.
 - b. Provide connection to the abovementioned stormwater infrastructure to discharge drainage from the development as required.
 - c. Provide a Gross Pollutant Trap (GPT) and level spreader at the northern end of Woollooware Road enabling discharge from the stormwater system to Woollooware Bay. This must be endorsed by Department of Primary Industries and Council before construction.
- vii) Redundant Infrastructure - Remove all redundant infrastructure within the Road Reserve as required.
- viii) Infrastructure Transitions - ensure there are adequate transitions between newly constructed and existing infrastructure as required.
- ix) Street Signage & Line Marking - alter existing and/or install new street signage and line marking as required.
- x) Median Island & Fencing - Install a new median island along Captain Cook Drive for the length of the development. Install Type 1 RMS fencing from the existing fence at the western end of the sight to the eastern extent of road works on Captain Cook Drive.
- xi) Street Furniture - Provide appropriate street furniture fronting the development as required by Council.
- xii) Bus Bay / Shelters - Provide compliant bus bays and shelters across the frontage of the development as required by Council.
- xiii) Landscaping & Trees - remove and prune existing trees to facilitate the construction of all new road works to the satisfaction of Council. Provide replacement tree planting and landscaping within all areas adjacent to the new road works as required by Council. This includes but is not limited to:
 - a. Street tree planting in tree cells across the full frontages of the development.
 - b. Street tree planting and landscaping of the new median island created within Woollooware Road on the southern side of Captain Cook Drive.
 - c. Street tree planting and landscaping of any disturbed areas adjacent to the new road works to the satisfaction of Council.
- xiv) Undergrounding - provide replacement of existing local distribution power lines and other overhead utilities with subsurface utilities.

- xv) Street Lighting - install new street lighting across all frontages of the development and upgrade existing lighting as required on Captain Cook Drive & Woollooware Road to achieve appropriate illumination to the satisfaction of Council and AS1158.
- xvi) Utility Services - adjust public services infrastructure and utilities as required. All adjustments shall be at the full cost to the applicant and at no cost to Council. This includes the relocation of the existing Council owned recycled water main.
- xvii) NBN - the Australian Government has issued a new policy on the provision of telecommunication infrastructure in new developments. The policy is effective from 1 March 2015. Developers are responsible for providing telecommunications infrastructure in their developments. To provide this infrastructure, developers need to contract a carrier to install and operate a telecommunications network.

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

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

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

B. Before Construction

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

C. Before Occupation

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

- i) The supervising engineer must certify that the road frontage works were constructed in accordance with the development consent and associated approval under the Roads Act 1993 including the approved drawings and specification.
- ii) The supervising arborist, landscape designer or landscape architect must certify the street trees are the correct species and were installed in accordance with the development consent and associated Roads Act consent.

- iii) All signalised intersections must be fully operational with acceptance / certification provided from Roads & Maritime Services (RMS) to satisfy any conditions of an approved Works Authorisation Deed (WAD).

Confirmation in writing must be provided to Council that provision has been made to facilitate routine maintenance of Council's Stormwater System located adjacent to loading dock on Captain Cook Drive and Woollooware Road North in the Loading Dock Management Plan(s).

12. Construction Environmental Management Plan

A. Design

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

The environmental consultant must be certified by the EIANZ 'Certified Environmental Practitioner' scheme (CEnvP).

- (i) The CEMP must satisfy the objectives and controls of the Sutherland Shire Council Development Control Plan 2015 relating to environmental site management. The plan must also reference the management measures and controls required by other site management plans including, but not limited to, the Leachate Management Plan, the Acid Sulfate Soil Management Plan, the Remedial Action Plan and Gas Management Plan.
- (ii) 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) Roles and Responsibilities.
 - d) Environmental awareness and training of contractors.
 - e) Compliance with legislation and regulations.
 - f) Requirements of regulatory authorities.
 - g) Measures to prevent noise, water, air and land pollution.
 - h) Safe access to and from the site during construction.
 - i) Safety and security of work site, road and footpath area; including details of any proposed fencing, signage, hoarding and lighting, as required.
 - j) Method of loading and unloading excavation machines, construction materials etc.
 - k) Details of how and where construction material and any waste materials will be appropriately managed, stored and disposed of.
 - l) Details of any fuel storage and management.
 - m) Detailed erosion and sediment control measures including methods to prevent material impacting the adjoining areas particularly Woollooware Bay, saltmarsh and wetlands.

- n) Protection of existing trees and vegetation, including aquatic vegetation.
- o) Protection of native fauna including microbats and migratory birds.
- p) Unexpected Finds Protocol i.e. the address unexpected finds of soil or groundwater contamination.
- q) Environmental Risk Assessment.
- r) Work, Health & Safety requirements.
- s) Contingency and emergency response plans.
- t) Interaction with other site management plans.
- u) Inclusion of detailed site plans.
- v) locations of cranes.
- w) proposed kerbside locations of work zones and concrete pump locations (Note. No approval shall be granted for any work zones or concrete pump zones within travelling lanes of Captain Cook Drive.

B. Before Commencement and Issue of Construction Certificate

The Construction Environmental Management Plan (CEMP) must be submitted to the satisfaction of Sutherland Shire Council, Manager Environmental Science, prior to commencement and the issue of any construction certificate.

C. During Works

The site management measures outlined within the Construction Environmental Management Plan (CEMP) must remain in place and be maintained throughout the period of works until completion of the project.

D. Before Occupation and Issue of Occupation Certificate

Before the issue of any Occupation Certificate; all foundations / materials associated with construction works (that do not form part of the approved works) must be removed. This includes, but is not limited to, foundations for tower cranes, vehicle access ways, stockpiles and building waste.

13. 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.

14. Supervising Engineer

A. Before Construction

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

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

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

B. During Construction

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

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

C. Before Occupation

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

15. Internal Driveway, Parking and Maneuvering

A. Design

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

- i) Align with Access and Alignment levels issued by Council's Public Domain Unit.

- ii) 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 1170 vehicles in total.
- vi) Provide adequate sight distance for the safety of pedestrians using the footpath area.
- vii) The residential parking spaces must comply with AS2890.1(2004) user class 1A, in relation to the design of vehicular access, parking and general manoeuvring for the B85 vehicle.
- viii) The commercial parking spaces must comply with AS2890.1(2004) user class 3A, in relation to the design of vehicular access, parking and general manoeuvring for the B85 vehicle.
- ix) Comply with AS2890.2(2002) in relation to the design of truck access, parking and general manoeuvring for AV & HRV vehicles.
- x) The maximum longitudinal grade of the driveway must not exceed 25% for vehicle access and 15.4% for truck access.
- xi) The security doors 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.
- xii) 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.
- xiii) Parking bays must not be enclosed, caged or a door provided.

B. Construction

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

C. Occupation

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

D. On-going

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

16. Stormwater Drainage

A. Before Occupation - Stage 1

Prior to the issue of an Occupation Certificate;

- i) The stormwater drainage system must be constructed in accordance with the approved stormwater plans prepared by AT&L Civil Engineer and Project Managers Sheets C010 to C016 dated 29/01/2013, Revision A that form part of the Planning Assessment Commission approval MP 10_0230
- ii) A Works-As-Executed drawing (WAED) of the stormwater drainage system must be prepared by a Registered Surveyor. This drawing must detail the alignment of pipelines, pits, the rainwater tanks and the detention facilities. An original or a colour copy must be submitted to Sutherland Shire Council.
- iii) The supervising engineer must certify the WAED of the stormwater drainage system that the stormwater drainage works, rainwater harvesting facility and rainwater reuse systems were constructed to their satisfaction and in accordance with the Development Consent, and Public Domain Technical Manual. Prior to the occupation or use of the building the Applicant / Owner must submit to Council a copy of the aforementioned letter of certification.

D. Ongoing

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

Note: Upon submission of the Works-As-Executed drawing for the stormwater drainage system a notation will be added to the Section 10.7 certificate advising future owners that their property is burdened by a stormwater detention facility.

17. Flood Requirements - Stage 1

A. Design

- i) All building materials must be flood resistant, or flood compatible to a height of 2.93m AHD. All internal electrical switches, power points or similar utilities liable to flood damage must be set at a minimum level of 2.93m AHD.

- ii) A suitably qualified engineer must certify that the structure can withstand the forces of floodwater, scour, debris and buoyancy up to and including 2.93m AHD.

Details and certification must accompany the Construction Certificate.

B. Before Occupation - Stage 1

- i) The certification referred to in A. above must form part of the application for an Occupation Certificate.
- ii) Before occupation or prior to the issue of any Occupation Certificate a site flood emergency response plan must be prepared and any required flood warning system must be installed and fully tested. A copy of this plan must be submitted to the Principal Certifier and to Council.
- iii) Certification from a suitably qualified engineer to the effect that this plan has been prepared and where required, the flood warning system has been installed and tested, must be included with the Occupation Certificate.

D. Ongoing

The site flood emergency response warning systems and plan are to be regularly maintained, reviewed and/or updated and should be in good working order at all times.

18. Waste Collection – Stage 1

A. Design

The waste collection point must be designed in accordance with the following requirements:

- i) A “HRV” sized loading bay must be provided in accordance with AS2890.2 within the subject property for waste collection use.
- ii) The maximum long and cross section grade of the loading bay and temporary bin holding area must be $\pm 5\%$.
- iii) Clear and direct access must be provided from the bin holding areas to the loading bay.
- iv) The permanent communal garbage and/or recycling storage area must have a smooth impervious floor that is graded to a floor waste. A tap and hose must be provided to facilitate regular cleaning of the bins and all waste water must be discharged to the sewer in accordance with the requirements of Sydney Water. Garbage bins must be designed to prevent the escape of any liquid leachate and must be fitted with a lid to prevent the entry of vermin.

B. Before Construction

Prior to the issue of any Construction Certificate a suitable qualified civil engineer must certify that the waste collection point has been design in accordance with part A. above. A copy of this certification must accompany the Construction Certificate.

C. Before Occupation

Prior to the occupation of the site or the issue of any Occupation Certificate a suitable qualified civil engineer must certify that the waste collection point has been constructed to their satisfaction and in accordance with part A. above. A copy of this certification must accompany the Occupation Certificate.

D. On-going

- i) 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 area/s to collection area/s are to be carried out in accordance with the approved Waste Management Plan for the development.
- ii) All waste and recycling bins must be stored wholly within the approved permanent communal garbage and/or recycling storage areas.

19. Damage to Adjoining Properties

A. Before Works

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

B. During Works

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

20. Public Utilities

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

A. Before Construction

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

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

B. Before Occupation/Subdivision

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

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

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

Note: Should these requirements result in any significant change to the approved design an application must be made to modify the consent under s.4.55 of the Environmental Planning and Assessment Act.

21. Loading Dock and Commercial Vehicle Access Management Plan

A. Before Occupation

Prior to the issue of any Occupation Certificate;

- i) The Operational Loading Dock Management Plan prepared by McClaren Traffic Engineering dated 10 February 2020 shall be implemented to control the movement of commercial access such vehicles to and from the site.
- ii) The Management plan shall include restrictions on the movement of 19m Articulated Vehicles as defined in Australian Standard AS.2890.2 such that access to the development site loading docks shall be via Captain Cook Drive and Woollooware Road.

- iii) Details of these Management Plan shall be provided to all commercial and retail tenancies and incorporated in all applicable leases, sales documents and shall also form part of all applicable Strata Management Rules.
- iv) No form of loading for residential or commercial will be permitted from the kerb side lane of Captain Cook Drive or Woollooware Road for the life of the development.

A copy of the Management Plan must also be provided to Sutherland Shire Council.

22. Bicycle Parking Facilities

A. Prior to Occupation

To facilitate the use of bicycle parking infrastructure for this development it must be easily accessible, close to the users destination, prominent, secure and safe to use. To achieve this outcome the following conditions apply to this development

- i) Where Bicycle parking facilities Class A, B and C are installed they will be installed in accordance with Australian Standard 2890.3 (2015) or later versions and Austroads AP-R527-16 Bicycle Parking Facilities: Guidelines for Design and Installation.
- ii) In accordance with Australian Standard 2890.3 (2015) or later versions and Austroads AP-R527-16 Bicycle Parking Facilities: Guidelines for Design and Installation, the following measures will be applied:
 - a) The provision of 12 bicycle parking spaces (U rails) at the Civic Plaza Entrance be relocated and situated in the general area adjacent to the entrance to the retail lobby. U rail bike parking spaces may be provided for example in clusters of 3, 4 or 6 if required to minimise any potential conflict with pedestrian access.
 - b) To improve safety and awareness, both pavement markings and way finding signage that inform and reinforce the bicycle/motor vehicle shared nature of the car park will be installed at the entrance and exit of the car park and throughout the car park at regular intervals. The pavement markings and line marking will be maintained on an ongoing basis by the relevant strata management/ body corporate.
 - c) To improve safety through separation, a separate line marked cycling lane at the entrance and exit of the car park be provided if space permits.
 - d) To ensure and improve access for cyclists an access gap must be provided (i.e shortening the length of the boom gate) where boom gates are applied at the entrance and exit of the car park.

- e) To assist cyclists locate secure bike parking and end of trip facilities prominent directional signage external and internal to the car park must be installed.
- f) End of trip facilities will be available only for the use of commercial non-residential tenants of the building complex. End of trip facilities will include secure (Class A or B) bike parking, showers and clothes lockers. To improve safety, awareness and access, the facilities must be made prominent, well lit, devoid of dark colours and well sign posted. The facilities will be managed and maintained by the appropriate strata management authority. For ease of access and security, swipe card access to the facilities should be considered.
- g) Bicycle parking in the building for residents will be secure Class A facilities, situated in areas that are made prominent, well lit, devoid of dark colours, are well sign posted and managed and maintained by the resident strata/ body corporate.
- h) So that bicycle parking provisions are available at all times ALL Secure bicycle parking infrastructure within the car park and building(s) will be utilised only for the storage of bicycles and ancillary items e.g. helmets, bike pumps. To ensure that the facilities are solely used for bike parking a clause to this effect will be incorporated into the relevant management plan and managed by the relevant strata management/ body corporate.
- iii) All bicycle parking facilities will be easy to access, supported with prominent place signage and way finding signage at, and this includes, building entry and exit points, lifts and lobbies. The facilities will be well lit and devoid of dark colours to improve safety, awareness and access.

23. Supervising Environmental Consultant

A. Before Commencement

The applicant must engage an appropriately qualified, experienced and certified environmental consultant to supervise all aspects of environmental site management and in particular the management of contaminated land, ground gas and acid sulfate soils.

The environmental consultant must be certified by the EIANZ 'Certified Environmental Practitioner' - Site Contamination scheme (CEnvP SC) and with demonstrated experience in ground gas protection/ management, contaminated land management and acid sulfate soil management.

B. Before Works and issue of any Construction Certificate

The applicant must provide evidence of the appointment of the appropriately qualified, experienced and certified environmental consultant to the satisfaction of Sutherland Shire Council, Manager Environmental Science, prior to the commencement of any works and the issue of any construction certificate.

C. During Works

The certified environmental consultant must supervise all aspects of onsite environmental management, including management of contaminated land, ground gas and acid sulfate soils, to ensure compliance with the approved plans.

24. Management of Acid Sulfate Soils

A. During Works

The management requirements detailed in the "Acid Sulfate Soil Assessment and Management Plan, Cronulla Sharks Redevelopment - Stage 4, 455-461 Captain Cook Drive, Woollooware, NSW" by ERM, 11 June 2020 [Version 2], must be implemented and adhered to for the duration of works.

All works must be carried out in accordance with this management plan, under the supervision of the supervising environmental consultant.

B. Before Occupation and issue of Occupation Certificate

The supervising environmental consultant must certify in writing that the management of acid sulfate soils on site was undertaken in accordance with the above management plan.

This certification must be provided to the satisfaction of Sutherland Shire Council, Manager Environmental Science, prior to occupation and issue of any occupation certificate.

25. Landscaping Works

A. Design

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

- i) Substitute six (6) *Angophora costata* to Level 6 podium with an informal mixture of 3 or more of the following species:
 - *Melaleuca stypheloides* (Prickly tea Tree)
 - *Cupaniopsis anacardioides* (Tuckeroo)
 - *Guoia semiglauca* (Guoia)
 - *Banksia integrifolia* (Coastal Banksia)
 - *Glochidion ferdinandi* (Cheese Tree)
- ii) Substitute *Cupaniopsis anacardioides* (Tuckeroo) to the ground floor planters located on the eastern side of the building with *Eucalyptus botryoides* (Bangalay)
- iii) Substitute *Raphiolepis* and *Liriope* with s alternative species of similar size and form that are compatible with the endangered ecological community Kurnell Dune Forest and RAMSAR wetland adjacent.

- iv) Amend the landscape plans in accordance with the approved architectural plans and any design changes required as a result of Condition 2.
- v) Clearly show on plan existing trees to be removed /retained including tree numbering in accordance with the arborist report OR provide a separate existing tree plan and schedule.
- vi) Tree Protection Zones (TPZ) / the location of tree protective fencing must be shown on plan for all existing trees and/or natural site features to be retained and protected.
- vii) Provide minimum soil depths in planter boxes as follows:
 - 1200mm for large trees.
 - 900mm for small trees and tall shrubs.
 - 600mm low shrubs.
 - 450mm grass and ground covers.
- viii) All landscape retaining walls and planter boxes must be constructed in masonry, stone or gabions. Timber is not acceptable.
- ix) Each ground floor unit must be provided with a clothes line easily accessible from the laundry. Each unit above the ground floor must be provided with a clothes line on a balcony located below balustrade height, with the balustrade treated so that clothes are not readily visible from the street.
- x) all landscaped areas 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.
- xi) To improve coverage and reduce weeds and maintenance, planting densities in all planting areas including planter boxes must achieve a minimum of 4 plants per square metre.
- xii) As the subject site is identified as being within a Greenweb Support area, all new tree plantings must be indigenous species and 80% of understorey plants must be indigenous species. All indigenous species must be selected from Sutherland Shire Council's 'Native Plant Selector' available on Council's website (www.sutherlandshire.nsw.gov.au and search for Native Plant Selector).

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

Notes:

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

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

B. Prior to Occupation/Occupation Certificate

The landscape works must be completed in accordance with the approved Landscape Plan and amendments required by 'A' above by persons with a minimum AQF Level III certification in Horticulture or Landscape Construction.

A Final Landscape Inspection must be carried out and a certificate issued by Council's landscape officer prior to occupation or the issue of an Occupation Certificate. This certificate is required to ensure that all tree protection measures, landscaping works, replacement tree planting and the deep soil percentage requirements have been carried out in accordance with 'A' above and other conditions within this consent, that all new indigenous plants on the site and within the road reserve are the correct species and that all trees planted within the road reserve are in accordance with the detailed road frontage design where it forms part of the Roads Act Consent.

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

C. Ongoing

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

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

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

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

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 following tree protection measures must be put in place and maintained during the course of construction to prevent damage to trees.

- i) Protective fencing constructed of 1.8m high chain wire mesh supported by robust posts must be installed at the distance required by Australian Standards AS4970- Protection of Trees on Development Sites. 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.

B. During Construction

- i) The tree protection measures detailed in 'A' above must be maintained during construction.
- ii) A supervising Arborist must be present during any approved hand excavation or under boring works within the Tree Protection Zone (TPZ) of any tree identified for retention and protection and have the authority to direct works to ensure the trees long term preservation;
- iii) A supervising Arborist must strictly supervise that there is no disturbance or severing of roots greater than 30mm diameter and to cleanly cut those roots between 10-30mm in diameter.
- iv) If the tree/s identified for retention in 'A' above are damaged or destabilised during construction then works must cease and Council's Tree Assessment Officer (ph. 9710 0333) must be contacted to assess the tree/s and recommend action to be taken.

27. Supervising Ecologist

A. Before Commencement

The applicant must engage an appropriately qualified, experienced and certified Ecologist to supervise vegetation management works.

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

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

B. Before Works and issue of any Construction Certificate

The applicant must provide clear evidence of the appointment of the Supervising Ecologist to the satisfaction of Sutherland Shire Council, Manager Environmental Science, prior to the commencement of any works and the issue of any construction certificate.

C. During Works

The Ecologist must supervise all aspects of ecological protection and management activities to ensure compliance with the approved plans.

28. Ecological Requirements - Lighting Plan

A. Before Commencement

A Lighting Plan that addresses the lighting situation during construction works and also for the northern elevation of the building design, must be prepared to prevent disturbance to nocturnal fauna in the adjacent wetland environment, comprising mangroves and saltmarsh.

The Lighting Plan must address, but not be limited to, the measures provided in the 'Review of Noise, Lighting and Bird Strike Potential, Woollooware Bay Town Centre Residential Stage 3' by EcoLogical, 28 July 2018 [version 1]. The Lighting Plan must ensure that lighting is not be directed skyward and that the mangrove and wetland habitat is not directly illuminated by external site lighting.

The Lighting Plan must be reviewed by the Supervising Ecologist and certification/ verification provided regarding the appropriateness and effectiveness of the Lighting Plan.

The ecological verification and the Lighting Plan must be submitted to the satisfaction of Sutherland Shire Council, Manager Environmental Science prior to commencement and prior to the issue of any construction certificate.

B. During Works and Ongoing

Site lighting must not be directed skyward and the mangrove and wetland habitat must not be directly illuminated by external site lighting during works and on completion of the project.

All lighting must be designed, installed, operated and maintained in accordance with Council endorsed Lighting Plan.

29. Ecological Requirements - Protection of Native Flora and Fauna

The following management requirements must be undertaken before and during construction works to minimise adverse impacts to native flora and fauna including microbat species and migratory shorebirds.

A. Before Commencement

- (i) The Supervising Ecologist must inspect the development area, including existing structures, for microbat or shorebird roosting prior to the commencement of any works.

Any roosting microbats and/ or shorebirds that are discovered must be relocated under the supervision of the Supervising Ecologist in accordance with relevant guidelines and licences required in accordance with the Biodiversity Conservation Act 2016, administered by the NSW Department of Planning, Industry and Environment (Environment, Energy & Science).

- (ii) Soil erosion and sediment control measures must be constructed and implemented in accordance with the 'Drawing No. C1-210, Erosion and Sediment Control Plan, Revision M, 23 June 2020.

B. During Works

- (i) Any roosting microbats and/ or shorebirds that are discovered during works must be relocated under the supervision of the Supervising Ecologist in accordance with relevant guidelines and licences required in accordance with the Biodiversity Conservation Act 2016, administered by the NSW Department of Planning, Industry and Environment (Environment, Energy & Science).
- (ii) The adjoining foreshore wetland environment of Woollooware Bay, comprising mangroves and saltmarsh, must be protected and unharmed during construction works at all times.
- (iii) Soil erosion and sediment control measures must be implemented and maintained in operational order in accordance with the 'Drawing No. C1-210, Erosion and Sediment Control Plan, Revision M, 23 June 2020.
- (iv) Litter and other waste materials must be prevented from entering the mangrove and saltmarsh habitats within Woollooware Bay at all times.

- (v) Construction noise must be limited to daylight hours (7am to 6pm weekdays and 8am to 3pm on Saturdays) so that peak fauna foraging periods at dawn and dusk are avoided.
- (vi) Quieter construction methods and equipment must be utilised where possible and use of noisy machinery and equipment such as hydraulic hammers and drill piling must be minimised where possible.

Note 1: Instructions from Department of Primary Industries - Fisheries

Given the close proximity of the Towra Point Aquatic Reserve, DPI Fisheries requires best practice erosion and sediment control measures to be implemented and maintained in operational order at all times until the site has been stabilised at completion of the project. These measures are required to protect the values of the adjoining Towra Point Aquatic Reserve.

Note 2: Protection of Mangroves and Saltmarsh

Mangroves and saltmarsh are protected under the NSW *Fisheries Management Act 1994*. This Act sets out provisions to protect marine vegetation from 'harm'. This means that mangroves and saltmarsh must not be gathered, cut, pulled-up, destroyed, poisoned, dug-up, removed, injured or otherwise harmed without appropriate approval from NSW Department of Primary Industries - Fisheries. For further assistance, please contact Fisheries NSW on 1300 550 474.

30. Protection for a Potential Item of Aboriginal Heritage

A. During Construction

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

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

Requirements of National Parks and Wildlife Act 1974

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

31. Site Remediation and Validation

A. Design

The "Remediation Action Plan, Cronulla Sharks Redevelopment - Stage 4, 455-461 Captain Cook Drive, Woollooware" by ERM, 1 April 2020 [version 3], must be amended by an appropriately qualified, experienced and certified environmental consultant in accordance with the following:

- (i) Table 1: Site Identification must reference only the following Lots:

Lot 312 DP 1232026

Lot 313 DP 1232026

Lot 314 DP 1232026

Lot 315 DP 1232026

- (ii) Appendix D must include the “Gas Management Plan, Cronulla Sharks Redevelopment-Stage 4, 455-461 Captain Cook Dr, Woollooware’ by ERM, 21 January 2020 [Revision 3].
- (iii) Appendix C must be amended to include the most recent report i.e. “Acid Sulfate Soil Management Plan, Cronulla Sharks Redevelopment - Stage 4, 455-461 Captain Cook Dr, Woollooware” by ERM, 11 June 2020 [Version 2].
- (iv) The Unexpected Finds Protocol provided in Appendix A must be reviewed and amended if required, approved by the environmental consultant and approval date provided.
- (v) Any reference to works or remediation within the Foreshore Area or on Council owned land must be deleted.

Note 1: In all cases, the certified environmental consultant must be certified by the EIANZ ‘Certified Environmental Practitioner - Site Contamination’ scheme (CEnvP - SC).

B. Before Commencement and Issue of Any Construction Certificate

The amended Remedial Action Plan, as required by ‘A’ above, must be reviewed by a NSW EPA accredited site auditor.

The site auditor must certify the appropriateness of the amended Remedial Action Plan in the form of an interim site audit advice or a section B site audit statement.

This certification 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 any construction certificate.

Any variations or modifications to the Remedial Action plan must be notified to and approved by the site auditor, prior to implementation.

C. During Works

The site must be remediated in accordance with the ‘preferred remedial strategies’ outlined in the site auditor certified Remedial Action Plan, under the supervision of the supervising environmental consultant.

Note 3: The Gas Management Plan is a component of the Remediation Action Plan.

B. Before Occupation and the Issue of Any Occupation Certificate

(i) Validation Report

On completion of remedial works, including implementation of the required gas protection measures, a Validation Report must be prepared by an appropriately qualified, experienced and certified environmental consultant in accordance with relevant NSW EPA guidelines including, but not limited to, the NSW EPA Guidelines 'Consultants Reporting on Contaminated Land' 2020.

The Validation Report must verify that the site has been remediated in accordance with the site auditor verified Remedial Action Plan and also verify that the site is suitable for the proposed development and land use.

Note 4: The Validation Report for the gas protection measures may be a separate Validation Report to that prepared for the Remedial Action Plan, or may be included as part of the main site Validation Report. In either situation, the Validation Report/s must be reviewed by the site auditor.

(ii) Site Audit Review

The Validation Report must be reviewed by a NSW EPA accredited site auditor and the site auditor must certify that the site is suitable for the proposed development and land use, subject to the implementation of a Long Term Environmental Management Plan, in the form of a Section A2 Site Audit Statement.

The Validation Report, Site Audit Statement and Site Audit Report, must be provided to the satisfaction of Sutherland Shire Council, Manager Environmental Science, prior to occupation and the issue of any occupation certificate.

Note 5: The applicant must adhere to any conditions or requirements that are imposed by the site auditor.

32. Ground Gas Management

A. Design

The Design and Specification Report and Construction Quality Assurance Plan (CQAP) outlined in the "Gas Management Plan, Cronulla Sharks Redevelopment-Stage 4, 455-461 Captain Cook Dr, Woollooware" by ERM, 21 January 2020 [Revision 3], must be prepared by an appropriately qualified and experienced environmental consultant with demonstrated experience in ground gas protection/ management. The environmental consultant must be certified by the EIANZ 'Certified Environmental Practitioner - Site Contamination' scheme (CEnvP SC).

The documentation must be prepared in accordance with the requirements of the NSW EPA "Assessment and Management of Hazardous Ground Gases - Contaminated Land Guidelines", November 2019.

Note 1: The applicant must adhere to any conditions or requirements that are imposed by the site auditor.

B. Before Commencement and Issue of any Construction Certificate

The Design and Specification Report, Construction Quality Assurance Plan (CQAP) and other relevant associated documentation must be reviewed by a NSW EPA accredited site auditor (site auditor).

The site auditor must certify the appropriateness of the Design and Specification Report and CQAP in the form of an interim site audit advice or a section B Site Audit Statement. This certification 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 any construction certificate.

C. During Works

- i) The Design and Specification Report and Construction Quality Assurance Plan (CQAP), as certified by the site auditor in accordance with 'B' above; must be implemented in accordance with, but not limited to the, the requirements of the "Gas Management Plan, Cronulla Sharks Redevelopment-Stage 4, 455-461 Captain Cook Dr, Woollooware" by ERM, 21 January 2020 [Revision 3] and any other requirements as stipulated by the site auditor.
- ii) Any variations or modifications to the CQAP must be reviewed and certified by the site auditor.
- iii) The installation/ construction/ testing of the gas protection measures provided in the site auditor certified Design and Specification Report and CQAP must also 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.

Note 2: The Gas Management Plan is a component of the Remediation Action Plan.

D. Before Occupation and Issue of any Occupation Certificate

The site auditor must certify that the gas protection measures have been installed correctly and are being managed as appropriate for the intended use of the site, in accordance with the requirements of the Design and Specification Report, the Construction Quality Assurance Plan (CQAP), the Gas Management Plan, Validation reporting and any other supporting documents as required or certified by the site auditor.

The site auditor must certify that the site is suitable for the proposed development and land use, subject to the implementation of a Long Term Environmental Management Plan, in the form of a section A2 Site Audit Statement.

The Site Audit Statement and Site Audit Report must be submitted to the satisfaction of Sutherland Shire Council, Manager Environmental Science, prior to occupation and the issue of any occupation certificate.

Note 3: The Validation Report for the gas protection measures may be a separate Validation Report to that prepared for the Remedial Action Plan, or may be included as part of the main site Validation Report. In either situation, the Validation Report/s must be reviewed by the site auditor.

33. Long Term Environmental Management Plan

A. Design

A Long-Term Environmental Management Plan must be prepared by an appropriately qualified and experienced environmental consultant with demonstrated experience in ground gas protection. The environmental consultant must also be certified by the EIANZ 'Certified Environmental Practitioner - Site Contamination' scheme (CEnvP SC).

The Environmental Management Plan must be designed and prepared to facilitate the long-term management and maintenance of the gas protection measures and contaminated land containment measures in accordance with, but not limited to, the requirements of the following:

- (i) NSW EPA site auditor certified Remedial Action Plan
- (ii) "Gas Management Plan, Cronulla Sharks Redevelopment-Stage 4, 455-461 Captain Cook Dr, Woollooware" by ERM, 21 January 2020 [Revision 3].
- (iii) NSW EPA Guidelines 'Consultants Reporting on Contaminated Land' 2020.
- (iv) NSW EPA "Assessment and Management of Hazardous Ground Gases - Contaminated Land Guidelines", November 2019.
- (v) Any conditions or requirements stipulated by the NSW EPA Site Auditor.

B. Before Occupation and Issue of an Occupation Certificate

(i) Review of Long Term Environmental Management Plan

The Long-term Environmental Management Plan must be reviewed and certified by a NSW EPA accredited site auditor. The site auditor must provide certification in the form of a section A2 Site Audit Statement, certifying that the site is suitable for the proposed development and land use, subject to the implementation of the Long Term Environmental Management Plan.

The Site Audit Statement and Site Audit Report must be submitted to the satisfaction of Sutherland Shire Council, Manager Environmental Science, prior to occupation and the issue of any occupation certificate.

Note 1: The applicant must adhere to any conditions or requirements that are imposed by the site auditor.

(ii) Covenant on Title

The applicant must create and register a covenant on the title of the land under the Conveyancing Act 1919 stipulating that the use of the site is subject to the long-term management and maintenance requirements provided in the site auditor certified Long Term Environmental Management Plan.

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/s 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 and the issue of any occupation certificate.

(ii) Dial Before You Dig Notification

The management and maintenance requirements of the site auditor certified Long-term Environmental Management Plan relevant to disturbance of onsite subsurface environments and ground gas protection measures, 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 and the issue of any occupation certificate.

(iii) Long Term Environmental Management requirements in Strata Scheme Statement

The management and maintenance requirements of the site auditor certified Long Term Environmental Management Plan must be incorporated in to the relevant strata management scheme documentation in accordance the *Strata Schemes Management Act 2015*.

B. Ongoing

Any compulsory sampling, testing, monitoring and maintenance, as required by the Long Term Environmental Management Plan and/or the site auditor; must be carried out as necessary.

The land, buildings and structures of the site must be managed in accordance with the requirements of the Long Term Environmental Management Plan in perpetuity.

34. Contaminated Land - Unexpected Finds

A. During Works

If unexpected soil and/or groundwater contamination is encountered during any works; all work associated with that task must cease and the situation must be promptly evaluated by the supervising environmental consultant.

The contaminated soil and/or groundwater must then be managed under the supervision of the supervising environmental consultant, in accordance with the "Unexpected Finds Protocol, Cronulla Sharks Redevelopment - Stage 4, 455-461 Captain Cook Drive, Woollooware, NSW" by ERM, September 2018 [Version 1], (provided in the Remedial Action Plan), and relevant NSW Environment Protection Authority (EPA) guidelines.

B. Prior to recommencement of works

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

35. Management of Leachate

A. During Works

The management requirements detailed in the “Leachate Management Plan, Woollooware Bay Town Centre - Stage 4” by SLR, 12 August 2019 [Version 1], must be implemented and adhered to for the duration of works.

Collected or treated leachate or groundwater must be managed and controlled to prevent runoff in to salt marsh, mangrove and wetland areas of Woollooware Bay.

All works must be carried out in accordance with this management plan, under the supervision of the supervising environmental consultant.

B. Before Occupation and issue of Occupation Certificate

The supervising environmental consultant must certify in writing that the management of leachate and groundwater was undertaken in accordance with the above management plan.

This certification must be provided to the satisfaction of Sutherland Shire Council, Manager Environmental Science, prior to occupation and issue of any occupation certificate.

36. Garbage, Recycling and Waste Storage Area

To ensure the proper storage of waste from the premises:

A. Design

The garbage and recycling storage areas must have:

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

All Garbage bins must be designed to prevent the escape of any liquid leachate and must be fitted with a lid to prevent the entry of vermin.

B. Before Construction

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

C. Before Occupation

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

D. Ongoing

All waste and recycling bins must be stored wholly within the approved waste storage area.

37. External Lighting - Amenity

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

A. Design

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

B. Ongoing

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

38. Noise Control - Residential Air Conditioning Unit / Heat Pump Water Heater / Any other Pump

To minimise the noise impact on the surrounding environment:

A. Design

The equipment must be located, designed and/or acoustically attenuated so that noise emitted does not exceed a sound pressure level of 5dB LAeq (15 minute) above the ambient background level when measured on or within any other residential property boundary.

B. Before Occupation

The equipment must be installed in accordance with the manufacturer's specification and all required noise attenuation measures implemented to ensure that the equipment complies with "A" above.

C. Ongoing

i) All equipment must be operated in accordance with 'A' above.

ii) For air conditioning units / heat pump water heaters:

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.

iii) For any other pump:

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

iv) Receipt of a noise complaint from the operation of this equipment will result in the requirement for certification from an acoustic engineer that the equipment is operating in accordance with the requirements of this condition. If the acoustic assessment reveals that the equipment is not operating in accordance with the consent it must make recommendations on what remediation measures are required to bring the equipment into compliance.

NB. Any other pump includes a swimming pool pump, a spa pump, a sump pump, a water cooler that uses a pump any other apparatus or machine for raising, driving, exhausting or compressing fluid by means of a piston, plunger or rotating vanes.

39. Noise Control - Design and Operation (General Use)

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

A. Design

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

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

B. Before Occupation

Prior to the occupation of the development or the issue of any Occupation Certificate certification must be provided by a qualified acoustic engineer that all work associated with the installation of the acoustic measures has been carried out in accordance with 'A' above.

C. Ongoing

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

40. Noise Control - Design of Plant and Equipment (Continual Operation)

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

A. Design

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

The Project Specific Noise level must be the most stringent noise level of the Intrusive and Amenity criteria and be calculated in accordance with the provisions of the NSW Environmental Protection Authority Noise Policy for Industry 2017.

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

B. Before Construction

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

C. Before Occupation

Prior to the occupation of the development or the issue of any Occupation Certificate certification must be provided by a qualified acoustic engineer that all work associated with the installation of the acoustic measures has been carried out in accordance with 'A' above.

D. Ongoing

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

41. 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 Certifier must be satisfied that 'A' above has been complied with.

42. Building Ventilation

To ensure adequate ventilation for the building:

A. Design

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

- i) The Building Code of Australia;
- ii) AS 1668.1 2015;
- iii) AS 1668.2 2012;
- iv) The Public Health Act - 2010;
- v) The Public Health Regulation 2012;
- vi) AS 3666.1 -2011;
- vii) AS 3666.2 -2011; and
- viii) AS 3666.3 -2011.

B. Before Construction

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

C. Before Occupation

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

D. Ongoing

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

43. Car Park Ventilation - Alternate System

To ensure adequate ventilation for the car park:

A. Design

As the car-park does not appear to comply with the natural ventilation requirements of Section 4 of Australian Standards AS1668.2 -2012, the car-park must be either mechanically ventilated by a system complying with AS1668.2 -2012 or alternatively, the natural ventilation system must be certified by a qualified mechanical ventilation engineer to the effect that the system is adequate. The certification shall

confirm that the system will protect the health of occupants of the car park at any time it is used and satisfies the atmospheric contaminate exposure rates specified in the Worksafe Australia document: Workplace Exposure Standards for Airborne Contaminants.

B. Before Construction

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

C. Before Occupation

Prior to the occupation of the building or the issue of any Occupation Certificate certification must be provided by a qualified mechanical ventilation engineer that the installation of the ventilation system has been carried out in accordance with 'A' above.

D. Ongoing

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

44. Demolition Work

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

A. Before Commencement

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

B. During Works

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

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

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

Asbestos waste in any form must be disposed of at a waste facility licensed by the NSW EPA to accept asbestos waste. Any asbestos waste load over 100kg (including asbestos contaminated soil) or 10m² or more of asbestos sheeting must be registered with the EPA on-line reporting tool WasteLocate. More information can be found at <https://wastelocate.epa.nsw.gov.au>.

45. 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.

C. Before Occupation

Prior to the occupation of the development, or the issue of any Occupation Certificate, certification, including an appropriate level of detail to demonstrate compliance with the NCC as built, must be provided to the PC by an appropriately accredited professional that external finishes of the building complies with “A” above.

46. FIRE SAFETY - Upgrade of Existing Building

The alteration to the existing Leagues Club authorised by this Development Consent is subject to the implementation of the following fire safety upgrade works considered necessary in accordance with Clause 94 of the Environmental Planning and Assessment Regulation 2000:-

- a) The building is to comply with the provisions of Sections C, D and E of Volume 1 of the Building Code of Australia.

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

47. 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) Prior to the pouring / installation of the swimming pool shell

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.

48. Sydney Water Requirements & Section 73 Compliance Certificate

A. Before Any Works

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

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

B. Before Occupation / Subdivision Certificate

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

Sydney Water Advice on Compliance Certificates:

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

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

49. Dial Before You Dig

A. Before Construction

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

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

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

A. General

To manage noise impacts upon the surrounding properties and occupants, demolition, excavation, or construction activities must be managed in accordance with the NSW Department of Environment and Climate Change (now Environment Protection Authority). Interim Construction Noise Guideline (ICNG) 2009 and Australian Standard 2436 - 2010 Guide to Noise Control on Construction, Maintenance and Demolition Sites.

B. Before Excavation

Prior to any excavation works involving rock breakers and similar earthmoving equipment, the builder must notify in writing all property owners/tenants within a minimum of 20m of all boundaries of the development site of the works being undertaken, a minimum of 7 days prior to the commencement of such works. The notification must provide details of the type of work being carried out, the time of day, its anticipated duration and a contact number to log any complaints or to make enquiries.

C. During Works

To minimise the noise impact on the surrounding environment, 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 is permitted on Sundays and Public Holidays.

51. 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.

52. Containment of Fill

A. Design

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

B. Before Construction

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

53. Street Numbering and Provision of Letter Box Facilities

A. Before Occupation

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

The residential units must be addressed in a hotel format eg G01, G02, 101, 102, 201, 202 etc.

Note: There must not be a letter or number in front of this format this format to define the building. This is done by the street number.

54. Certification - of Approved Ground Levels

Verification of approved ground levels.

A. Before Occupation

Upon completion of the development certification must be provided by a registered surveyor verifying that the ground levels of the site are in accordance with the approved plans.

55. Car parking Areas

A. Ongoing

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

- i) it must be made available on an unrestricted basis and free of charge at all times for employees' and visitors' vehicles.
- ii) implement an electronic dynamic car park guidance system to direct traffic entering the Town Centre car park to available parking spaces.

56. Car Parking Allocation

A. Prior to Occupation

Parking must be allocated on the following basis:

- Residential dwellings: 300 spaces
- Hotel: 38 spaces
- Office - 15 spaces

- Retail Centre - 770 spaces (includes allocation of 100 shared car spaces for the Club as agreed with the applicant and 19 allocated spaces for the childcare centre as shown marked on the approved plans referred to in Condition 1)
- 4 car share spaces

B. Ongoing

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

57. Loading and Unloading

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

A. Ongoing

All loading and unloading of vehicles must be carried out within the site and not from the public roadway.

58. Hours of Operation

To minimise the impact of the development on the surrounding environment:

Retail Centre

A. Ongoing

i) Trading Hours

The trading hours of the premises shall be restricted to the following (unless operating hours of specific tenancies are given separate approval:

Indoors: - Sunday to Thursday & Public Holidays: 6.00am – 10.00pm
 - Friday and Saturday: 6.00am – 11.00pm

Outdoor Seating - Sunday to Thursday & Public Holidays: 6.00am – 10.00pm
 - Friday and Saturday: 6.00am – 10.00pm

ii) Occupation of the site

The premises must not be occupied by staff or contractors beyond 1 hour after the cessation of trading on any day.

iii) Patron Behaviour

The operator must accept full responsibility for the behaviour of their patrons while on the premises and in the adjoining streets. The operator must take all steps necessary to ensure that no noise nuisance occurs from persons entering or leaving the premises.

iv) Liquor Supply

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

v) Live Entertainment - Band Equipment

No approval is granted for live bands / entertainment within the Retail Centre.

vi) Waste

To minimise the noise impact of the development on the surrounding environment, the collection of goods including garbage and recycling waste from the premises must not take place between the hours of 10pm and 8am Monday to Saturday or between the hours of 8pm and 9am Sunday and Public Holidays.

vii) Delivery / Collection of Goods

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

viii) Plan of Management

In addition to the above the premises must operate in accordance with the Retail Centre Plan of Management prepared by Ethos Urban dated 14 February 2020 unless otherwise specified in the Conditions of this consent.

ix) Cleaning Operations

To minimise the noise impact of the development on the surrounding environment the premises must not be occupied by staff or contractors beyond one hour after the cessation of trading nor before 8am on any day.

Hotel

A. Ongoing

i) Trading Hours

The trading hours of the premises shall be restricted to the following:

Hotel:	- Sunday to Thursday & Public Holidays: 7.00am – 10.00pm
	- Friday and Saturday: 7.00am – 11.00pm

Outdoor Area	- Sunday to Thursday & Public Holidays: 6.00am – 10.00pm
	- Friday and Saturday: 7.00am – 10.00pm

ii) Patron Behaviour

The operator must accept full responsibility for the behaviour of their patrons while on the premises and in the adjoining streets. The operator must take all steps necessary to ensure that no noise nuisance occurs from persons entering or leaving the premises.

iii) Liquor Supply

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

iv) Live Entertainment - Band Equipment

No approval is granted for live bands / entertainment within the Hotel or in the communal open space area.

v) Waste

To minimise the noise impact of the development on the surrounding environment, the collection of goods including garbage and recycling waste from the premises must not take place between the hours of 10pm and 8am Monday to Saturday or between the hours of 8pm and 9am Sunday and Public Holidays.

vi) Delivery / Collection of Goods

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

vii) Plan of Management

In addition to the above the premises must operate in accordance with the Quest Hotel Plan of Management received by council on 17 July 2019 unless otherwise specified in the conditions of this consent.

viii) Cleaning Operations

Must minimise the noise impact of the development on the surrounding environment.

59. Licensed Premises

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

A. Ongoing

i) Trading Hours

The trading hours of the premises must be in accordance with the existing license agreement No. LIQC300226727.

To allow Council to review the ongoing management performance of the premises and its impact on neighbourhood amenity, consent for trading hours of the Club deck is granted subject to a one (1) year trial period. The trial period is to commence on the date of commencement of use of the Club deck:

Sunday to Thursday: 8.00am to 10.00pm

Friday and Saturday: 8.00am to 11.00pm

A modification application to extend the one (1) year trial period or to make the above hours permanent is required to be submitted to Sutherland Shire Council nearing the completion of the trial period, if it is intended to continue with extended hours of operation.

Alternatively, the trading hours shall revert to the below hours of operation:

Sunday to Thursday: 8.00am to 10.00pm

Friday and Saturday: 8.00am to 10.00pm

The Friday and Saturday night trading hours are for a trial period of 12 months.

ii) Occupation of the site

The premises must not be occupied by staff or contractors beyond 1 hour after the cessation of trading.

iii) Sale of Liquor

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

iv) Security Personnel

Security staff must be employed as set out in the Cronulla Leagues Club Plan of Management 2019. The security personnel must patrol the internal street and car park areas to ensure that patrons of the licensed premises do not loiter or linger in the area nor cause any nuisance or annoyance within the surrounding mixed-use development.

The management of the premises must maintain unfettered control over the operation of the business and the patrons attending the premises.

v) Live Entertainment - Band Equipment

No amplified music involving live bands with drums or bass guitars is permitted inside or outside the Club at any time.

vi) Cessation of Trading - Announcement

An announcement must be made at the cessation of the entertainment to the effect that patrons must leave the premises and the vicinity quickly and quietly to avoid disturbance of the neighbourhood.

vii) Notice to Patrons

A clearly visible sign must be permanently erected immediately adjacent to the entry / exit doors of the premises indicating that patrons are to leave in an orderly fashion and must leave the vicinity of the premises in a manner that does not disturb the quiet and good order of the neighbourhood.

viii) Complaint Response

In the event of a complaint being received by the licensee from a neighbouring resident with respect to a disturbance to the quiet and good order of the neighbourhood, the licensee must notify Council of the complaint for inclusion on the complaints register within 48 hours. It remains the responsibility of the licensee to respond appropriately to complaints.

ix) Waste

To minimise the noise impact of the development on the surrounding environment, the collection of goods including garbage and recycling waste from the premises must occur in accordance with the Waste Management Plan approved as part of Condition 7 of this consent. Waste from the premises must not take place between the hours of 10pm and 8am Monday to Saturday or between the hours of 8pm and 9am Sunday and Public Holidays.

x) Delivery / Collection of Goods

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

xi) Plan of Management

In addition to the above the premises must operate in accordance with the plan of management prepared by Cronulla Sutherland Leagues Club dated 2019.

xii) Cleaning Operations

To minimise the noise impact of the development on the surrounding environment the premises must not be occupied by staff or contractors beyond 1 hour after the cessation of trading nor before 8.00am on any day.

60. Signage to be Displayed - Licensed Premises

A. Ongoing

Signage (in lettering not less than 15mm in height on a contrasting background) is to be erected in a prominent position near the principal entry to the premises in accordance with Clause 98D of the EPA Regulation 2000.

The signage must state the approved hours of operation (indoor and the deck) and the approved patron capacity (4,098 patrons).

The signage required by this condition is to be erected prior to the recommencement of operations. This condition has been imposed to clearly identify the hours and patron capacity of the licensed premises.

61. Copies of Consent, Register and Management Plans

A. Ongoing

A full copy of all current development consents (including approved plans) for the operation of the Leagues Club, any Registers required and any required Plan of Management must be kept on the premises and made available for inspection immediately upon request by Council Officers, Police Officers and/or Office of Liquor Gaming and Racing Authorised Officers.

62. Noise Limiters - Playing of Amplified Music

A. Ongoing

- a) Approved noise limiters must be installed in the entertainment area. The limiters must be calibrated and set by the Project Acoustical Consultant to ensure compliance with Council's noise emission criteria. The Project Acoustical Consultant must certify that the limiters are installed and calibrated to satisfy the requirement of Council's noise criteria. The calibration levels and assessment background levels must be reported on calibration sheets for each area (if necessary) and submitted to Council. The noise limiters must be installed in a locked cabinet located in a secure area. Access to noise limiter post calibration must be restricted to the Licensee of the premises and made available to Council officers upon request.
- b) All on-stage and front of house sound equipment must be connected in such a manner to the one system so that the noise levels produced can be effectively controlled by the noise limiter referred to above and the house mixer/sound engineer.

This condition has been imposed to mitigate amenity impacts within the development and upon the neighbourhood.

63. Shopping Trolley Management

A. Ongoing

The business operator must:

- i) ensure that all shopping trolleys provided for customers are clearly labelled with the name of the business, including a contact telephone number that can be used to report abandoned trolleys;
- ii) provide convenient, safe, designated trolley return bays to encourage the orderly management of shopping trolleys;
- iii) put in place measures to minimise the occurrence of shopping trolleys being taken off the site (e.g. signs, proximity wheel locking devices, coin deposit locks, etc);
- iv) implement a process to ensure that any trolleys abandoned within the site, any associated car park, and within 100m of the site are collected at least every 2 hours by scheduled staff/contractor patrols; and
- v) ensure that any trolley abandoned outside of the areas specified in (iii) above reported to the business operator by Council or a member of the public is collected within 24 hours.

64. Construction/ Occupation Staging

A. On-Going

- a) Separate Construction Certificates are required to be obtained for the fitout/ use of each future tenancy (including the childcare centre and medical centre.
- b) Each tenancy shall not be occupied until an Occupation Certificate has been achieved for that tenancy.
- c) The occupation of future tenancies shall not occur until:
 - i) the 770 nominated non-residential car parking spaces are made available, and
 - ii) waste disposal and loading areas are made available, and
 - iii) means of access between the tenancies and those areas (lift, pedestrian and vehicular) to service each tenancy is achieved;
 - iv) and associated Occupation Certificate(s) relating to the car parking area, means of access and waste disposal area have been issued.
 - v) until the requirements of condition 6 of this consent have been met.

END OF CONDITIONS

DRAFT CONDITIONS OF CONSENT – Stage 2**Development Application No. 18/1448****1. Approved Plans and Documents**

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

Plan number	Reference	Prepared by	Date
Architectural Plans			
S4-A-DA-100-020 Rev D	Site Plan	Turner	Prepared 09/09/19
S4-A-DA-110-001 Rev F	Ground Level	Turner	Prepared 07/02/20
S4-A-DA-110-010 Rev F	Level 1	Turner	Prepared 07/02/20
S4-A-DA-110-020 Rev G	Level 2	Turner	Prepared 07/02/20
S4-A-DA-110-030 Rev G	Level 3	Turner	Prepared 07/02/20
S4-A-DA-110-040 Rev G	Level 4	Turner	Prepared 07/02/20
S4-A-DA-110-050 Rev G	Level 5	Turner	Prepared 07/02/20
S4-A-DA-110-060 Rev G	Level 6	Turner	Prepared 07/02/20
S4-A-DA-110-070 Rev H	Level 7	Turner	Prepared 07/02/20
S4-A-DA-110-080 Rev H	Level 8	Turner	Prepared 07/02/20
S4-A-DA-110-090 Rev H	Level 9	Turner	Prepared 07/02/20
S4-A-DA-110-100 Rev G	Level 10	Turner	Prepared 07/02/20
S4-A-DA-110-110 Rev E	Level 11	Turner	Prepared 10/10/19
S4-A-DA-110-120 Rev E	Level 12	Turner	Prepared 10/10/19
S4-A-DA-110-130 Rev F	Level 13	Turner	Prepared 18/10/19
S4-A-DA-110-140 Rev F	Level 14	Turner	Prepared 18/10/19
S4-A-DA-110-150 Rev F	Level 15	Turner	Prepared 18/10/19
S4-A-DA-150-011 Rev D	Building A_Level 6-7	Turner	Prepared 10/07/19
S4-A-DA-150-012 Rev D	Building A_Level 8-9	Turner	Prepared 10/07/19
S4-A-DA-150-013 Rev D	Building A_Level 10-11	Turner	Prepared 10/07/19
S4-A-DA-150-014 Rev E	Building A_Level 12-13	Turner	Prepared 18/10/19
S4-A-DA-150-015 Rev E	Building A_Plant	Turner	Prepared 18/10/19
S4-A-DA-150-021 Rev D	Building B_Level 6-8	Turner	Prepared 10/07/19
S4-A-DA-150-022 Rev E	Building B_Level 9-14	Turner	Prepared 10/10/19
S4-A-DA-150-023 Rev F	Building B_Plant	Turner	Prepared 18/10/19
S4-A-DA-150-031 Rev F	Building C_Level 4-5	Turner	Prepared 23/06/20
S4-A-DA-150-032 Rev E	Building C_Level 6-7	Turner	Prepared 18/10/20

S4-A-DA-150-033 Rev E	Building C_Level Plant	Turner	Prepared 18/10/20
S4-A-DA-150-041 Rev F	Building D_Level 6-9	Turner	Prepared 07/02/20
S4-A-DA-150-042 Rev E	Building D_Level 10-12	Turner	Prepared 10/10/19
S4-A-DA-150-043 Rev E	Building D_Level 13 Plant	Turner	Prepared 10/10/19
S4-A-DA-150-061 Rev F	Building E_Level 2	Turner	Prepared 07/02/20
S4-A-DA-150-062 Rev F	Building E_Level 3	Turner	Prepared 07/02/20
S4-A-DA-150-062.5 Rev A	Building E_Level 4	Turner	Prepared 07/02/20
S4-A-DA-150-063 Rev F	Building E_Level 5	Turner	Prepared 07/02/20
S4-A-DA-150-064 Rev E	Building E_Level 6	Turner	Prepared 07/02/20
S4-A-DA-150-065 Rev F	Building E_Level 7	Turner	Prepared 07/02/20
S4-A-DA-150-066 Rev E	Building E_Level 8	Turner	Prepared 07/02/20
S4-A-DA-150-067 Rev F	Building E_Level 9	Turner	Prepared 07/02/20
S4-A-DA-150-067.5 Rev A	Building E_Level Roof Terrace	Turner	Prepared 07/02/20
S4-A-DA-250-101 Rev F	South Elevation	Turner	Prepared 07/02/20
S4-A-DA-250-102 Rev F	East Elevation	Turner	Prepared 07/02/20
S4-A-DA-250-103 Rev F	North Elevation	Turner	Prepared 07/02/20
S4-A-DA-250-104 Rev F	Building A & E Elevations	Turner	Prepared 07/02/20
S4-A-DA-250-105 Rev E	Building B,D & C Elevations	Turner	Prepared 07/02/20
S4-A-DA-250-300 Rev E	GA Elevation Western Elevation	Turner	Prepared 07/02/20
S4-A-DA-250-310 Rev A	Detailed Northern Façade	Turner	Prepared 07/02/20
S4-A-DA-350-101 Rev F	Section A - Street Section	Turner	Prepared 07/02/20
S4-A-DA-350-102 Rev E	Section B - Street Section	Turner	Prepared 07/02/20
S4-A-DA-350-103 Rev E	Section C - Podium Section	Turner	Prepared 07/02/20
S4-A-DA-350-104 Rev E	Section D - Podium Section	Turner	Prepared 07/02/20
S4-A-DA-250-301 Rev A	Detailed Façade Sections Sheet 01	Turner	Prepared 12/12/18
S4-A-DA-250-302 Rev C	Detailed Façade Sections Sheet 02	Turner	Prepared 12/12/18

S4-A-DA-250-303 Rev C	Detailed Façade Sections Sheet 03	Turner	Prepared 07/02/20
Staging Plan			
S4-A-DA-750-050 Rev A	Supplementary Drawings Staging Plan Diagrams - Stage 6	Turner	Prepared 12/12/18
Adaptable Housing Plans			
S4-A-DA-810-010 Rev A	Supplementary Drawings Adaptable Apartments	Turner	Prepared 12/12/18
S4-A-DA-810-020 Rev A	Supplementary Drawings Adaptable Apartments	Turner	Prepared 12/12/20
S4-A-DA-810-030 Rev A	Supplementary Drawings Adaptable Apartments	Turner	Prepared 07/02/20
S4-A-DA-810-040 Rev A	Supplementary Drawings Livable Apartments	Turner	Prepared 12/12/20
Material and Finishes			
S4-A-DA-990-010 Rev B	Material Board Materials & Finishes Board	Turner	Prepared 10/07/19
Signage			
A-670-002 Rev H	Façade Signage Strategy South Elevation	Turner	Prepared 09/10/19
A-670-003 Rev H	Façade Signage Strategy East Elevation	Turner	Prepared 09/10/19
A-670-004 Rev H	Façade Signage Strategy North Elevation	Turner	Prepared 09/10/19
A-670-005 Rev H	Façade Signage Strategy Section B	Turner	Prepared 09/10/19
Landscape Plans			
S4-A110-008 Rev ZE	GA Plans 1:200 Ground Level	Turner	Prepared 04/05/20

16-000464 C1-210 Rev M	Erosion and Sediment Control	Calibre Consulting	Prepared 23/06/20
SS18-3919 L-100 Rev G	Landscape Masterplan	Site Image	Received 24/06/20
SS18-3919 L-101.1 Rev H	Landscape Plan - Ground floor/ Public Domain	Site Image	Prepared 30/01/20
SS18-3919 L-101.2 Rev H	Landscape Plan - Ground floor/ Public Domain	Site Image	Prepared 30/01/20
SS18-3919 L-101.3 Rev H	Landscape Plan - Ground floor/ Public Domain	Site Image	Prepared 30/01/20
SS18-3919 L-101 Rev H	Landscape Plan - Ground floor/ Public Domain	Site Image	Prepared 30/01/20
SS18-3919 L-102 Rev I	Landscape Plan - Level 2 Hotel & Club Setdown	Site Image	Prepared 07/02/20
SS18-3919 L-103 Rev G	Landscape Plan - Levels 3, 4, 5 & Car park Façade Elevation	Site Image	Prepared 30/01/20
SS18-3919 L-104 Rev G	Landscape Plan - Level 5 Hotel Common Open Space	Site Image	Prepared 30/01/20
SS18-3919 L-105.1 Rev H	Landscape Plan - Level 6 Podium - Southern Terrace	Site Image	Prepared 30/01/20
SS18-3919 L-105.2 Rev H	Landscape Plan - Level 6 Podium - Sculpture Lawn	Site Image	Prepared 30/01/20
SS18-3919 L-105.3 Rev H	Landscape Plan - Level 6 Podium - Bay pool & Lookout	Site Image	Prepared 30/01/20
SS18-3919 L-105.4 Rev H	Landscape Plan - Level 6 Podium - Dune Walk	Site Image	Prepared 30/01/20
SS18-3919 L-105 Rev H	Landscape Plan - Level 6 Podium	Site Image	Prepared 30/01/20

SS18-3919 L-106 Rev G	Landscape Plan - Level 8 Building C Penthouses	Site Image	Prepared 30/01/20
SS18-3919 L-107 Rev G	Landscape Plan - Level 9 Sky Terrace & Bldg D Residential Terrace	Site Image	Prepared 30/01/20
SS18-3919 L-108 Rev F	Landscape Plan - Level 14 Building D Penthouses	Site Image	Prepared 28/08/20
SS18-3919 L-109 Rev B	Landscape Plan - Ground Lvl 2 & 4 Eastern Façade Planting & Elevation	Site Image	Prepared 03/02/20
SS18-3919 L-201.1 Rev H	Planting plan Ground Floor/Public Domain	Site Image	Prepared 30/01/20
SS18-3919 L-201.2 Rev H	Planting plan Ground Floor/Public Domain	Site Image	Prepared 30/01/20
SS18-3919 L-201.3 Rev H	Planting plan Ground Floor/Public Domain	Site Image	Prepared 07/02/20
SS18-3919 L-202 Rev I	Planting plan Ground Floor/Public Domain	Site Image	Prepared 30/01/20
SS18-3919 L-203 Rev G	Planting Plan - Levels 2, 3 & 4 Car park Façade Planting & Elevation	Site Image	Prepared 30/01/20
SS18-3919 L-204 Rev G	Planting Plan - Levels 5 Hotel Common Open Space	Site Image	Prepared 30/01/20
SS18-3919 L-205.1 Rev H	Planting Plan - Levels 6 Podium Southern Terrace	Site Image	Prepared 30/01/20
SS18-3919 L-205.2 Rev H	Planting Plan - Level 6 Podium Sculpture Lawn	Site Image	Prepared 30/01/20
SS18-3919 L-205.3 Rev H	Planting Plan - Level 6 Podium Bay Pool & Lookout	Site Image	Prepared 30/01/20
SS18-3919 L-205.4 Rev H	Planting Plan - Level 6 Podium Dune Walk	Site Image	Prepared 30/01/20

SS18-3919 L-205 Rev H	Planting Plan - Level 6 Podium & Planting Schedule	Site Image	Prepared 30/01/20
SS18-3919 L-206 Rev G	Planting Plan - Level 8 Building C Penthouses	Site Image	Prepared 30/01/20
SS18-3919 L-207 Rev G	Planting Plan - Level 9 Bldg B Sky Terrace & Bldg D Terrace	Site Image	Prepared 30/01/20
SS18-3919 L-208 Rev G	Planting Plan - Level 14 Bldg D Penthouse & Bldg A Planter	Site Image	Prepared 30/01/20
SS18-3919 L-500 Rev F	Landscape Specification Notes	Site Image	Prepared 28/08/19
SS18-3919 L-501 Rev F	Landscape Details	Site Image	Prepared 28/08/19
SS18-3919 L-502 Rev F	Landscape Details	Site Image	Prepared 28/08/19
SS18-3919 L-503 Rev F	Landscape Details	Site Image	Prepared 28/08/19
SS18-3919 L-504 Rev G	Landscape Details	Site Image	Prepared 30/01/20
SS18-3919 L-505 Rev F	Landscape BBQ Details	Site Image	Prepared 28/08/19
SS18-3919 L-506 Rev F	Landscape Arbour Details	Site Image	Prepared 28/08/19
SS18-3919 L-507 Rev F	Landscape Pool Cabana Details	Site Image	Prepared 28/08/19
SS18-3919 L-508 Rev F	Landscape Pool Details	Site Image	Prepared 28/08/19
SS18-3919 L-509 Rev F	Landscape Podium Sections	Site Image	Prepared 28/08/19
SS18-3919 L-510 Rev B	Carpark Green Wall Details	Site Image	Prepared 05/02/20
SS18-3919 L-511 Rev B	Carpark Green Wall Details	Site Image	Prepared 05/02/20
SS18-3919 L-601 Rev F	Landscape Materials Schedule	Site Image	Prepared 28/08/19
SS18-3919 L-602 Rev F	Landscape Materials Schedule	Site Image	Prepared 28/08/19

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

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

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

2. Affordable Rental Housing - Restriction as to User (UNI9001)

A. Before Occupation

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 be registered, before the date of the issue of the Occupation Certificate, against the title of the property on which development is to be carried out. This restriction is to ensure Dwellings E08.01, E08.03 – E08.09 and E09.01, E09.03 – E09.09 are provided as affordable rental housing as defined by State Environmental Planning Policy (Affordable Rental Housing) 2009. The restriction shall contain the following wording:

Clause 17(1) of the State Environmental Planning Policy (Affordable Rental Housing) 2009 entitled 'Must be used for affordable housing for 10 years' states:

(1)(a) for 10 years from the date of the issue of the occupation certificate:

- (i) the dwellings proposed to be used for the purposes of affordable housing will be used for the purposes of affordable housing, and
- (ii) all accommodation that is used for affordable housing will be managed by a registered community housing provider.

B. Ongoing

That the Restriction as to User require the dwellings, for a period of 10 years from the date of issue of an Occupation Certificate, to be Affordable Housing as defined by State Environmental Planning Policy (Affordable Rental Housing) 2009, namely:

“affordable housing” means housing for very low income households, low income households or moderate income households, being such households as are prescribed by the regulations or as are provided for in an environmental planning instrument.

3. Requirements from Other Authorities (UNI2030)

A. Requirements from Other Authorities

The development must be undertaken in accordance with the requirements of the following authorities;

- Ausgrid;
- NSW Roads and Maritime Services
- Sydney Water

A copy of the Requirements of the Approval Authority(s) are attached to this development consent. These requirements must be incorporated in the application for a Construction Certificate and where required, relevant approvals must be obtained prior to the release of the Construction Certificate.

4. Nature and Content of Signage (UNI4005)

A. Ongoing

- i) All signage must relate to the tenancy to which it is affixed or proximate. No general advertising of goods, products or services which does not relate to the development is permitted.
- ii) Should any of the tenancies cease to operate at the premises, all approved signage relating to them must be removed.
- iii) No sign is approved to be externally illuminated.
- iv) Any illuminated signage must be fitted with timers and dimers so that their timing and brightness can be controlled.
- v) Separate development consent is required for the signage platforms shown on the signage plans and for those 'zones' shown within approved signage structures.

5. Approvals Required under Roads Act or Local Government Act (ENG1005)

A. Before Construction

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

- Frontage works including construction of a driveway, footpath, etc.
- Road openings and restoration to provide services to the development.
- Work Zones and hoardings.
- Skip bins.
- Shoring / anchoring.

- Standing of cranes, concrete pumps, etc.

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

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

B. During Works

There must be no occupation or works 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. Any work on public land must be undertaken strictly in accordance with the relevant approval issued under the Roads Act 1993 and/or the Local Government Act 1993 by Sutherland Shire Council.

6. Construction Environmental Management Plan

A. Design

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

The environmental consultant must be certified by the EIANZ 'Certified Environmental Practitioner' scheme (CEvP).

- (i) The CEMP must satisfy the objectives and controls of the Sutherland Shire Council Development Control Plan 2015 relating to environmental site management. The plan must also reference the management measures and controls required by other site management plans including, but not limited to, the Leachate Management Plan, the Acid Sulfate Soil Management Plan, the Remedial Action Plan and Gas Management Plan.
- (ii) 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) Roles and Responsibilities.
 - d) Environmental awareness and training of contractors.
 - e) Compliance with legislation and regulations.
 - f) Requirements of regulatory authorities.
 - g) Measures to prevent noise, water, air and land pollution.
 - h) Safe access to and from the site during construction.

- i) Safety and security of work site, road and footpath area; including details of any proposed fencing, signage, hoarding and lighting, as required.
- j) Method of loading and unloading excavation machines, construction materials etc.
- k) Details of how and where construction material and any waste materials will be appropriately managed, stored and disposed of.
- l) Details of any fuel storage and management.
- m) Detailed erosion and sediment control measures including methods to prevent material impacting the adjoining areas particularly Woollooware Bay, saltmarsh and wetlands.
- n) Protection of existing trees and vegetation, including aquatic vegetation.
- o) Protection of native fauna including microbats and migratory birds.
- p) Unexpected Finds Protocol i.e. the address unexpected finds of soil or groundwater contamination.
- q) Environmental Risk Assessment.
- r) Work, Health & Safety requirements.
- s) Contingency and emergency response plans.
- t) Interaction with other site management plans.
- u) Inclusion of detailed site plans.
- v) locations of cranes.
- w) proposed kerbside locations of work zones and concrete pump locations (Note. No approval shall be granted for any work zones or concrete pump zones within travelling lanes of Captain Cook Drive.

B. Before Commencement and Issue of Construction Certificate

The Construction Environmental Management Plan (CEMP) must be submitted to the satisfaction of Sutherland Shire Council, Manager Environmental Science, prior to commencement and the issue of any construction certificate.

C. During Works

The site management measures outlined within the Construction Environmental Management Plan (CEMP) must remain in place and be maintained throughout the period of works until completion of the project.

D. Before Occupation and Issue of Occupation Certificate

Before the issue of any Occupation Certificate; all foundations / materials associated with construction works (that do not form part of the approved works) must be removed. This includes, but is not limited to, foundations for tower cranes, vehicle access ways, stockpiles and building waste.

7. Pre-commencement Inspection (ENG3015)

A. Before Works

A Pre-commencement Inspection/meeting is to be convened by the Applicant on-site a minimum 5 days prior to any demolition and/or construction activity and between the hours of 8.00 am and 4.30 pm Monday to Friday. The meeting must be attended by a representative of Council's Public Domain Assets Branch,

the Principal Certifying Authority, the builder/site manager of the building/civil construction company and where necessary the supervising engineer. The attendance of the owner is required when it is intended to use more than one builder/principal contractor throughout the course of construction.

The purpose of the meeting is to:

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

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

8. Supervising Engineer (ENG4005)

A. Before Construction

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

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

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

B. During Construction

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

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

C. Before Occupation

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

9. Internal Driveway, Parking and Maneuvering (ENG4015)

A. Design

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

- i) Align with Access and Alignment levels issued by Council's Public Domain Unit.
- ii) 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 1170 vehicles in total.
- vi) Provide adequate sight distance for the safety of pedestrians using the footpath area.
- vii) The residential parking spaces must comply with AS2890.1(2004) user class 1A, in relation to the design of vehicular access, parking and general manoeuvring for the B85 vehicle.
- viii) The commercial parking spaces must comply with AS2890.1(2004) user class 3A, in relation to the design of vehicular access, parking and general manoeuvring for the B85 vehicle.
- ix) Comply with AS2890.2(2002) in relation to the design of truck access, parking and general manoeuvring for AV & HRV vehicles.
- x) The maximum longitudinal grade of the driveway must not exceed 25% for vehicle access and 15.4% for truck access.
- xi) The security doors 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.
- xii) 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.
- xiii) Parking bays must not be enclosed, caged or a door provided.

B. Construction

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

C. Occupation

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

D. On-going

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

10. Stormwater Drainage (ENG5015)

A. Before Occupation

Prior to the issue of an Occupation Certificate;

- i) The stormwater drainage system must be constructed in accordance with the approved stormwater plans prepared by AT&L Civil Engineer and Project Managers Sheets C010 to C016 dated 29/01/2013, Revision A that form part of the Planning Assessment Commission approval MP 10_0230
- ii) A Works-As-Executed drawing (WAED) of the stormwater drainage system must be prepared by a Registered Surveyor. This drawing must detail the alignment of pipelines, pits, the rainwater tanks and the detention facilities. An original or a colour copy must be submitted to Sutherland Shire Council.
- iii) The supervising engineer must certify the WAED of the stormwater drainage system that the stormwater drainage works, rainwater harvesting facility and rainwater reuse systems were constructed to their satisfaction and in accordance with the Development Consent, and Public Domain Technical Manual. Prior to the occupation or use of the building the Applicant / Owner must submit to Council a copy of the aforementioned letter of certification.

D. Ongoing

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

Note: Upon submission of the Works-As-Executed drawing for the stormwater drainage system a notation will be added to the Section 10.7 certificate advising future owners that their property is burdened by a stormwater detention facility.

11. Waste Collection

A. Design

The waste collection point must be designed in accordance with the following requirements:

- i) A “HRV” sized loading bay must be provided in accordance with AS2890.2 within the subject property for waste collection use.
- ii) The maximum long and cross section grade of the loading bay and temporary bin holding area must be $\pm 5\%$.
- iii) Clear and direct access must be provided from the bin holding areas to the loading bay.
- iv) The permanent communal garbage and/or recycling storage area must have a smooth impervious floor that is graded to a floor waste. A tap and hose must be provided to facilitate regular cleaning of the bins and all waste water must be discharged to the sewer in accordance with the requirements of Sydney Water. Garbage bins must be designed to prevent the escape of any liquid leachate and must be fitted with a lid to prevent the entry of vermin.

B. Before Construction

Prior to the issue of any Construction Certificate a suitable qualified civil engineer must certify that the waste collection point has been design in accordance with part A. above. A copy of this certification must accompany the Construction Certificate.

C. Before Occupation

Prior to the occupation of the site or the issue of any Occupation Certificate a suitable qualified civil engineer must certify that the waste collection point has been constructed to their satisfaction and in accordance with part A. above. A copy of this certification must accompany the Occupation Certificate.

D. On-going

- i) 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 area/s to collection area/s are to carried out in accordance with the approved Waste Management Plan for the development.
- ii) All waste and recycling bins must be stored wholly within the approved permanent communal garbage and/or recycling storage areas.

12. Damage to Adjoining Properties (ENG6015)

A. Before Works

To minimise vibration damage and loss of support to buildings / structures and properties in close proximity to the development site, a Geotechnical Engineer's Report must be prepared detailing constraints to be placed on earth moving and building plant and equipment and the method of excavation, shoring,

underpinning and support. This report must be provided to the person undertaking the excavation and the Principal Certifying Authority.

B. During Works

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

13. Public Utilities (ENG7005)

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

A. Before Construction

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

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

B. Before Occupation/Subdivision

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

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

- i) The installation of fibre-ready facilities (conduits and pits) to all individual lots and/or premises/dwelling to enable fibre to be readily connected to any premises that is being or may be constructed on those lots. Certification from each carrier/provider must be provided to the PCA that they are satisfied that the fibre ready facilities are fit for purpose.
- ii) The provision of fixed-line telecommunications infrastructure (cables) in the fibre-ready facilities to all individual lots and/or premises/dwellings must be installed and certification from the carrier/provider must be provided to the PCA stating that the infrastructure has been provided and to their satisfaction.
- iii) Installation of gas and/or electricity must be constructed/installed by the utility service provider/approved agent to each allotment. Certification must be provided from each provider/agent stating that all allotments have been serviced to their satisfaction.

- iv) WAE drawings must to be prepared by a registered surveyor detailing location and depth of conduits/pits and connection points/ties within allotments. A copy of the WAE drawings must form part of any Occupation/Subdivision certificate documentation.

Note: Should these requirements result in any significant change to the approved design an application must be made to modify the consent under s.4.55 of the Environmental Planning and Assessment Act.

14. Bicycle Parking Facilities

B. Prior to Occupation

To facilitate the use of bicycle parking infrastructure for this development it must be easily accessible, close to the users destination, prominent, secure and safe to use. To achieve this outcome the following conditions apply to this development

- i) Where Bicycle parking facilities Class A, B and C are installed they will be installed in accordance with Australian Standard 2890.3 (2015) or later versions and Austroads AP-R527-16 Bicycle Parking Facilities: Guidelines for Design and Installation.
- ii) In accordance with Australian Standard 2890.3 (2015) or later versions and Austroads AP-R527-16 Bicycle Parking Facilities: Guidelines for Design and Installation, the following measures will be applied:
 - a) The provision of 12 bicycle parking spaces (U rails) at the Civic Plaza Entrance be relocated and situated in the general area adjacent to the entrance to the retail lobby. U rail bike parking spaces may be provided for example in clusters of 3, 4 or 6 if required to minimise any potential conflict with pedestrian access.
 - b) To improve safety and awareness, both pavement markings and way finding signage that inform and reinforce the bicycle/motor vehicle shared nature of the car park will be installed at the entrance and exit of the car park and throughout the car park at regular intervals. The pavement markings and line marking will be maintained on an ongoing basis by the relevant strata management/ body corporate.
 - c) To improve safety through separation, a separate line marked cycling lane at the entrance and exit of the car park be provided if space permits.
 - d) To ensure and improve access for cyclists an access gap must be provided (i.e shortening the length of the boom gate) where boom gates are applied at the entrance and exit of the car park.
 - e) To assist cyclists locate secure bike parking and end of trip facilities prominent directional signage external and internal to the car park must be installed.
 - f) End of trip facilities will be available only for the use of commercial non-residential tenants of the building complex. End of trip facilities will include secure (Class A or B) bike parking, showers and clothes lockers. To improve safety, awareness and access, the facilities must be made prominent, well lit, devoid of dark colours and well sign posted. The facilities will be

managed and maintained by the appropriate strata management authority. For ease of access and security, swipe card access to the facilities should be considered.

- g) Bicycle parking in the building for residents will be secure Class A facilities, situated in areas that are made prominent, well lit, devoid of dark colours, are well sign posted and managed and maintained by the resident strata/ body corporate.
- h) So that bicycle parking provisions are available at all times ALL Secure bicycle parking infrastructure within the car park and building(s) will be utilised only for the storage of bicycles and ancillary items e.g. helmets, bike pumps. To ensure that the facilities are solely used for bike parking a clause to this effect will be incorporated into the relevant management plan and managed by the relevant strata management/ body corporate.

- iii) All bicycle parking facilities will be easy to access, supported with prominent place signage and way finding signage at, and this includes, building entry and exit points, lifts and lobbies. The facilities will be well lit and devoid of dark colours to improve safety, awareness and access.

15. Landscaping Works (ENV2005)

A. Design

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

- i) Substitute six (6) *Angophora costata* to Level 6 podium with an informal mixture of 3 or more of the following species:
 - *Melaleuca stypheloides* (Prickly tea Tree)
 - *Cupaniopsis anacardioides* (Tuckeroo)
 - *Guoia semiglauca* (Guoia)
 - *Banksia integrifolia* (Coastal Banksia)
 - *Glochidion ferdinandi* (Cheese Tree)
- ii) Substitute *Cupaniopsis anacardioides* (Tuckeroo) to the ground floor planters located on the eastern side of the building with *Eucalyptus botryoides* (Bangalay)
- iii) Substitute *Raphiolepis* and *Liriope* with s alternative species of similar size and form that are compatible with the endangered ecological community Kurnell Dune Forest and RAMSAR wetland adjacent.
- iv) Amend the landscape plans in accordance with the approved architectural plans and any design changes required as a result of Condition 2.
- v) Clearly show on plan existing trees to be removed /retained including tree numbering in accordance with the arborist report OR provide a separate existing tree plan and schedule.
- vi) Tree Protection Zones (TPZ) / the location of tree protective fencing must be shown on plan for all existing trees and/or natural site features to be retained and protected.
- vii) Provide minimum soil depths in planter boxes as follows:
 - 1200mm for large trees.
 - 900mm for small trees and tall shrubs.

- 600mm low shrubs.
 - 450mm grass and ground covers.
- viii) All landscape retaining walls and planter boxes must be constructed in masonry, stone or gabions. Timber is not acceptable.
- ix) Each ground floor unit must be provided with a clothes line easily accessible from the laundry. Each unit above the ground floor must be provided with a clothes line on a balcony located below balustrade height, with the balustrade treated so that clothes are not readily visible from the street.
- x) all landscaped areas 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.
- xi) To improve coverage and reduce weeds and maintenance, planting densities in all planting areas including planter boxes must achieve a minimum of 4 plants per square metre.
- xii) As the subject site is identified as being within a Greenweb Support area, all new tree plantings must be indigenous species and 80% of understorey plants must be indigenous species. All indigenous species must be selected from Sutherland Shire Council's 'Native Plant Selector' available on Council's website (www.sutherlandshire.nsw.gov.au and search for Native Plant Selector).

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

Notes:

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

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

B. Prior to Occupation/Occupation Certificate

The landscape works must be completed in accordance with the approved Landscape Plan and amendments required by 'A' above by persons with a minimum AQF Level III certification in Horticulture or Landscape Construction.

A Final Landscape Inspection must be carried out and a certificate issued by Council's landscape officer prior to occupation or the issue of an Occupation Certificate. This certificate is required to ensure that all tree protection measures, landscaping works, replacement tree planting and the deep soil percentage requirements have been carried out in accordance with 'A' above and other conditions within this consent, that all new indigenous plants on the site and within the road reserve are the correct species and that all trees planted within the road reserve are in accordance with the detailed road frontage design where it forms part of the Roads Act Consent.

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

C. Ongoing

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

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

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

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

16. Tree Retention and Protection (ENV2042)

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 following tree protection measures must be put in place and maintained during the course of construction to prevent damage to trees.

- i) Protective fencing constructed of 1.8m high chain wire mesh supported by robust posts must be installed at the distance required by Australian Standards AS4970- Protection of Trees on Development Sites. 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.

B. During Construction

- i) The tree protection measures detailed in 'A' above must be maintained during construction.
- ii) A supervising Arborist must be present during any approved hand excavation or under boring works within the Tree Protection Zone (TPZ) of any tree identified for retention and protection and have the authority to direct works to ensure the trees long term preservation;
- iii) A supervising Arborist must strictly supervise that there is no disturbance or severing of roots greater than 30mm diameter and to cleanly cut those roots between 10-30mm in diameter.
- iv) If the tree/s identified for retention in 'A' above are damaged or destabilised during construction then works must cease and Council's Tree Assessment Officer (ph. 9710 0333) must be contacted to assess the tree/s and recommend action to be taken.

17. Supervising Ecologist

A. Before Commencement

The applicant must engage an appropriately qualified, experienced and certified Ecologist to supervise vegetation management works.

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

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

B. Before Works and issue of any Construction Certificate

The applicant must provide clear evidence of the appointment of the Supervising Ecologist to the satisfaction of Sutherland Shire Council, Manager Environmental Science, prior to the commencement of any works and the issue of any construction certificate.

C. During Works

The Ecologist must supervise all aspects of ecological protection and management activities to ensure compliance with the approved plans.

18. Ecological Requirements - Lighting Plan

A. Before Commencement

A Lighting Plan that addresses the lighting situation during construction works and also for the northern elevation of the building design, must be prepared to prevent disturbance to nocturnal fauna in the adjacent wetland environment, comprising mangroves and saltmarsh.

The Lighting Plan must address, but not be limited to, the measures provided in the 'Review of Noise, Lighting and Bird Strike Potential, Woollooware Bay Town Centre Residential Stage 3' by EcoLogical, 28 July 2018 [version 1]. The Lighting Plan must ensure that lighting is not be directed skyward and that the mangrove and wetland habitat is not directly illuminated by external site lighting.

The Lighting Plan must be reviewed by the Supervising Ecologist and certification/ verification provided regarding the appropriateness and effectiveness of the Lighting Plan.

The ecological verification and the Lighting Plan must be submitted to the satisfaction of Sutherland Shire Council, Manager Environmental Science prior to commencement and prior to the issue of any construction certificate.

B. During Works and Ongoing

Site lighting must not be directed skyward and the mangrove and wetland habitat must not be directly illuminated by external site lighting during works and on completion of the project.

All lighting must be designed, installed, operated and maintained in accordance with Council endorsed Lighting Plan.

19. Ecological Requirements - Protection of Native Flora and Fauna

The following management requirements must be undertaken before and during construction works to minimise adverse impacts to native flora and fauna including microbat species and migratory shorebirds.

A. Before Commencement

- (i) The Supervising Ecologist must inspect the development area, including existing structures, for microbat or shorebird roosting prior to the commencement of any works.
Any roosting microbats and/ or shorebirds that are discovered must be relocated under the supervision of the Supervising Ecologist in accordance with relevant guidelines and licences required in accordance with the Biodiversity Conservation Act 2016, administered by the NSW Department of Planning, Industry and Environment (Environment, Energy & Science).
- (ii) Soil erosion and sediment control measures must be constructed and implemented in accordance with the 'Drawing No. C1-210, Erosion and Sediment Control Plan, Revision M, 23 June 2020.

B. During Works

- (i) Any roosting microbats and/ or shorebirds that are discovered during works must be relocated under the supervision of the Supervising Ecologist in accordance with relevant guidelines and licences required in accordance with the Biodiversity Conservation Act 2016, administered by the NSW Department of Planning, Industry and Environment (Environment, Energy & Science).

- (ii) The adjoining foreshore wetland environment of Woollooware Bay, comprising mangroves and saltmarsh, must be protected and unharmed during construction works at all times.
- (iii) Soil erosion and sediment control measures must be implemented and maintained in operational order in accordance with the 'Drawing No. C1-210, Erosion and Sediment Control Plan, Revision M, 23 June 2020.
- (iv) Litter and other waste materials must be prevented from entering the mangrove and saltmarsh habitats within Woollooware Bay at all times.
- (v) Construction noise must be limited to daylight hours (7am to 6pm weekdays and 8am to 3pm on Saturdays) so that peak fauna foraging periods at dawn and dusk are avoided.
- (vi) Quieter construction methods and equipment must be utilised where possible and use of noisy machinery and equipment such as hydraulic hammers and drill piling must be minimised where possible.

Note 1: Instructions from Department of Primary Industries - Fisheries

Given the close proximity of the Towra Point Aquatic Reserve, DPI Fisheries requires best practice erosion and sediment control measures to be implemented and maintained in operational order at all times until the site has been stabilised at completion of the project. These measures are required to protect the values of the adjoining Towra Point Aquatic Reserve.

Note 2: Protection of Mangroves and Saltmarsh

Mangroves and saltmarsh are protected under the NSW *Fisheries Management Act 1994*. This Act sets out provisions to protect marine vegetation from 'harm'. This means that mangroves and saltmarsh must not be gathered, cut, pulled-up, destroyed, poisoned, dug-up, removed, injured or otherwise harmed without appropriate approval from NSW Department of Primary Industries - Fisheries. For further assistance, please contact Fisheries NSW on 1300 550 474.

20. Car Wash Bays (HLT2005)

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

A. Design

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

B. Before Construction

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

C. Before Occupation

The Principal Certifying Authority must be satisfied that:

- i) 'A' above has been complied with; and

- ii) any discharge to the sewer from the premises is in accordance with the requirements of Sydney Water.

D. Ongoing

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

21. Garbage, Recycling and Waste Storage Area (HLT3015)

To ensure the proper storage of waste from the premises:

A. Design

The garbage and recycling storage areas must have:

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

All Garbage bins must be designed to prevent the escape of any liquid leachate and must be fitted with a lid to prevent the entry of vermin.

B. Before Construction

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

C. Before Occupation

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

D. Ongoing

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

22. External Lighting - Amenity(HLT3025)

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

A. Design

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

B. Ongoing

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

23. Noise Control - Residential Air Conditioning Unit / Heat Pump Water Heater / Any other Pump

To minimise the noise impact on the surrounding environment:

A. Design

The equipment must be located, designed and/or acoustically attenuated so that noise emitted does not exceed a sound pressure level of 5dB LAeq (15 minute) above the ambient background level when measured on or within any other residential property boundary.

B. Before Occupation

The equipment must be installed in accordance with the manufacturer's specification and all required noise attenuation measures implemented to ensure that the equipment complies with "A" above.

C. Ongoing

i) All equipment must be operated in accordance with 'A' above.

ii) For air conditioning units / heat pump water heaters:

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.

iii) For any other pump:

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

iv) Receipt of a noise complaint from the operation of this equipment will result in the requirement for certification from an acoustic engineer that the equipment is operating in accordance with the requirements of this condition. If the acoustic assessment reveals that the equipment is not operating in accordance with the consent it must make recommendations on what remediation measures are required to bring the equipment into compliance.

NB. Any other pump includes a swimming pool pump, a spa pump, a sump pump, a water cooler that uses a pump any other apparatus or machine for raising, driving, exhausting or compressing fluid by means of a piston, plunger or rotating vanes.

24. Noise Control - Design and Operation (General Use) (HLT4010)

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

A. Design

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

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

B. Before Occupation

Prior to the occupation of the development or the issue of any Occupation Certificate certification must be provided by a qualified acoustic engineer that all work associated with the installation of the acoustic measures has been carried out in accordance with 'A' above.

C. Ongoing

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

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

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

A. Design

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

The Project Specific Noise level must be the most stringent noise level of the Intrusive and Amenity criteria and be calculated in accordance with the provisions of the NSW Environmental Protection Authority Noise Policy for Industry 2017.

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

B. Before Construction

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

C. Before Occupation

Prior to the occupation of the development or the issue of any Occupation Certificate certification must be provided by a qualified acoustic engineer that all work associated with the installation of the acoustic measures has been carried out in accordance with 'A' above.

D. Ongoing

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

26. Noise and Vibration Control - Residential Car Park (HLT4060)

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

A. Design

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

B. Before Occupation

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

27. Building Ventilation (HLT5005)

To ensure adequate ventilation for the building:

A. Design

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

- i) The Building Code of Australia;
- ii) AS 1668.1 2015;
- iii) AS 1668.2 2012;
- iv) The Public Health Act - 2010;
- v) The Public Health Regulation 2012;
- vi) AS 3666.1 -2011;
- vii) AS 3666.2 -2011; and
- viii) AS 3666.3 -2011.

B. Before Construction

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

C. Before Occupation

- i) Prior to the occupation of the building or the issue of any Occupation Certificate certification must be provided by a qualified mechanical ventilation engineer that the installation of the ventilation system has been carried out in accordance with 'A' above.

- ii) Occupation of the premises must not occur until a registration application has been submitted to Council's Environment and Health Regulation Department for any cooling tower / warm water system

D. Ongoing

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

28. Car Park Ventilation - Alternate System (HLT5010)

To ensure adequate ventilation for the car park:

A. Design

As the car-park does not appear to comply with the natural ventilation requirements of Section 4 of Australian Standards AS1668.2 -2012, the car-park must be either mechanically ventilated by a system complying with AS1668.2 -2012 or alternatively, the natural ventilation system must be certified by a qualified mechanical ventilation engineer to the effect that the system is adequate. The certification shall confirm that the system will protect the health of occupants of the car park at any time it is used and satisfies the atmospheric contaminate exposure rates specified in the Worksafe Australia document: Workplace Exposure Standards for Airborne Contaminants.

B. Before Construction

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

C. Before Occupation

Prior to the occupation of the building or the issue of any Occupation Certificate certification must be provided by a qualified mechanical ventilation engineer that the installation of the ventilation system has been carried out in accordance with 'A' above.

D. Ongoing

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

29. Swimming Pools (including Spas) (ORD2005)

To minimise the impact of the swimming pool on the amenity of adjoining properties and to ensure safety:

A. Design

The design of the swimming pool and associated equipment must comply with the following requirements:

- i) The Swimming Pools Act & Regulations.
- ii) Australian Standard 1926 Swimming Pool Safety as prescribed under the Building Code of Australia.
- iii) The pump and associated equipment must be sound insulated and/or isolated so that the noise emitted does not exceed an LAeq (15min) of not more than 5 dB(A) above the background level in any octave band from 31.5Hz to 8KHz centre frequencies inclusive at the boundary of the site.

Note:

- The measurement of sound must be carried out in accordance with Australian Standard 1055.1.
- Landscaping and ancillary structures must not intrude into the child-resistant barrier Non-Climbable Zone.
- Only structures associated with the pool may be located within the pool area. Clothes lines, barbeque, sheds, entertainment structure, outside toilets or any other non pool-related structures are not permitted within the pool area.

B. Before Construction

Details of all child-resistant barriers (existing and proposed) to be utilised to comply with the requirements of the Swimming Pools Act and Regulations applicable at the time must be shown on the Construction Certificate plans.

C. During Works

The swimming pool excavation and/or swimming pool must be provided with a suitable barrier to prevent a risk of falling into the excavation or pool at all times throughout the construction phase.

D. Before Occupation

Before the issue of any Occupation Certificate the child resistant barrier must be installed in accordance with A above.

E. Ongoing

- i) The pump and associated equipment must be maintained and operated in accordance with the noise levels described above.
- ii) The child resistant barrier must be maintained in accordance with the Australian Standard as described above.

30. Design Requirements for Adaptable Housing (ORD4010)

A. Design

The development must provide Dwellings 51 Units as Adaptable Housing. A report prepared by a suitably qualified Adaptable Housing Specialist must be submitted with the Construction Certificate, demonstrating that the development complies with the requirements of AS4299 - Adaptable Housing. The report must contain a completed checklist (Appendix A - AS4299) demonstrating compliance with the requirements of a Class C Adaptable House.

B. Before Occupation

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

31. Design Requirements for Livable Housing (ORD4012)

A. Design

The development must provide Dwellings 26 Units as Livable Housing. These units must be designed to the 'Silver Standard' as outlined in the *Livable Housing Design Guidelines* (prepared by Livable Housing Australia).

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

B. Before Occupation

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

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

A. Design

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

B. Before Occupation

Prior to the issue of any Occupation Certificate design verification must be provided by a registered Architect in detailing that the development has been completed in accordance with SEPP 65.

33. External Walls and Cladding Flammability (ORD4016)

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.

C. Before Occupation

Prior to the occupation of the development, or the issue of any Occupation Certificate, certification, including an appropriate level of detail to demonstrate compliance with the NCC as built, must be provided to the PC by an appropriately accredited professional that external finishes of the building complies with "A" above.

34. Certification Requirement of Levels (ORD4035)

A. During Construction

At the following stages of construction:

- i) Prior to the pouring of each floor or roof slab,
- ii) Prior to the pouring / installation of the swimming pool shell

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.

35. Sydney Water Requirements & Section 73 Compliance Certificate (for Dual Occs) (ORD4040)

A. Before Any Works

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

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

B. Before Occupation / Subdivision Certificate

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

Sydney Water Advice on Compliance Certificates:

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

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

36. Noise Control and Permitted Hours for Building and Demolition Work (ORD5005)

A. General

To manage noise impacts upon the surrounding properties and occupants, demolition, excavation, or construction activities must be managed in accordance with the NSW Department of Environment and Climate Change (now Environment Protection Authority). Interim Construction Noise Guideline (ICNG) 2009 and Australian Standard 2436 - 2010 Guide to Noise Control on Construction, Maintenance and Demolition Sites.

B. Before Excavation

Prior to any excavation works involving rock breakers and similar earthmoving equipment, the builder must notify in writing all property owners/tenants within a minimum of 20m of all boundaries of the development site of the works being undertaken, a minimum of 7 days prior to the commencement of such works. The notification must provide details of the type of work being carried out, the time of day, its anticipated duration and a contact number to log any complaints or to make enquiries.

C. During Works

To minimise the noise impact on the surrounding environment, 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 is permitted on Sundays and Public Holidays.

37. Toilet Facilities (ORD5010)

A. During Works

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

Each toilet must:

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

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

A. Before Occupation

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

The residential units must be addressed in a hotel format eg G01, G02, 101, 102, 201, 202 etc.

Note: There must not be a letter or number in front of this format this format to define the building. This is done by the street number.

39. Car parking Areas (ORD7015)

A. Ongoing

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

- i) it must be made available on an unrestricted basis and free of charge at all times for employees' and visitors' vehicles.
- ii) implement an electronic dynamic car park guidance system to direct traffic entering the Town Centre car park to available parking spaces.

The residential units must be addressed in a hotel format eg G01, G02, 101, 102, 201, 202 etc.

Note: There must not be a letter or number in front of this format this format to define the building. This is done by the street number.

40. Car Parking Allocation (ORD7020)

A. Prior to Occupation

Parking must be allocated on the following basis:

- Residential dwellings: 300 spaces
- Hotel: 38 spaces
- Office - 15 spaces
- Retail Centre - 770 spaces (includes allocation of 100 shared car spaces for the Club as agreed with the applicant and 19 allocated spaces for the childcare centre as shown marked on the approved plans referred to in Condition 1)
- 4 car share spaces

B. Ongoing

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

41. Loading Dock and Commercial Vehicle Access Management Plan

A. Before Occupation

Prior to the issue of any Occupation Certificate;

- i) The Operational Loading Dock Management Plan prepared by McClaren Traffic Engineering dated 10 February 2020 shall be implemented to control the movement of vehicles to and from the site.
- ii) The Management plan shall include restrictions on the movement of 19m Articulated Vehicles as defined in Australian Standard AS.2890.2 such that access to the development site loading docks shall be via Captain Cook Drive and Woollooware Road.
- iii) Details of these Management Plan shall be provided to all commercial and retail tenancies and incorporated in all applicable leases, sales documents and shall also form part of all applicable Strata Management Rules.
- iv) No form of loading for residential or commercial will be permitted from the kerb side lane of Captain Cook Drive or Woollooware Road for the life of the development.
- v) All residential moving in shall occur as set out in the Bay Central Residential Move-In Strategy prepared by Aoyuan Group and Ethos Urban dated 11 February 2020.

A copy of the Management Plan must also be provided to Sutherland Shire Council.

42. Signage

A. On-going

- (i) Approved signage content is to be limited to business identification signage of the business which taking place. Such signage is to be maintained to a high standard at all times and is to be removed upon cessation of the use and the facia return made good.
- (ii) Any signage lighting is not to be of a flashing type and its illumination is to be controlled so as not to create a distraction to passing motorists. Illumination is permitted to be utilised during trading hours only.
- (iii) Any other signage, other than signage which is exempt or complying development, shall be the subject of a separate development application.

END OF CONDITIONS

SUBMISSIONS FOR 2019SSH002

DA18/1448

455 Captain Cook Drive, Woollooware

Sat 2/02/2019 5:16 PM

PlanningAlerts <contact@planningalerts.org.au>; on behalf of; JON dodd
jondodd@live.com.au

Comment on application DA18/1448

SSC ssc@ssc.nsw.gov.au

For the attention of the General Manager / Planning Manager / Planning Department

Application DA18/1448

Address 455 Captain Cook Drive Woollooware NSW 2230

Description Construction of Stage 1 Precinct of Woollooware Bay Town Centre: Partial demolition of existing Leagues Club and other structures, tree removal, construction and use of new retail centre, fitout of Levels 3 and 4 for the Leagues Club, public domain works, infrastructure works, construction and use of hotel accommodation, construction of four residential apartment buildings containing 255 dwellings, construction and use of office tenancies, construction of a child care centre, above ground car park, landscaping works, 4 lot stratum subdivision and staged Construction and Occupation Certificates

Name of commenter JON dodd

Address of commenter Sutherland shire

Email of commenter jondodd@live.com.au

Comment

Another pathetic over development of our suburbs, you only have to look less than 100 metres west to see 2 x 12 storey residential towers and at the back of them 2 x 8 storey towers, and then less than 50 meters east of that development another huge residential structure underway.

All of which are totally out of character to the woollooware landscape of low density housing of one and two storeys, with off street parking, open parkland for recreational activities, all of which translated to low traffic density and congestion.

The later of which the infrastructure was designed for during the 1950's and 1960's, single

lane two way residential streets, with infrastructure built to service low density housing and light traffic conditions.

The building of further high density unit blocks and a hotel, along with a shopping centre is a direct and deliberate way to over crowd and strangle an aging suburb of which enjoys low density living with open parklands used for recreational purposes.

The aging infrastructure and the use of reclaimed land for these high density towers of which there will be many must be a major concern due to high water table levels and its close proximity to open waters.

If we are lucky and the current economic trends continue and property prices keep falling, these off the plan units may just be an unviable purchase for some to be owners. If banks and financial institutions are further regulated due to the recommendations of the Banking Royal commission, off the plan units may be something of the past with a bit of luck with the over development of our suburbs coming to an abrupt stop.

Sat 2/02/2019 10:30 AM

cms@ssc.nsw.gov.au

Development Applications Requests for further Information, Comments Submitted

TeamLeaderEnvRecords <TeamLeaderEnvRecords@ssc.nsw.gov.au>; onlineforms
onlineforms@ssc.nsw.gov.au

First name	Benjamin
Last name	Johnson
Phone	0436652563
Email	johnsonbp@optusnet.com.au
Confirm email	johnsonbp@optusnet.com.au
DA number (Don't know the DA number? Search in Track It)	DA18/1448
Address of development	455 Captain Cook Drive 461 Captain Cook Drive Woollooware
Details of submission	Construction of Stage 1 Precinct of Woollooware Bay Town Centre etc.
Have you made a gift or political donation to a councillor or political party in the last 2 years?	No
Donation or Gift - 1	N/A
Name of Party or Person for whose benefit the Donation / Gift was made - 1	N/A
Date of Donation / Gift and Value of Donation / Gift / Benefit / Hospitality - 1	N/A
Donation or Gift - 2 (If Applicable)	N/A
Name of Party or Person for whose benefit the Donation / Gift was made - 2 (If Applicable)	N/A
Date of Donation / Gift and Value of Donation / Gift / Benefit / Hospitality - 2 (If Applicable)	N/A

Your Address

32 Craigholm Street Sylvania NSW 2224

I understand that contents of my submission will
be available and published on DA Track I Agree

Mon 4/02/2019 4:19 PM

cms@ssc.nsw.gov.au

Development Applications Requests for further Information, Comments Submitted

TeamLeaderEnvRecords <TeamLeaderEnvRecords@ssc.nsw.gov.au>; onlineforms
onlineforms@ssc.nsw.gov.au

First name jeff

Last name stewart

Phone 0413585959

Email stewartbusiness@ozemail.com.au

Confirm email stewartbusiness@ozemail.com.au

DA number (Don't
know the DA number? DA18/1448
Search in [Track It](#))

Address of
development 455 & 461 Captain Cook Dve Woollooware

Details of submission Please count up the number of storeys proposed (75 storeys in total). Then count up the number of buildings shoehorned onto the existing carpark (5 buildings). Then pause for a moment and ask yourself.... "given the massive over-development immediately to the west, does what is proposed in DA 18/1448 seem reasonable? Does it serve the residents of Sutherland Shire? Does it match the existing (and proposed) infrastructure? Does it serve the beleaguered residents who already have the misfortune to live near a railway station? Does it serve your ratepayers and voters in Cronulla, Kurnell, Caringbah, Miranda, Taren Point etc etc? Simple answer...no, it doesn't! You cannot allow this absurdity or anything even remotely like it. If you do, you will stand damned forever as the architects of another Anzac Pde Kensington, another Chatswood, another Woolli Creek. All today's and tomorrow's slums. All desperately out of character with the Shire. Please don't do it!!!!!!

Have you made a gift
or political donation to No
a councillor or political
party in the last 2

years?

Donation or Gift - 1 N/A

Name of Party or
Person for whose
benefit the Donation / N/A
Gift was made - 1

Date of Donation / Gift
and Value of Donation N/A
/ Gift / Benefit /
Hospitality - 1

Donation or Gift - 2 (If
Applicable) N/A

Name of Party or
Person for whose
benefit the Donation / N/A
Gift was made - 2 (If
Applicable)

Date of Donation / Gift
and Value of Donation N/A
/ Gift / Benefit /
Hospitality - 2 (If
Applicable)

Your Address 4/13-17 Wyanbah Rd Cronulla 2230

I understand that
contents of my
submission will be I Agree
available and
published on DA Track

Tue 12/02/2019 6:22 PM

cms@ssc.nsw.gov.au

Development Applications Requests for further Information, Comments Submitted

TeamLeaderEnvRecords <TeamLeaderEnvRecords@ssc.nsw.gov.au>; onlineforms
onlineforms@ssc.nsw.gov.au

First name Sharon
Last name Tindall- Ford
Phone 0408406521
Email sharontf@uow.edu.au
Confirm email sharontf@uow.edu.au

DA number (Don't know
the DA number? Search DA18/1448
in [Track It](#))

Address of development 455 Captain Cook Drive, Woollooware

Details of submission Construction of Stage 1 Precinct of Woollooware Bay Town Centre.
While there is a clear need for a shopping precinct and a range of
amenities (medical centre, child care etc.) to service the suburbs of
Woollooware Bay, North Cronulla, Green Hills, Kurnell and North
Caringbah the current infrastructure does not support apartment or
hotel buildings that are 15 storeys high, nor will this type of
development be positive aesthetically or environmentally for the above
communities. There is a need to have a balanced approach to the next
development of Woollooware Bay.

Have you made a gift or
political donation to a
councillor or political
party in the last 2 years? No

Donation or Gift - 1 N/A

Name of Party or Person
for whose benefit the
Donation / Gift was
made - 1 N/A

Date of Donation / Gift
and Value of Donation /
Gift / Benefit /
Hospitality - 1 N/A

Donation or Gift - 2 (If
Applicable) N/A

Name of Party or Person
for whose benefit the
Donation / Gift was
made - 2 (If Applicable) N/A

Date of Donation / Gift
and Value of Donation /
Gift / Benefit /
Hospitality - 2 (If
Applicable) N/A

Your Address 204/ 475 Capatain Cook Drive, Wooloware Bay, 2228

I understand that
contents of my
submission will be I Agree
available and published
on DA Track

Tue 26/02/2019 11:29 AM

cms@ssc.nsw.gov.au

Development Applications Requests for further Information, Comments Submitted

TeamLeaderEnvRecords <TeamLeaderEnvRecords@ssc.nsw.gov.au>; onlineforms
onlineforms@ssc.nsw.gov.au

First name	Scott
Last name	Carson
Phone	0414635831
Email	scottc67@outlook.com
Confirm email	scottc67@outlook.com

DA number (Don't know
the DA number? Search DA18/1448
in [Track It](#))

Address of development 455 and 461 Captain Cook Drive, Woollooware Bay 2230 NSW

Details of submission

I object to the proposed construction of 255 residential dwellings within the scope of this application, noting that I have no issue with the remaining items proposed in this application. I own and reside in one of the Stage 1 buildings within the Woollooware Bay complex and have done so with my family since the complex opened in December 2016. We enjoy living in this facility. I am also a member of Sharks Leagues club and the Sharks Rugby League Football club. The initial marketing for the Stage 1 and Stage 2 parts of the Woollooware Bay complex stated that the Town Centre was based the progressive completion of 3 residential Stages for this project, on land situated adjacent to the western side of the existing football stadium, with later completion of a refurbishment to the existing Sharks Leagues club and the construction of a hotel, retail area and other community based facilities on the land area adjacent to the eastern side of the existing football stadium. In addition to this, the initial modelling for the buildings and original communications from the developer Capital Bluestone and the Sharks Leagues Club, did not included any reference or need for the construction of residential dwellings (apartment towers) in any area located in what would later be referenced as Stage 4 of the Woollooware Bay Town Centre. Woollooware Bay residents generally try to work in with the local sporting clubs in an attempt to effectively

"share" the use of the existing surrounding Council car parks, with the engagement of Council. With a total number of close to 400 units already completed and occupied within the Stage 1 and Stage 2 buildings, we have yet to fully experience the traffic, parking and congestion that will be added to this precinct when the close to 200 units contained in Stage 3 will be occupied, which I understand may be from early next year. From that time onwards, the Woollooware Bay precinct area will be at peak use, in terms of the accommodation of direct residents, surrounding residents in the Woollooware area, visitors and participants involved in the local sporting club's activities. The rights of all these people to be protected from residential overdevelopment in an environmentally sensitive area cannot be overstated. The erection of residential tower buildings within the Stage 4 development is totally unnecessary, not warranted in terms of market demand and would also have a negative effect on the eastern coastal topography of the Woollooware, Cronulla and Kurnell suburbs for at least 2 kilometres in range. I fully support all other aspects of this proposed development and would intend to use the proposed refurbished Leagues club, retail and community facilities as much as possible.

Have you made a gift or political donation to a councillor or political party in the last 2 years?

No

Donation or Gift - 1

N/A

Name of Party or Person for whose benefit the Donation / Gift was made - 1

N/A

Date of Donation / Gift and Value of Donation / Gift / Benefit / Hospitality - 1

N/A

Donation or Gift - 2 (If Applicable)

N/A

Name of Party or Person for whose benefit the Donation / Gift was made - 2 (If Applicable)

N/A

Date of Donation / Gift
and Value of Donation /
Gift / Benefit / N/A
Hospitality - 2 (If
Applicable)

Your Address 801/1 Foreshore Boulevard Woollooware Bay 2230 NSW (not for use in
the public domain)

I understand that
contents of my
submission will be I Agree
available and published
on DA Track

Wed 27/02/2019 6:43 PM

Annette Hogan info@budgong.net

Re: Submission re DA 18/1448

To: SSC ssc@ssc.nsw.gov.au

Cc: Annette Hogan <info@budgong.net>; Kerry & Syd Coomes
<scoomes@bigpond.net.au>; Marilyn Urch marilyn.urch@bigpond.com

On 27 Feb 2019, at 6:41 PM, Annette Hogan <info@budgong.net> wrote:

Dear Amanda Treharne,

I would like to make the above submission (attachment) in opposition to the above DA18/1448.

The further changes to the original concept plan should not be accepted and will have a huge impact on the adjacent Ramsar Wetlands.

We believe the proposal should be re assessed by the Commonwealth Bio Diversity Act as the Environmental Impact Statements from the original Plan

are now outdated given the fact that the Ramsar Site has moved to only a few metres from the proposed site of this application.

Regards,

Annette Hogan,

President

Cronulla Dunes and Wetlands Protection Alliance

PO Box 2016 ,

WOOLLOOWARE 2230

0400227435

Political donations and gifts - *This section is not published on Council's website but is held in a register as per S147 of the EP&A Act*

Have you made a gift or political donation to a councillor or political party in the last 2 years? *
(required)

No

Disclaimer

I understand that contents of my submission will be available and published on DA Track *
(required)

Yes

Annette Hogan

info@budgong.net

Planning Services

Department of Planning and Environment

GPO Box 39

Sydney 2001

FAX 92286455

www.planning.nsw.gov.au

Attention :Director- Key Site Assessments

Modification Request

MP 10_0229MOD5

Lot 11 DP 526492-461 Captain Cook Drive, Woollooware

Sutherland Shire Council

In relation to this variation from the original Plans and Concept Plans, and the Director Generals specific requirements, especially in relation to the setback from the Riparian Zone, our Organisation believes that this Amendment should have to seek a further investigation under the Commonwealth Bio Diversity Act

Especially as the Ramsar Area has moved closer to this development since the last application under the Act. Please see further information in the following:-

On behalf of the Cronulla Dunes and WETLANDS PROTECTION ALLIANCE and we oppose any extension to the already overdevelopment of this sensitive lands adjacent to the Ramsar Wetlands. Documented herewith is the fact that this development which the proponent is seeking to

increase is now only metres away from the Ramsar Protected Wetlands any changes to the development should require a fresh application under the Commonwealth Bio Diversity Act. The following are issues brought up previously but are still relevant to this application.

I represent the Cronulla Dunes and Wetlands Protection Alliance, we have worked in this area for many years and have successfully negotiated for a mix of development without sacrificing the environment, our group successfully saved the last Cronulla Sand Dune by obtaining a Heritage listing of the Dune and prevented it being demolished for 2,000 hi rise apartments.

I would like to ask this panel if they could advise us on what are the implications of determining this application which it seems from information obtained recently has been assessed using the wrong Environmental criteria.

The boundary of the Towra Point Nature Reserve was increased to 603 hectares on the 21st June, 2011 and now lies only a couple of hundred metres to the North/East of the Club Site, this has never been acknowledged.

The information was apparently known to at least one of the Proponents Consultants as at September, 2011 that being Aspect Studios "Landscape Report for Environmental Assessment". This Report on page 2 states " The site is bounded by Captain Cooke Drive on the south and Towra Point Nature Reserve to the north (Woollooware Bay), which contains a significant portion (approx. 50%) of Sydney's remaining mangrove population. The Nature Reserve is listed as a Ramsar site of international importance. This information was never advised to the Authorities asked to comment upon the Environmental issues in relation to the development, in fact in every other case the Environmental reports stated that the Ramsar Wetlands were between 1.8 to 2 kms from the subject site.

1. The Flora and Fauna Assessment attached to the application under the EPBC Act 1999 by the proponent was dated February, 2007 and was compiled for a completely different development, this development had no impact on at least half the site now under application. The report would have had no knowledge that in 2011 the boundary of the Ramsar Wetland was changed to only a couple of hundred metres from the site of the proposed development.

2. The application under the EPBC 1999 was made to the Department on the 17/3/2011 before the Part 3A approval was given and Director General Requirements issued for a Concept Plan to be prepared which occurred on 23/3/2011.

I would say at this point that in the late 1990's I had a conversation with Senator Robert Hill who was the then Federal Environment Minister, on an inspection of the Towra Wetlands, and he told me that he was going to introduce an Act, being this very Act the Environment Protection and Bio Diversity Conservation Act to protect the Ramsar Wetlands from exactly what is happening here on this site. The overdevelopment of this sensitive wetland foreshore will have an adverse impact on the adjacent Internationally protected wetlands and their eco systems. This Act was introduced to make sure this did not keep happening in the future.

3. The Application from Bluestone to the EPBC at point 5.2 made the undertaking to do " Detailed site investigations and impact assessments will be prepared as part of this process, and will address the requirements of the EPBC Act. Should these assessments raise any new issues which suggest that the proposed development does significantly impact on matters of national environmental significance this information will be promptly brought to the attention of the Department of Sustainability, Environment, Water, Population and Communities.. This has not been done.

4. On the 21st June, 2011 the delegate for The Minister for Sustainability, Environment, Water, Population and Communities declared the extension to the Ramsar Wetland at Towra Point Nature Reserve, this bought the Ramsar Wetland to within 200 metres from the proposed development, not 1.8 kms to 2kms which is what is stated in the impact statements by JB Planning dated September 2011 and accompanying the Concept Plan, these documents were tendered for the public and State Agencies to make comment upon, they were clearly out of date.

5. The changes to the boundary of the Ramsar site was not provided to the EPBC even though the landscape Plan by Aspect Studios Document 11017 LS EA dated 20/9/11 on page 2 "The site is bounded by Captain Cook Drive on the South and Towra Point Nature Reserve to the North, which contains a significant portion (approx 50%) of Sydney's remaining mangrove population. The nature reserve is listed as a RAMSAR site of international importance".

6. The Annexure Map attached to the application to the Department did not even show the proposed extension of the Ramsar site, however this was readily available at the time of application.

Clearly the decision that the proposed action is "Not a controlled action" has been made on information and an application made before any consent was made to seek such an exemption, before the Minister for Planning NSW and the Director General had issued its requirements. The proponent has not advised the EPBC of changed circumstances as suggested in 5.2 of the application. This Development Consent has not been approved and the Department is at this very moment re assessing whether it is a controlled action under the Act.

We therefore request this Panel to defer any decision on this matter until the ramifications of this new information is

addressed, and the Environmental Agencies involved have had a chance to re visit the application in light of the new information.

The Department of Primary Industries and the NSW Office of Water were quite damning in their reports of the non compliance with at least a 40 metre setback from the wetlands (this was also a Director General Requirement), this new information of the proximity to the Internationally Protected Wetlands needs to be taken very seriously and acted upon without delay.

The required setback is a minimum of 50 metres but on the information to hand the agencies agreed that a 40 metre setback could be contemplated, the proposal is for 30 metres only. With this new information available , the agencies should be able to re assess and I am sure they would agree that the 50 metre setback would be required given the short distance to the Ramsar Wetlands. This would be in keeping with the precautionary principle and the implementation of Ecologically Sustainable Development principals. To say that the setbacks have not been observed in the past is no excuse for the Proponent to carry on the same mistakes from the past, we are supposed to learn from the mistakes of the past and respect our fragile environment.

The Ramsar Wetlands are under great pressure and any further degradation could spell their demise, I think the Panel should take the issue here into consideration and delay any decision and also order an investigation into how this oversight has occurred. The relevant Federal Department is still investigating this matter so it would prudent to await an outcome before any decision is made. We ask you to put this project on hold until the investigation is complete and to compel compliance if so directed by the EPBC Act 1999.

We believe this is just a grab by developers using the shield of the Sharks football team to have a development, which would not be countenanced if any other development entity proposed this totally unacceptable development. We see the same modus operandi with the proposal for the Tigers development of 36 storeys all in the name of saving a football Clubs. This is not the way sustainable planning should be implemented and is not acceptable.

I have no political donations to declare.

Please do not publish my name or contact details.

Regards

Annette Hogan

President

Cronulla Dunes and Wetlands Protection Alliance

info@locating.com.au

1/2/16

Wed 27/02/2019 10:12 PM

Jane Beaney janebeaney@yahoo.com.au

Attn: Peter Barber Re: DA 18 / 1448

To: SSC ssc@ssc.nsw.gov.au

Dear Peter,

I am not sure where to complain about the following development application. I did put in it the bottom of the DA application, but assumed it was not in the correct place.

Construction of Stage 1 Precinct of Woollooware Bay Town Centre: *Construction of four residential apartment buildings containing 255 dwellings.*

I wish to complain about the intended apartment building containing 255 dwellings. I do not want this to go ahead. I bought an apartment in Crest under the understanding that Stage 3 was the final stage. I paid a lot of money for my apartment. I would not have bought it, if the developers had been honest. I was very unhappy Stage 4 was released shortly after the bulk of stage 3 was sold. VERY SNEAKY ! I dont want extra traffic, noise, blocking views, and general devaluation of my apartment due to so many of them being built.

I am very unhappy with Bluestone and its 'promises'. I cannot believe a word of what they say, unless of course it is geared towards money in their pockets. Putting the blame on Parkview is also very poor performance. We were also told Pier would be 6 floors. Now it appears to be higher with some feature on the top floors. Not sure what it is intended to be. Oh yes, how wonderful ... more obstructed views, which people have paid a lot of money for, including myself.

* I dont have a lot of money, but I have paid a considerable price for an apartment, which I believed to have virtually uninterrupted views, and I now find out Pier appears to be higher than I was told and now Stage 4 is a lot of development is in a small area. Which I was lead to believe was not happening. Even though it only affects my view partially, it reduces its Wow factor, and value.

I feel quite cheated, as the original shopping centre which was promoted to us, which was meant to commence after Stage 1 was completed ... seems to be in Never Never land.

While we are at it. Lets not consider the environmental impact on the wetland.

Regards

JANE BEANEY

608-2 Dune Walk Woollooware

Wed 27/02/2019 9:43 PM

cms@ssc.nsw.gov.au

Development Applications Requests for further Information, Comments Submitted

To: TeamLeaderEnvRecords <TeamLeaderEnvRecords@ssc.nsw.gov.au>; onlineforms
onlineforms@ssc.nsw.gov.au

First name jane
Last name beaney
Phone +61401669192
Email janebeaney@yahoo.com.au
Confirm email janebeaney@yahoo.com.au

DA number (Don't know
the DA number? Search DA18/1448
in [Track It](#))

Address of
development Woollooware Bay Stage 4, Captain Cook Drive Woollooware

Details of submission Construction of Stage 1 Precinct of Woollooware Bay Town Centre:
Construction of four residential apartment buildings containing 255
dwellings. I wish to complain about the intended apartment building
containing 255 dwellings. I do not want this to go ahead. I bought an
apartment in Crest under the understanding that Stage 3 was the final
stage. I paid a lot of money for my apartment. I would not have bought
it, if the developers had been honest. I was very unhappy it was released
shortly after the bulk of stage 3 was sold. VERY SNEAKY ! I dont want
extra traffic, noise, blocking views, and general devaluation of my
apartment due to so many of them. I am very unhappy with Bluestone
and its 'promises'. I cannot believe a word of what they say, unless of
course it is geared towards money in their pockets. Putting the blame on
Parkview is also very poor performance. We were also told Pier would be
6 floors. Now it is higher with some feature on the top floors. Not sure
what it is intended to be. Oh yes, how wonderful ... more obstructed
views, which people have paid a lot of money for. While we are at it. Lets
not consider the environmental impact on the wetland.

Have you made a gift or No
political donation to a

councillor or political
party in the last 2
years?

Donation or Gift - 1 N/A

Name of Party or
Person for whose
benefit the Donation / N/A
Gift was made - 1

Date of Donation / Gift
and Value of Donation / N/A
Gift / Benefit /
Hospitality - 1

Donation or Gift - 2 (If
Applicable) N/A

Name of Party or
Person for whose
benefit the Donation / N/A
Gift was made - 2 (If
Applicable)

Date of Donation / Gift
and Value of Donation / N/A
Gift / Benefit /
Hospitality - 2 (If
Applicable)

Your Address 608-2 Dune Walk Woollooware

I understand that
contents of my
submission will be I Agree
available and published
on DA Track

Wed 27/02/2019 12:29 PM

cms@ssc.nsw.gov.au

Development Applications Requests for further Information, Comments Submitted

To: TeamLeaderEnvRecords <TeamLeaderEnvRecords@ssc.nsw.gov.au>; onlineforms
onlineforms@ssc.nsw.gov.au

First name Nola
Last name Moore
Phone 0402421024
Email nolamoore57@gmail.com
Confirm email nolamoore57@gmail.com

DA number (Don't know
the DA number? Search DA18/1448
in [Track It](#))

Address of development 455 Captain Cook Drive Woollooware, 461 Captain Cook Drive
Woollooware

Details of submission I object to the proposed construction of 255 residential dwellings, to be constructed within four residential tower buildings, within the scope of this application. I have no issue with the remaining items proposed in this application. I own and reside in one of the Stage 1 buildings within the Woollooware Bay complex and have done so for close to two years. I did not buy off the plan. I enjoy living in this facility and am a member of Sharks Leagues Club, which I often visit. The initial marketing for the Stage 1 and Stage 2 parts of the Woollooware Bay complex stated that the Town Centre was based on the progressive completion of 3 residential Stages for this project, on land situated adjacent to the western side of the existing football stadium, with later completion of a refurbishment to the existing Sharks Leagues club and the construction of a hotel, retail area and other community based facilities on the land area adjacent to the eastern side of the existing football stadium. In addition to this, the initial modelling for the buildings and original communications from the developer Capital Bluestone and the Sharks Leagues Club, did not include any reference or need for the construction of residential dwellings (apartment towers) in any area located in what would later be referenced as Stage 4 of the Woollooware Bay Town Centre. I have noticed Woollooware Bay residents generally try to work

in with the local sporting clubs in an attempt to effectively "share" the use of the existing surrounding Council car parks, with the engagement of Council. With a total number of close to 400 units already completed and occupied within the Stage 1 and Stage 2 buildings, we have yet to fully experience the traffic, parking and congestion that will be added to this precinct when the close to 200 units contained in Stage 3 will be occupied, which I understand may be from early next year. From that time onwards, the Woollooware Bay precinct area and roads will be at peak use, in terms of the accommodation of direct residents, surrounding residents in the Woollooware area, visitors and participants involved in the local sporting clubs' activities. The rights of all these people to be protected from residential overdevelopment in an environmentally sensitive area cannot be overstated. The erection of residential tower buildings within the Stage 4 development is totally unnecessary, not warranted in terms of market demand and would also have a negative effect on the eastern coastal topography of the Woollooware, Cronulla and Kurnell suburbs for at least 2 kilometres in range. This, on top of the regular amended DA's submitted to Council by Capital Bluestone, make this amendment totally unacceptable. Build the original and approved plans of commercial and retail precinct but nothing residential. I fully support all other aspects of this proposed development and would intend to use the proposed refurbished Leagues club, retail and community facilities as much as possible.

Have you made a gift or political donation to a councillor or political party in the last 2 years?

No

Donation or Gift - 1

N/A

Name of Party or Person for whose benefit the Donation / Gift was made - 1

N/A

Date of Donation / Gift and Value of Donation / Gift / Benefit / Hospitality - 1

N/A

Donation or Gift - 2 (If Applicable)

N/A

Name of Party or Person
for whose benefit the
Donation / Gift was N/A
made - 2 (If Applicable)

Date of Donation / Gift
and Value of Donation /
Gift / Benefit / N/A
Hospitality - 2 (If
Applicable)

Your Address 1101/1 Foreshore Bvd Woollooware 2230

I understand that
contents of my
submission will be I Agree
available and published
on DA Track

Wed 27/02/2019 12:56 PM

Marie Noble mcnoble8588@gmail.com

DA 18/1448 Captain Cook Drive Woollooware

To: SSC <ssc@ssc.nsw.gov.au>

Cc: Amanda Treharne ATreharne@ssc.nsw.gov.au

Please find attached my submission for DA 18/1448

Look forward to the answers to my questions.

Kind regards

Marie Noble

27th February 2019

Sydney South Planning Panel

Sutherland Shire Council

Re Application DA 18/1448 - Woollooware Bay Town Centre

Concerns regarding large scale development on the foreshore of
Woollooware Bay

!. STORMWATER to be discharged into Woollooware Bay

Potential for pollutants to be released into the mangroves and bay.

Calibre Consulting data discloses in Figure 7-2 and Table 7-2 the following:

Total Phosphorus to be reduced by 74.8% - leaving 25.2% to be discharged into
waterway.

Total Nitrogen to be reduced to 66.4% - leaving 33.6% to be discharged into waterway.

This level of Nitrogen and Phosphorous to be discharged is not beneficial to the local
environment but deleterious to a finely tuned ecosystem.

Maintenance of Stormwater Pollution Reduction system not specified at this time,
which is all important to effective operation of said system.

- Will testing of storm water to be discharged to confirm pollutant levels be
carried out? Who will be responsible for the testing?
- Without testing no one will know what is being released.
- Who will be responsible to ensure that the maintenance schedule, which is an
unknown at this point, is carried out as specified?

- What is the stormwater situation for already completed stages?

Carwash Bays.- McLaren Traffic Engineering states in 5.7 -

“Developments in excess of 30 dwellings require a rate of 1 per 20 dwellings.”

- This equates to approximately to 12 car wash bays.
- Are these car wash bays designated on the plan?
- Is this area catered for by the stormwater or waste water system?
- Cannot be allowed to be plumbed into the stormwater as this would totally negate said targets regarding Nitrogen and Phosphorous.
- What is the situation regarding wash bays in completed stages?
Re – number and where run off is catered for?

Wastewater treatment facility capacity to handle numerous extensive large scale developments within the Shire. What is the projected wastewater volume for this development in it's entirety – being existing and all proposed development?

Wet weather overflows from wastewater system is already a huge health issue to our waterways, beaches and recreational users of these areas.

2. TRAFFIC GENERATED AND MANGEMENT

7. Conclusions Page 30

“Traffic Generation has been added to the existing traffic volumes, based on Surveys conducted November 2016”

This modeling on data which is over 2 years old is ludicrous and cannot be taken seriously. Traffic is compounding constantly with various developments in all areas of the Shire. Since November 2016 there is considerably more traffic on Captain Cook Drive.

- The completed apartments and apartments being constructed now are not part of the traffic volumes documented.
- Single dwellings are being developed to medium density throughout Woollooware and the Shire. All these increase traffic numbers.
- New housing developments such as Greenhills and Wanda all have increased traffic.
- When was the last traffic volume surveyed on Captain Cook Drive, west of North Woollooware Road?

Any traffic management plan based on data which is over 2 years old will only

result in inadequate planning and management. Residents of Woollooware will be in a queue even to access Captain Cook Road, which is already the case.

Taren Point Road is frequently at a stand still due to congested traffic feeding in from the Shire in all directions to Captain Cook Bridge,. We have large scale developments in Caringbah and Kirrawee all will compound the traffic situation.

Parking is already an issue, with only one car space for each dwelling provided. Presently parking across the road from the development which was provided for the sporting fields, is frequently full, when there are no sporting activities. Compounding with sports days – results in parking wherever they can find in the surrounding area.

Let's not develop our beautiful area to the point of destruction and pollution of our natural environment. It is too late then. As evidenced by mass fish kills in our western rivers, which is the result of lack of water and also pollutants entering the system unchecked from numerous sources.

Marie Noble

33 Wills Road

Woollooware 2230

mcnoble8588@gmail.com

Fri 1/03/2019 8:54 AM

Marie Noble mcnoble8588@gmail.com

Fwd: DA 18/1448 Captain Cook Drive Woollooware

To: SSC ssc@ssc.nsw.gov.au

Good morning

Could you please not disclose for public access my personal contact details. Re residential address as on my submission.

Thanking you

Marie Noble

Sent from my iPhone

Begin forwarded message:

From: SSC <ssc@ssc.nsw.gov.au>

Date: 28 February 2019 at 2:17:17 pm AEDT

To: 'Marie Noble' <mcnoble8588@gmail.com>

Subject: RE: DA 18/1448 Captain Cook Drive Woollooware

Thu 28/02/2019 9:33 PM

Kerry & Syd Coomes scoomes@bigpond.net.au

FW: DA18/1448

To: Amanda Treharne <ATreharne@ssc.nsw.gov.au>; SSC ssc@ssc.nsw.gov.au

Email 2

Please forward this objection for DA18/1448 for 455 and 461 Captain Cook Drive Woollooware to the appropriate person. Closing date 1st March 2019. We were not sure if it was Amanda Treharne. Objection attached.

Regards

Kerry and Syd Coomes

From: Kerry & Syd Coomes [<mailto:scoomes@bigpond.net.au>]

Sent: Thursday, 28 February 2019 9:31 PM

To: ssc@ssc.nsw.gov.au; Amanda Treharne (ATreharne@ssc.nsw.gov.au)

Subject: DA18/1448

Please forward this objection for DA18/1448 for 455 and 461 Captain Cook Drive Woollooware to the appropriate person. Closing date 1st March 2019. We were not sure if it was Amanda Treharne.

Regards

Kerry and Syd Coomes

Kerry and Syd Coomes

30 Castlewood Ave

Woollooware 2230

0409523329

28/2/19

File Ref -DA18/1448

Property - 455 Captain Cook Drive, Woollooware, 461 Captain Cook Drive Woollooware

Applicant - BCV Sharks Retail Unit Trust

We object to the above process for the following reasons and concerns-

1. **We feel the IPC process was flawed.** Not enough residents impacted by the project were notified about the Modification or this DA. This project due to its size and density impacts on residents in Castlewood Ave, Fairs Ave, Church St, parts of The Kingsway in Woollooware; and Wanda and North Cronulla residents about the modification from Dept. of Planning or Council. The area used for notification was that of a moderate development so many people did not get a chance to comment. The head of the IPC insisted he was there to assess 22 units and it was only when the developer told him it was 244 units did he listen to residents attending. Did the panel actually take the time to read resident submissions about the negative impacts on the local community and concerns about traffic, parking and the environment before they made their decision? We also pointed out inconsistencies with distances from the Sydney CBD being 20km not 28km and Caringbah and Woollooware Stations but the report stated it is measured in a straight line. We question this and the bus times quoted.
2. **Increased unit numbers incorrect.** The modification approved was for **244 units** not 255 units as stated on the DA. When did the extra units get approved as residents were not notified by Dept. of Planning about a further modification. We made enquiries with the Dept of Planning and to date no one has returned our calls.
3. **Out of date traffic studies.** The last traffic study was done in 2016 before the completed units were occupied and before the impacts of the 2015 LEP increased developments were being felt. As Council would be aware many dual occupancies, town houses, units, homes (Greenhills, Shearwater Estate) have been built and occupied in the area bringing many, many more cars to the area. A new traffic study should be done.
4. **Parking.** There are problems already with parking in the nearby streets and at playing fields since the first lot of units has been occupied and also Woollooware Station. A submission was put in from the body corporate of Woollooware Bay re not enough parking.

Has a parking study been done? Maybe a shuttle bus should be provided to Woollooware Station.

5. **Buses.** On the original concept plan approval the developer was supposed to supply shuttle buses from other areas on game day/nights to reduce parking levels and traffic in local streets. Is this still required? If so is it being done? Is Council following this up?
6. **RAMSAR.** Were the current Ramsar boundaries (gazetted in August 2011) used boundaries used for the latest modification? Is this new development meeting guidelines for those? The extra units will have even more negative impacts on the local environment and mangroves.
7. **Contamination.** As the site is built on an old unregulated tip the increased building weight and foundation size is a concern for further contamination of the bay and mangroves.
8. **Lack of Notification.** The residents of Castlewood Ave, Fairs Ave, Church St, did not receive this DA nor did residents of Wanda Beach and areas of North Cronulla. All of these residents are impacted by this development and many have done previous submissions.

Regards

Kerry and Syd Coomes

We declare we have made no donations or gifts to any political party or councillor in the last 2 years.

Thu 28/02/2019 10:48 AM

Bernadette Abbott b.abbott2@optusnet.com.au

Re new development application No DA18/1448 at 455 Captain Cook Drive, Woollooware

To: SSC ssc@ssc.nsw.gov.au

RE A BUS SERVICE

Could a bus service along Sturt Road, Woollooware be included to and for this new development?

Thank you Bernadette Abbott

Thu 28/02/2019 4:29 PM

cms@ssc.nsw.gov.au

Development Applications Requests for further Information, Comments Submitted

To: TeamLeaderEnvRecords <TeamLeaderEnvRecords@ssc.nsw.gov.au>; onlineforms
onlineforms@ssc.nsw.gov.au

First name Jane
Last name McBarron
Phone 0412138856
Email janemcbarron@gmail.com
Confirm email janemcbarron@gmail.com

DA number (Don't know
the DA number? Search DA18/1448
in [Track It](#))

Address of development 461 Captain Cook Dr, Woollooware, and 455 Captain Cook Dr,
Woollooware

Details of submission Years before moving in to Woollooware Bay (475 Captain Cook Dr) , we were told that there would be a Retail Centre in this complex. I have been living here over two years now and we still have NO shops any where within close proximity. I recently moved here from the Gold Coast where there are shopping centres on every corner, within walking distance of your house and the population is a lot less there. The promise of a Retail centre was a major reason for many of us purchasing here. Already there is not enough allocated car parking spaces, because the theory is you don't need a car because we have everything here, however that is not the case, we have nothing here. You need a car to drive to a Supermarket, the doctor, the dentist, the coffee shop. We do not need another 4 Residential buildings with 255 units without the infrastructure to support the population who are already living here. We have a Facebook community page here with 560 plus residents who are members of the group and many of the posts are people complaining about the absence of facilities that we were promised like the Retail Centre. I am more than happy for the Leagues Club to be upgraded as that benefits the whole community as well as the inclusion of Hotel accomodation and Child Care Centre. With regard to the Above Ground Carpark, why does it have to be above ground? An underground car park would be far more suitable considering our weather conditions. As well

as a Retail centre, could we also have some community facilities incorporated into this plan? For example a Public Library and or a Community Hall to cater for the huge population and broad demographics of those who live here already and in the surrounding areas of Green hills, Woollooware and Kurnell and for the influx of residents when the next 2 stages are completed .

Have you made a gift or political donation to a councillor or political party in the last 2 years?

No

Donation or Gift - 1 N/A

Name of Party or Person for whose benefit the Donation / Gift was made - 1 N/A

Date of Donation / Gift and Value of Donation / Gift / Benefit / Hospitality - 1 N/A

Donation or Gift - 2 (If Applicable) N/A

Name of Party or Person for whose benefit the Donation / Gift was made - 2 (If Applicable) N/A

Date of Donation / Gift and Value of Donation / Gift / Benefit / Hospitality - 2 (If Applicable) N/A

Your Address 504/475 Captain Cook Dr, Woollooware. NSW 2230

I understand that contents of my submission will be available and published I Agree

on DA Track

Thu 28/02/2019 6:01 PM

cms@ssc.nsw.gov.au

Development Applications Requests for further Information, Comments Submitted

To: TeamLeaderEnvRecords <TeamLeaderEnvRecords@ssc.nsw.gov.au>; onlineforms
onlineforms@ssc.nsw.gov.au

First name	Kathryn
Last name	Robinson
Phone	0422373512
Email	Kathryn.robinson17@gmail.com
Confirm email	Kathryn.robinson17@gmail.com
DA number (Don't know the DA number? Search in Track It)	DA18/1448
Address of development	461 Captain Cook Drive Woollooware 2230
Details of submission	Agree with the redevelopment of leagues club and retail center. Not the units or hotel
Have you made a gift or political donation to a councillor or political party in the last 2 years?	No
Donation or Gift - 1	N/A
Name of Party or Person for whose benefit the Donation / Gift was made - 1	N/A
Date of Donation / Gift and Value of Donation / Gift / Benefit / Hospitality - 1	N/A
Donation or Gift - 2 (If Applicable)	N/A
Name of Party or Person for whose benefit the Donation / Gift was made - 2 (If Applicable)	N/A
Date of Donation / Gift and Value of Donation / Gift / Benefit / Hospitality - 2 (If	N/A

Applicable)

Your Address

1004/3 Foreshore Blvd Woollooware 2230

I understand that contents of my
submission will be available and published I Agree
on DA Track

Thu 28/02/2019 10:32 AM

cms@ssc.nsw.gov.au

Development Applications Requests for further Information, Comments Submitted

To: TeamLeaderEnvRecords <TeamLeaderEnvRecords@ssc.nsw.gov.au>; onlineforms
onlineforms@ssc.nsw.gov.au

First name Alexander

Last name Szentes

Phone 046342837

Email zeppie27@gmail.com

Confirm email zeppie27@gmail.com

DA number (Don't know
the DA number? Search DA18/1448
in [Track It](#))

Address of development 445 Captain Cook Drive, Woollooware - 461 Captain Cook Drive,
Woollooware

Details of submission I wish to submit that I am totally against the construction of the four
residential apartment buildings within Stage 1 of the Woollooware Bay
Town Centre project. When the Woollooware Bay Town Centre was first
planned, the inclusion of these four residential apartment buildings
were never part of the original development plan. The inclusion of
these residential apartment buildings has now totally destroyed the
whole concept of the original Woollooware Bay Town Centre.

Have you made a gift or
political donation to a
councillor or political
party in the last 2 years? No

Donation or Gift - 1 N/A

Name of Party or Person
for whose benefit the
Donation / Gift was
made - 1 N/A

Date of Donation / Gift
and Value of Donation /
Gift / Benefit /
Hospitality - 1 N/A

Donation or Gift - 2 (If
Applicable) N/A

Name of Party or Person
for whose benefit the
Donation / Gift was
made - 2 (If Applicable) N/A

Date of Donation / Gift
and Value of Donation /
Gift / Benefit /
Hospitality - 2 (If
Applicable) N/A

Your Address 601/3 Dune Walk WOOLLOOWARE NSW 2230

I understand that
contents of my
submission will be I Agree
available and published
on DA Track

Thu 28/02/2019 12:30 PM

cms@ssc.nsw.gov.au

Development Applications Requests for further Information, Comments Submitted

To: TeamLeaderEnvRecords <TeamLeaderEnvRecords@ssc.nsw.gov.au>; onlineforms
onlineforms@ssc.nsw.gov.au

First name	Peter
Last name	Wyllie
Phone	0413269943
Email	meganpeterw@optusnet.com.au
Confirm email	meganpeterw@optusnet.com.au
DA number (Don't know the DA number? Search in Track It)	DA18/1448
Address of development	Captain Cook Dr, Woollooware

Details of submission

The development is fait accompli. However as local residents we are concerned with the impact of the development on parking and local traffic flows and request exploration of issues which minimise the impact and optimise safety. One major concern is that there is no consideration in the Traffic and Parking Assessment dated December 2018 regarding pedestrian flows to and from the development including the retail, residential and sporting areas. This is particularly valid recognising that: - there is no consideration of the vehicle type in the Traffic and Parking Assessment. Raw number are presented yet there is no consideration of the significant volume of heavy vehicles conveying loads to and from sites in Kurnell and Green Hills. At 70km/hr, to avoid braking, many pass through the roundabouts expecting car drivers to stop and allow them to pass. Similar "running of the lights" has been seen at the lights on the western side of the football stadium. -the location of the high school across the road- associated with an increase in pedestrian numbers and anticipated risk taking behaviour. To manage vehicle and pedestrian traffic it has apparently been proposed that there be 3 sets (2 additional ones) of traffic lights along this short stretch of road (? 150m) with potential noise and safety impacts. Prior to the first phase of the development it was questioned why there was no pedestrian footbridge -

yet it was "beyond the scope of the project". However as the scale of the whole development expands, it is a appropriate time to require the simultaneous construction of a pedestrian footbridge across Captain Cook Dr. Considering the "modifications" already passed , this a infrastructure project that will lessen traffic disruption, encourage foot traffic to the train station / improve parking issues, reduce noise pollution and most importantly, improve safety. Peter + Megan Wyllie

Have you made a gift
or political donation to
a councillor or political
party in the last 2
years?

Donation or Gift - 1 N/A

Name of Party or
Person for whose
benefit the Donation / N/A
Gift was made - 1

Date of Donation / Gift
and Value of Donation N/A
/ Gift / Benefit /
Hospitality - 1

Donation or Gift - 2 (If N/A
Applicable)

Name of Party or
Person for whose
benefit the Donation / N/A
Gift was made - 2 (If
Applicable)

Date of Donation / Gift
and Value of Donation N/A
/ Gift / Benefit /
Hospitality - 2 (If
Applicable)

Your Address 60 Sturt Rd, Woollooware

I understand that I Agree
contents of my

submission will be
available and
published on DA Track

Fri 1/03/2019 10:56 AM

Deborah and Tony Lindsell dtlindsell@hotmail.com

RE: Application DA18/1448

To: SSC ssc@ssc.nsw.gov.au

Please review our attached document with comments on **DA18/1448 Stage 1 Woollooware Bay Town Centre**

Regards

Tony and Deborah Lindsell

Tony and Deborah Lindsell

34 Elouera Rd

Cronulla 2230

1st March 2019

SYDNEY SOUTH PLANNING PANEL

4-20 Eton St

Sutherland NSW 2232

By email ssc@ssc.nsw.gov.au

Att: SYDNEY SOUTH PLANNING PANEL

RE: Application DA18/1448 Stage 1 Woollooware Bay Town Centre

We are very concerned about this DA and wish to make comments on it (**DA18/1448 Stage 1 Woollooware Bay Town Centre**) Why are you allowing the increase in Units and Hotel rooms from the original DA lodgement. The State Government put forward guidelines for local Council's to increase the population density (in the Shire) after the last LEP was approved. The Development that has taken place since this announcement is massive with Unit development in Sutherland, Miranda and Woollooware Bay along with the expansion of Dual Occupancy around Caringbah and Cronulla.

1 Congestion around Caringbah, Sutherland, Miranda and Cronulla

The local area appears to be coming clogged with Traffic in morning and afternoon Peaks.

It is impossible to get a parking spot within reasonable walking distance to Woollooware Miranda and Cronulla Railway Stations. Captain Cook Drive is congested with Heavy and light traffic and is very dangerous with heavy Trucks traveling at more than 70km per hour without adequate room to stop for the car in front. This is of particular concern at the roundabout's Captain Cook Drive / Woollooware Road and Captain Cook Drive and Elouera Road, both have 40km School zones which are frequently ignored. Street parking

for existing residents is becoming a rarity.

2 Overhead Pedestrian Bridges

It is essential that there should be Overhead Pedestrian bridges built for the Sharks development to cross Captain Cook Drive to allow better traffic flow and from the Kingsway across Gerrale Street (from Rydges to Opar) there is Lifts and ramps available and the structures were designed for a bridge.

Extra Traffic lights will be counter productive to Traffic congestion

3 More home units than when up for approval by IPCP

We note that the IPCP approved 244 home units, but this has now been changed to 255 home units.

4 NO DISABLED PARKING ON THE OUTSIDE OF THE BUILDINGS TO DATE.

We ask Council to review the lack of Disabled parking on the outside of the buildings and in Public parking areas.

We hope SSPP will hear and act on our concerns.

We declare we have made no donations or gifts to any political party or councillor in the last 2 years.

Fri 1/03/2019 11:17 AM

North Cronulla Precinct Committee northcronullaprecinctcommittee@bigpond.com

DA 18 1448 SUBMISSION SSC AND SYD STH PLANNING PANEL.docx

To: SSC <ssc@ssc.nsw.gov.au>

Cc: 'Syd and Kerry Coomes' scoomes@bigpond.net.au

FOR SYDNEY SOUTH PLANNING PANEL due today, DA18 1448, Woollooware Bay Town Centre

Attached is the submission from the North Cronulla Precinct Committee. For reasons as discussed in the submission, in case our previous submission of 9th April 2018 was not fully addressed by the Panel, we have included it with attachment files as part of this submission to the Sydney South Planning Panel. It provides some background information to our new submission, which is covering new issues only.

Kind regards

Marilyn Urch

Secretary, North Cronulla & Woollooware Precinct Committee

9527 6024 or 0438 373620

NORTH CRONULLA & WOOLLOOWARE PRECINCT COMMITTEE INC CRONULLA RESIDENTS

28th February 2019

SYDNEY SOUTH PLANNING PANEL

4-20 Eton St

Sutherland NSW 2232

By email ssc@ssc.nsw.gov.au

Att: SYDNEY SOUTH PLANNING PANEL

RE: Application DA18/1448 Stage 1 Woollooware Bay Town Centre

The North Cronulla and Woollooware Precinct Committee wishes to make comments on the **DA18/1448 Stage 1 Woollooware Bay Town Centre** where the Independent Planning Commission Panel has approved the building of another 244 home units and a 75 room hotel, plus other buildings, to be constructed on the top of the Retail Club development on the Eastern side in April 2018.

Note that I asked the Chairman on that day for clarification as to what was being

discussed. He left out the 244 home units and hotel from his brief and was talking of some affordable housing and other minor aspects – he was ill informed on the brief he read out, and insisted to the audience (and read out the brief again) that what was to be discussed did not include the home units and hotel. At the end the developer had to stand up and say the 245 units and hotel was part of the development to be addressed that day.

As we are uncertain that the Panel discussed all our points, I am sending our original submission for the IPCP with this submission so we can be certain all our points were addressed fully by the Panel.

1 Lack of notification of DA

The local area appears to be unaware of the excellent council's Information Session, as attendees had not seen anything in the Leader and most do not get Planning Alerts. Even those presenting at the IPCP did not receive direct information. The development has a large effect on the total area from Cronulla to Caringbah but only the local residents were informed just immediately around the site. The session was well conducted and we appreciate the efforts made by council to inform the community people and Committee attendees.

2 Traffic and parking remains a major issue

As the site is 1.4ks walking distance from the nearest station, and 28.2 kilometres from Sydney CBD, on the fringes of southern Sydney region, car dependency is high.

State Govt has insisted on 1 car space for 1 and 2 bedroom units, so with two workers living in these units to pay off a high mortgage, and no street parking, one workers car is out on the streets surrounding or in the recreational playing field parking areas.

We would call for an **updated parking report** due to the following:

- The development is an increase over the PAC Concept Approval in 2012 of around 168% Max Bldg area, 146% Gross Floor area, but only 12% increase in parking. See table A.
- The ability of local parents and children to attend sporting activities at the fields adjoining and across the road from the development, is already significantly affected. When all the blocks on the west side are completed, and with a further 4 blocks of units and a hotel and other buildings, this will become progressively worse.
- There is no bus service to the nearest station at Woollooware, and car drivers are progressively parking out the streets around Woollooware station. There is minimal opportunity to increase parking with narrow streets unless a parking station is created on the park next to the station!
- Local streets in Woollooware therefore around the units and the station will be parked out creating a poor local amenity.

We believe new information has come to light, as the parking shortages can already be proven, with only a portion of the total units under construction and in this modification.

A new parking study should be carried out urgently and the future position

estimated based on what is current occurring with the occupied portion.

3 Overhead for pedestrians to reduce traffic chaos with 3 sets of lights within around 400m

This would be an excellent outcome to get pedestrians, playing field users and bike riders over the road and take out one set of lights.

Traffic from Kurnell is increasing rapidly with new housing developments and potential Holt developments in the future. Further the number of trucks seems greatly increased, possibly with desalination plant commencing to operate and other operations at Kurnell.

3 sets of traffic lights will create traffic havoc in the site area.

4 Hotel rooms should not be allowed to continually reduce

The hotel rooms were originally 125, then down to 75 when approved by IPCM. Hotel rooms are now down to 71. The Committee agrees with Council that a hotel is needed in the area.

The number of hotel rooms should not be able to be continually reduced in subsequent modifications.

5 More home units than when up for approval by IPCP

We note that the IPCP approved 244 home units, but this has now been changed to 255 home units.

6 NO DISABLED PARKING ON THE OUTSIDE OF THE BUILDINGS TO DATE.

We ask Council to review the lack of Disabled parking on the outside of the buildings.

We hope SSPP will hear and act on our concerns for the local residents.

Kerry Coomes

Marilyn Urch

President

Secretary 0438373620

North Cronulla & Woolooware Precinct inc. Cronulla Residents (NCPC)

northcronullaprecinctcommittee@bigpond.com

We declare we have made no donations or gifts to any political party or councillor in the last 2 years.

TABLE A

CHANGES IN SIZE OF DEVELOPMENT	2012	Oct-17		

	PAC APPROVAL	MODIFICATION	INCREASE	INCREASE
	SM	TOTAL SM	SM	%
MAX BLDG AREA				
WESTERN (RESIDENTIAL)	104,419	115,402	10,983	11%
EASTERN (RETAIL/CLUB/UNITS/HOTEL)	50,991	136,857	85,866	168%
	155,410	252,259	96,849	62%
GROSS FLOOR AREA				
WESTERN (RESIDENTIAL)	58,420	61,370	2,950	5%
EASTERN (RETAIL/CLUB/UNITS/HOTEL)	26,495	65,307	38,812	146%
	84,915	126,677	41,762	49%
	SPACES	SPACES	SPACES	
CAR SPACES	883	1,080	197	22%
WESTERN (RESIDENTIAL)	770	770		0%
EASTERN (RETAIL/CLUB/UNITS/HOTEL)	1,653	1,850	197	12%

NORTH CRONULLA & WOOLLOOWARE PRECINCT COMMITTEE INC CRONULLA RESIDENTS

9th April 2018

Mr Peter Duncan AM (chair), Dr Maurice Evans and Mr Paul Forward.

Independent Planning Commission Meeting

RE: Woollooware Bay Town Centre

Concept Plan Modification Request (MP 10_0229 MOD 2) and Project Approval Modification Request (MP 10_0230 MOD 6)

The North Cronulla and Woollooware Precinct Committee wishes to make comments on the **Environmental Assessment Report of March 2018** where the State Government has approved, subject to this public meeting and the Panels final report, the building of another 244 home units and a 75 room hotel, plus other buildings, to be constructed on the top of the Retail Club development on the Eastern side.

We speak for the local residents who are already detrimentally affected by this so called “Town Centre” which we consider is incorrectly located in an area set aside for green space, sporting and recreation, in a flood plain area adjoining a Ramsar protected wetland.

1 Town Centre definition. The site of the Sharks football club grounds, surrounded by sporting, educational and industrial uses, has no capacity for it to expand into a “town centre” and should be considered as a “village”.

Nearby **Caringbah, a central business district** with a **rail and bus network** to surrounding suburbs, including Woollooware, with two shopping centres, strip shopping and other sites suitable for retail and services expansion, would be a far better “town centre” location. Caringbah badly needs rejuvenation.

2 “Town Centre”located in a Flooding area



A sign outside the Sharks development says ‘*FLOOD WARNING, Captain Cook Drive can be subject to flash flooding which is highly hazardous. Do not drive or wade through floodwater if they have reached the front of this property*’.

Attachment 1 - The 2014 report by Sutherland Shire Council, the “Woollooware Bay Catchment Flood Study” clearly indicates the area is a

flood zone. Map from this report, (figure 29) shows the red area of a floodway through and around the site.

3 Inaccuracies in the report regarding distance from stations.

The Environmental Assessment Report has some disturbing inaccuracies in distances from transport and the Sydney CBD. The Dept has been dealing with this development for over 6 years from the 2012 original concept approval. To have these highly misleading errors in the Report is astounding as decisions are made on the information in these reports.

3a In 1.2 the Site is described as ***“located approximately 20 kilometres from the Sydney CBD”***. **Attachment 2** map shows it is **28.2 kilometres** by the shortest route and takes **35 minutes to 1 hour 15 minutes** to reach the city. **This is a 41% error in the distance by road.**

3b In 1.2 the report states that the site is located **900 metres from Woollooware Train Station**. **Attachment 3** shows Woollooware station is **1.4ks** by shortest route taking **19 minutes**. **This is a 56% error in the distance to walk.**

3c In 1.2 the report states that the site is located **1.5 ks from Caringbah Train Station**.

Attachment 4 shows Woollooware station is **2.6 ks** by shortest route taking **33 minutes**. **This is a 73% error in the distance to walk or drive.**

Note: The PAC report of 2012 describes more correctly the distance from Woollooware residential west side as 1.5 ks. Is the Government trying to hide that the area is **28 kilometres** from the CBD, not **“approximately 20 ks”**, and that walking distances to the nearest station is **1.5ks**, not **“900 metres”**. This misleading information is the basis of many decisions, including whether it is a **Town Centre or not**, **car spaces** and **parking** availability, whether to allow for **higher levels car ownership** in **outlying** areas, and **walking distances to transport**.

4 PARKING

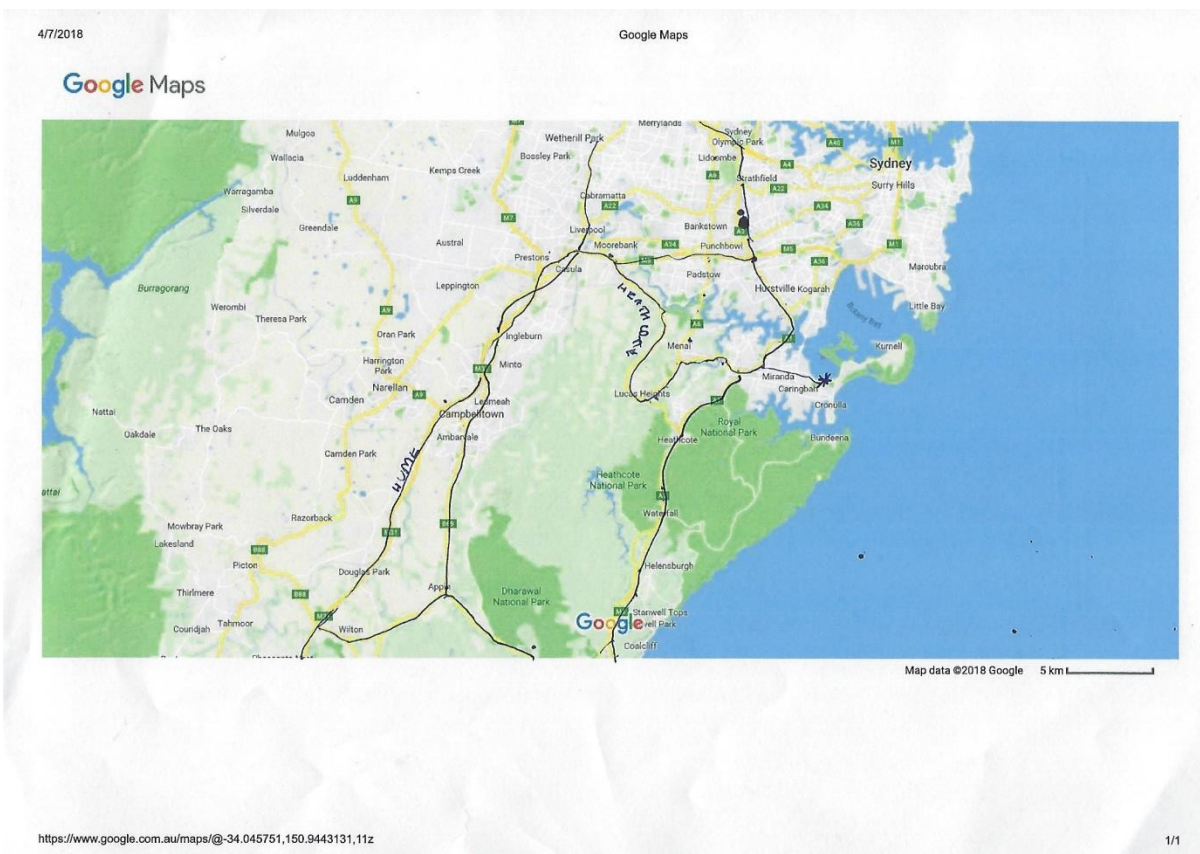
The Eastern development has increased in Gross Building Area (GBA) by 168% and Gross Floor Area (GFA) by **146%** from the PAC Concept Approval in 2012. Car parking has increased **by 12%**.

CHANGES IN SIZE OF DEVELOPMENT	2012	Oct-17		
	PAC APPROVAL	MODIFICATION	INCREASE	INCREASE
	SM	TOTAL SM	SM	%
MAX BLDG AREA				

WESTERN (RESIDENTIAL)	104,419	115,402	10,983	11%
EASTERN (RETAIL/CLUB/UNITS/HOTEL)	50,991	136,857	85,866	168%
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4a Inadequate parking rate allowed by the Dept

The report shows the NSW Planning Dept will not budge from its **1 car space per 2 bedroom unit position**.



We have prepared a detailed spreadsheet for the Panel on distances by road, by public transport and by bicycle to selected business and industrial centres in Sydney where people travel to work. They range from areas in the Shire to areas in the Southwest, northwest, west, east south and to universities and a hospital.

ON A MONDAY MORNING LEAVING SHARKS AT 7.30AM

Some examples within the Shire, **Illawong shopping centre** takes an average of **34** minutes to drive, but **74** minutes by public transport of bus and bus. Cycling time is **75** minutes.

Menai Industrial area in Old Illawarra Rd is average **27** minutes to drive from Sharks development, **54** minutes by public transport and **59** minutes to cycle.

Further afield to **Moorebank** industrial area, it takes an average of **47.5** minutes by car. Public transport requiring a Bus, Train 1, train 2, bus and walk takes **115** minutes with cycling **106** minutes.

Wetherill Park takes **75** minutes by car average, **137** minutes (2 hours 17 minutes one way) by public transport, where you take a bus, train, train, bus and walk. Cycling was **162** minutes or 2 hours 42 minutes.

Albion Park industrial area in the south has **78** minutes driving, but **220** minutes (3 hours 40 minutes one way) by public transport with a Bus, Train, Train, Bus and walk. Cycling

was **307** minutes (5 hours 7 minutes). Heaven forbid if you miss one of these connections!

Finally to **Prince of Wales hospital** we have **55** minutes drive time, **101** public transport with a bus train bus and **96** minutes cycle time.

If you work shift work, you must have a car. If you are a shift worker at Kurnell refinery, there are no buses to Kurnell after 6.20pm and they don't start running until after 6am next day. If you worked at Prince of Wales hospital night shift, you wouldn't fancy **106** minutes in **public transport late at night** and back again early morning. Riding a bike at night would not be an attractive or safe option over distances.

Unlike mentioned in the Report, this is an area that is not served by public transport unless you are travelling to the CBD. **This spread sheet proves it is one of the worst areas in Sydney for a public transport network.**

4b Unit prices require two salaries to pay off for younger purchasers.

The prices of a 2 bedroom unit at the Sharks development is around \$800,000. If the home owner/s put in 200,000 deposit, the mortgage would be around \$800 per week, needing two incomes to pay it off.

2 working people at this site need two cars as we have proven with the previous point with the distances to travel.

4c Car ownership greater in outlying areas

Attachment 5 shows the a map of Sydney, with car ownership rates increasing the further you are away from Sydney. The survey measured "**motor vehicle ownership as motor vehicles per 100 persons in private occupied dwellings**". The graph indicates a high ratio close to **1 car to 1 person** in a private dwelling in outer areas of 'Sydney.

We contend NSW Govt should lift the parking rate for outlying areas when there is no transport interconnection directly to work areas surrounding the location say within 30ks radiating around the proposed site.

This is an outlying development at the b at the end of a train line going to Sydney with no significant direct **public transport in any other direction.**

4d Impact of parking shortages on playing fields and local residents

The site is on Captain Cook Drive with no parking permitted. With **only 2 blocks of units** inhabited, the body corporate of the occupied units submitted recently against more units being constructed on the Eastern side because the current parking situation was already very difficult.

The ability of local parents and children to attend sporting activities at the fields adjoining and across the road from the development, is already significantly affected. When all the

blocks on the west side are completed, and if a further three apartment blocks on the east, plus hotel and other buildings are constructed, this will become seriously worse.

SUMMARY

With all these factors, car parking should be 2 spaces for a 2 bedroom unit for an outlying site 28ks from the CBD. This would help exacerbate serious stress for home owners in the development and their neighbours in the Woollooware area.

5 NO DISABLED PARKING ON THE OUTSIDE OF THE BUILDINGS TO DATE.

This has been ignored in the report.

A driver picking up a disabled resident from the Western Precinct complained to a precinct member that they had to park illegally to pick up the resident as there was no disabled parking outside the building.

Disabled pick up/parking spaces would need to be provided at each building in the new Eastern development (and of course provided for the existing Western blocks).

6 BICYCLE OPTION

Noted the developer is assisting in funding bicycle paths to the station. The last Census showed 81 per cent of the population rely on a private car for at least part of the journey to a workplace destination with the balance being train, tram, bus and ferry. **Riding a bike was 1.4%.**

Safety would improve when a special bike path is built sometime in the future but the low percentage of bike riders to a station would limit this as a volume transport solution to Woollooware station. To ride across Sydney to work by bicycle is hazardous and a lengthy journey as we have seen.

Even just riding to Woollooware Station is dangerous with many narrow streets heavily parked on both sides. The streets are too narrow for a bus service to Woollooware station on the northern side.

Attachment 6 Police report of bicyclists run down by car at crossing outside development

Already there has been an accident at the pedestrian crossing outside Sharks, seriously injuring a man and woman bike riders crossing the pedestrian crossing. They were run down, and have been in hospital for weeks with serious injuries. The man is a resident of Sharks development and the woman rode to Sharks where they had the intention of riding to Cronulla together. The accident happened on 28th February 2018 and have heard the woman is still in hospital.

7 DENSITY OF THE DEVELOPMENT HIGHER THAN WOLLI CREEK

The population of Wolli Creek is 6,843 (2016 ABS ERP) , the land area is 67 hectares, and population density is **102.76 persons per hectare**. https://profile.id.com.au/s_wolli-creek/population-density

Attachment 7 shows print out on estimated resident population at Wolli Creek 2016.

The estimated number of people per hectare at Woollooware Shores is **267 people per hectare**!! 262% higher than Wolli Creek. Wolli Creek has a train station right in the midst of the units.

The table below shows the calculation assumptions. This is an **overdeveloped site** with serious **shortages in parking for residents**, which could lead to **violence and poor behaviour** triggered by the density of people and the conflicts which will arise over parking shortages on site. We must remember unlike in other suburban areas there is no street parking on Captain Cook Drive.

WOOLLOOWARE SHORES EST PEOPLE PER HECTARE			
units/hotel rooms	Est occupation p/unit	Est people	Hectares
643	2	1286	3.3
244	1.5	366	3.3
75	1.5	112	
962		1764	6.6
people per ha	267		

8 POWER LINES

In any pictures of the development, the power lines across the front to the development are deleted.

Powerlines represent a risk to health and safety. We would like to see them moved to underground locations at the developers cost.



9 OBJECTION TO DEVELOPERS “REDUCTION” IN SIZE AND BULK

5.3.1 in the Report states they have reduced the height of building B by one storey to 15, and increased the height of Building C by one storey to 12 storeys. In building C and E the developer has increased the heights to allow for affordable housing and hotel parking.

These indiscernible changes do not reduce the effect of the huge size and bulk of the development to the community. The extra 244 units should not be approved, and this would somewhat bring down the size and bulk of the development to what PAC approved many years ago.

10 OBJECTION - NOT A MODIFICATION – A NEW DA REQUIRED

The Proposed changes are NOT A MODIFICATION but are so significant that they require a new DA.

The Department notes that there are new uses on the site, huge increases in size and density, but it is **still not considered a new DA is required**.

One wonders in what circumstances would the Dept require a new DA? Could they confirm that there will be no further attempts at changes under Part 3A by making the cut off date of 1 March 2018 absolutely firm.

11 OBJECTION - TRAFFIC

It is difficult to believe that the added units, hotel and other buildings on the club retail site wont add to traffic congestion’.

12 OBJECTION – MINIMAL AFFORDABLE HOUSING

Affordable rentals are appreciated but the small number of 12 units out of 887 units is only **1.4% of the total units on the west and east side**, and will only cost the developer 20% discount off the market rental for 10 years.

Also another 1.4% of units would be sold with a smaller deposit, ie 5%, but the first homeowner still has to borrow 95% and pay a larger amount repayments. **The overall price is not lowered.**

13 OBJECTION REDUCTION OF HOTEL ROOMS.

Precinct does not object to the construction of the hotel as it is needed infrastructure. However already the rooms have been reduced from 125 rooms to 75 rooms with the balance converted to residential units. **Hotel rooms are now only 60%** of what was planned a short time ago.

What is the requirement for hotel rooms in the area according to Council and the Dept of Planning?

Can Council and the Department determine the number required, and ensure the developer builds the required number of rooms. Further the developer cannot reduce the hotel rooms and convert the space to apartments/rooms to sell off.

SUMMARY

This community is against the increase in number of units, as it can see major problems in store for the area which are already apparent to those that live here.

We want to ensure from this submission that the Department rethinks the number of car spaces for residents, in particular 2 bedroom units to have 2 spaces, not 1.

Our Council has pointed many concerns to the Dept as has the many local objectors. We don't feel we are being listened to, and in effect the Report we are discussing is mainly an approval with some minor adjustments that don't affect the development's overdevelopment.

We would like PAC to stop the extra units going ahead and add Level/s of car parks to alleviate the shortage for the existing residents.

Also review the number of rooms for the Hotel to ensure it meets Council requirements for the local needs.

The development is hugely over what PAC approved as a maximum in 2012.

We hope PAC will hear and act on our concerns.

Kerry Coomes

Marilyn Urch

President

Secretary 0438373620

North Cronulla & Woollooware Precinct inc. Cronulla Residents (NCPC)

northcronullaprecinctcommittee@bigpond.com

FROM 461 captain cook drive woolloomare															
TO	ADDRESS	CAR R KS	CAR TIME	CAR TIME	CAR TIME	PUB TRANS	P/TR TIME	INCR TIME	BIKE TIME	INC TIME					
TIME 7.30AM MONDAY			LEAS T MIN	MOS T MIN	AVE R MIN	WALK/BUS /TRAIN	MIN	PUB T TO CAR	MIN	BIKE TO CAR					
TO SHIRE/LOCAL LOCATIONS															
MENAI	814 OLD ILLAWARRA RD	15 .2	18	35	26.5	W/T/B	54	204%	59	223%					
ILLAWONG	289 FOWLER RD	19 .7	24	45	34.5	W/B/B	74	214%	75	217%					
ENGADINE	5 PRESTON AVE	15 .3	18	30	24	W/B/T/T	54	225%	61	254%					
KIRRAWEE	444 THE BOULEVARDE	7. 5	12	20	16	W/B/T/W	47	294%	29	181%					
KURNELL	28 SIR JOSEPH BANKS DRIVE	7. 7	10	10	10	B/B/W	20	200%	24	240%	*to Kurnell first bus for day at 7.40am				
											following buses to Kurnell took 29 to 36 mins				

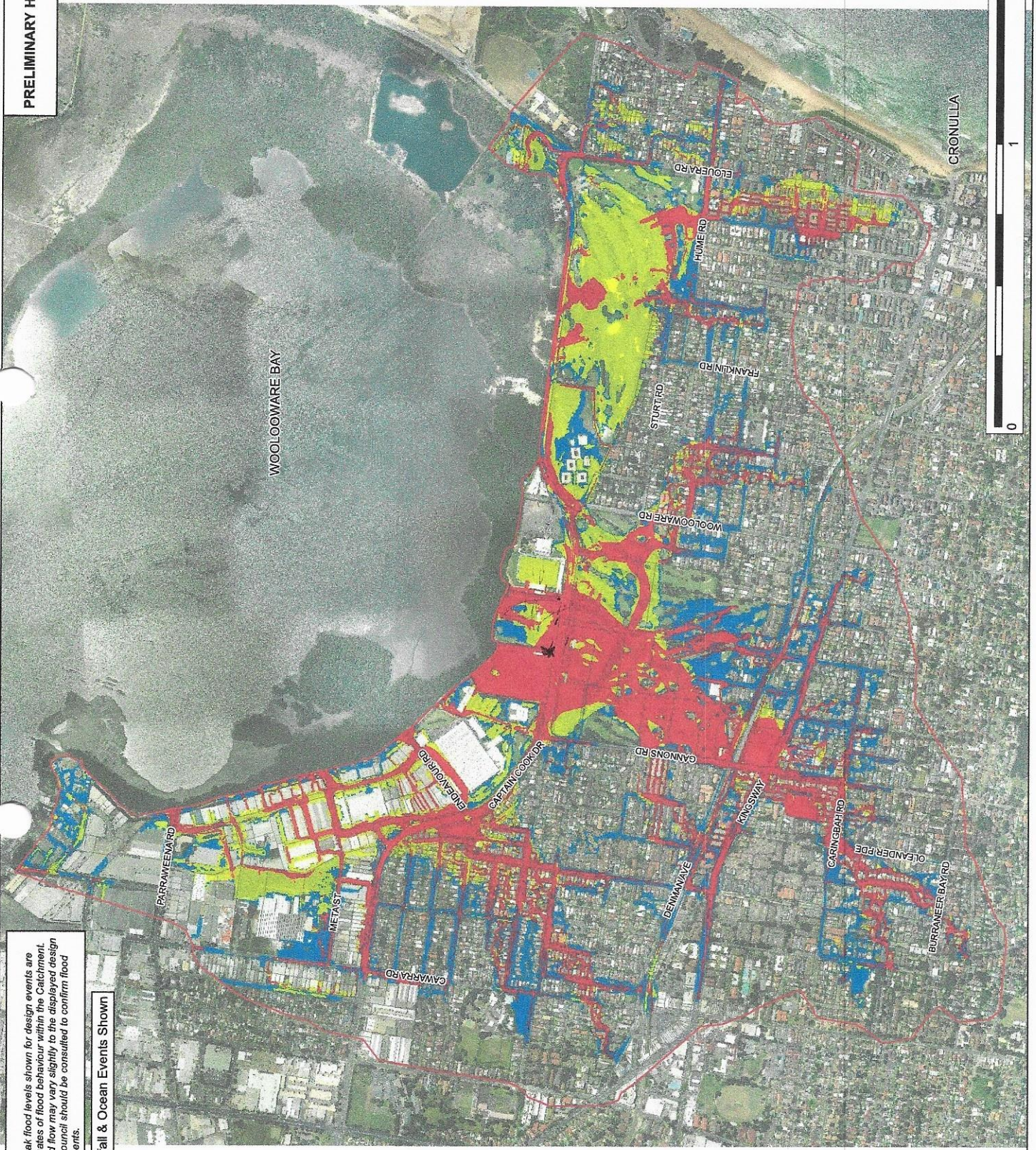
KINGSGROVE	26 COMMERCIAL RD	15 .3	22	40	31	B/T/T	79	255%	56	181%					
TO SOUTH WEST															
MOOREBANK	68 Stockton Ave	29 .8	30	65	47.5	B/T/T/B/W	115	242%	106	223%					
BANKSTOWN	233 MILPERRA RD	24 .3	30	65	47.5	B/T/B/B/W	104	219%	85	179%					
LIVERPOOL	12 HOMEPRIDE AVE	34 .6	35	75	55	B/T/T/T/W	122	222%	114	207%	*alternate 7.30am was 2h48m				
SMEATON GRANGE	43 DUNN RD	52 .3	50	90	70	B/T/T/T/B/ B	154	220%	179	256%					
PRESTON	1 KURRAJONG RD	32 .9	35	65	50	B/T/T/B	113	226%	115	230%					
GREENACRE	112 HUME HIGHWAY	22 .5	35	80	57.5	B/B/B	122	212%	88	153%					
TO NORTH WEST															
BAULKHAM HILLS	CENTURY CIRCUIT	73 .2	65	120	92.5	B/T/B/B/W	133	144%	188	203%					

TO WEST															
WETHERILL PARK	490 VICTORIA ST	45 .6	50	100	75	B/T/T/B/W	137	183%	162	216%					
BLACKTOWN	61 NEWTON RD	61 .3	60	110	85	B/T/T/W	115	135%	211	248%					
PARRAMATTA	39 SMITH ST	34 .5	50	110	80	B/T/T/W	101	126%	126	158%					
LEICHARDT	711 PARRAMATTA RD	23 .6	40	85	62.5	B/T/T/W	87	139%	88	141%					
TO EAST					0										
MASCOT	12 SARAH ST	18 .7	28	65	46.5	B/T/T/W	81	174%	69	148%					
BOTANY	1901 BOTANY RD	21 .4	28	60	44	B/T/B/W	112	255%	77	175%					
RANDWICK	POW HOSPITAL	24 .5	35	75	55	B/T/B	101	184%	96	175%					
TO SOUTH															

ALBION PARK	11 SHABAN ST	84 .5	65	90	77.5	B/T/T/B/W	220	284%	307	396%					
PORT KEMBLA	47 FIVE ISLANDS RD	71 .9	55	80	67.5	B/T/T/B/W	163	241%	269	399%					
HEATHCOTE	23 BURNS RD	18 .7	22	40	31	B/T/T/W	71	229%	74	239%					
UNANDERRA	INVESTIGATOR DRIVE	68 .5	55	80	67.5	B/T/T/W	156	231%	256	379%					
TO UNIVERSITIES															
SYDNEY UNIVERSITY		21 .3	35	85	60	B/T/W	75	125%	83	138%					
UNIVERSITY NSW		23	35	70	52.5	B/T/W	96	183%	91	173%					
					1366		2706	198%	3088	226%					
AVERAGE OF 26 SITES					53		104		119						
SHIFTWORKER S															

MON 9PM															
KURNELL	NO BUSES 6.20PM TO 6AM	8. 7	10	10	10	NONE	NON E								
RANDWICK	POW HOSPITAL	24 .5	30	45	37.5	T/B/W	106		96						
SHIFTWORKERS MUST HAVE CAR DUE TO LENGTHY NIGHT PUBLIC TRANSPORT JOURNEYS OR NIGHT BIKE RIDES															

FIGURE 29
PRELIMINARY HYDRAULIC CATEGORIES
PMF EVENT



Study Area

Hydraulic Categorisation

Floodway

Flood Storage

Flood Fringe

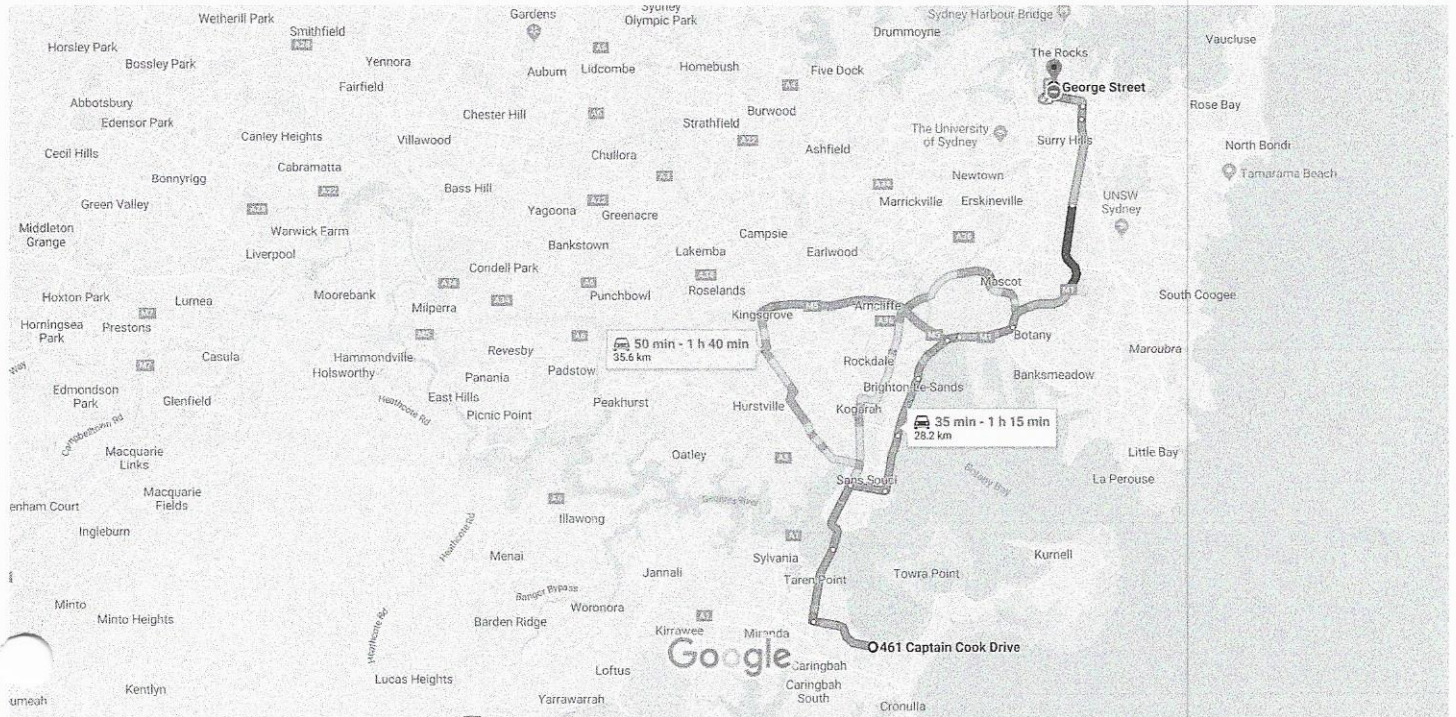
Disclaimer:
Inundation patterns and/or peak flood levels shown for design events are based on best available estimates of flood behaviour within the Catchment. Inundation from local overland flow may vary slightly to the displayed design rainfall inundation patterns. Council should be consulted to confirm flood affectation at individual allotments.

Note: Envelope of Rainfall & Ocean Events Shown

Google Maps

461 Captain Cook Dr, Woollooware
NSW 2230 to George St, New South Wales

Drive 28.2 km, 35 min - 1 h 15 min



Map data ©2018 Google 2 km



via M1

typically 35 min - 1 h 15 min

Arrive around 9:10 AM

28.2 km



via Rocky Point Rd and M1

typically 45 min - 1 h 40 min

Arrive around 9:35 AM

30.5 km



via M5 and M1

typically 50 min - 1 h 40 min

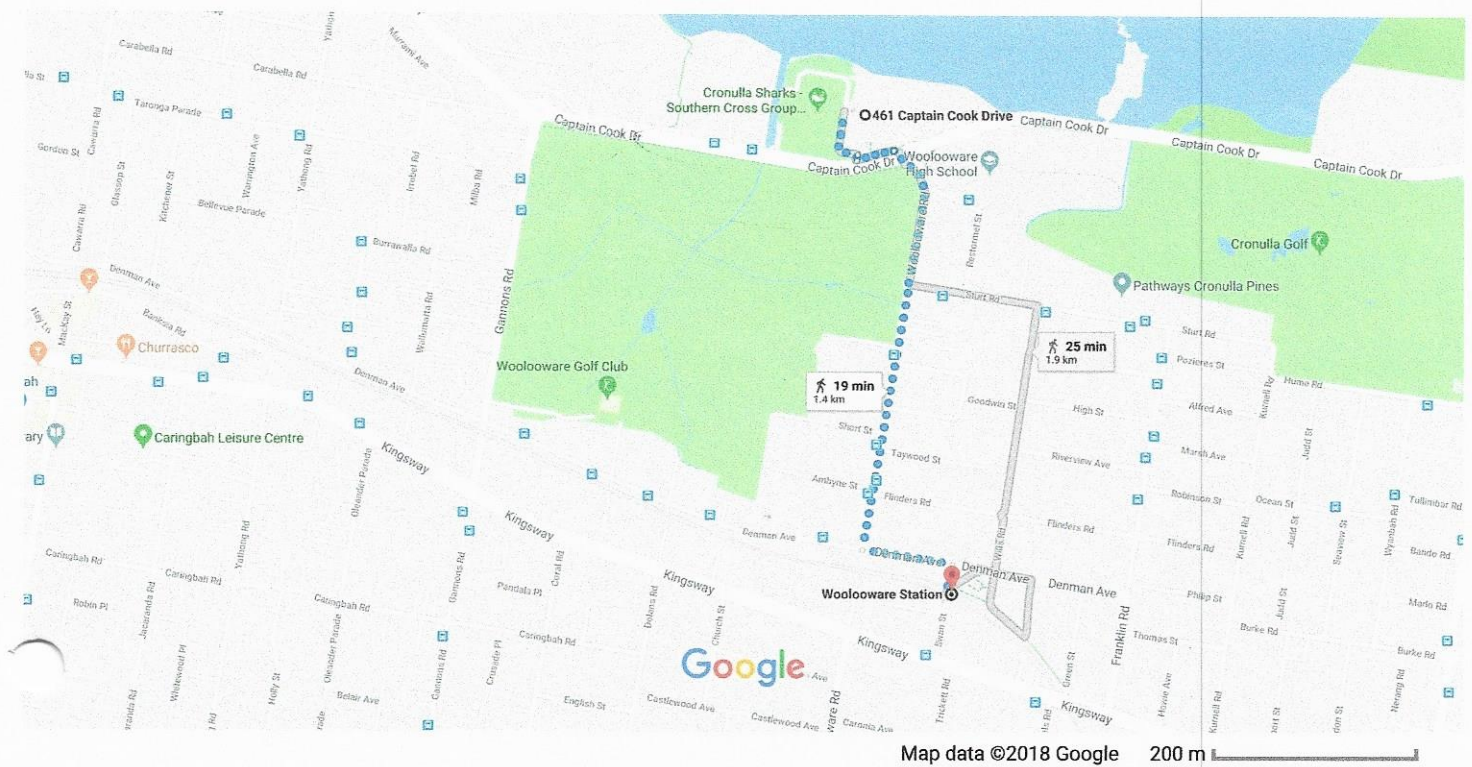
Arrive around 9:35 AM

35.6 km

Google Maps

461 Captain Cook Dr, Woollooware NSW 2230 to
Woollooware Station, Woollooware NSW 2230

Walk 1.4 km, 19 min



via Woollooware Rd

55%

19 min

1.4 km

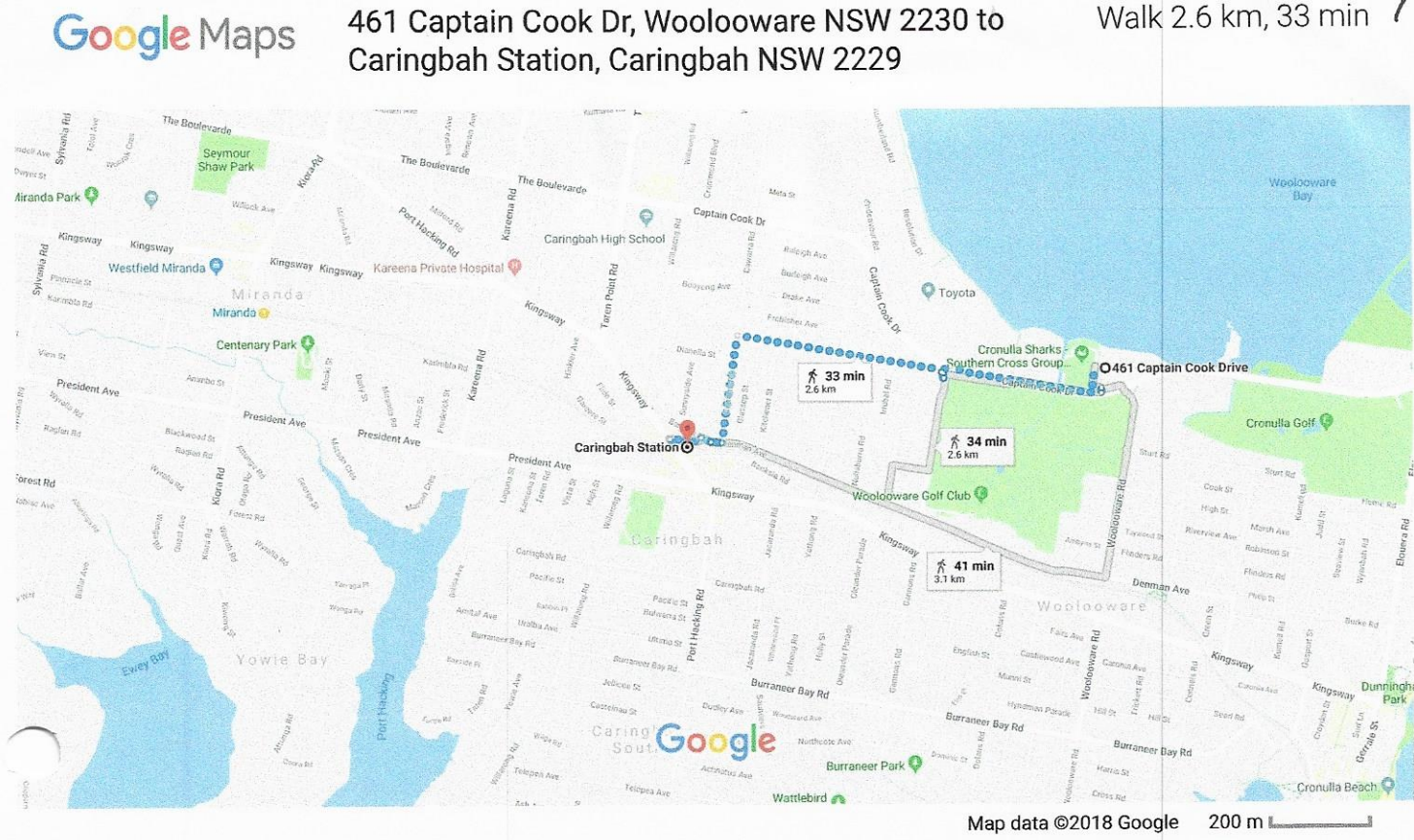


via Wills Rd

25 min

1.9 km

All routes are mostly flat

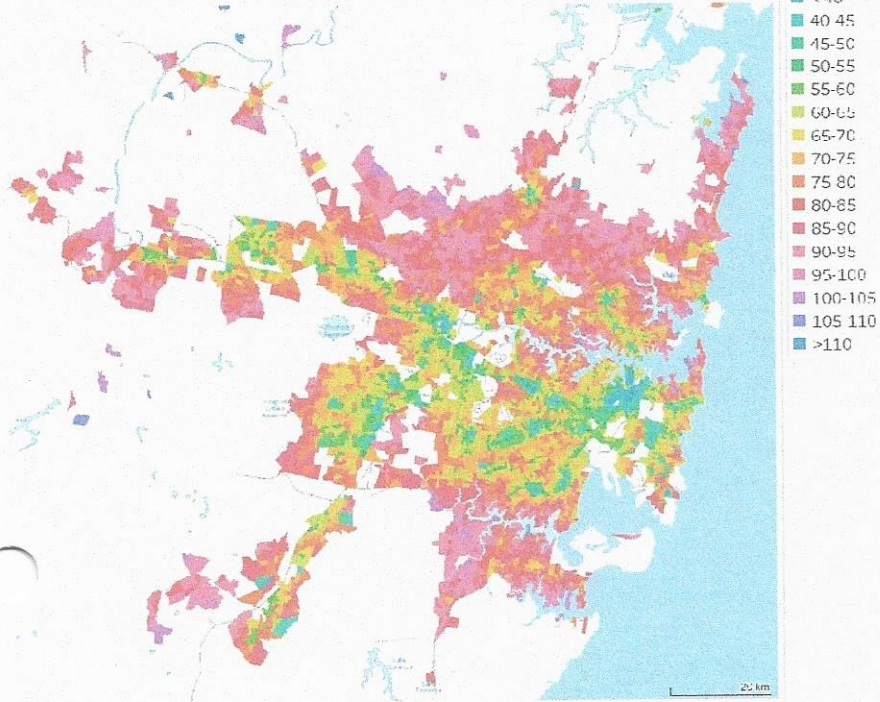


	via Captain Cook Dr and Carabella Rd	33 min 2.6 km
	via Denman Ave	34 min 2.6 km
	via Woollooware Rd and Denman Ave	41 min 3.1 km
All routes are mostly flat		

To help see the changes in motor vehicle ownership between censuses more easily, I've prepared the following detailed animations.

Sydney

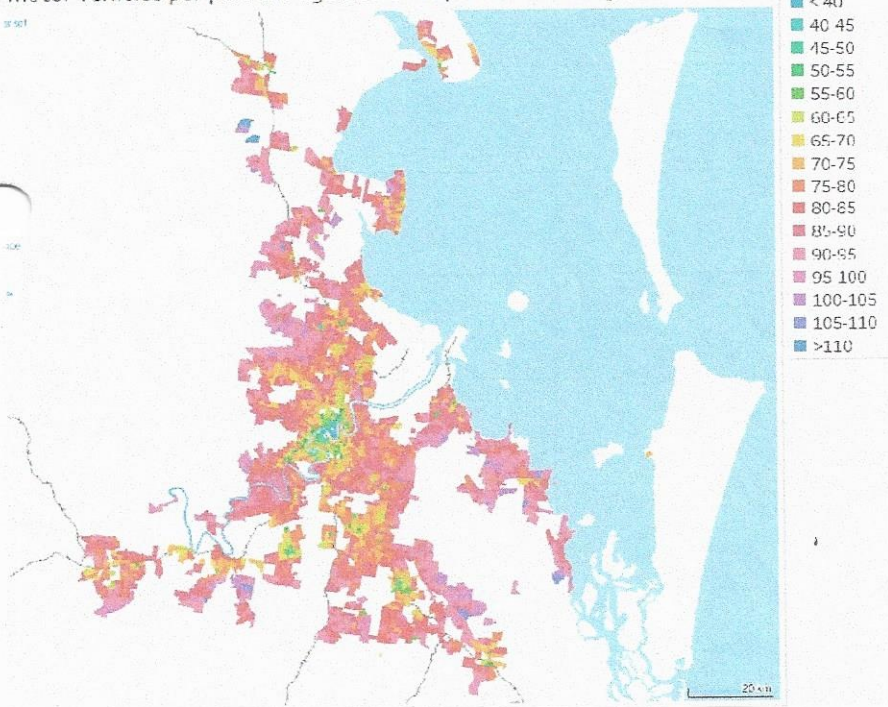
Motor vehicles per persons aged 18-84 in private dwellings, 2006



(<https://chartingtransport.files.wordpress.com/2017/09/sydney-mv-per-aged-18-84-2006-20162.gif>)

Brisbane

Motor vehicles per persons aged 18-84 in private dwellings, 2006



(<https://chartingtransport.files.wordpress.com/2017/09/brisbane-mv-per-aged-18-84-2006-20162.gif>)

*Payment and processing fees may apply. Prices subject to change.

Sydney to Singapore

\$646*

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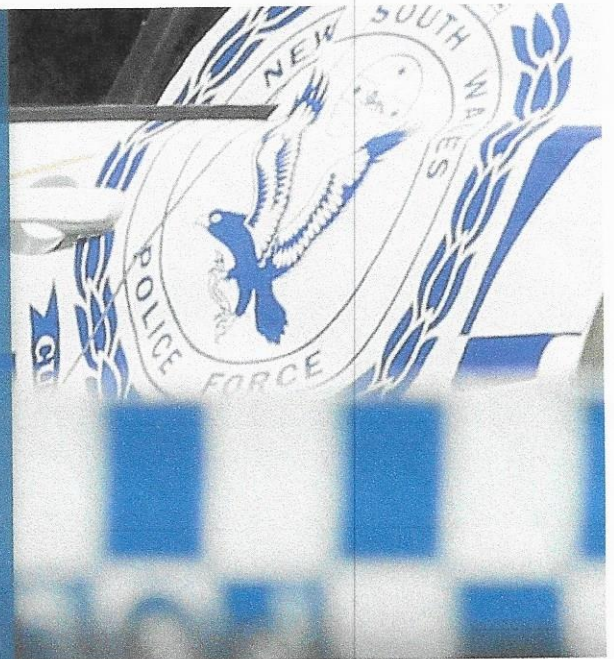
February 28 2018 - 8:50AM

Two pedestrians hit by a car at Woollooware

Local News

- [SHARE](#)
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- [Comments](#)

Police News



Two pedestrians were hit by a car at Woollooware this morning.

Emergency services were called to the intersection of Captain Cook Drive and Woollooware Road about 7.15am following reports a man and a woman walking their bicycles across the road had been struck by a car.

They both suffered leg injuries and have been taken to St George Hospital.

The driver stopped following the crash and will undergo mandatory blood and urine tests.

There have been traffic delays as a result of the crash with diversions in place.

Police are urging anyone with information in relation to this incident to call Crime Stoppers on 1800 333 000.

Wolli Creek

About the profile areas

The 2016 Estimated Resident Population for Wolli Creek is 6,843, with a population density of 102.76 persons per hectare.

Location and boundaries

The suburb of Wolli Creek is bounded by Wolli Creek in the north, the Cooks River and Marsh Street in the east, a line running between Flora Street and Innesdale Road, Innesdale Road, the Princes Highway and Burrows Street in the south, and Arncliffe Street, Thompson Street and the pipeline in the west.

Name origin

Wolli Creek is named after the creek at its northern border.

Important

Statistics

Population

6,843

2016 ABS ERP

Land area

67

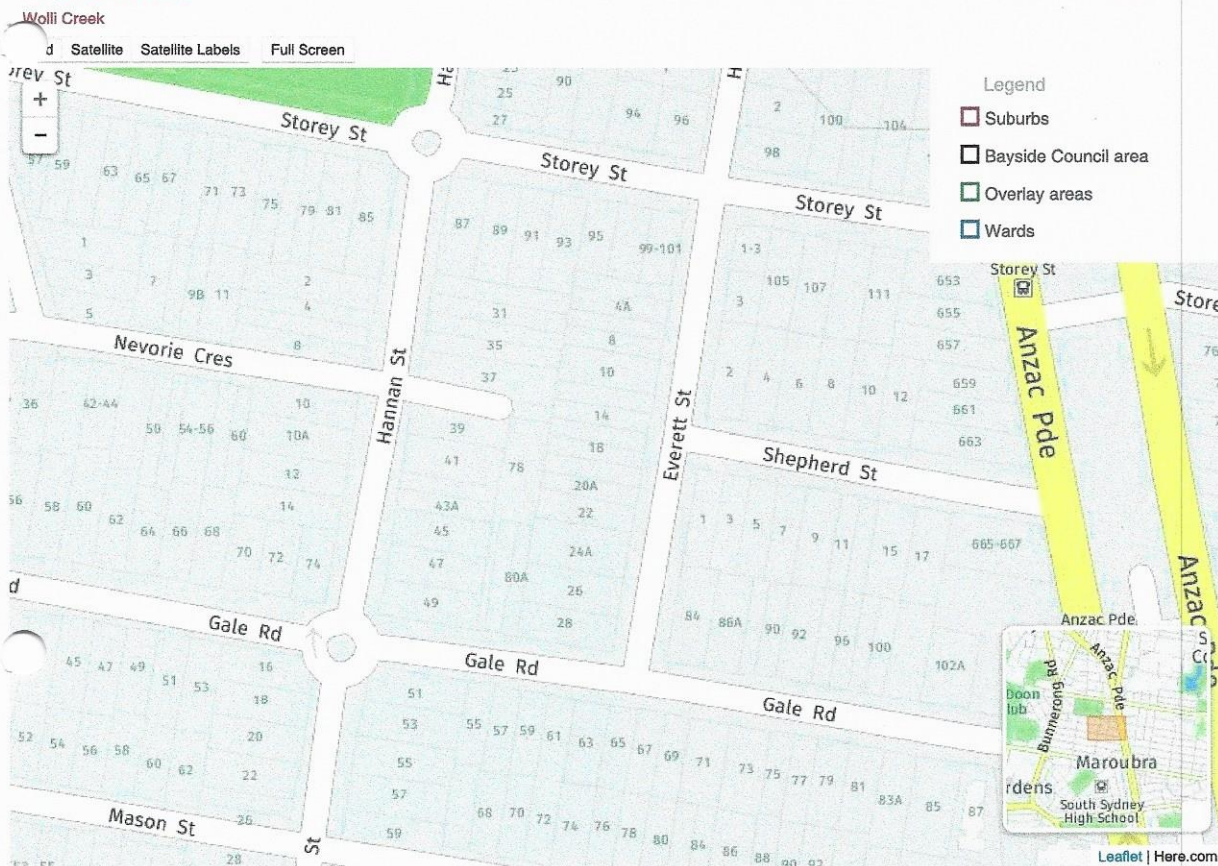
ha (1 Km²)

Population density

102.76

persons per hectare

Profile areas



Settlement history

Settlement of the area dates from 1825 when the first land grants were made, with land used mainly for farming. Some growth took place in the post-war years, although population remained minimal until redevelopment during the early 2000s. Rapid population growth occurred between 2001 and 2011 as large numbers of new dwellings were added to the area, with several mixed use projects transforming industrial land use to predominantly residential and commercial land use. This development was aided by the opening of the Wolli Creek railway station as part of the Airport railway line in 2000. Population increase is expected to continue, largely due to several planned major redevelopments.

Land use

Wolli Creek is an industrial, residential and commercial area which is undergoing significant redevelopment.

Major features

Major features of the area include Cahill Park, historic Tempe House and the Wolli Creek railway station.

Fri 1/03/2019 4:15 PM

cms@ssc.nsw.gov.au

Development Applications Requests for further Information, Comments Submitted

To: TeamLeaderEnvRecords <TeamLeaderEnvRecords@ssc.nsw.gov.au>; onlineforms
onlineforms@ssc.nsw.gov.au

First name Dorothy
Last name Taylor
Phone +61407942182
Email dotandglenn@aapt.net.au
Confirm email dotandglenn@aapt.net.au

DA number (Don't know
the DA number? Search DA18/1448
in [Track It](#))

Address of development Captain Cook Drive Woollooware

Details of submission

Resident in Opposition to further construction of units in this area until impacts are properly addressed Dorothy Taylor and Glenn Birks 5 Wills Road Woollooware 2230 0407942182 28/2/19 File Ref -DA18/1448
Property - 455Captain Cook Drive,Woollooware,461 Captain Cook Drive Woollooware Applicant - BCV Sharks Retail Unit Trust We object to the DA for the following reasons and concerns- 1. Residents impacted by this project in Flinders Road and probably many others in surrounding streets of Woollooware and Caringbah North have not been notified about the Modification or of this DA and therefore it is questionable whether the communities concerns are well regarded. The lack of advice to the local area is in the favour of the applicant and not the community on which this major development has impacted and will further impact. 2. Traffic is already an issue in peak times – Has there been a revaluation of impact of recent other developments within the last 2 years on the increased number of vehicles in the area. 3. Parking. There are problems already with parking in the nearby streets and at playing fields since the first lot of units has been occupied and Woollooware Station. A submission was put in from the body corporate of Woollooware Bay re not enough parking. Has a parking study been done? A shuttle bus should be provided to Woollooware Station so Wills Road and surrounding streets do not become a parking station. 4. Is there a figure

where enough is enough in respect to the numbers of housing developments and additional population that this area can accommodate and cater for in regard to the roads, transport, parking, schooling and medical services before it is uncomfortable and irreversible? Regards, Dorothy Taylor and Glenn Birks We declare we have made no donations or gifts to any political party or councillor in the last 2 years.

Have you made a gift or political donation to a councillor or political party in the last 2 years?

No

Donation or Gift - 1 N/A

Name of Party or Person for whose benefit the Donation / Gift was made - 1 N/A

Date of Donation / Gift and Value of Donation / Gift / Benefit / Hospitality - 1 N/A

Donation or Gift - 2 (If Applicable) N/A

Name of Party or Person for whose benefit the Donation / Gift was made - 2 (If Applicable) N/A

Date of Donation / Gift and Value of Donation / Gift / Benefit / Hospitality - 2 (If Applicable) N/A

Your Address 5 Wills Road Woollooware 2230

I understand that contents of my submission will be available and published I Agree

on DA Track

.....

Fri 1/03/2019 4:14 PM

cms@ssc.nsw.gov.au

Development Applications Requests for further Information, Comments Submitted

To: TeamLeaderEnvRecords <TeamLeaderEnvRecords@ssc.nsw.gov.au>; onlineforms
onlineforms@ssc.nsw.gov.au

First name	Dorothy
Last name	Taylor
Phone	+61407942182
Email	dotandglenn@aapt.net.au
Confirm email	dotandglenn@aapt.net.au
DA number (Don't know the DA number? Search in Track It)	DA18/1448
Address of development	Captain Cook Drive Woollooware
Details of submission	Resident in Opposition to further construction of units in this area until impacts are properly addressed
Have you made a gift or political donation to a councillor or political party in the last 2 years?	No
Donation or Gift - 1	N/A
Name of Party or Person for whose benefit the Donation / Gift was made - 1	N/A
Date of Donation / Gift and Value of Donation / Gift / Benefit / Hospitality - 1	N/A
Donation or Gift - 2 (If Applicable)	N/A

Fri 1/03/2019 12:00 PM

Amanda Treharne ATreharne@ssc.nsw.gov.au

FW: Woollooware Bay Concept plan modification proposal. DA 18/1448.

To: TeamLeaderEnvRecords TeamLeaderEnvRecords@ssc.nsw.gov.au

From: George Capsis <georgecapsis@gmail.com>

Sent: Friday, 1 March 2019 10:35 AM

To: AssessAdmin <AssessAdmin@ssc.nsw.gov.au>

Subject: Woollooware Bay Concept plan modification proposal. DA 18/1448.

Dear Carine Elias and Amanda Treharne. I attended the information session on Thursday 21st Feb and appreciated the opportunity to hear the information and the concerns of those residents who came. I make this formal submission to add my voice to object to the extra 255 units proposed to be constructed on top of the commercial building. The objections to this proposal have been well documented and I concur with them and particularly the submission made by the Cronulla Woollooware precinct association. Issues such as traffic congestion, lack of parking, sewerage outflow restrictions, environmental concerns with disregard for the Ramsar international agreement to protect the wetlands, general loss of amenity etc. I am apprehensive about the Independent Planning Panel fully understanding the concerns of the community when they approve these monster developments and the detrimental effect they have on local residents. I have called upon our government representatives to put a hold upon such current building proposals and hold an inquiry into the current planning system in the view to handing planning powers back to the local elected councils. I suggest therefore that the applicants of this DA be made to revise their plans to include appropriate parking for the residents who are to live there and indeed add more parking for the residents already living in the completed Western unit blocks. If they cannot provide extra parking required they should not be given further approval. Already there are parking and traffic problems with this project with only less than one third of the units occupied so imagine what will happen with the complete occupation of the buildings? The Sutherland Shire Council should take these objections to the Land and Environment court. Yours Faithfully Rev George Capsis OAM 0412270746 10 Restormel St Woollooware. 2230. . .

Home (<http://www.sutherlandshire.nsw.gov.au/Home>)

Development (<http://www.sutherlandshire.nsw.gov.au/Development>)

Development Applications (<http://www.sutherlandshire.nsw.gov.au/Development/Development-Applications>)

Online lodgement of Development Applications and Complying Development Certificates from 1 January 2019

(<http://www.sutherlandshire.nsw.gov.au/Home/Alerts/Online-lodgement-of-Development-Applications-and-Complying-Development-Certificates-from-1-January-2019>)

DA Submission Form

DA18/1448

Required fields are denoted by *

First name * (required)

Janet

Last name * (required)

Carmichael

Phone * (required)

N/A. - Walter Downes Submitter

Email * (required)

N/A. - Walter Downes Submitter

Confirm email * (required)

N/A. - Walter Downes Submitter

Development details

DA number (Don't know the DA number? Search in Track It

([http://ecerts.ssc.nsw.gov.au/eProperty/P1/eTrack/eTrackApplicationSearch.aspx?](http://ecerts.ssc.nsw.gov.au/eProperty/P1/eTrack/eTrackApplicationSearch.aspx?Group=DA&ResultsFunction=SSC.P1.ETR.RESULT.DA&r=SSC.P1.WEBGUEST&f=SSC.P1.ETR.SEARCH.DA)))

Group=DA&ResultsFunction=SSC.P1.ETR.RESULT.DA&r=SSC.P1.WEBGUEST&f=SSC.P1.ETR.SEARCH.DA))

* (required)

DA18/1448

Address of development * (required)

461 + 455 Captain Cook Drive Lots DP 118 482 on both Properties

Details of submission * (required)

Details as Per attached 4 pages Typed.

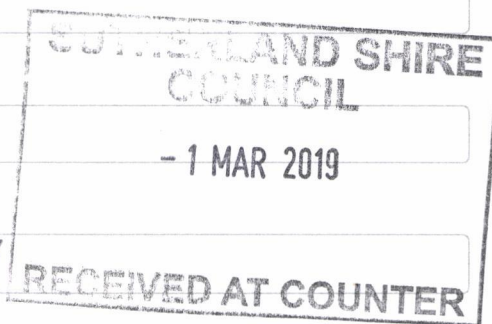
Political donations and gifts - This section is not published on Council's website but is held in a register as per S147 of the EP&A Act

Have you made a gift or political donation to a councillor or political party in the last 2 years? * (required)

☐ Yes

☒ No

Additional Details



Declaration of Political Donation / Gift; Neighbour Notification

DA No. 18/1448 Property Address: 461 + 455 Captain Cook Drive Wodanville Syd.
NSW 2230

Submission - in Opposition ☒ Submission - in Support ☐ of proposed development

Any person who makes a submission to Council, supporting or objecting to a development application, is required under s147 of the *Environmental Planning and Assessment Act 1979* to disclose:

- political donations to a cumulative value of \$1,000 or more made to any councillor (including the time the person was a candidate for election) or political party within 2 years of this submission; and
- any gift made to any councillor (including the time the person was a candidate for election) or political party or employee of the Council within 2-years of this submission.

In relation to each Donation/ Gift you must disclose:

- the name of the party or person for whose benefit the donation/ gift was made;
- the date on which the donation/ gift was made;
- the name and address of the donor; and
- the amount (or value) of that donation/ gift.

Legislation requires that this information is posted and publicly available. Failure to make a disclosure or a false or misleading disclosure may incur a penalty.

For more information go to www.sutherlandshire.nsw.gov.au and search for "Declaration of Political Donations, Gifts, Neighbour Notification" or call the Customer Service Centre on 9710 0333.

Donation or Gift	Name of Party or Person for whose benefit the Donation / Gift was made	Date of Donation / Gift and Value of Donation / Gift / Benefit / Hospitality
	<i>NA</i>	

By signing below, I certify the above declaration & details below are accurate at the time of signing.

Person who made the Donation / Gift

Name of Person

Residential Address of Person or Registered/ Official address of Entity

Name of Entity & ABN

(If donation / gift not by an individual)

ABN:

Signature

Date of Declaration

Details of Submission – of Janet Carmichael in DA18/1448

NOTIFICATION OF DA18/1448 : Seeking Sutherland Shire Council obtain legal advice in relation to the following three areas of DA18/1448 notification and invitation to make a submission :

1. **Persons and or organisations etc that have previously made submissions in the Sharks DA applications ie to the west of the Sharks Club be provided with a notification Notice and invited to make a submission and that they be given a time and date to meet with Sutherland Shire Council staff as was done on 21 February 2019.**

At the meeting on 21 February 2019 it was made known by two persons previously having made submissions in the previous Sharks DA **they were not included** in the DA18/1448 31 January 2019 Neighbour notification or by any other means of notification by either Sutherland Council or the Sharks Applicant in the matter.

2. **That the children (under 18) in the 31 January 2019 DA18/1448 neighbour notification zone be provided with notification and an invitation to provide a submission to the DA18/1448. That they be given a time and date to meet with Sutherland Shire Council staff as was done on 21 February 2019 for adults.**

At the meeting on 21 February 2019 it was made known that the children in the Neighbour Notification Zone had not been notified.

I submit children inherit the earth and that adults have legal duties in relation to the state of this inheritance. Children are persons interested and persons aggrieved and have legal rights that must be met and that can be exercised by the child/children themselves and or a body representing the children or by the establishment of a 'fit and proper' body to legally represent them in Development Applications. Such a body could be established say – A Legal Centre NSW for Children that has a specialist unit to make submissions in relation to Development Applications, including but not limited to, the Sharks DA18/1448.

I note the following:

- 2.1 I think there may be a NSW Children's Commissioner like the Australian Children's Commissioner.
- 2.2 Acyp NSW Government – Office of the Advocate for Children and Young People – Contact Ph: 9248 0970 – E:acyp@acypnsw.gov.au –Appendix "1"
- 2.3 Australian Youth Climate Coalition and Contact – Appendix "2"
- 2.4 'Teachers to join climate protests to demand curriculum reform ' The Guardian 21 February 2019. Include but not limited to the following:

At page 3: 'It is intended as a show of solidarity for pupils who skipped classes last Friday to express their frustration at the failure of older generations to adequately address climate change. Organisers said more than 10,000 young People in at least 60 towns and cities in the UK joined the strike.'

"Climate and ecological breakdown will define the life of every child and student alive today. They and we are facing unimaginable catastrophe.." – "

"Elsewhere, the stakes are growing in Australia – which has seen waves of school walkouts in recent months." – Appendix '3'

2.5 American Children and teenagers are suing the American government in relation to climate change matters:

The Supreme Court refuses to Halt a Climate Change lawsuit Brought by Children and Teenagers – Pacific Standard 30 July 2018:

'The United States Supreme Court on Monday refused to halt a law suit that represents a noval attempt by children and teenagers to sue the federal government over its inaction on climate change.' – Appendix '4'

2.6 Under any human rights convention –Such as, but not limited to, the United Nations Convention on the Child.

I advise I have provided the Attorney General NSW, The Honourable Mark Speakman with a copy of this component of the DA18/1448 submission.

3. **Aboriginal peoples (adults and children) and the Sutherland Shire Notification letter dated 31 January 2019 for Sharks DA18/1447.**

Due to time constraints upon me I am yet to inquire as to with whether or not the Sutherland Shire Council has notified and invited the Dharawal peoples to make a Submission in Sharks DA18/1448.

Legally the Dharawal Aborigines, as all Australian Aborigines have not succeeded sovereignty over the land of Australia nor that in the Sharks DA18/1448. Refer to Colonisation of the land of Australia.

I seek that the Sutherland Shire Council provide to the adult and children Dharawal peoples notification of the Sharks DA18/1448 and be provided with an invitation to provide a submission to the DA18/1448. That they be given a time and date to meet with Sutherland Shire Council staff as was done on 21 February 2019 for adults.

I advise that I am endeavouring to contact the Dharawal people and provide them with a copy of this submission

End of this section of the submission.

Seeking: FUNDING, by the Applicant Developer, be made available to ratepayers and or residents who are making a submission to the Sharks

DA18/1448.

And or

Seeking: Funding to be provided by the Developer in the DA18/1448 to the Cronulla Precinct Committee. I believe there are in sufficient funds held by the committee that would allow for a 'fit and proper' responsive submission, including the obtaining of legal and expert advice, in particular but not limited to the number and nature of the Applicants documents lodged in the DA18/1448.

Given that the Sutherland Shire Council Alleges that they do not have authority to seek such funding from a developer in a Development Application that they refer the matter to the The Councillors (MPs) and NSW Attorney General, The Honourable Mark Speakman for hearing and determination of the matter generally and specifically for the Sharks DA18/1448. I advise I have referred the matter to the NSW Attorney General and to the Councillor (MPs)

AMICUS CURIE type funding sought : I submit that funding could be sought, from the developer, on a similar, if not the same, legal basis as an AMICUS CURIE in court proceedings.

End of this section of the submission.

Seeking : An extension of time to make the submission. For myself and others in a similar position to myself.

I advise:

1. That I do not have the funds to conduct all that is required to be able to complete a 'fit and proper' submission in all the circumstance of the DA18/1447 documents lodged and all applying legislation, regulations and standards and relevant legal and expert advice and accompanying relevant case laws.
2. That the Cronulla Precinct Committee does not have the funds either so I cannot be a part of/contributor to their submission in DA18/1448, if they themselves have made one. I believe they are not meeting until 12 March 2019 which is after the closure of submissions to Sutherland Council on 1 March 2019.
3. The Applicant to the DA18/1448 has lodged some **63 Supplementary Documents** a lot of which are expert reports.

I allege neither the Sutherland Shire Council nor the Applicant in the DA18/1448 have advised of any of the applicable legislation, regulations and or standards that apply to this DA18/1448.

The 31 January 2019 dated Neighbour Notification would reasonably take 1-2 days delivery and it may be reasonable to allow a further 1-2 days for people to find the letter in their letter box. The neighbour Notification letter gave a submission closing date of **1 March 2019**. That's **63 Supplementary Documents in 26 – 28 days. Many working during the week.**

Given the 63 supplementary documents and that individuals and possibly the Cronulla precinct Committee do not have the resources, training expertise, or access to experts and legal advice, reasonable time to allocate and unlike the applicant in DA18/1448 and the Sutherland Shire Staff involved with the DA18/1448 who are paid an income for attending to this process or receive a profit as the developer does the making of a submission in the DA18/1448 is extremely 'cruel' to a ratepayer and resident who is eligible to make a response submission.

'Cruel' is defined in the Macquarie Encyclopaedic Dictionary at page 300 as:

'Disposed to inflict suffering, indifferent to or taking pleasure in the pain or distress of another.'

The hypothetical reasonable persons understands this type of cruelty in the Development Application process.

Legal principle 'Justice must not only be done but seen to be done' – Please research the case laws.

In all the circumstances the time allocated to residents, rate payers and perhaps precinct committees to make a fit and proper submission to DA18/1447 may be unlawful and a fit and proper time frame should be appointed thereby formally giving an extension of time to make a submission.

4. 'No tribunal can, **without grave injustice**, set them on one side, and **resort to methods of inquiry which necessarily advantage one party and necessarily disadvantage the opposing party**. In other words, although the rules of evidence, as such, do not bind, **every attempt must** ('must' is legally defined as mandatory) **be made to administer "substantial Justice".'**

His Honourable Mr Justice Evatt in R v War Pensions Entitlement Appeal Tribunal Ex Parte Bott (1933) 50 CLR 228 @ 256

At page 72 of the book : Natural Justice – Principles and Applications

Geoffrey A Flick – Appendix "5"

End of this section of the submission.

End of this Submission – Thank you from Janet Carmichael

Office of the
Advocate for Children
and Young People

acyp

Select Language ▼

Engage

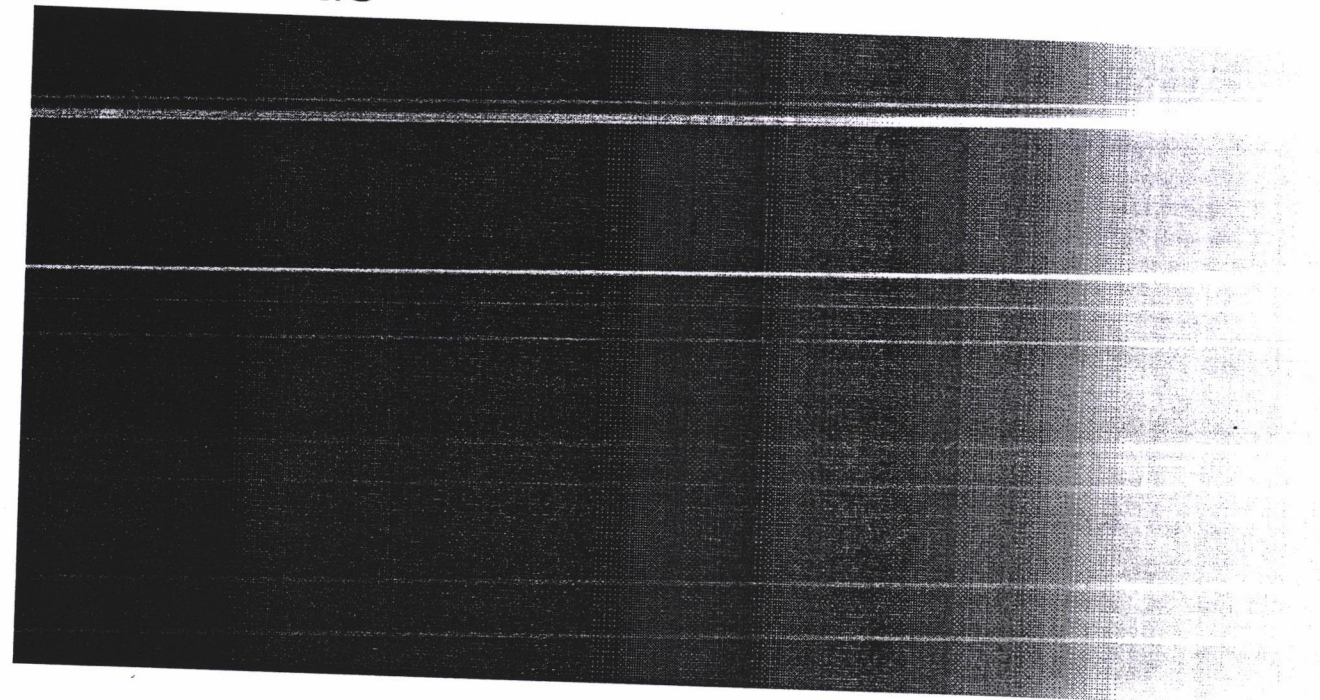
Participation

The Plan

Info

Contact

Contact us



Appropriate
NSW Advocate for Children and Young People

P: 02 9248 0970

E: acyp@acyp.nsw.gov.au

First Name*

Last Name*

Ground Floor, 219-241 Cleveland Street
Strawberry Hills NSW 2012

ABN: 80 597 369 676

Media

P: 02 9248 0979 or 0439 346 249

E: media@acyp.nsw.gov.au

Looking for a Working with Children Check?

www.kidsguardian.nsw.gov.au

Email*

Phone Number*

Enquiry*

Contact us

WIKIPEDIA

Australian Youth Climate Coalition

The **Australian Youth Climate Coalition** (AYCC) is a youth organisation in Australia.^{[4][5]} The coalition consists of 25 other youth organisations, which includes the National Union of Students amongst many.^{[2][6]} The organisation aims "to build a generation-wide movement to solve the climate crisis, through uniting diverse youth organisations around this common challenge"^[7] Internationally, the coalition is part of the Global Youth Climate Movement.

Contents

History

Campaigns

Youth Decide

2010 Election Campaign

Meet Your Member

Walk for Solar

See also

References

External links

History

In 2004, organisations, which would later form the Youth Climate Movement, began to come together. Following on from the formation of the Canadian Youth Climate Coalition in September 2006, the Australian Youth Climate Coalition formed in November 2006 with 27 youth organisations from across the nation at a founding youth summit.^{[3][8][9]}

The Australian Youth Climate Coalition is a non-partisan, non-profit coalition with the aim of "educating, inspiring, empowering and mobilising an entire generation in the struggle for climate justice and a clean energy future."

In 2009, the then Finance Minister Lindsay Tanner awarded the Australian Youth Climate Coalition's co-founders, Amanda McKenzie and Anna Rose, as well as the current National Director, Ellen Sandell, with the Environment Minister's Young Environmentalist of the Year Award for their efforts.^[10]

Campaigns

Australian Youth Climate Coalition

Abbreviation	AYCC
Motto	"Building a generation wide movement to solve the climate crisis before it's too late"
Formation	November 2006 ^[1]
Purpose	climate justice
Headquarters	Melbourne
Region served	 Australia
Membership	150,000+
Official language	English
National Director	Gemma Borgo-Caratti
Affiliations	Australian Climate Change Education Network, Affinity, AIESEC, Australian Medical Student Association, Australian Student Environment Network, Australian Youth Affairs Coalition, Centre for Sustainability



CONTACT

THE AUSTRALIAN YOUTH CLIMATE COALITION

Office 5,
60 Leicester St,
Carlton 3053
Australia

General

info@aycc.org.au (<mailto:info@aycc.org.au>)

Seed Indigenous Youth Climate Network

info@seedmob.org.au (<mailto:info@seedmob.org.au>)

Donations

Elle: 0413 829 186

donate@aycc.org.au (<mailto:donate@aycc.org.au>)

Volunteering and Campaigns

laura.melville@aycc.org.au (<mailto:laura.melville@aycc.org.au>)

Speaker requests

miriam@aycc.org.au (<mailto:%20miriam@aycc.org.au%20>)

Media

0437 316 331

alex.fuller@aycc.org.au (<mailto:%20alex.fuller@aycc.org.au>)

Online and web

georgia@aycc.org.au (<mailto:georgia@aycc.org.au>)

Join a movement of more than 150,000 people

JOIN (/JOIN)

The Guardian

Teachers to join climate protests to demand curriculum reform

On Friday demonstrators will protest against 'negligent' climate change education

Jonathan Watts

Thu 21 Feb 2019 18.00
AEDT

Approved 31



Youth climate strikes took place across the UK on Friday 15 February. Photograph: Billie Charity/Barcroft

Teachers will follow on the heels of striking students on Friday with a protest to demand the national curriculum be reformed to make the climate and ecological crisis an educational priority.

The Extinction Rebellion group will support the demonstration outside the Department for Education, which organisers describe as a “peaceful nonviolent protest that may involve civil disobedience”.

It is intended as a show of solidarity for pupils who skipped classes last Friday to express their frustration at the failure of older generations to adequately address climate change. Organisers said more than 10,000 young people in at least 60 towns and cities in the UK joined the strike.

More would be likely to follow, they said, if the government did not live up to a Paris climate agreement promise to enhance climate change education. Instead, they say, there is currently no requirement for children to be taught about the climate crisis so it is treated, at best, as a peripheral subtopic of subjects like geography and science.

They are also unhappy that part of the curriculum appears to cast doubt on the evidence for man-made climate change, even though governments, the UN and the overwhelming majority of scientists accept that it is happening. Government guidelines for key stage 4 chemistry say pupils should be taught “evidence, and uncertainties in evidence, for additional anthropogenic causes of climate change”.

Tim Jones, a secondary school teacher from Lewisham, said students in the state system could easily go through 11 years of compulsory education and hear climate change mentioned in fewer than 10 lessons out of approximately 10,000. Given the scale of the crisis, he believes this is “negligent”.

“Climate and ecological breakdown will define the life of every child and student alive today. They and we are facing an unimaginable catastrophe. But when I tell my students, it’s hard for them to take me seriously when it plays almost no part in the content of their education,” he said.

Earlier this month, the group Teachers for Climate Truth wrote to the DfE to request an overhaul of the current curriculum to prepare children for a future that will be shaped by ecological and climate crisis

“When we have had the evidence for decades, why does it amount to little more than a footnote in our national curriculum - a vague and marginal concern?” asks the letter. “If we keep this information out of the public domain - out of schools, for example - perhaps we might avoid some awkward conversations in the years to come ... after all, who wants to tell a child that, unless we make unprecedented changes to how we live, we are heading for societal collapse, famine, war and the increasing likelihood of human extinction?”

The picture is not black and white. There is considerable scope for schools and teachers to go beyond guidelines.

The government said the current curriculum already included many related issues including classes on seasonal changes, the water cycle, the carbon cycle, ecosystems, the composition of the atmosphere and the impact of carbon dioxide on the climate. “Children are very engaged, otherwise they would not be joining protests. That shows they are obviously being taught quite well,” said a government official.

The education secretary, Damian Hinds, has criticised the young strikers. “Missing class won’t do a thing to help the environment; all they will do is create extra work for teachers,” he said.

Friday’s demonstration is expected to draw between 100 and 200 teachers and academics, most of whom are on half-term holiday. Organisers are also in talks with unions to discuss how to increase support during the next global youth climate strike on 15 March, with possibilities ranging from a walkout by teachers to the setting of homework on climate topics. Extinction Rebellion will also offer workshops for students.

Elsewhere, the stakes are growing. In Australia - which has seen waves of school walkouts in recent months - the New South Wales education minister, Rob Stokes, warned students and teachers that they will be punished if they skip classes to join a global climate rally on 15 March.

The initiator of the school strike movement, Greta Thunberg, responded with a defiant tweet. "OK. We hear you. And we don't care. Your statement belongs in a museum."

Last week, 200 academics expressed support for the youth activists in an open letter on the Guardian. Among the signatories was Alison Green, a doctor of psychology who resigned from her position as pro-vice chancellor of Arden University so that she could concentrate on climate activism. She will join the protest on Friday.

"It's incredibly brave for schoolchildren to confront what must be a terrifying prospect; that the future they hope for isn't available to them," she said. "We've been humbled that children have gone on strike despite threats of detentions and other punishments. We should at least match their courage."

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Topics

- Climate change
- Greta Thunberg

HOME > ENVIRONMENT

THE SUPREME COURT REFUSES TO HALT A CLIMATE CHANGE LAWSUIT BROUGHT BY CHILDREN AND TEENAGERS

JACK HERRERA · JUL 30, 2018

The United States Supreme Court on Monday refused to halt a lawsuit that represents a novel attempt by children and teenagers to sue the federal government over its inaction on climate change.

First filed in 2015 by a group of young Americans in Oregon, the lawsuit claims that the federal government's refusal to address climate change threatens the constitutional rights of young people and future generations who will come of age in a world of greater scarcity and danger. As *Pacific Standard* reported in 2016, the 21 plaintiffs allege that "the U.S. government's knowing inaction on climate has violated their right to 'life, liberty, and property' as enshrined in the due process clause of the Fifth Amendment."

In 2016 the Obama administration pushed to have the lawsuit dismissed—only to find their motion refused by a U.S. District Court judge in Oregon. The judge's stunning legal decision, immediately controversial, then began its journey up to the Supreme Court. After inheriting the case from the Obama government, the Trump administration continued to maintain that the young people's lawsuit was illegitimate. However, on Monday, the Supreme Court declared that the government's motion to dismiss the case was premature.

In *United States v. U.S. District Court for the District of Oregon*, 18A65, the justices acknowledged that the lawsuit "presents substantial grounds for difference of opinion," and advised the district court judge in Oregon to consider the "striking" breadth of the case before rejecting other attempts by the government to dismiss the lawsuit.

His Honour Mr Justice Evatt deserve recollection:

Some stress has been laid by the present respondents upon the provision that the Tribunal is not, in the hearing of appeals, "bound by any rules of evidence". Neither it is. But this does not mean that all rules of evidence may be ignored as of no account. After all, they represent the attempt made, through many generations, to evolve a method of inquiry best calculated to prevent error and elicit truth. No tribunal can, without grave danger of injustice, set them on one side and resort to methods of inquiry which necessarily advantage one party and necessarily disadvantage the opposing party. In other words, although the rules of evidence, as such, do not bind, every attempt must be made to administer "substantial justice".¹⁸

Similarly, a warning has been given not to dispense with rules of evidence and procedure altogether because the endeavour to provide some form of rough justice may mean that justice becomes so rough that it ceases to be justice: Sir Alfred Denning, *Freedom Under The Law* (1949) p 90.

Despite these comments, the truth remains that to the extent the common law rules of evidence are the product of the jury system and the adversary method of presentation they are not applicable to non-adversary administrative proceedings.¹⁹ Strict and undeviating application of the rules of evidence are thus not fundamental to the validity of the conduct of administrative proceedings. *Holmes v O'Toole* (1957) 1 FLR 212 at 223-24. Within the administrative process, therefore, special consideration must be given to both the criteria to be employed when admitting evidence and to the probative weight to be attached to evidence that has been admitted.

The rule of thumb by which an adjudicator decides whether to admit or exclude an oral or written statement tendered as evidence should be whether the statement is relevant, reliable and logically probative,²⁰ and of such a nature that responsible people would rely upon it in serious affairs.²¹ This test inevitably places an unenviable discretion upon the adjudicator: he must weigh up whether it is better and quicker to admit a statement than to have a prolonged discussion as to whether it should be admitted; whether, if he excludes a statement, he will be appearing to favour one side over the other; whether a reviewing court will reverse his decision for failure to admit

X 18 *R v War Pensions Entitlement Appeal Tribunal; Ex parte Bott* (1933) 50 CLR 228 at 256

19 KC Davis, "An Approach To Problems Of Evidence In The Administrative Process", 55 *Harv L Rev* 364 at 379-83 (1942)

20 *TA Miller Ltd v Minister of Housing and Local Government* [1968] 1 WLR 992 at 995; *R v Deputy Industrial Injuries Commissioner; Ex parte Moore* [1965] 1 QB 456 at 488; *Starr v Minister of Pensions* [1946] 1 KB 345 at 353; *Stockbridge Mill Co Ltd v Central Land Board* [1954] 1 WLR 886. See also R Pound, *Administrative Law—Its Growth, Procedure, And Significance* (1942) p 78

21 *Davis* §14.01 p 250, citing Judge Learned Hand in *NLRB v Remington Rand*, 94 F 2d 862 at 873 (2nd Cir 1938), cert den 304 US 576 (1938)

Natural Justice

PRINCIPLES AND PRACTICAL APPLICATION

Second Edition

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BUTTERWORTHS

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Information Officer 9710 0600

File Ref: DA18/1448

28 February 2019

Dear Sir/Madam

Development Application No. DA18/1448

Proposed : Construction of Stage 1 Precinct of Woollooware Bay Town Centre: Partial demolition of existing Leagues Club and other structures, tree removal, construction and use of new retail centre, fitout of Levels 3 and 4 for the Leagues Club, public domain works, infrastructure works, construction and use of hotel accommodation, construction of four residential apartment buildings containing 255 dwellings, construction and use of office tenancies, construction of a child care centre, above ground car park, landscaping works, 4 lot stratum subdivision and staged Construction and Occupation Certificates

Property: 455 Captain Cook Drive, Woollooware, 461 Captain Cook Drive, Woollooware

Thank you for attending the Information Session held on 21 February 2019 concerning the above development proposal, or requesting a copy of the meeting summary as you were unable to attend.

The following is a brief record of proceedings for your information.

Ten parties attended the information session. No apologies were received.

In attendance from Council was Carine Elias, Team Leader - Development Assessment who chaired the meeting, along with Amanda Treharne and Teille Whiteman, Assessment Officers.

Attendees were advised that the purpose of the Information Session was to allow the Council staff to hear about the potential issues. Residents were also given the opportunity to gain a better understanding of the development proposal and the procedures that will be involved - both for the Council staff assessment of the development application and subsequent referral to the Sydney South Planning Panel (SSPP) for determination.

The Information Session on its own does not constitute a formal submission on the application and those present need to make a written submission by the closing date of 1 March 2019 if they wished their comments and/or concerns to be considered during the assessment process.

ISSUES AND CONCERNS

Council staff responded to the following questions and issues raised:

- 1) Amanda started with a brief overview and background of the development around the Woollooware Precinct.
- 2) A Part 3A Concept Approval (MP10_0229) for the creation of Woollooware Bay Town Centre as a mixed-use centre comprising residential apartments, retail centre, refurbished Cronulla Sutherland Leagues Club, foreshore landscaping was approved on 27 August 2012.

Further to this, a Part 3A Project Approval (MP10_0230) was issued on 8 August 2013 for the detailed design, construction and use of the precinct to the east of Sharks Stadium for the development of a new four-storey retail centre and Leagues Club. This development consent has been modified on a number of occasions to provide for an improved architectural design that increases activation to Captain Cook Drive and the Woollooware Bay foreshore.

Recently (April 2018), the Independent Planning Commission (IPC) granted approval for a modification to the Concept Plan (MP10_0229 MOD 2), to allow for the addition of residential apartments, a hotel and offices above the approved Retail I Leagues Club building. This application relates primarily to the detailed design and construction of these elements, however, it also seeks consent for those elements of the town centre that were previously approved under the Project Approval. This will ensure that the construction and delivery of the eastern precinct is governed by a single development consent, allowing for the more logical and rational management of the planning administration and construction process. Whilst the retail centre and Leagues Club are therefore included in this Development Application, these elements remain largely unchanged as a result of the new development.

Proposed Development

The DA seeks consent for:

- Partial demolition of the existing Leagues Club and other structures within the site.
 - Tree removal.
 - Construction of a new retail centre with a full-line supermarket, food retail, mini-major tenancies, specialty retail, dining tenancies and medical and leisure uses.
 - Public domain works.
 - Vehicular access to the site from Captain Cook Drive and Woollooware Road North.
 - Stormwater management and site remediation works.
 - Loading docks and on-site car parking spaces.
 - Construction and use of a hotel, comprising 71 keys.
 - Construction of four residential apartment buildings and townhouses, comprising a total of 255 dwellings across:
 - Building A: 78 dwellings.
 - Building B: 69 dwellings.
 - Building C: 27 dwellings.
 - Building D: 59 dwellings.
 - Building E: 22 dwellings.
 - Incorporation of affordable housing dwellings across the development, as part of the 255 residential dwellings.
 - Construction and use of office tenancies.
 - Construction of a childcare tenancy.
 - Construction of an above-ground carpark, comprising 1,127 car parking spaces.
 - Streetscape and landscaping works along the Captain Cook Drive frontage and Woollooware Road North frontage and communal open space.
 - Stratum subdivision.
 - Staged construction and occupation certificates.
- 3) Residents voice concern with the process and procedures for state significant development and the lack of opportunity to voice their concerns with the entire development from the first application. Many residents were not notified of the proposal due to their distance from the development even though they felt they were close enough to this significant development to be notified in writing.

- 4) Concern was raised with the inconsistencies such as the application being for 255 units when the modification through the Department of Planning was for 244 units; the distance of the development from Woollooware Station and the Sydney CBD; the number of hotel rooms being reduced and converted into residential units; the removal of the need for the important bus link the development to the station; the inaccurate journey time required from the development to the nearest station and lack of soil testing around the marsh.
- 5) The amenity of ground floor units was raised as those units have no ground garden areas as the residential units are sitting on a podium of commercial area.
- 6) The density is considered to be excessive for the area and a higher density than Wolli Creek which is more of an inner city location, unlike Woollooware.
- 7) Traffic and parking
A lack of carparking for the size of units proposed in this stage was raised at the meeting, along with questions around the local road network and clarification of the location of works to the road network.

A resident also voiced concern with the amount of truck movements going to and from the Breen site and Kurnell having increased recently and other general traffic and driving related concerns such as driving from Kurnell to Kirrawee during winter at about 4.30pm with the sun being low, making it dangerous to drive.

Also raised was the noise from traffic in the area, the lack of consideration of pedestrian traffic, use of the nearby sporting field for children and the notion of providing an overhead foot bridge which was confirmed by council staff to be something that was not currently part of the proposal.

Amanda confirmed that Captain Cook Drive is an RMS road and the RMS was notified of the application and given the opportunity to provide comments. The RMS will also consider whether phasing lights will be required along Captain Cook Drive. Amanda also pointed out that Councils Traffic Section was also referred the application for comment.

Residents asked when the last traffic study was conducted. Staff confirm that a Traffic Report was submitted with DA18/1448 dated 13 December 2018. Reference in the report is that traffic counts were last undertaken in November 2016. This would be prior to Occupation Certificate for Stage 1 or Stage 2 issued. It would be up to Councils Traffic Officer to suggest an updated traffic study is needed for more current figures. This is being addressed during the course of the assessment.

- 8) The issue of the development being called a Town Centre was raised as it is considered by residents to be more of a village than a Town Centre given its commercial size, lack of access to public transport and not being within 800m of a train station.
- 9) A general discussion regarding the process of modifications, what constitutes a modification and who has determining powers was discussed.
- 10) Flooding was briefly raised and it was confirmed by council staff that flooding will be looked at as part of the referral to council's engineers.
- 11) Council staff advised of the future requirement for the applicant to submit a further DA for the works in front of the foreshore (i.e the cycleway and playground). This DA would be subject to environmental assessment due to the location to the foreshore and marsh.

- 12) One resident asked "is the Shire full?" given the amount of development in the area, the environmental impacts and the carbon monoxide in the air.

SSPP Process

Information is available from the SSPP website (<http://www.planningpanels.nsw.gov.au>). Please note that the SSPP procedures currently shown on the website indicate that every person who made a submission in respect of an application will be notified in writing of the SSPP meeting details.

The application will now go through the detailed assessment process and the report will then be submitted to the SSPP for determination in accordance with their procedures.

The applicant does have the right of an appeal to the Land and Environment Court at any time after the expiration of the deemed refusal period.

Should you have any further inquiries in relation to this application please contact the Assessment Officer, Amanda Treharne on 9710 0462 during business hours.

If you have any queries regarding the SSPP process please contact Council's SSPP Coordinator, Maisie Williams, on 9710 0251 during business hours.

Yours faithfully



Carine Elias

APPENDIX D

Consistency with Concept Approval

CONSISTENCY WITH CONCEPT APPROVAL MP10_0229 (AS MODIFIED)		
SCHEDULE 2 - TERMS OF APPROVAL PART A -	COMMENT	COMPLIES
A1. DEVELOPMENT DESCRIPTION Concept Plan approval is granted to the following development in three stages as described below: <ul style="list-style-type: none"> • Stage 1 Precinct – neighbourhood retail, medical, and leisure centre, and residential masterplanned estate, and redevelopment of the Cronulla Sutherland Leagues Club facilities on the eastern car park site; • Stage 2 Precinct – residential masterplanned estate on the western car park and field area; • Stage 3 Precinct – conceptual improvements to playing field facilities, and • grandstand extensions and provision of a Centre of Excellence. Concept Plan approval is granted to the following development in three stages as described below: <ol style="list-style-type: none"> a) use of the site for a mixed use development with associated public open space; b) indicative building envelopes for the residential and retail / club precinct; c) ground and above ground car parking; d) road works to support the development; e) public pedestrian and cycle paths / boardwalks; f) landscaping areas throughout the site; g) sales and marketing facilities including display units, etc; h) subdivision of Lot 11 DP 526492 into two allotments. 	The proposed development is for the Stage 1 Precinct and will comprise neighbourhood retail, a medical centre, childcare centre, and leisure areas as well as a hotel, the refurbished Club and residential masterplanned estate	Yes
A2 DEVELOPMENT IN ACCORDANCE WITH THE PLANS AND DOCUMENTATION		

The development shall be generally in accordance with MP10_0229 and the Environmental Assessment, prepared by JBA Planning dated September 2011 except where amended by:
(refer complete Concept Approval document for all listed plans)

Building Height

Building A

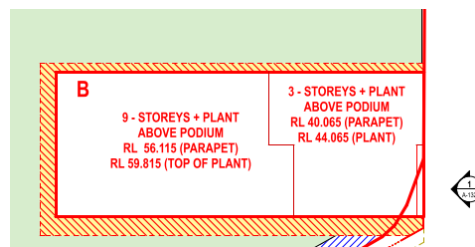
8 storeys + plant above podium.
RL 52.965 (parapet)
RL56.665 (top of Plant)



Building B

3 storeys + plant above podium.
RL 40.065 (parapet)
RL 44.065 (top of plant)

9 storeys + plant above podium.
RL56.115 (parapet)
RL59.815 (top of plant)



The proposal is generally consistent with the approved plans other than as addressed in the Assessment Report.

Building A

8 storeys + plant above podium.
Plant - RL 55.070
Parapet - RL52.965

Note - the roof plan shows a void to apartment A13.07 and lobby area (south-eastern corner). A parapet surrounds the voids with a height of RL57.070 to integrate with the height of adjoining plant areas + increase floor to ceiling height within A13.07 and lobby area (including high level window).

Building B

3 Storeys + plant above podium
Parapet – RL 39.320
Plant – RL39.320

9 storeys + plant above podium.
Parapet - RL55.720
Plant - RL58.320

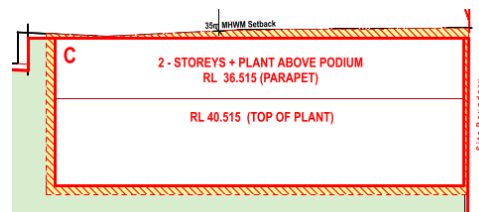
Yes / No – see Assessment Report

Building C

2 storeys + plant above podium.

RL36.515 (parapet)

RL40.515 (top of plant)

**Building D**

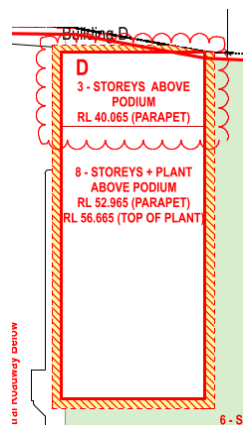
3 storeys above podium.

RL 40.065 (parapet)

8 storeys + plant above podium.

RL52.965 (parapet)

RL56.665 (top of plant)

**Building C**

3 storeys + plant above podium

Parapet – RL36.515

Plant – RL36.170

The additional storey is a result of the access to roof terraces. Acceptable in this instance given it is within the maximum permitted height limit and enabled by Condition A8.

Building D

3 storeys

Parapet – RL37.47 (This RL is not annotated on the plan but measured from the section plan and calculate RL37.47 which is to the top of the 1.8m high wall that separates the private open space areas).

8 storeys + plant above podium.

Proposed development is actually 9 storeys above podium due to the private roof terraces. This is acceptable given Condition A8 allows for built form variations to enable terraces.

Plant - RL56.820

Parapet - RL55.820 (measured to the top of roof top structures ancillary to the roof top private open space area. Acceptable as compliant with A8 below)

<p>Building E 8 storeys + plant above podium. RL43.815 (parapet) RL47.815 (top of plant)</p> <p>Club Southern portion of building 2 storeys + plant above podium. RL 24.510 (top of plant)</p> <p>Northern portion of building. RL 14.5 (parapet)</p> <p>Existing Grandstand roof – RL23.5 - no change to existing so RL</p> <p>Roof of deck RL20.930</p> <p><u>Building Envelopes</u></p>	<p>Building E 8 storeys + plant above podium. Parapet - RL41.015 Plant - RL 46.015</p> <p>Southern portion of the building is 2 storeys + plant - RL 23.5</p> <p>Northern portion of the building - RL14.5</p> <p>Existing Grandstand roof – RL23.5 no change to existing so RL</p> <p>Roof of deck – Approximately RL16.4</p> <p>Building envelopes comply except for as addressed in the Assessment Report.</p>	
<p>A3 MAXIMUM GROSS BUILDING AREA / GROSS FLOOR AREA (MP10_0229 MOD 6 & MP10_2330 MOD 3) The maximum Gross Building Area for the development shall not exceed 252,259m² comprising:</p> <ul style="list-style-type: none"> • 115,402m² for the Stage 2 Precinct; and • 136,857m² for the Stage 1 and Stage 3 Precincts. <p>The maximum Gross Floor Area for the development shall not exceed 126,677m², comprising:</p> <ul style="list-style-type: none"> • 61,370m² the Stage 2 Precinct; and • 65,307m² for the Stage 1 and Stage 3 Precincts. <p>Residential storage located in a car parking podium level is not to be calculated as Gross Floor Area for the purpose of this approval.</p> <p>The maximum area for the outdoor deck for the club shall not exceed 1,827m².</p>	<p>Stage 1 Gross Building Area - 116,380m² (20,477m² remaining for Stage 3 which is appropriate for the Centre of Excellence)</p> <p>Stage 1 Gross Floor Area - 58,711m² (6596m² remaining for Stage 3 which is appropriate for the centre of excellence)</p> <p>Noted – Podium storage has not been included in GFA calculations</p> <p>The outdoor deck for the club is 1,767m²</p>	<p>Yes</p> <p>Yes</p> <p>Yes</p> <p>Yes</p>

<p>A4. CAR PARKING</p> <p>1) The number of car parking spaces to be provided for the development shall comprise:</p> <ul style="list-style-type: none"> a maximum of 883 spaces for Stage 2 Precinct (excluding any on-street parking within the newly created on-site streets); a minimum of 770 spaces for the Retail and Club component of the Stage 1 Precinct. A maximum of 259 spaces for the residential component of the Stage 1 Precinct, unless amended in accordance with Future Environmental Assessment Requirement 6 A maximum of 91 spaces for the hotel / affordable housing / first home purchaser component of the Stage 1 Precinct A maximum of 50 spaces for the Centre of Excellence component of the Stage 3 Precinct. <p>2) Development must comply with the Concept plan car parking rates identified at Future Environmental Assessment Requirement 6 except where amended by the Modifications in Part B.</p> <p>3) Future Development Applications shall:</p> <ul style="list-style-type: none"> demonstrate that car parking within Stages 1 and 3 can be provided for within the maximum car parking figures outlined at Term Approval A4(A). Include a projected car parking forecast for each remaining stage if the Stage 1 and Stage 3 Precincts demonstrating that the total maximum car parking provisions can be adhered to. 	<p>N/A</p> <p>770 retail and club component of the Stage 1 Precinct</p> <p>300 spaces (refer FEAR 6 below which sets out parking rates per unit). Nb. the 300 spaces includes 25 spaces affordable housing and first home buyer parking</p> <p>38 hotel spaces + 15 office (total 53 spaces) + 25 affordable housing / first home buyer car parking spaces + total =78 spaces</p> <p>N/A</p> <p>Application complies with FEAR 6</p> <p>A projected car parking forecast is not required as all proposed car parking to service the retail and club and residential components are included in this DA. The Centre of Excellence does not form part of this DA and the maximum of 50 spaces remains available to be provided as part of a separate development application.</p>	<p>N/A</p> <p>Yes</p> <p>Acceptable - see FEAR 6 below</p> <p>Yes</p> <p>Yes</p>
<p>A5. (DELETED UNDER MP10_0229 MOD 2)</p>		
<p>A6. LAPSING OF APPROVAL</p>		

Approval of the Concept Plan shall lapse 5 years after the determination date shown above on this instrument of Approval, unless an application is submitted to carry out a project or development for which concept approval has been given.	Concept Plan has been commenced.	Yes
A7. INCONSISTENCY BETWEEN DOCUMENTATION In the event of any inconsistency between modifications of the Concept Plan approval identified in this approval and the drawings / documents including Statement of Commitments referred to above, the modifications of the Concept Plan shall prevail.	Noted	Noted
A8. PENTHOUSE APARTMENTS AND ROOFTOP AREAS Minor variations to the maximum parapet height are acceptable in future applications for residential development, but only for the following reasons: <ul style="list-style-type: none"> • provision of private/communal open space on rooftop areas; and • provision of apartments. When considering if a variation is minor, the consent authority is to be satisfied that: <ul style="list-style-type: none"> • no portion of the building exceeds the maximum plant height; • the protrusion is well integrated into the design of the building; • where possible the protrusion is to screen plant material; and • the variation does not result in any adverse environmental impacts such as significant overshadowing or an adverse visual impact. 	Building B, C and E comply with the maximum parapet height, whereas buildings A and D seek to utilise the provisions of A8. Refer Assessment Report.	Yes

<p>A9. VOLUNTARY PLANNING AGREEMENT</p> <p>A Voluntary Planning Agreement (VPA) in accordance with the public benefit offer (as summarised below) contained within modification application MP10_0229 MOD 2 between Bluestone Property Solutions (or its nominated entity) and Sutherland Shire Council shall be prepared, publicly exhibited, executed and registered on the title of the land with the Office of Land and Property Information:</p> <ul style="list-style-type: none"> • contribution of \$1,400,000 to Council for the provision of new bicycle links, including: <ul style="list-style-type: none"> ◦ Woollooware Station to Cronulla Centre link ◦ connection to the Sutherland to Cronulla Alternative Transport link. • affordable housing and first home buyers initiative, comprising: <ul style="list-style-type: none"> ◦ 5% of residential floorspace proposed under this modification to be provided as affordable rental housing (20% discount on market rates) for a period of no less than 10 years ◦ reserve 5% of apartments for first home buyers, which can be purchased with a reduced deposit amount of 5%. <p>The VPA, as executed, must be registered on the title of the land prior to the lodgement of the first residential development application for the Stage 1 Precinct or as otherwise agreed with Sutherland Shire Council.</p> <p>A copy of the executed VPA shall be submitted to the Secretary.</p>	<p>A draft VPA document was submitted to Council in 2019 and is close to being finalised. Payment of the monetary contribution is required prior to the issue of the first residential CC for the development.</p>	<p>Yes</p>
<p>SCHEDULE 2 - TERMS OF APPROVAL</p> <p>PART B - MODIFICATIONS</p>		
<p>B1. CAR PARKING</p> <p>The rate for visitor car parking spaces in the Residential Precinct shall be modified to 1 space per 5 dwellings (as amended by MP10_0229 MOD 4)</p>	<p>51 spaces required. 149 spaces on Level 4 shared residential visitor/club/retail consistent with Schedule 3 FEAR 6(d)</p>	<p>Yes</p>
<p>B2 RIPARIAN SETBACK</p>		

<p>The vegetated riparian buffer corridor, to be provided along the foreshore, must be a minimum of 40 metres wide, except for the 70 metres stretch adjacent to the retail loading dock, where the vegetated riparian buffer corridor must be a minimum of 35 metres wide. The vegetated riparian buffer corridor is to be maintained, and provided generally in accordance with the landscape plans approved in term of approval A1, with the following modifications:</p> <ul style="list-style-type: none"> a) The turf area in the western precinct to the north of the residential precinct is not approved. This area shall be deleted from the plans and replaced with riparian plantings. b) Crane pads for maintenance of electrical transmission lines and vehicular access to the crane pads may be provided in accordance with the approved landscape plans, subject to the Proponent demonstrating that Ausgrid requires the pads and access, and that the pads and access have been designed to minimise impacts to the riparian zone. Details are to be provided as part of any future development application. Should appropriate evidence not be provided, the pads and access are to be deleted and replaced with riparian plantings. The provision of any crane pads shall be offset in accordance with the NOW Guidelines, c) Landform changes and plantings are to be designed to ensure the riparian corridor will: <ul style="list-style-type: none"> • maximise saltmarsh planting, in consultation with Department of Primary Industries requirements, • provide a gradual landform slope as far as possible, • retain the existing mean high-water mark and prevent sediment shall not be removed, and • retain existing mangrove and riparian vegetation. <p>Sections showing landform changes and the planting strategy and planting schedule are to be updated as necessary.</p> d) The vegetation management plan shall be updated to reflect the changes to the landscape scheme. The management plan should include details about how riparian planting will be maintained and managed once planted and the development is operational. 	<p>The proposed building complies with the riparian setback. New landscaping in the riparian buffer corridor will be completed under a separate development application DA20/2066.</p>	<p>Yes</p>
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Modified landscape plans to reflect the above requirements are to be submitted in conjunction with any future development application or modification incorporating landscape works within the riparian buffer corridor.		
<p>B3. MAXIMUM BUILDING ENVELOPE HEIGHTS</p> <p>The Stage 1 Concept Plan building envelopes shall be amended in accordance with the Illustrative Floor Plans Roof Level prepared by Turner (Drawing No. S6-A-101-001 Revision G dated 07.02.18) to provide maximum building heights as follows:</p> <ul style="list-style-type: none"> • Building envelope B – a maximum of 9 storeys shall apply to the proposed part 10 part 11 storey component of the building • Building envelope C – a maximum of 8 storeys • Building envelope D – a maximum of 9 storeys adjacent to the foreshore park and 14 storeys centrally within the site <p>Amended concept plan drawings shall be submitted to, and approved by, the Secretary prior to the submission of the first development application for the Stage 1 Precinct.</p>	Urban Form Control Diagrams to satisfy this condition were accepted by the Department of Planning and Environment on 17 August 2018	Yes
<p>B4. LANDSCAPE MASTERPLAN</p> <p>The Concept Plan landscape masterplan drawings shall be amended to reflect the approved layout of the Urban Form Control Diagrams cited at Term of Approval A2.</p> <p>The amended concept plan landscape masterplan shall be submitted to, and approved by, the Secretary prior to the determination of the first development application for the Stage 1 Precinct.</p>	Amended plans were accepted by the Department of Planning and Environment on 17 August 2018 to satisfy this condition.	Yes
<p>B5. PLAYGROUND LOCATION</p> <p>The Proponent shall investigate alternative sites for the proposed playground. The playground must be located away from transmission lines, outside the riparian corridor and in a more publicly visible/accessible location.</p> <p>Modified plans and supporting information (including an options analysis) demonstrating the most appropriate location for the playground, shall be submitted to and approved by the Secretary prior to the determination of the first development application for the Stage 1 Precinct.</p>	MOD 5 required the removal of the playground from the foreshore in front of the residential precinct to the foreshore area adjacent the Project Approval (approved retail development). Location of the playground was settled as part of the LEC proceedings. The playground does not form part of this application being part of DA20/0266. Delivery of the foreshore landscape and playground will be a condition of the subject consent (refer Appendix A).	Yes

SCHEDULE 3 FUTURE ENVIRONMENTAL ASSESSMENT REQUIREMENTS		
BUILT FORM <p>1. Future applications for Stage 1 Precinct (where above ground car parking is proposed) shall demonstrate that the development achieves a high standard of architectural design incorporating a high level of modulation / articulation of the buildings and a range of high quality materials and finishes.</p> <p>1A. Future applications for the Stage 1 Precinct shall demonstrate how the development has responded to the Design Guidelines included with modification application MP10_0229 MOD 2.</p> <p>2. Future applications for the Stage 1 Precinct shall ensure that the frontages to Captain Cook Drive, Woollooware Road and the riparian zone are activated at ground level and demonstrate sufficient articulation to the satisfaction of the consent authority.</p> <p>2A. Future applications for the Stage 1 Precinct (where above ground car parking is proposed) shall include a Building Design Visual Assessment. The Assessment shall ensure the facades of any above ground car parking:</p> <ul style="list-style-type: none"> • appropriately designed and have an acceptable visual impact • include architectural treatments or other methods screen the car parking contribute positively to the overall appearance of the development • do not include excessive areas of louvres, solid walls or voids that are detrimental to the overall appearance of the development. <p>3. Future applications for the Stage 2 Residential Precinct shall ensure that the frontages to Captain Cook Drive, tidal creek adjacent the western grandstand, Solander Fields and the riparian zone are activated at ground level, including individual direct street access to the satisfaction of the consent authority.</p>	<p>Refer to the Assessment Report</p> <p>Acceptable – see assessment of design guidelines at the end of this table.</p> <p>See Assessment Report.</p> <p>Refer to the Assessment Report</p> <p>Not applicable to this application</p>	<p>Yes / No</p> <p>Yes</p> <p>Yes / No</p> <p>Yes / No</p> <p>N/A</p>

<ul style="list-style-type: none"> (i) 1 space per 1 bedroom apartment; (ii) 1 space per 2 bedroom apartments; (iii) 2 spaces per 3 bedroom apartment; (iv) 1 visitor space per 5 apartments; and* (v) 1 space per 30m² of commercial GFA*. 		
<p>(b) Within the Stage 2 Precinct:</p> <ul style="list-style-type: none"> (i) 50% of the required number of commercial parking spaces must be set aside for commercial parking only; (ii) The remaining 50% of commercial spaces and the residential visitor spaces may be shared and used by either commercial or residential visitors; and (iii) Where the remaining 50% of commercial spaces are shared with residential visitors, the spaces may count towards both the residential visitors and commercial parking requirements set out in (a). 	<p>Not applicable to this application.</p>	<p>N/A</p>
<p>(c) Within the Stage 1 Precinct parking is to be provided at the following rate;</p> <ul style="list-style-type: none"> (i) 1 space per 1 bedroom apartment; (ii) 1 space per 2 bedroom apartments; (iii) 2 spaces per 3 bedroom apartment; (iv) 1 visitor space per 5 apartments. 	<p>1 bedroom apartments x 97 = 97 car parking spaces 2 bedroom apartments x 113 = 113 car parking spaces 3 bedroom apartments x 45 = 90 car parking spaces Total = 300 car parking spaces</p> <p>Proposed = 300 car parking spaces (This includes 25 spaces for the affordable housing / first home buyer apartments)</p>	<p>Yes</p>
<p>(d) Within the Stage 1 Precinct:</p> <ul style="list-style-type: none"> (i) residential visitor car parking shall be provided in accordance with the rate set out in 6(c)(iv) and must be set aside for residential visitor parking only. Notwithstanding, where a Shared Car Parking Assessment has been demonstrated that there would be no adverse traffic or car parking impacts: <ol style="list-style-type: none"> 1. residential visitor car parking can be provided wholly, or in part, within the retail podium and shared by either commercial or residential visitors 2. where visitor spaces are shared the spaces may count towards both the residential and commercial parking requirements 	<p>51 visitor spaces required within 149 visitor spaces on Level 4 shared with retail/club car parking spaces.</p>	<p>Yes</p>

<p>ii) future development applications shall include the provision of an electronic dynamic parking guidance system.</p> <p>(e) car parking shall be provided in accordance with the maximum and minimum car parking limits outlines in Term of Approval A4.</p>	<p>Conditioned (refer Appendix A)</p> <p>Term of Approval A4 requires a maximum of 259 spaces for the residential component of the Stage 1 Precinct, unless amended in accordance with Future Environmental Assessment Requirement 6 which requires 300 car parking spaces.</p>	<p>Yes</p> <p>Yes</p>
<p>7. Prior to the submission of an application for the redevelopment of the western car park and football fields, details are to be provided which demonstrate that off-site parking arrangements have been finalised and endorsed by the relevant authorities. A revised Peak Event Parking Management Plan is to be submitted with the first application subsequent to the Concept Plan.</p>	<p>Not applicable to this application</p>	<p>N/A</p>
<p>BICYCLE PARKING</p> <p>7A. Future applications shall demonstrate that a minimum of 126 bicycle parking spaces shall be provided within Stage 1, comprising:</p> <p>(a) 49 bicycle spaces for the retail/club</p> <p>(b) 77 bicycle spaces for residential apartments.</p>	<p>Retail/club - 114 bicycle spaces Level 1 forecourt - 12 bicycle spaces Level 2 car park - 54 bicycle spaces Level 3 car park - 48 bicycle spaces</p> <p>Residential apartments - 62 shared bicycle spaces Level 4 car park - 14 bicycle spaces Level 5 car park - 48 bicycle spaces</p> <p>Additional 15 bicycle spaces conditioned.</p>	<p>Yes subject to conditions</p>
<p>ROADS AND MARITIME SERVICES</p> <p>9. The first future application subject to the Concept Plan shall demonstrate that agreement has been reached between the Roads and Maritime Services and the proponent in regards to:</p> <p>(a) Provision of access to the site off Captain Cook Drive.</p> <p>(b) Details of a pedestrian fence within the median along Captain Cook Drive, between Gannons Road and Woolooware Road.</p> <p>(c) provision of a shared pathway along the northern perimeter to provide a linkage between the existing shared path, by running along the mangroves, and the new access road feeding to the proposed signalised intersection of Captain Cook Drive and Woolooware Road.</p>	<p>The provision of access (a) to the WBTC site off Captain Cook Drive and the pedestrian fence (b) in the central median have been built as part of earlier DA's for the Residential Precinct (Stage 2). Further works in Captain Cook Drive will occur as part of the Project Approval and are underway at present.</p> <p>Provision of a shared pathway along the northern frontage of the Residential Precinct has been approved and is also underway at present. A continuation of this pathway in front of the subject development connecting the back of Family Hill with Woolooware Road will be assessed under DA20/0266.</p>	<p>Yes</p>

<p>TRAVEL ACCESS GUIDE (TAG) / GREEN TRAVEL PLAN</p> <p>10. Future applications shall provide details of any Travel Access Guide (TAG) / Green Travel Plan. This should include the preparation of a Travel demand Study in consultation with TfNSW including the provision of at least 4 dedicated parking spaces for car-sharing within the Stage 1 Precinct.</p>	<p>A Green Travel Plan has been submitted with the application and conditions are recommended to ensure its effectiveness into the future. Refer Appendix A.</p> <p>The 4 car sharing spaces are not clearly shown on the submitted architectural plans and as such have been conditioned.</p>	<p>Yes subject to conditions</p>
<p>ECOLOGICALLY SUSTAINABLE DEVELOPMENT</p> <p>11. Future applications shall demonstrate the incorporation of ESD principles in the design, construction and on-going operational phases of the development, including the selection of fabric and materials, water conservation and management indicatives', and energy efficiency and renewable energy initiatives.</p>	<p>The application has been reviewed by Council staff and suitable ESD principles have been incorporated into the design, construction and ongoing operation phases of the development. Suitable conditions are included in Appendix A to ensure these are carried through to the development stage.</p>	<p>Yes</p>
<p>CONSTRUCTION AND OPERATIONAL IMPACTS</p> <p>12. Future applications shall demonstrate that acoustic and vibration treatments to be implemented have regard to the recommendations of the Noise Impact Assessment prepared by Acoustic Logic, dated 29 July 2011.</p>	<p>A Construction Noise and Vibration Management Plan was submitted with the application along with an Environmental Noise Impact Assessment. The development has been conditioned to require the implementation of the measures in these reports. Refer Appendix A.</p>	<p>Yes</p>
<p>SECTION 94 CONTRIBUTIONS</p> <p>13. Future applications shall demonstrate development contributions to be paid to Council towards the provision or improvement of public amenities and services and will be required as a condition of consent for each detailed stage of the development. The amount of the contribution will be determined in accordance with the requirements of the Contributions Plans current at the time of approval.</p>	<p>Section 7.11 contributions will be imposed as conditions of consent and required to be paid prior to issue of the Construction Certificate. Refer Appendix A.</p>	<p>Yes</p>
<p>PUBLIC DOMAIN AND LANDSCAPING</p> <p>14. Future applications shall provide public domain treatments and landscaping generally in accordance with the approved landscape concept plans as modified by condition B2. This shall include details of the function and use of each landscaped area.</p> <p>The proposed pedestrian bridge connecting Stage A2 with Stage B is to be included as part of Stage A2.</p>	<p>Public domain treatment and general landscaping of communal open space areas on the podium are satisfactory subject to conditions. Remaining public domain works outside the subject site (on the northern foreshore) are intended to be delivered under DA20/0266.</p> <p>No applicable to this application.</p>	<p>Yes</p> <p>N/A</p>

14A. Future applications for the Stage 1 Precinct shall demonstrate that all tree species and at least 80% of understorey species within the landscaping are indigenous, and the planting does not include weed species.	A condition of consent has been provided in Appendix A requiring 80% of understorey species within the landscaping are indigenous, and the planting does not include weed species.	Yes
15. Future applications shall demonstrate those treatments and planting within riparian zones along Woollooware Bay and the tidal creek.	Not applicable to this application.	N/A
16. Future applications shall demonstrate how the development provides pedestrian and cycle linkages throughout the development, suitable for use by persons with disabilities, and in accordance with relevant Australian Standards.	A separate DA is proposed to be lodged by the applicant for the adjacent foreshore works. This will address pedestrian and cycle paths.	N/A
17. Future applications shall demonstrate the treatment of the boulevard within the Residential Precinct to ensure that this area is activated throughout the day.	Not applicable to this application.	N/A
18. Future applications for the shopping centre must demonstrate that shopping trolleys and litter would be contained within the site and managed to prevent impacts to the riparian vegetation and the environment generally.	A Retail Centre Management Plan (RCMP) was submitted with the application. It is proposed that shopping trolleys will be managed through a system of refundable coin return (ALDI); dedicated staff to collect and return trolleys; a dedicated trolley lift from the parking levels as well as all trolleys to be restricted by a magnetic loop system that restricts movement past the external curtilage of the centre.	Yes
GROUNDWATER 19. Future applications are to demonstrate that the development does not impact upon the health of the groundwater dependent ecosystems.	Council's Environmental Scientist has no objection subject to conditions.	Yes
CONTAMINATION 20. Future applications shall address any potential contamination on the site and implement the recommendation of the Environmental Investigation Services report, dated 30 June 2011, including: <ul style="list-style-type: none"> The site being capped and the development constructed on piles, with excavation / disturbance kept to a minimum to avoid potential mobilisation of any contaminants in the landfill; 	The proposal is acceptable having regard to contamination. A Site Audit Statement will be required prior to the issue of any OC to ensure remediation works have been carried out in accordance with the approved RAP. Refer conditions in Appendix A .	Yes

<ul style="list-style-type: none"> • Suitable measures being taken to protect the buildings from methane gas and that the Office of Environment and Heritage licensed site auditor agree with these measures; • A Remedial Action Plan (RAP) be prepared that addresses all remedial work necessary to make the site suitable for the proposed development including capping requirements; • No groundwater is extracted for use on the development; • Suitable management plans are prepared to address any contingencies that may arise; and • An Environmental Management Plan (EMP) is prepared and is noted on the land title. 		
DEPARTMENT OF PRIMARY INDUSTRIES (FISHERIES) 21. Future applications shall demonstrate that Department of Primary Industries (Fisheries) requirements have been met in relation to: <ul style="list-style-type: none"> (a) mangroves not being harmed in upgrading the existing mangrove boardwalk; (b) the foreshore boardwalk being setback from the crown of mangrove trees so that maintenance trimming for safety purposes will not be required over time; 	The foreshore boardwalk or seawalls do not form part of this application.	N/A
OFFICE OF ENVIRONMENT AND HERITAGE 22. Future applications shall demonstrate that Office of Environment and Heritage requirements have been met in relation to: <ul style="list-style-type: none"> (a) A Stormwater Management Plan (SMP) that details how all stormwater run-off will be collected and treated; (b) A Noise Management Plan (NMP) that investigates the likely impacts of construction and on-going operational noise on fauna using the adjacent estuarine areas as habitat; 	The requirements of OEH (now NSW Environment, Energy and Science) have been met as follows: <ul style="list-style-type: none"> (a) Stormwater for the development has been addressed under the Project Approval, with a linking condition included in Appendix A requiring these works to be completed prior to issue of an OC for the retail stage of this development. (b) Ecological advice prepared by EcoLogical Australia was submitted with the application. This reviews the previously submitted NMP, LMP and BMP and makes various recommendations. Conditions in this regard are included in Appendix A. 	Yes

<p>(c) A Lighting Management Plan (LMP) that minimises the impacts of light spill on threatened fauna using the adjacent estuarine areas as roosting and foraging habitat;</p> <p>(d) A Bird Management Plan (BMP) that investigates the potential for bird strike from reflective surfaces associated with the development and provides details of the construction materials and design methods that will be used to avoid or minimise the likelihood of bird strike;</p> <p>(e) A flood study that details potential impacts on Towra Point Nature Reserve in the event of a flood and includes strategies for preventing impacts;</p> <p>(f) A leachate management plan to ensure that no leachate from the landfill on the site is exported to the Towra Point Nature Reserve;</p> <p>(g) An Acid Sulfate Soil Management Plan prepared by a suitably qualified person in accordance with the Acid Sulfate Soil Assessment Guidelines (Acid Sulfate Soil Management Advisory Committee, 1998; and</p> <p>(h) An assessment of Aboriginal heritage.</p>	<p>(c) As with Point (b) above</p> <p>(d) As with Point (b) above.</p> <p>(e) The Flood Study prepared by WMAwater was endorsed under DA16/1068. Council's engineers have no issue with the subject development in terms of flood impacts.</p> <p>(f) Leachate management will be addressed as part of the Remedial Action Plan and achieved by the Long-term Environmental Management Plan as conditioned in Appendix A.</p> <p>(g) ASSMP is acceptable subject to conditions (refer Appendix A.</p> <p>(h) Aboriginal heritage has been assessed as part of the application. Conditions are included in Appendix A.</p>	
<p>SYDNEY WATER</p> <p>23. Future applications shall address Sydney Water requirements in relation to:</p> <ul style="list-style-type: none"> • The required upsizing of the existing 150mm drinking water main to a 200mm main from the existing 375mm main on the corner of Kurnell Road and Hume Road; • The required upsizing of the existing 225mm wastewater main to a 300mm main in Captain Cook Drive, will require an extension of at least one metre inside the property boundary; and 	<p>Correspondence has been received from Sydney water advising that the proposed development can be serviced with respect to water and waste water. Detailed requirements including any potential extensions or amplifications will be provided once the development is formally referred for a Section 73 application. A condition is included in Appendix A requiring the applicant to obtain a s73 certificate.</p>	<p>Yes</p>

<ul style="list-style-type: none"> The submission of an application, should the development generate trade wastewater, to discharge trade wastewater to the sewage system before business activities commence. 		
<p>STAGING OF DEVELOPMENT</p> <p>24. The first application shall provide details of the final form of the development to ensure the orderly and coordinated development of the site. The initial stages of the development should include the construction of the Retail and Club component of Stage 1 precinct within the eastern portion of the site.</p> <p>Each stage described above shall provide full details of inclusions in respect of:</p> <ul style="list-style-type: none"> a) demolition; b) earthworks; c) buildings and all other structures; d) any elements of the overall public domain plan to be dedicated or embellished; e) any site remediation works; f) stormwater management works; g) any vehicular or pedestrian access to the site; h) measures to mitigate and manage nuisance caused by stages under construction to completed stages and clashes between stages including vehicle access, noise, parking and safety; and i) waste and construction management. <p>An access application shall be made to Council to obtain footpath crossing and boundary alignment levels before commencing the detailed design of internal driveways, paths and car park area.</p>	Refer to the Assessment Report for discussion.	No
<p>CRIME PREVENTION THROUGH ENVIRONMENTAL DESIGN</p> <p>25. Future applications shall demonstrate that the layout of the buildings and landscape treatments adopt the principles of Crime Prevention through Environmental Design.</p>	A CPTED Report was submitted with the application. The submission has been reviewed by Council staff and the NSW Police under Council's adopted Protocol and is considered to be acceptable subject to the imposition of suitable conditions of development consent. Refer Appendix A .	Yes
<p>TRANSMISSION LINES</p> <p>26. Future applications shall demonstrate that EMF exposure to the northern most residential building envelopes is minimised taking into</p>		Yes

<p>account a precautionary principle approach in consultation with Ausgrid. Such measures shall include those matters outlined in the Bluestone Property Solutions letter dated 5 June 2012.</p> <p>27. Future applications shall demonstrate that the recommendations of Magshield Products (Aust.) International Pty Ltd report dated 7 June 2012 in relation to the EMF mitigation measures comprising reversal of two outer phases of feeder 917, have been implemented.</p> <p>28. Future applications shall address required access provisions by Ausgrid.</p>	<p>Appropriate upgrades have already been undertaken to the transmission lines to comply with these requirements of the Concept Plan.</p> <p>Ausgrid has provided consent conditions for the applicant to comply with as part of the consent with respect to access and the easement. These are included in the draft conditions at Appendix A.</p> <p>As above.</p>	<p>Yes</p> <p>Yes</p>
<p>SPORTING FIELDS</p> <p>29. The first application for the Residential Precinct shall demonstrate that a site has been identified and agreements reached for the replacement of the two western playing fields, with the sporting fields completed prior to construction commencing on the residential component.</p>	<p>These fields were constructed a few years ago prior to Stage 1 Residential (DA13/0270).</p>	<p>N/A</p>
<p>TOURIST AND VISITOR ACCOMMODATION</p> <p>30. Future development applications shall outline the mechanism for ensuring that tourist/visitor accommodation is retained for this purpose and not converted to another use.</p>	<p>A condition of consent has been provided in Appendix A requiring that the hotel is retained for this purpose on an ongoing basis.</p>	<p>Yes</p>
<p>SCHEDULE 4</p> <p>SUBDIVISION CONDITIONS OF CONSENT</p>		
<p>Restriction as to User</p> <p>1. Prior to the issue of an Occupation Certificate for the Retail Development, documentary rights of carriageway must be created between Lot 1 and Lot 2 that enables parking within Lot 1 from users of Lot 2 and created pursuant to Section 88B of the Conveyancing Act 1919, to Council's satisfaction.</p>	<p>Not applicable to this application.</p>	<p>Yes</p>
<p>Publicly Accessible Land</p> <p>2. Prior to the issue of an Occupation Certificate for the Retail Development, rights of way, easements and positive covenants must be created over the publicly accessible land for the site to provide and maintain public access, pursuant to Section 88B of the Conveyancing Act 1919.</p>	<p>The subject application does not apply to that area to the north of the site where the public accessible shared pathway area will be located. This will be resolved under DA20/0266.</p>	<p>Yes</p>
<p>Sydney Water Certificate</p>		

<p>3. A Section 73 Compliance Certificate under the Sydney Water Act 1994 must be obtained from Sydney Water Corporation.</p> <p>Application must be made through an authorised Water Servicing Coordinator. Please refer to the Building Development and Plumbing section on the web site www.sydneywater.com.au then refer to the Water Servicing Coordinator under 'Developing your Land' or telephone 13 20 92 for assistance.</p> <p>Following application a 'Notice of Requirements' will advise of water and sewer infrastructure to be built and charges to be paid. Please make early contact with the Coordinator, since building of water / sewer infrastructure can be time consuming and may impact on other services and building, driveway or landscape design.</p> <p>The s.73 Certificate must be submitted to Council or the PCA prior to a Subdivision Certificate being issued.</p>	<p>A condition has been included in Appendix A in this regard</p>	<p>Yes</p>
<p>SCHEDULE 5 STATEMENT OF COMMITMENTS</p>		
<p>1. Approved Development</p> <p>Future applications for development will be generally in accordance with the scheme described at Section 3.0 of the Environmental Assessment Report, as amended in Section 5.0 of this Preferred Project Report, the Masterplan and Retail Concept Plans prepared by Scott Carver and Associates, the Residential Built Form Controls Drawings prepared by Turner and Associates, the Landscape Concept Plans prepared by ASPECT Studios, and the Roadworks and Stormwater Plans prepared by AT+L.</p>	<p>The proposal is generally in accordance with the Concept Plan as modified by MOD 2.</p>	<p>Yes</p>
<p>2. Contamination and Acid Sulfate Soils</p> <p>An OEH Licensed independent contaminated site auditor shall be appointed to review future site investigations.</p> <p>Any condition included on the Site Audit Statement shall become a condition of this consent.</p> <p>Future applications for development will be accompanied by a Phase 2 detailed Site Investigation Report to address site contamination.</p>	<p>Acceptable subject to conditions</p>	<p>Yes</p>

<p>Future applications for development will be accompanied by an Acid Sulfate Soils Management Plan prepared in accordance with the Acid Sulfate Soils Assessment Guidelines (ASSMAC 1998).</p> <p>Additional groundwater monitoring wells shall be installed on the site to obtain a more accurate understanding of groundwater conditions and inform the Phase 2 investigations.</p> <p>Groundwater shall not be extracted for use in the development.</p> <p>Future applications for development will include a Methane Gas Management Plan. The plan shall include details of proposed methane gas monitoring and management on the site to protect buildings from the ingress of methane gas. The Plan shall be approved by the Site Auditor.</p>		
<p>3. Traffic Management</p> <p>The proponent shall work with NSW Transport and Sutherland Shire Council to investigate the most effective route for a public bus route servicing the site.</p> <p>The proponent shall provide a shuttle bus service operating between the site and Woollooware Station for a period of time beginning with the commencement of works on the subject site and ending when the site is first serviced by a public bus route. Details of the capacity and frequency of the service shall be submitted with each Project Application / Development Application.</p> <p>Future applications for development shall include provision for on-site bicycle parking and the provision of shower / amenities for employees in accordance with relevant standards.</p> <p>A draft Travel Access Guide (TAG) will be submitted with future Project / Development Applications for the neighbourhood retail centre and Shark Club development. The draft TAG will address:</p> <ul style="list-style-type: none"> • Provision of public transport information for employees; • Encourage walking / cycling; • Display of travel information 	<p>Existing bus service 987 stops in front of the subject site. This supersedes previous shuttle bus requirement. Refer comments in Response to Submissions in Appendix B.</p> <p>Adequate bicycle parking within the retail centre and on external edges is proposed, along with end of trip facilities. A minor shortfall exists for the residential requirement of bicycle parking so this has been conditioned. Refer Appendix A.</p> <p>Green Travel Plan has been submitted and reviewed as generally acceptable subject to a condition regarding implementation.</p>	<p>Yes</p> <p>Yes</p> <p>Yes</p>

<ul style="list-style-type: none"> • Transport information at the retail centre's Information Desk • Noticeboard advertising transport options and connections. <p>Future applications for development shall include a revised Peak Event Traffic Management Plan to incorporate parking and transport related arrangements. The revised plan shall be prepared in consultation with SSC.</p> <p>The future Project Application for development of the neighbourhood retail centre shall include detailed plans of the following proposed road and intersection upgrades:</p> <ul style="list-style-type: none"> ▪ Signalised intersection including pedestrian activated traffic signal on Captain Cook Drive at the western entry point ▪ Relocated and signalised intersection of the junction of Captain Cook Drive and Woollooware Road and northern extension of Woollooware Road ▪ Modifications to Captain Cook Drive to accommodate bus bays <p>The First Development Application for residential development shall include detailed plans of the proposed signalised intersection at the entry point with Captain Cook Drive and proposed timing of intersection works.</p> <p>The proponent shall also provide:</p> <ul style="list-style-type: none"> ▪ Pedestrian fencing along Captain Cook Drive between Gannons Road and Woollooware Road ▪ Appropriate pedestrian crossing on Gannons Road to be approved by the Local Traffic Committee. 	<p>Traffic and Parking Impact Assessment lodged with application only reference peak events at the start of the report</p> <ul style="list-style-type: none"> • <i>During peak events at Sharks Stadium, such as NRL Rugby League matches, a special event traffic management plan is used to manage the peak traffic & pedestrian activity. This plan was developed in 1998 by McLaren Traffic Engineering in consultation with Council's traffic committee and the Sharks. Trial implementation of satellite parking and extended bus services for game day is ongoing;</i> <p>Roads Act approval was issued under the Project Approval for the required road works in Captain Cook Drive and Woollooware Road. The works include two new sets of traffic signals, road realignment at the intersection with Captain Cook Drive and Woollooware Road as well as bus bays, median fencing, landscaping and tree planting, replacement of all pavement etc.</p> <p>Works completed as part of Stage 1 Residential (DA13/0270)</p> <p>Pedestrian fencing has been put in place on the eastern and western ends of Captain Cook Drive between Gannons Road and Woollooware Road. An existing pedestrian refuge exists on the southern side of the roundabout with Gannons Road and Woollooware Road. These conditions have therefore been met.</p>	
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<p>4. Stormwater and Flooding</p> <p>Future applications for development shall include a detailed Stormwater Management Plan addressing:</p> <ul style="list-style-type: none"> • Water quality management measures to be implemented including Water Sensitive Urban Design; • Provide details with regard to improvements in water quality and the hydraulic regimes to protect the mangrove areas in the drainage channel and Woollooware Bay. <p>Future applications for development shall include a detailed flood assessment incorporating:</p> <ul style="list-style-type: none"> • Prepare hydrologic model of the catchment draining to the site using the RAFTS modelling software. Assessment of the 1 in 20, 1 in 100 year and PMF events climate change impact considered by increasing design rainfall intensities of each storm in accordance with state government policy. • Prepare detailed hydrologic model for the site using the TUFLOW 2D flood modelling system. This will require a detailed contour survey of the site and surrounding areas. • Review pre and post-development flooding inundation levels / extents. • Produce hydraulic hazard map for the developed site. • Assess development and community safety on flood prone land up to the PMF in accordance with the NSW FDM (2005) relevant sections of Council's DCP and other relevant guidelines. <p>Future applications for development will address the NSW Coastal Planning Guideline: Adapting to Sea Level Rise.</p> <p>Future applications for development will be accompanied by a draft Erosion and Sediment Control Plan.</p>	<p>The stormwater system is to be constructed in accordance with the project Approval MP10_0230. A condition of consent has been provided in Appendix A to ensure that the stormwater system is constructed prior to the occupation of the retail development.</p> <p>A Flood Report prepared by WMAwater (dated August 2017) was submitted with the application. Council's Engineers are satisfied with this subject to conditions of consent included in Appendix A. The Flood Report also addressed sea level rise.</p> <p>An Erosion and Sediment Control Plan was submitted with the application.</p>	<p>Yes</p>
<p>5. Noise</p> <p>Future applications for development will be accompanied by a Noise Report which demonstrates compliance with the relevant standards for internal amenity.</p>	<p>The proposal includes an Environmental Noise Impact Assessment prepared by Acoustic Logic. The report demonstrates that acceptable internal amenity levels can be achieved for the residential units subject to various attenuation requirements. The development has been conditioned to comply with the recommendations of the report.</p>	<p>Yes</p>

<p>endangered ecological community in quantities commensurate to that removed elsewhere within the site, if relevant.</p> <p>Any future application for the reconstruction of the western grandstand of Toyota Stadium will incorporate an appropriate environmental buffer to the tidal stormwater channel where practical.</p> <p>Future applications for development will address any potential light spill impacts on flora and fauna in proximity to the development site.</p> <p>Should detailed surveys for the Large-footed Myotis confirm the presence of this species roosting within the mangroves adjoining the site, specific management plans will be developed and implemented to prevent adverse impacts as a result of the proposed development.</p>	<p>Not part of this application.</p> <p>Not part of this application.</p> <p>The advice from EcoLogical has reviewed the previously prepared LMP submitted as part of the Concept plan MOD 2. Recommendations from this such as that during construction and in the design of the built form, direct artificial lighting is not angled skyward or into the mangroves. The recommendations are included as conditions in Appendix A.</p> <p>The EcoLogical reports advise that the subject site has little ecological value but that the mangrove forest and bay immediately to the north of the site compromise important habitat – including for the Myotis macropus i.e. Large-footed Myotis (microbat). Further consideration will be given to this under DA20/0266</p>	<p>Yes</p> <p>Yes</p>
<p>9. Access</p> <p>Future applications for development will demonstrate compliance with the relevant provisions of the DDA Premises Act, Building Code of Australia 2011 and the applicable Australian Standards for access.</p>	<p>The proposal includes an Access Review by Morris Goding Access Consulting. The report reviews access for people with disability to the development including the retail centre, residential, hotel and commercial tenancies. Relevant conditions are included in Appendix A.</p>	<p>Yes</p>
<p>10. Archaeology</p> <p>If Aboriginal objects are identified during the development, works must stop immediately and the Office of Environment and Heritage and an archaeologist must be contacted.</p>	<p>Council's Aboriginal specialist is of a view that limited if any archaeological potential exists on the site as a result of tidal inundation. Nonetheless an unexpected finds condition has been included in the draft conditions contained in Appendix A.</p>	<p>Yes</p>
<p>11. Developer contributions</p> <p>Future applications shall demonstrate development contributions to be paid to Council towards the provision or improvement of public amenities and services. This shall be by way of either the proponent entering into a Voluntary Planning Agreement (VPA) with Sutherland Shire Council or the payment of Section 94 developer contributions as a condition of consent for each detailed stage of the development in accordance with</p>	<p>Development contributions are required to be paid as part of the proposal. Relevant conditions are included in Appendix A.</p>	<p>Yes</p>

the requirements of Council's Contributions Plan current at the time of approval.		
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FEAR 1A – Design Principals		
<p>Maximise activation of external street frontages</p> <ul style="list-style-type: none"> • Provide lobby at ground level building C to create residential access to the foreshore • Enhance street access to the hotel through signage and other design measures to draw attention to the mixed uses of club and hotel on the upper levels 	<p>The proposed lobby at ground level fronts the foreshore. The lobby and lift access is not connected to Building C but located adjacent to it to enable all the residents to access this and reach the foreshore. See comments in the Assessment Report re vertical circulation.</p> <p>The proposed hotel entry is sufficiently designed to assist with street activation and identification In conjunction with the larger stair / double height entry forecourt adjoining. Signage will also assist with this identification.</p>	<p>Yes</p>
<p>Provide a street address for the residential and tourist accommodation</p> <ul style="list-style-type: none"> • Provide signage to clearly identify hotel and residential accommodation • Ensure design of lobby is transparent and open to the street. 	<p>Signage is proposed on the building to identify the entry points for the hotel and residential accommodation.</p> <p>On the southern elevation of the building, double height glass walls are proposed to mark the hotel and residential accommodation entries. This makes these areas transparent and provides a different architectural treatment to differentiate these entries from the commercial portion of the building.</p> <p>On the northern elevation of the building a small residential lobby is provided. The northern wall of this area is glass and open to the foreshore. A small building identification sign is also provided next to the glass doors.</p>	<p>Yes</p> <p>Yes</p>
<p>Minimise impacts of loading dock and car parking entry/exit points, plant, services and above ground car parking:</p> <ul style="list-style-type: none"> • Loading docks and car parking entry / exit points, plant and service rooms on Level 1- 4 and retail car parking is to be constructed in accordance with the Club/ Retail Precinct Project Approval 	<p>The proposed loading docks and vehicle entry points to these and the car parking are largely as approved under the Project Approval</p>	<p>Yes</p>

<ul style="list-style-type: none"> • Above ground car parking for Building A - D to include an open architectural treatment, which will screen parking while facilitating natural ventilation. • Above ground car parking for Building E is to be screened with a facade that is consistent with the hotel/residential building above. 	<p>Refer to discussion in assessment Report.</p> <p>Refer to Assessment Report.</p>	<p>Yes subject to conditions</p> <p>Yes</p>
<p>Identify and separate public and private areas:</p> <ul style="list-style-type: none"> • Clearly delineate between public and private areas through the use of signage, security monitoring and other design measures. 	<p>Residential apartments and car parking is at the upper levels of the development and entirely separate to lower level commercial / retail / club and hotel. Separate residential entries in both northern and southern elevations also provided. Generally all other areas are open and available to the general public.</p> <p>Details of wayfinding signage have been submitted with the application and are generally satisfactory. Conditions of consent have been provided in Appendix A to ensure satisfactory signage provided to delineate between public and private areas.</p>	<p>Yes</p>
<p>Manage the separate car parking and traffic impacts of the various uses, including drop off/pick up for the tourist accommodation:</p> <ul style="list-style-type: none"> • Provide separate entry and exit arrangement for each use • Provide dedicated hotel car parking within the Building E envelope including a separate drop off / pick up area • Implement a guided parking management system 	<p>There are two main car park entries for all uses of the development but once residents reach the northern end of the internal street on Level 2 there is a dedicated access ramp to resident parking on Level 5. Club and hotel access will largely occur from the Captain Cook Drive entry point which leads directly to Level 2 and the internal street. Level 2 contains a separate turning / drop-off area for the hotel and a separate area for the Club on the internal street. Allocated parking is proposed for the childcare centre.</p> <p>Dedicated hotel / office car parking is provided on Levels 3 and 4 of Building E. Remainder of retail / centre parking is located on Ground Level Levels 2, 3 and 4.</p> <p>A condition of consent has been provided in Appendix A for the installation of a guided parking management system.</p>	<p>Yes</p> <p>Yes</p> <p>Yes</p>

Project Approval

Section 75J of the *Environmental Planning & Assessment Act 1979*

As delegate of the Minister for Planning and Infrastructure under delegation executed on 14 September 2011, the Planning Assessment Commission of New South Wales (the Commission) approve the project application referred to in Schedule 1, subject to the conditions in Schedule 2 and the Statement of Commitments provided in Schedule 3.

These conditions are required to:

- prevent, minimise, and/or offset adverse environmental impacts;
- set standards and performance measures for acceptable environmental performance;
- require regular monitoring and reporting; and
- provide for the ongoing environmental management of the project.



Member of the Commission

Sydney



Member of the Commission

20 August 2013

SCHEDULE 1

PART A: PARTICULARS

Application No.:	MP 10_0230
Proponent:	Bluestone Capital Ventures No. 1 Pty Ltd
Approval Authority:	Minister for Planning and Infrastructure
Land:	461 Captain Cook Drive, Woollooware (Lot 11 DP 526492, Lot 21 DP 529644 and Lot 1 DP 501920)
Project:	<p>Woollooware Bay Town Centre Stage 1, including:</p> <ul style="list-style-type: none"> • partial demolition of the existing Leagues Club and other structures within the site; • construction of a new retail centre with a full-line supermarket, food retail, mini-major tenancies, specialty retail, dining tenancies and medical and leisure uses; • fitout of Levels 3 and 4 of the existing building for the Leagues Club; • public domain works; • infrastructure works providing access to the site off Captain Cook Drive; • provision of a shuttle bus service and new bus and taxi bays on Captain Cook Drive; • stormwater management and site remediation works; • loading docks and on-site car parking spaces; • development contributions; and • stratum subdivision.

PART B: NOTES RELATING TO THE DETERMINATION OF MP No. 10_0230

Responsibility for other approvals / agreements

The Proponent is responsible for ensuring that all additional approvals and agreements are obtained from other authorities, as relevant.

Appeals

The Proponent has the right to appeal to the Land and Environment Court in the manner set out in the Act and the Regulation.

Legal notices

Any advice or notice to the approval authority shall be served on the Director-General.

PART C: DEFINITIONS

Advisory Notes	Advisory information relating to the consent but do not form a part of this consent
Application	The development application and the accompanying drawings plans and documentation described in Condition B1.
BCA	Building Code of Australia
Construction	Any works, including earth and building works
Council	Sutherland Shire Council
Certifying Authority	Means a person who is authorised by or under section 109D of the Act to issue a construction certificate under Part 4A of the Act;
Department	Department of Planning and Infrastructure or its successors
Director-General	Director-General of the Department of Planning and Infrastructure, or nominee/delegate
Director-General's approval, agreement or satisfaction	A written approval from the Director- General (or nominee/delegate) Where the Director-General's approval, agreement or satisfaction is required under a condition of this approval, the Director-General will endeavour to provide a response within one month of receiving an approval, agreement or satisfaction request. The Director-General may ask for additional information if the approval, agreement or satisfaction request is considered incomplete. When further information is requested, the time taken for the Proponent to respond in writing will be added to the one month period.
EA	Environmental Assessment prepared by JBA Planning dated March 2013
EPA	Environment Protection Authority, or its successor
EP&A Act	<i>Environmental Planning and Assessment Act 1979 (as amended)</i>
EP&A Regulation or Regulation	<i>Environmental Planning and Assessment Regulation 2000 (as amended)</i>
Minister	Minister for Planning and Infrastructure, or nominee
OEH	Office of the Environment and Heritage, or its successor
PCA	Principal Certifying Authority, or in the case of Crown development, a person qualified to conduct a Certification of Crown Building works
Proponent	Bluestone Capital Ventures No. 1 Pty Ltd or anyone else entitled to act on this consent
PPR / RTS	Preferred Project Report and Response to Submissions prepared by JBA Planning dated May 2013
Sensitive receiver	Residence, education institution (e.g. school, university, TAFE college), health care facility (e.g. nursing home, hospital), religious facility (e.g. church) and children's day care facility.

SCHEDULE 2

PART A- ADMINISTRATIVE CONDITIONS

A1. DEVELOPMENT DESCRIPTION

Development approval is granted only to carrying out the development described in detail below:

- (a) partial demolition of the existing Leagues Club and other structures within the site;
- (b) construction of a new retail centre with a full-line supermarket, food retail, mini-major tenancies, specialty retail, dining tenancies and medical and leisure uses with a maximum gross floor area of 26,473m²;
- (c) fitout of Levels 3 and 4 of the existing building for the Leagues Club;
- (d) public domain works including new foreshore buffer to Woollooware Bay;
- (e) infrastructure works providing access to the site off Captain Cook Drive (extension and realignment of Woollooware Road, signalisation of Woollooware Road / Captain Cook Drive and two new signalised intersections along Captain Cook Drive);
- (f) provision of a shuttle bus service and new bus and taxi bays on Captain Cook Drive;
- (g) stormwater management (including flood mitigation works) and site remediation works;
- (h) loading docks and 770 on-site car parking spaces;
- (i) development contributions; and
- (j) stratum subdivision.

A2. TERMS OF APPROVAL

The Proponent shall carry out the project in accordance with the following documentation:

- (a) Environmental Assessment (EA) and supporting documents prepared by JBA Planning, dated March 2013;
- (b) Preferred Project Report and Response to Submissions and supporting documentation prepared by JBA Planning, dated May 2013; and
- (c) the following drawings, except for:
 - a. any modifications which are Exempt or Complying Development; and
 - b. otherwise provided by the conditions of this approval.

Architectural (or Design) Drawings prepared by Scott Carver Pty Ltd			
Drawing No.	Revision	Name of Plan	Date
DA003	5	Masterplan Staging Diagram	23/05/2013
DA007	6	Site – Demolition Plan	23/05/2013
DA009	3	Stage 1 Works Plan	23/05/2013
DA011	7	Level 1 Plan	23/05/2013
DA012	9	Level 2 Retail Plan	07/06/2013
DA013	7	Level 3 Plan	23/05/2013
DA014	4	Level 4 Plan	07/06/2013
DA015	5	Roof Plan	23/05/2013
DA031	4	Gross Building Areas	23/05/2013
DA032	7	Gross Floor Areas	07/06/2013
DA111	6	Level 1 Plan – Sheet 1 of 4	23/05/2013
DA112	5	Level 1 Plan – Sheet 2 of 4	23/05/2013
DA113	5	Level 1 Plan – Sheet 3 of 4	23/05/2013
DA114	5	Level 1 Plan – Sheet 4 of 4	23/05/2013
DA121	8	Level 2 Retail Plan – Sheet 1 of 4	07/06/2013

DA122	7	Level 2 Retail Plan – Sheet 2 of 4	07/06/2013
DA123	6	Level 2 Retail Plan – Sheet 3 of 4	24/05/2013
DA124	6	Level 2 Retail Plan – Sheet 4 of 4	24/05/2013
DA131	7	Level 3 Plan – Sheet 1 of 4	07/06/2013
DA132	5	Level 3 Plan – Sheet 2 of 4	23/05/2013
DA133	5	Level 3 Plan – Sheet 3 of 4	23/05/2013
DA134	5	Level 3 Plan – Sheet 4 of 4	23/05/2013
DA141	4	Level 4 Plan – Sheet 1 of 4	23/05/2013
DA142	4	Level 4 Plan – Sheet 2 of 4	23/05/2013
DA143	4	Level 4 Plan – Sheet 3 of 4	23/05/2013
DA144	4	Level 4 Plan – Sheet 4 of 4	23/05/2013
DA201	5	Site Elevations	23/05/2013
DA211	4	Elevations – Sheet 1	23/05/2013
DA212	4	Elevations – Sheet 2	23/05/2013
DA213	4	Elevations – Sheet 3	23/05/2013
DA214	4	Elevations – Sheet 4	23/05/2013
DA301	5	Site Sections	23/05/2013
DA311	5	Section – Sheet 1	23/05/2013
DA312	4	Section – Sheet 2	23/05/2013
DA313	4	Section – Sheet 3	23/05/2013
DA314	4	Section – Sheet 4	23/05/2013
DA315	5	Section – Sheet 5	23/05/2013
DA316	4	Section – Sheet 6	23/05/2013
DA317	4	Section – Sheet 7	23/05/2013
DA931	4	External Material Finishes	23/05/2013
Landscape Drawings by ASPECT Studios			
Drawing No.	Revision	Name of Plan	Date
11017 RDA – 01	B	Site context and pedestrian links	May 2013
11017 RDA – 02	B	Landscape masterplan	May 2013
11017 RDA – 03	B	Retail landscape plan	May 2013
11017 RDA – 04	B	Retail landscape sections and precedents	May 2013
11017 RDA – 05	B	Retail landscape sections and precedents	May 2013
11017 RDA – 06	B	Retail landscape sections and precedents	May 2013
11017 RDA – 07	B	Retail landscape sections and precedents	May 2013
11017 RDA – 08	B	Retail planting strategy	May 2013
Civil Infrastructure Drawings by AT&L Civil Engineers and Project Managers			
Drawing No.	Revision	Name of Plan	Date
C001	A	Cover Sheet and Locality	29/01/2013
C002	A	Notes and Legends	29/01/2013
C005	A	General Arrangement Plan	29/01/2013
C006	A	Typical Road Sections Sheet 1 of 3	29/01/2013

C007	A	Typical Road Sections Sheet 2 of 3	29/01/2013
C008	A	Typical Road Sections Sheet 3 of 3	29/01/2013
C010	A	Roadworks and Stormwater Drainage Plan Sheet 1 of 7	29/01/2013
C011	A	Roadworks and Stormwater Drainage Plan Sheet 2 of 7	29/01/2013
C012	A	Roadworks and Stormwater Drainage Plan Sheet 3 of 7	29/01/2013
C013	A	Roadworks and Stormwater Drainage Plan Sheet 4 of 7	29/01/2013
C014	A	Roadworks and Stormwater Drainage Plan Sheet 5 of 7	29/01/2013
C015	A	Roadworks and Stormwater Drainage Plan Sheet 6 of 7	29/01/2013
C016	A	Roadworks and Stormwater Drainage Plan Sheet 7 of 7	29/01/2013
C080	A	Pavement, Signage and Linemarking Plan Sheet 1 of 3	29/01/2013
C081	A	Pavement, Signage and Linemarking Plan Sheet 2 of 3	29/01/2013
C082	A	Pavement, Signage and Linemarking Plan Sheet 3 of 3	29/01/2013
C090	A	Services and Utilities Coordination Plan Sheet 1 of 7	29/01/2013
C091	A	Services and Utilities Coordination Plan Sheet 2 of 7	29/01/2013
C092	A	Services and Utilities Coordination Plan Sheet 3 of 7	29/01/2013
C093	A	Services and Utilities Coordination Plan Sheet 4 of 7	29/01/2013
C094	A	Services and Utilities Coordination Plan Sheet 5 of 7	29/01/2013
C095	A	Services and Utilities Coordination Plan Sheet 6 of 7	29/01/2013
C096	A	Services and Utilities Coordination Plan Sheet 7 of 7	29/01/2013
C100	A	Erosion and Sediment Control Plan Sheet 1 of 3	29/01/2013
C101	A	Erosion and Sediment Control Plan Sheet 2 of 3	29/01/2013
C102	A	Erosion and Sediment Control Plan Sheet 3 of 3	29/01/2013
C105	A	Erosion and Sediment Control Details	29/01/2013
C130	A	Intersection Vehicle Turn Path Plan Sheet 1 of 2	29/01/2013
C131	A	Intersection Vehicle Turn Path Plan Sheet 2 of 2	29/01/2013
Draft Plans of Stratum Subdivision by Harrison Friedmann & Associates			

A3. INCONSISTENCIES BETWEEN DOCUMENT

In the event of any inconsistency between the plans and documentation referred to above, including the Proponent's Statement of Commitments, the most recent document shall prevail to the extent of the inconsistency. However, conditions of this approval prevail to the extent of any inconsistency. Where there is an inconsistency between approved elevations and plans, the elevations prevail.

A4. PRESCRIBED CONDITIONS

The Proponent shall comply with the prescribed conditions of approval under Clause 98 of the Environmental Planning and Assessment Regulation 2000 in relation to the requirements of the Building Code of Australia (BCA).

A5. CONSTRUCTION CERTIFICATE

Prior to commencement of any construction works associated with the approved development (including excavation and building construction), it is necessary to obtain a Construction Certificate. A Construction Certificate may be issued by Council or an Accredited Certifier. Plans and documentation submitted with the Construction Certificate are to be amended to satisfy all relevant conditions of this development approval.

A6. LAPSING OF APPROVAL

This approval shall lapse 5 years after the date of approval unless the building works associated with the project have physically commenced.

A7. FURTHER APPROVALS

This approval does not permit the following, which are required to obtain separate approval (except where exempt and complying development applies):

- (a) any use or fit-out within the project as described in the EA (except for the fitout and use of Level 3 and 4 for the continued use of the Leagues Club in accordance with DA D/561/1973); and
- (b) any advertising signage.

A8. RESPONSIBILITY FOR OTHER APPROVALS / AGREEMENTS

The Proponent is responsible for ensuring that all additional approvals and agreements are obtained from other authorities, as relevant.

End of this Section

PART B – GENERAL

B1A MODIFICATIONS

1. Retail Outlet Level 1

The retail outlet on Level 1 on the corner of Captain Cook Drive and Woollooware Road North is to be deleted.

2. Level 2 Northern Staircase Deck Extension

The deck near the northern staircase on Level 2 at the end of the north-south corridor shall be extended to the boundary of the 40m riparian corridor buffer.

Drawings – DA011 - DA012 and DA 121 are to be updated to reflect the above modifications. A copy of the plans shall be sent to the Director-General and the Council for their records.

3. Design Requirements

Shared Zone/Internal Street

The north south pedestrian access at Level 1 (ground) shall have the same or equivalent paving to that used at the primary pedestrian retail entry forecourt off Captain Cook Drive. This internal street shall have a special ceiling treatment for its full length together with lighting and signage to define it clearly as a high quality, safe and welcoming shared space visually separated from the adjacent car park.

Activation of Captain Cook Drive

There shall be at least two retail outlets on the Captain Cook Drive frontage. One shall be adjacent to the retail entry forecourt. Both shall open off the street frontage and be capable of being used as food outlets. The frontage at/towards the Woollooware Road North corner shall be further activated with a place/s for people to sit and meet designed to be integral with the street elevation and accessible from the adjacent footpath. The paving for the full length of the Captain Cook Drive frontage shall be the same as that used for the retail entry forecourt.

Drawings – DA011, DA 114 and DA 201, DA 211 – 212 are to be updated to reflect the above modifications. A copy of the plans shall be sent to the Director-General and the Council for their records.

B1 REMEDIATION

Remediation approved as part of this approval shall be carried out in accordance with the Remediation Action Plan prepared by DLA Environmental. The RAP is to address the Enviroview Pty Ltd letter dated 4 March 2013 that requires the submission of an amended Gas Management Plan following a resolution of the design and construction methods.

A site audit must be carried out by a site auditor prior to the commencement of remediation works. A copy of the site auditor's endorsement of the amended RAP is to be forwarded to the Department, Council and relevant authorities prior to work commencing.

Upon completion of the remediation works on the Subject Site, the Proponent shall submit a site audit report and site audit statement prepared by an accredited site auditor. The site audit report and site audit statement must verify that the land is suitable for the proposed uses and be provided to the PCA prior to the issue of any Occupation Certificate.

Note: The Proponent must comply with clauses 17 and 18 of *State Environmental Planning Policy No.55—Remediation of Land*.

Note: Words and expressions used in these conditions have the same meaning as in the *Contaminated Land Management Act 1997*.

B2 APPROVALS REQUIRED UNDER THE ROADS ACT OR THE LOCAL GOVERNMENT ACT

No works, uses or activities shall not be carried out on public land (including a road) adjacent to the development site without approval under the Roads Act 1993 and/or the Local Government Act 1993. An application, together with the necessary fee, shall be submitted and approval granted by Sutherland Shire Council prior to any works, uses or activities commencing on public land.

B3 COSTS TO ROADS AND MARITIMES SERVICES

All works associated with this approval shall be at no costs to the RMS.

End of this Section

PART C – PRIOR TO ISSUE OF CONSTRUCTION CERTIFICATE

C1 CAR PARK ACCESS ARRANGEMENTS

Prior to issue of a Construction Certificate, details are to be provided by a qualified traffic engineer demonstrating a modified access arrangement onto Woollooware Road North, which incorporates exit control measures to control the number of vehicles exiting the site to manage queuing in the roadway toward the intersection of Woollooware Road North and Captain Cook Drive.

C2 S.94A CONTRIBUTIONS

A contribution of 1% of the construction cost shall be paid to Sutherland Shire Council, with the final form of the payment is to be agreed between the Proponent and Council prior to the issue of the Construction Certificate.

The amount to be paid is to be adjusted at the time of the actual payment and indexed on 1 July each year in accordance with the Contribution Plans applicable to the Sutherland Local Government Area.

C3 PUBLIC PLACE ENVIRONMENTAL, DAMAGE AND PERFORMANCE SECURITY BOND

Before the commencement of any works (including demolition) or the issue of a Construction Certificate, the Proponent shall provide security to Council against damage caused to any Council property and / or the environment as a consequence of the implementation of this consent. The security may be provided by way of a deposit with the Council or a satisfactory guarantee. A non refundable inspection / administration fee is included in the bond value.

It is the Proponent's responsibility to notify Council of any existing damage to public areas in the vicinity of the development site through the submission of a current dilapidation report supported by photographs. This information shall be submitted to Council at least two (2) days **prior** to the commencement of works.

Should any public property and / or the environment sustain damage during the course of and as a result of construction, or if the construction 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 shall be deducted from the security.

A request for release of the security deposit may be made to Council after all works relating to this consent have been completed. Such a request shall be submitted to Council on the '*Bond Release Request Form*' signed by the owner or any person entitled to use of the consent.

The value of the bond shall be provided by Council, with the Bond amount including a non refundable administration fee. Where the bond takes the form of a Bank Guarantee, the administration fee must be paid separately and not included in the 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 would require multiply bank guarantees to be lodged.

Note: All enquiries in relation to bonds should be directed to Council's Civil Assets Manager on 9710 0134.

C4 PUBLIC LIABILITY INSURANCE

The Proponent, builder, developer or person who does the work on this development, must arrange builder's indemnity insurance and submit the certificate of insurance in accordance with the requirements of Part 6 of the Home Building Act 1989 to the Principal Certifying Authority for endorsement of the plans accompanying the Construction Certificate.

C5 CONSTRUCTION MANAGEMENT PLAN AND CONSTRUCTION TRAFFIC MANAGEMENT PLAN

A Construction Management Plan (CMP) shall be prepared for all demolition, excavation and construction works for the site for the duration all stages of the demolition and construction works.

This plan shall detail the methods by which each phase of the works is to be accomplished, methods of materials and waste delivery and removal, storage, site office and facility location, craneage, concrete pumping, site elevators, stormwater and groundwater storage, treatment and discharge, hoardings and the like, location of Work Zones together with details relative to the construction of road frontage works, provision for pedestrians during such works and the provision, adjustment, augmentation and/or relocation of public utility services and conduits or the like.

The CMP shall also address the range of construction management matters including but not limited to noise and vibration control, hazardous materials, odour control, site soil and water management. The CMP shall be submitted to the Accredited Certifier for endorsement as part of the Construction Certificate.

In preparing the CMP, the Proponent shall liaise with Sutherland Council's Director Engineering where it is proposed to use or occupy any public lands adjoining the site for any of the above purposes.

A Construction Traffic Management Plan (CTMP) shall be prepared for the development having regard to the requirements of the approved Construction Management Plan for all phases and stages of demolition, excavation and construction. The plan shall detail the routes to be employed within the Sutherland Shire, nominate the ultimate destination/s of all demolition and excavation material and identify the proposed traffic control mode for the intersections during the demolition and construction period.

The CTMP is to be provided to Transport for NSW and other stakeholders to ensure that no impacts occur to the regular public bus services and school bus services operating on roads within the vicinity of the development site from construction vehicles during construction of the works. Should any impacts be identified, the duration of the impacts and the measures proposed to mitigate these impacts must be clearly explained. Details of the discussions held are to be incorporated in the CTMP.

This plan shall be submitted to Sutherland Council's Director Engineering for approval prior to the issue of any Construction Certificate or any demolition.

In addition to the above, during the preparation of the CMP and CTMP, the Proponent is to discuss the Plans with the Department of Education and Communities, including Woollooware High School.

C6 NOMINATION OF ENGINEERING WORKS SUPERVISOR

Prior to the issue of a Construction Certificate the Proponent shall nominate an appropriately accredited certifier to supervise all public area civil and drainage works to ensure that they are constructed in compliance with Council's current "Specification for Civil Works Associated with Subdivisions and Developments".

The engineer shall:

- (a) provide an acceptance in writing to supervise sufficient of the works to ensure compliance with:
 - (i) all relevant statutory requirements;
 - (ii) all relevant conditions of development consent;
 - (iii) construction requirements detailed in the above Specification; and
 - (iv) the requirements of all legislation relating to environmental protection;
- (b) on completion of the works certify that the works have been constructed in compliance with

- the approved plans, specifications and conditions of approval; and
- (c) certify that the Works As Executed plans are a true and correct record of what has been built.

C7 SYDNEY WATER REQUIREMENTS

The Proponent is to engage a Water Servicing Coordinator to obtain a Section 73 Certificate and manage the servicing aspects of the development. The WSC will ensure that the submitted infrastructure designs are sized and configured according to the Water Supply Code Australia (Sydney Water Edition WSA 03-2002) and the Sewerage Code of Australia (Sydney Water Edition WSA 02-2002).

C8 PUBLIC UTILITY AUTHORITIES

Arrangements shall be made to the satisfaction of all utility authorities and telecommunications providers including cable television network providers in respect to the services supplied to the development by those authorities. The necessity to provide or adjust conduits/ services within the road and footway areas shall be at full cost to the Proponent.

Details are also to be provided that demonstrates all regulatory requirements of Ausgrid are satisfied and Ausgrid has provided concurrence to this effect. A copy is to be forwarded to the Department for information.

C9 STORMWATER DRAINAGE DESIGN

Prior to the issue of a Construction Certificate, the Proponent is to demonstrate compliance with the recommendations of the Retail Civil Infrastructure Report prepared by AT&L dated February 2013.

The report is to be amended as required to ensure consistency with Sutherland Development Control Plan 2006 (Chapter 8 - Ecologically 'Sustainable Development'; Section 6 - 'Stormwater Management'), "Australian Rainfall and Runoff (1987)", Council's Drainage Design Manual and Council's "On-site Stormwater Detention Policy and Technical Specification" as required.

A design certificate issued by an appropriately accredited person to the effect that these design requirements have been met shall accompany the Construction Certificate.

The Flood Response Plan is to include measures to ensure that reviews are undertaken every five years after completion of the development with the State Emergency Service and other emergency agencies on a regular basis.

C10 BUILDING VENTILATION

To ensure that adequate provision is made for ventilation of the building mechanical and / or natural ventilation systems shall be provided. These shall be designed, in accordance with the provisions of:

- a) The Building Code of Australia.
- b) AS 1668 Part 1 - 1998.
- c) AS 1668 Part 2 - 1991.
- d) The Public Health Act - 1991.
- e) The Public Health (Microbial Control) - Regulation 2000.
- f) AS 3666.1 - 2002.
- g) AS 3666.2 - 2002.
- h) AS 3666.3 - 2000.

Details of all mechanical and / or natural ventilation systems, along with specific certification provided by an appropriately qualified person verifying compliance with the abovementioned requirements, shall accompany the Construction Certificate.

C11 NOISE CONTROL - DESIGN OF PLANT AND EQUIPMENT (CONTINUAL OPERATION)

To minimise the impact of noise from the development, all sound producing plant, equipment, machinery, mechanical ventilation systems and / or refrigeration systems, shall be designed and / or located so that the noise emitted does not exceed the Project Specific Noise level when measured at the most affected point on or within any residential property boundary.

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

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

Details of the acoustic attenuation treatment required to comply with this condition, shall be prepared by a practising acoustic engineer and shall be submitted with the Construction Certificate.

C12 SUBMISSION OF FIRE SAFETY SCHEDULE

A Fire Safety Schedule shall be issued by an appropriately qualified person and provided to Council as part of the Construction Certificate in accordance with the *Environmental Planning and Assessment Regulation 2000*. This schedule shall distinguish between current, proposed and required fire safety measures, with the minimum standard of performance being indicated for each fire safety measure. The Fire Safety Schedule shall identify each fire safety measure that is a Critical Fire Safety Measures and the intervals at which supplementary fire safety statements shall be given to the Council in respect of each such measure.

C13 STRUCTURAL DETAILS

Detailed construction drawings, specifications, and other supporting documentation required for a Construction Certificate are to be submitted to the Principal Certifying Authority in accordance with the terms of this Approval and comply with the requirements of the Building Code of Australia.

C14 NOISE AND VIBRATION

Prior to the issue of a Construction Certificate, the Proponent is to demonstrate compliance with the recommendations of the Retail Noise Impact Assessment prepared by Acoustic Logic (Reference 20130058.1/2401A/R0/BW) dated 24 January 2013.

C15 ACCESS FOR PEOPLE WITH DISABILITIES

Prior to the issue of the relevant Construction Certificate, plans shall be submitted to the Principal Certifying Authority demonstrating general compliance with the recommendations of the Access Review prepared by Morris-Goding Accessibility Consulting dated 23 February 2013, as amended by detailed design resolution.

C16 COMPLIANCE REPORT

Prior to the issue of the relevant Construction Certificate, the Proponent, or any party acting upon this approval, shall submit to the Principal Certifying Authority a report addressing compliance with all relevant conditions of Part B and C of this approval.

C17 LONG SERVICE LEVY

In accordance with Section 109F(i) of the Environmental Planning and Assessment Act a Construction Certificate shall not be issued until any long service levy payable under Section 34 of the Building and Construction Industry Long Service Payments Act 1986 (or where such levy is payable by instalments, the first instalment of the levy) has been paid. Council is authorised to accept payment. Where payment has been made elsewhere, proof of payment is to be provided to Council.

C18 WASTE MANAGEMENT PLAN

Prior to the issue of a Construction Certificate for any works (including excavation), details are to be provided that demonstrate the recommendations included within the Waste Management Plan prepared by Leigh Design dated 12 February 2013 have been incorporated.

Notwithstanding the above, the Plan is amended to ensure that the following is addressed:

- (a) the amount of demolition, excavation and construction wastes likely to be generated and how these materials are to be sorted and dealt with;
- (b) the design and construction of the internal roads, driveways, turning circles and other infrastructure required for waste services in the development is in accordance with the stated document;
- (c) all waste generated by the approved development (including residents, businesses and any other activity on the site) are to be collected by a private waste contractor;
- (d) bulky waste items collected by a private waste contractor;
- (e) commitment to providing an on-site caretaker to manage the storage and removal of waste generated by the approved development; and
- (f) commitment to retain the demolition, excavation and construction waste/recycling dockets will be retained on-site to confirm which authorised waste/recycling facilities received the material for recycling or disposal.

The Waste Management Plan is to be implemented prior to commencement of works and during the course of construction.

C19 COMPLAINTS HANDLING PLAN

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

C20 ACTIVE STREET FRONTAGE

The retail/medical facility street frontage shall be provided with clear and transparent glazed shopfronts for at least 75% of the shopfront. The other retail tenancies with street frontages shall have entrances opening off the street and shall also be provided with clear and transparent glazed shopfronts for at least 75% of the shopfront. Details demonstrating compliance shall be submitted to the Certifying Authority with the application for the Construction Certificate.

C21 SAFER BY DESIGN

To minimise the opportunity for crime and in accordance with CPTED principles, the development shall incorporate the following (in addition to the comments received from the NSW Police dated 2 April 2013 where relevant to the proposal):

- (i) Security of the car parking area to reduce the likely incidence of anti-social and criminal behaviour from occurring.
- (ii) Removal of potential concealment and entrapment areas.
- (iii) Use of graffiti resistant materials and shutters.
- (iv) Location of ATMs away from the street frontages to prevent 'ram raiding' or vandalism.
- (v) Implementation of security and surveillance of public toilets throughout the complex.
- (vi) Implementation of security and surveillance of the liquor store to reduce opportunity for armed robberies and opportunistic theft.
- (vii) Use of signage and security to prevent the consumption of liquor within the car parking areas.
- (viii) Position of toilet facilities to ensure availability of natural surveillance.

Details demonstrating the above are to be provided prior to issue of the Construction Certificate.

C22 ROADS AND MARITIME SERVICES REQUIREMENTS

- (a) The signalised intersections on Captain Cook Drive, being the intersection at Captain Cook Drive and Woollooware Road and the T intersection associated with the Leagues Club entrance, shall be designed and constructed to RMS's requirements. The signal phasing and geometric layout of the signalised intersections shall be as depicted in the SCATES modelling submitted in an e-mail dated 14 December 2012 to RMS from McLaren Traffic Engineering Pty Ltd and the civil design plans prepared by at&I dated 29 January 2013. Details are to be submitted demonstrating compliance to the PCA prior to the issue of a Construction Certificate.
- (b) The signalised T intersection on Captain Cook Drive associated with the Residential Precinct will require removal of the existing mid-block signalised pedestrian crossing on Captain Cook Drive due to the close proximity of these existing traffic lights to the proposed new signalised intersection at the driveway to the Residential Precinct. The full cost of the removal of the existing signalised mid-block pedestrian crossing shall be borne by the Proponent. Details are to be submitted demonstrating compliance to the PCA prior to the issue of a Construction Certificate.
- (c) An easement is to be created to allow RMS to locate traffic signal components on the site in accordance with the RMS Traffic Signal Design Guide. Details are to be submitted demonstrating compliance to the Private Certifying Authority prior to the issue of a Construction Certificate.
- (d) Whether or not a marked foot crossing is provided across the signalised entrance to a private development, there must be a level separation between the road and footpath through the construction of a barrier kerb and gutter. Kerb ramps must be provided in accordance with RMS requirements. Details are to be submitted demonstrating compliance to the PCA prior to the issue of a Construction Certificate.
- (e) The developer will be required to enter into a Major 'Works Authorisation Deed' (WAD) for the abovementioned works on Captain Cook Drive. The Proponent will be required to provide an upfront payment for the first 10 years of maintenance of the signal hardware. The WAD shall be executed prior to the issue of any Construction Certificate. Receipt of payment of the maintenance requirement is to be provided to the PCA.
- (f) The Peak Event Parking Management Plan shall be finalised in consultation with Sutherland Shire Council and relevant agencies prior to the issue of the Construction Certificate. Mechanisms are to be incorporated that enable the Plan to be monitored and reviewed to identify any necessary amendments (if required) to ensure pedestrian safety is not compromised during and post construction.
- (g) The swept paths of the longest vehicle entering and exiting the subject site, as well as manoeuvrability through the site, shall be in accordance with AUSTROADS. Details are to be submitted demonstrating compliance to the PCA prior to the issue of a Construction Certificate.
- (h) Off-street parking associated with the development shall be designed and constructed in accordance with AS 2980.1 – 2004 and AS 2980.2 – 2002. Details are to be submitted demonstrating compliance to the PCA prior to the issue of a Construction Certificate.

C23 NSW OFFICE OF ENVIRONMENT AND HERITAGE REQUIREMENTS

Prior to the issue of the Construction Certificate, the following information is to be submitted to the Director-General for approval demonstrating that the development has incorporated (including details of how they will be implemented):

- (a) the mitigation measures recommended in the Microbat Monitoring Report (prepared by Eco Logical Australia dated 25 January 2013);
- (b) the recommendations and measures in Section 3.2 and 4 of the Review of Noise, Light and Bird Strike Potential (prepared by Eco Logical Australia dated 12 February 2013); and
- (c) the recommendations and treatments proposed in the Retail Noise Impact Assessment (prepared by Acoustic Logic Consultancy Pty Ltd).

C24 NSW DEPARTMENT OF PRIMARY INDUSTRIES REQUIREMENTS

Prior to the issue of the Construction Certificate, the following information is to be submitted to the Director-General for approval:

- (a) an amended Landscape Plan providing additional planting of Swamp Oak Floodplain Forest within the riparian area, outside of the transmission line easement, to a density that would naturally occur; and
- (b) an amended Vegetation Management Plan providing detailed maintenance, monitoring and reporting measures is to be provided to ensure that the riparian areas are maintained in perpetuity.

C25 TRANSPORT FOR NSW REQUIREMENTS

- (a) The width of the proposed indented bus bay on Captain Cook Drive and Woollooware Road are to be widened to a minimum of 3.5 metres.
- (b) Bus shelters are to be provided at the proposed bus stops in particular Woollooware and Caringbah train station. Details are to be provided demonstrating discussions held with Sutherland Shire Council and Transport for NSW on the design and location of the bus shelters prior to issue of Construction Certificate.
- (c) Clear way finding signage in relation to the shuttle bus service is to be provided at Woollooware and Caringbah station.

End of this Section

PART D – PRIOR TO COMMENCEMENT OF WORKS

D1. SIGNS TO BE ERECTED ON BUILDING AND DEMOLITION SITES

Where proposed works affect the external walls of a building, a rigid and durable sign shall be erected prior to the commencement of work and maintained in a prominent position on any work site on which building work, subdivision work or demolition work is being carried out. The responsibility for this to occur is that of the principal certifying authority or the principal contractor.

The signage, which must be able to be easily read by anyone in any public road or other public place adjacent to the site, must:

- (a) show the name, address and telephone number of the principal certifying authority for the work, and
- (b) show the name of the principal contractor (if any) for any building work and a telephone number on which that person may be contacted outside working hours, and
- (c) state that unauthorised entry to the work site is prohibited.

Any such sign is to be maintained while the building work, subdivision work or demolition work is being carried out, but must be removed when the work has been completed.

D2. APPOINTMENT OF A SUPERVISING ARBORIST

Prior to the commencement of any demolition, excavation or construction works on the site, the Proponent shall engage a suitably qualified and experienced Arborist (a person with current membership of the National Arborists Association of Australia at a grade of General Member, Affiliate Member or Life Member or alternatively a person who has obtained a TAFE Certificate in Horticulture [Arboriculture] Level 5) to oversee works relating to removal of trees and retention of trees on the site.

D3. DEMOLITION

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

- (a) The demolition of the existing building shall be carried out strictly in accordance with Australian Standard 2601 - The Demolition of Structures.
- (b) It is the Proponent's responsibility to notify Council of any existing damage to public areas in the vicinity of the development site through the submission of a dilapidation report supported with suitable photographic records. This information shall be submitted to Council prior to the commencement of work. Any damage other than that noted prior to commencement of the demolition shall be the responsibility of the owner of the property for repair or reinstatement.
- (c) The Proponent shall 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.
- (d) If demolition is to commence prior to the issue of a Construction Certificate, the Proponent shall submit to Council a Site Management Plan - Demolition for assessment prior to the commencement of any demolition work. This plan shall satisfy the objectives of Council's Environmental Site Management Development Control Plan and shall consider the following:
 - (i) What actions and works are proposed to ensure safe access to and from the site and what protection will be provided to the road and footpath area from demolition activities, crossings by heavy equipment, plant and materials deliveries and the like;
 - (ii) The proposed method of loading and unloading demolition machines within the site;
 - (iii) The proposed areas within the site to be used for the storage of demolished material and waste containers during the demolition period;
 - (iv) How it is proposed to ensure that soil / demolished material is not transported on wheels or tracks of vehicles or plant and deposited on surrounding roadways;
 - (v) The requirements of any site specific Development Control Plan that may affect this development site.

- (e) Pre-Commencement Inspection - If demolition is to commence **prior** to the issue of a Construction Certificate, the Builder/principal contractor shall undertake a pre-commencement site inspection with Council's Engineering Compliance Officer and Council's Civil Asset Manager. The purpose of this inspection is to facilitate the implementation of the consent specifically with regard to the impact on the public way and to clarify any matters of concern.

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

D4. EXCAVATION WORKS

The PCA and Council shall be given written notice, at least 48 hours prior to the commencement of excavation, shoring or underpinning works on the site.

D5. STRUCTURAL DETAILS

Prior to the commencement of construction, the Proponent shall submit to the satisfaction of the PCA structural drawings prepared and signed by a suitably qualified practising Structural Engineer that satisfy:

1. the relevant clauses of the BCA,
2. the development consent, and
3. drawings and specifications comprising the Construction Certificate.

D6. WASTE MANAGEMENT PLAN DURING CONSTRUCTION

- (a) Prior to the commencement of any works on the site, a Construction Waste Management Plan prepared by a suitably qualified person in consultation with the Council, shall be submitted to the PCA. The Plan shall address, but not be limited to, the following matters:
- (i) recycling of demolition materials including concrete; and
 - (ii) removal of hazardous materials and disposal at an approved waste disposal facility in accordance with the requirements of the relevant legislation, codes, standards and guidelines, prior to the commencement of any building works.
- (b) Details demonstrating compliance with the relevant legislative requirements, associated with the removal of hazardous waste, particularly the method of containment and control of emission of fibres to the air, are to be submitted to the satisfaction of the PCA prior to the removal of any hazardous materials.
- (c) The Proponent shall submit a copy of the Plan to the Department and to the Council, prior to commencement of work.

D7. CONSTRUCTION TRAFFIC & PEDESTRIAN MANAGEMENT PLAN

- (a) Prior to the commencement of any works on the site, a Construction Traffic and Pedestrian Management Plan prepared by a suitably qualified person shall be submitted to the PCA. The Plan must be prepared in consultation with the Council, and where required, the approval of the council's traffic committee obtained.
- (b) The Plan shall address, but not be limited to, the following matters:
- (i) ingress and egress of vehicles to the site,
 - (ii) loading and unloading, including construction zones,
 - (iii) predicted traffic volumes, types and routes,
 - (iv) pedestrian and traffic management methods, and
 - (v) consideration of impacts during peak events.
- (c) The Proponent shall submit a copy of the final Plan to the Council, prior to the commencement of work.

D8. UTILITY SERVICES

All services associated with the development are to be located underground and works associated with this are to be fully borne by the Proponent, within the development and along all street frontages for the length of the development.

D9. RELOCATION OF BUS ZONES AND CHANGES TO SIGNPOSTING

Approval shall be sought from Council's Traffic Committee / RMS to approve relocation of bus and taxi zones and changes to any signposting. Compliance with any conditions of this approval must be presented to the satisfaction of the Certifying Authority prior to commencement of work on the site.

D10. ROADS AND MARITIME SERVICES REQUIREMENTS

The provision of the proposed traffic signals on Captain Cook Drive will require the provision of full time 'No Stopping' parking restrictions along Captain Cook Drive and Woollooware Road. The length of these restrictions shall be to RMS satisfaction and determined during the detailed design review, prior to construction.

End of this Section

PART E – DURING CONSTRUCTION

E1 ENVIRONMENTAL SITE MANAGEMENT DCP

All construction work approved by this development consent shall be undertaken in accordance with the objectives and controls in Part 3 of Chapter 8 of Sutherland Shire Development Control Plan 2006 and the Sutherland Shire Environmental Specification 2007 - Environmental Site Management.

E2 PERMITTED HOURS FOR BUILDING AND DEMOLITION WORK

To minimise the noise impact on the surrounding environment all building and demolition work shall be carried out as follows:

- (a) between the hours of 7.00am and 6.00pm Monday to Friday inclusive;
- (b) between 8.00am and 3.00pm Saturdays;
- (c) no work shall be carried out on Sundays and public holidays; and
- (d) works may be undertaken outside these hours where:
 - (i) the delivery of materials is required outside these hours by the Police or other authorities;
 - (ii) it is required in an emergency to avoid the loss of life, damage to property and/or to prevent environmental harm;
 - (iii) Variation is approved in advance in writing by the Director General or his nominee.

E3 TOILET FACILITIES

Toilet facilities shall to be provided, at or in the vicinity of the work site on which work involved in the erection or demolition of a building is being carried out, at the rate of one toilet for every 20 persons or part of 20 persons employed at the site.

Each toilet provided:

- (a) shall be a standard flushing toilet, and
- (b) shall be connected:
 - (i) to a public sewer, or
 - (ii) if connection to a public sewer is not practicable, to an accredited sewage management facility approved by the Council, or
 - (iii) if connection to a public sewer or an accredited sewage management facility is not practicable, to some other sewage management facility approved by the Council.

The provision of toilet facilities in accordance with this clause shall be completed before any other work is commenced.

E4 PROTECTION OF PUBLIC PLACES

To protect public safety and convenience during the course of constructing the works covered by this consent, the following matters shall be complied with:

- (a) If the work involved in the erection or demolition of a building:
 - (i) is likely to cause pedestrian or vehicular traffic in a public place to be obstructed, inconvenienced, or rendered unsafe; or
 - (ii) building involves the enclosure of a public place, a hoarding or fence shall be erected between the work site and the public place.
- (b) If necessary, an awning is to be erected, sufficient to prevent any substance from, or in connection with, the work falling into the public place.
- (c) The work site must be kept lit between sunset and sunrise if it is likely to be hazardous to persons in the public place.

The hoarding, fence or awning shall be removed and any damage to any public place reinstated to Council's satisfaction when the work has been completed.

E5 EROSION AND SEDIMENT CONTROL

All erosion and sediment control measures, are to be effectively implemented and maintained at or above design capacity for the duration of the construction works and until such time as all ground disturbed by the works has been stabilised and rehabilitated so that it no longer acts as a source of sediment.

E6 DISPOSAL OF SEEPAGE AND STORMWATER

Any seepage or rainwater collected on-site during construction shall not be pumped to the street stormwater system unless separate prior approval is given in writing by Council.

E7 APPROVED PLANS TO BE ON-SITE

A copy of the approved and certified plans, specifications and documents incorporating conditions of approval and certification shall be kept on the site at all times and shall be readily available for perusal by any officer of the Department, Council or the PCA.

E8 SITE NOTICE

- (a) A site notice(s) shall be prominently displayed at the boundaries of the site for the purposes of informing the public of project details including, but not limited to the details of the Builder, PCA and Structural Engineer.
- (b) The notice(s) is to satisfy all but not be limited to, the following requirements:
 - (i) minimum dimensions of the notice are to measure 841mm x 594mm (A1) with any text on the notice to be a minimum of 30 point type size;
 - (ii) the notice is to be durable and weatherproof and is to be displayed throughout the works period;
 - (iii) the approved hours of work, the name of the site/project manager, the responsible managing company (if any), its address and 24 hour contact phone number for any inquiries, including construction/noise complaint are to be displayed on the site notice; and
 - (iv) the notice(s) is to be mounted at eye level on the perimeter hoardings/fencing and is to state that unauthorised entry to the site is not permitted.

E9 PROTECTION OF TREES

- (a) All street trees shall be protected at all times during construction. Any tree on the footpath, which is damaged or removed during construction, shall be replaced, to the satisfaction of Council.
- (b) All trees on the site that are not approved for removal are to be suitably protected by way of tree guards, barriers or other measures as necessary are to be provided to protect root system, trunk and branches, during construction.

E10 CONSTRUCTION NOISE MANAGEMENT

- (a) The construction noise objective for the Project is to manage noise from construction activities (as measured by a LA10 (15minute) descriptor) so it does not exceed the background LA90 noise level by:
 - (i) For the first four weeks of the construction period, not more than 20dB(A);
 - (ii) From the 5th week to the 26th week (inclusive) of the construction period, not more than 10dB(A); and
 - (iii) For construction periods greater than 26 weeks, not more than 5dB(A).
- (b) Background noise levels are those identified in Environmental Impact Statement or otherwise identified. The Proponent shall implement all feasible noise mitigation and management measures with the aim of achieving the construction noise objective.
- (c) Any activities that have the potential for noise emissions that exceed the objective must be identified and managed in accordance with a Construction Noise and Vibration Management Plan, approved by the Director-General.
- (d) If the noise from a construction activity is substantially tonal or impulsive in nature (as described in Chapter 4 of the NSW Industrial Noise Policy), 5dB(A) must be added to the

measured construction noise level when comparing the measured noise with the construction noise objective.

- (e) The Proponent shall schedule rock breaking, rock hammering, sheet piling, pile driving and any similar activity only between the following hours unless otherwise approved in the Construction Noise and Vibration Management Plan.
 - (i) 9.00 am to 12.00 pm, Monday to Friday;
 - (ii) 2.00 pm to 5.00 pm Monday to Friday; and
 - (iii) 9.00 am to 12.00 pm, Saturday
- (f) Wherever practical, and where sensitive receivers may be affected, piling activities are completed using bored piles. If driven piles are required they must only be installed where outlined in a Construction Noise and Vibration Management Plan approved by the Director-General.
- (g) Any noise generated during the construction of the development must not be offensive noise within the meaning of the *Protection of the Environment Operations Act, 1997* or exceed approved noise limits for the Subject Site.

E11 VIBRATION CRITERIA

Vibration caused by construction at any residence or structure outside the site must be limited to:

- (b) for structural damage vibration, German Standard DIN 4150 Part 3 Structural Vibration in Buildings. Effects on Structures;
- (c) for human exposure to vibration, the evaluation criteria presented in British Standard BS 6472- Guide to Evaluate Human Exposure to Vibration in Buildings (1Hz to 80 Hz) for low probability of adverse comment; and
- (d) these limits apply unless otherwise outlined in a Construction Noise and Vibration Management Plan, approved by the Director-General.

E12 ENVIRONMENT PROTECTION AND MANAGEMENT

The environment protection and management measures described in the required Environmental Site Management Plan (including sediment controls and tree protection) shall be installed or implemented prior to commencement of any site works and continuously maintained during the period of construction or demolition. These measures shall generally be in accordance with the requirements of Part 3 of Chapter 8 of Sutherland Shire Development Control Plan 2006 and the Sutherland Shire Environmental Specification 2007 - Environmental Site Management.

E13 ROADS AND MARITIME SERVICES REQUIREMENTS

- (a) In accordance with AUSTROADS, splays (clear of obstruction) are required at the property line to ensure adequate visibility between vehicles on a driveway and pedestrians on the footpath.
- (b) In accordance with RMS Technical Direction for new traffic signals, signalised pedestrian crossings shall be provided on all legs of the proposed signalised intersections.
- (c) All utility relocation required as a result of the proposed signalised intersection shall be at the full cost the Proponent.

End of this Section

PART F – PRIOR TO OCCUPATION OR COMMENCEMENT OF USE

F1 PRIOR TO OCCUPATION OR USE OF THE DEVELOPMENT

The Development shall not be occupied or used until:

- (a) a Final Occupation Certificate is issued and provided to Council for the development; or
- (b) an Interim Occupation Certificate is issued and provided to Council for the development. This shall clearly identify the part of the development to which the Interim Occupation Certificate relates.

F2 SHUTTLE BUS SERVICE

Prior to occupation of the development, a Shuttle Bus Service Plan is to be prepared and submitted to the Department and Transport for NSW providing details of the operation of the shuttle bus service including a schedule of the shuttle bus service, hours of operation, type of buses to be used, pick-up and drop-off locations and monitoring mechanisms. Following the commencement of the shuttle bus service, details of the usage are to be provided on a 6 monthly basis until a regular bus service is provided to the site.

F3 TRAVEL ACCES GUIDES

Prior to the issue of an Occupation Certificate, the Proponent shall prepare for implementation a location specific detail sustainable work place travel plan for employees and visitors to the site to support the use of non-car modes of transport. The plan shall:

- (a) encouraging use of public transport and the shuttle bus service by employees and visitors;
- (b) encouraging car pooling;
- (c) raising awareness of health benefits of walking and cycling; and
- (d) encouraging cycling by providing secure bicycle parking including provision of lockers and changing facilities for staff on site.

Notices of the travel access guide are to be installed in entrances and key locations within the development.

F4 WORKS AS EXECUTED INFORMATION

Certification shall be provided from a registered surveyor to the effect that:

- (a) All civil engineering works required by this development consent have been carried out in accordance with the terms of the development consent and the approved engineering drawings with regard to location and level.
- (b) All pipes, pits and detention facilities lay within their relevant existing or proposed easements.
- (c) All rights-of-way or positive covenants required by conditions of this development consent have been provided.

F5 WORKS AS EXECUTED DRAWINGS

Certification shall be provided from the supervising engineer acting as an Accredited Certifier, to the effect that:

- (a) All civil engineering and stormwater works associated with development have been carried out in accordance with the terms of the development consent, the approved engineering drawings and in the case of public works Council's "Specifications for Civil Works associated with Subdivisions and Developments".
- (b) The construction of the drainage system for the proposed development has been carried out generally in accordance with the requirements of the approved stormwater drainage plans, Council's stormwater management policy and guidelines and Council's On-site Detention Policy and has been carried out in order that stormwater runoff downstream is not increased as a result of the development and that all assumptions made during the design remain valid. Works-as-Executed drawings certified in the above manner and containing all relevant information as required by Council's "Specification for Civil Works Associated with Subdivisions and Developments" shall accompany the Subdivision / Occupation Certificate.

F6 SURVEY FOR BUILDING LEVELS AND LOCATION

The Occupation Certificate shall be accompanied by a Certificate from a Registered Surveyor certifying that the building has been built to the reduced levels and boundary setbacks shown on the approved plans.

F7 WORKS IN ROADWAY

A completion certificate from the supervising civil engineer shall be submitted with the Occupation Certificate. This shall certify that all works undertaken in the road reserve have been completed in accordance with the conditions of the required Roads Act approval/s and the conditions of this approval.

F8 SECTION 73 COMPLIANCE CERTIFICATE

A Compliance Certificate under Section 73 of the *Sydney Water Act, 1994*, must be obtained prior to the issue of an Occupation Certificate or before the issue of a Subdivision Certificate. Sydney Water may require the construction of works and/or the payment of developer charges.

F9 POST CONSTRUCTION DILAPIDATION REPORT

The Proponent shall engage a suitably qualified person to prepare a post construction dilapidation report at the completion of the construction works. This report is to ascertain whether the construction works created any structural damage to adjoining buildings, infrastructure and roads. The report is to be submitted to the Principal Certifying Authority. In ascertaining whether adverse structural damage has occurred to adjoining buildings, infrastructure and roads, the Principal Certifying Authority must:

- (a) compare the post-construction dilapidation report with the pre-construction dilapidation report; and
- (b) have written confirmation from the relevant authority that there is no adverse structural damage to their infrastructure and roads.

A copy of this report is to be forwarded to the Department and Council.

F10 STRUCTURAL INSPECTION CERTIFICATE

A Structural Inspection Certificate or a Compliance Certificate must be submitted to the satisfaction of the Principal Certifying Authority prior to the issue of any Occupation Certificate and/or use of the premises. A copy of the Certificate with an electronic set of final drawings (contact approval authority for specific electronic format) shall be submitted to the approval authority and the Council after:

- (a) The site has been periodically inspected and the Certifier is satisfied that the Structural Works is deemed to comply with the final Design Drawings.
- (b) The drawings listed on the Inspection Certificate have been checked with those listed on the final Design Certificate/s.

F11 WASTE AND RECYCLING COLLECTION CONTRACT

Prior to an Occupation Certificate being issued and/or commencement of the use, whichever is earlier, of the building the owner must ensure that there is a contract with a licensed contractor for the removal of **all trade waste** pertaining to the relevant stage of construction. No garbage is to be placed on the public way e.g. footpaths, roadways, plazas, and reserves at any time.

F12 ROADS AND MARITIME SERVICES REQUIREMENTS

Prior to the issue of an Occupation Certificate, the construction of the intersection at Captain Cook Drive and Woollooware Road and the T intersection associated with the Leagues Club entrance are to be completed and operational. The Residential Precinct intersection is to be completed and operational prior to the occupation of the first residential dwelling on the Concept Plan site.

F13 LOADING DOCK MANAGEMENT PLAN

Prior to the issue of an Occupation Certificate, a Loading Dock Management Plan is to be submitted to the Director-General for approval which is to outline:

- (a) the management procedures for the loading docks;
- (b) signage;
- (c) delivery times;
- (d) frequencies of vehicles;
- (e) truck sizes;
- (f) waste collection procedures; and
- (g) vehicle movements.

The Loading Dock Management Plan is to ensure that delivery vehicles are predominantly contained outside of peak shopping times and during peak events such as those identified in the Peak Event Parking Management Plan.

F14 CAR PARKING PROVISION

The 770 car spaces provided as part of the approval are to contain a minimum of 50 spaces allocated to Leagues Club Staff.

F15 IMPLEMENTATION OF AUTHORITY REQUIREMENTS

Prior to the issue of an Occupation Certificate, details are to be provided to the Department that demonstrates the implementation of the requirements as outlined in Condition C24 and C25.

End of this Section

PART G - PRIOR TO STRATUM SUBDIVISION

G1. ACCESS

Documentary easements for access must be created over the appropriate lots in the subdivision to provide for public access and access to lifts, lobbies, fire stairs, service areas, loading areas and car parking areas, and created pursuant to Section 88B of the *Conveyancing Act 1919*.

G2. SERVICES

Documentary easements for services, drainage, support and shelter, use of plant, equipment, loading areas and service rooms, repairs, maintenance and any other encumbrances and indemnities required for joint or reciprocal use of part or all of the proposed lots as a consequence of the subdivision, must be created over the appropriate lots in the subdivision pursuant to Section 88B of the *Conveyancing Act 1919*.

G3. RIGHTS OF WAY

Documentary rights of footway and carriageway must be created over the appropriate lots in the subdivision to provide the necessary access to areas within the site including fire stairs, fire control rooms, parking, loading and service areas, and created pursuant to Section 88B of the *Conveyancing Act 1919*.

G4. SURVEYS / CERTIFICATES / WORKS AS EXECUTED PLANS

The following items must be lodged with Council either (i) when the engineering works are completed or (ii) prior to issue of any Subdivision or Occupation Certificate:

- (a) All works-as-executed plans (to a standard suitable for microfilming) under the hand of a Chartered Professional Engineer or a Registered Surveyor.
- (b) A certificate from a Chartered Professional Engineer Certifying that all Works are constructed generally in accordance with the Construction Certificate.
- (c) A certificate from a Registered Engineer (NPER) verifying that any structural elements within the development have been constructed to withstand all loads likely to be imposed on them during their lifetime.
- (d) Where drainage lines are covered by easements a certificate shall be submitted by a Registered Surveyor indicating that all drainage lines and associated structures lie wholly within any easements required by this approval.

G5. WATER AUTHORITY COMPLIANCE CERTIFICATE

Prior to issuing a subdivision certificate, a Compliance Certificate shall be provided to the certifying authority showing that the development has met with the detailed requirements of the relevant water supply authority.

G6. CAR PARKING RESTRICTIONS

- (a) Except as otherwise allocated in this development consent, the car parking spaces, exclusive of service spaces, are not to be used by those other than persons attending the site.
- (b) These requirements are to be enforced through the following:
 - (i) restrictive covenant placed on title pursuant to Section 88B of the *Conveyancing Act, 1919*, and
 - (ii) a sign visible at exits (excluding fire stairs and individual unit entries) from car parking areas.
- (c) All costs associated with the above requirements are to be borne solely by the Proponent.

End of this Section

PART H – DURING OCCUPATION

G1 BICYCLE FACILITIES

Bicycle parking and lockers facilities for staff shall be provided in accordance with the approved Construction Certificate Plans.

G2 LOADING AND UNLOADING

In the interests of public safety and amenity, all delivery vehicles servicing the property shall stand within the curtilage of the site and shall be able to be driven in a forward direction when leaving the site. Loading and unloading of vehicles from the roadway is not permitted.

G3 UNOBSTRUCTED DRIVEWAYS AND PARKING AREAS

All driveways and parking areas shall be unobstructed at all times. Driveways and car spaces shall not be used for the storage or display of goods, materials or any other equipment and shall be used solely for vehicular access and for the parking of vehicles associated with the use of the premises. The public way must not be obstructed by any materials, vehicles, refuse, skips or the like, under any circumstances.

G4 ANNUAL FIRE SAFETY STATEMENT

An Annual Fire Safety Statement must be provided to Council and the NSW Fire Brigade commencing within 12 months after the date on which the approval authority initial Fire Safety Certificate is received.

G5 ROAD SIGNAGE

All works / regulatory signposting associated with the development shall be carried out at no cost to Council or the Roads and Maritime Services.

G6 EXTERNAL LIGHTING

All external lights shall be operated and maintained in accordance with the Australian Standard AS4282 - Control of the Obtrusive Effects of Outdoor Lighting so as not to cause a nuisance or adverse impact on the amenity of residents of the surrounding area nor to motorists on nearby roads.

G7 NOISE CONTROL - PLANT & EQUIPMENT (GENERAL)

To minimise the impact of noise from the development, all sound producing plant, equipment, machinery, mechanical ventilation or refrigeration systems, shall be operated and maintained in such a manner so that the noise emitted does not exceed a LAeq sound pressure level of 5 dB 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 shall be carried out in accordance with Australian Standard 1055.1.

G8 VENTILATION - OPERATION

To ensure that adequate ventilation within the building, all mechanical and / or natural ventilation systems shall be operated and maintained in accordance with the provisions of:

- (a) The Building Code of Australia.
- (b) AS 1668 Part 1 - 1998.
- (c) AS 1668 Part 2 - 1991.
- (d) The Public Health Act - 1991.
- (e) The Public Health (Microbial Control) - Regulation 2000.
- (f) AS 3666 - 2002.

- (g) AS 3666.2 - 2002.
- (h) AS 3666.3 - 2000.

G9 ANTI GRAFFITI

All ground level surfaces are to be treated with anti-graffiti coating to minimise the potential of defacement. In addition, any graffiti evident on the exterior facades and visible from a public place is to be removed within 24 hours.

End of this Section

ADVISORY NOTES

AN1. REQUIREMENTS OF PUBLIC AUTHORITIES FOR CONNECTION TO SERVICES

The Proponent shall comply with the requirements of any public authorities (e.g. Energy Australia, Sydney Water, Telstra Australia, AGL, etc) in regard to the connection to, relocation and/or adjustment of the services affected by the construction of the proposed structure. Any costs in the relocation, adjustment or support of services shall be the responsibility of the Proponent. Details of compliance with the requirements of any relevant public authorities are to be submitted to the satisfaction of the Principal Certifying Authority prior to the issue of the Construction Certificate.

AN2. APPLICATION FOR HOARDINGS AND SCAFFOLDING

A separate application shall be made to Council for approval under *State Environmental Planning Policy (Temporary Structures and Places of Public Entertainment) 2007*, to erect a hoarding or scaffolding in a public place. Such an application shall include:

- (a) Architectural, construction and structural details of the design.
- (b) Structural certification prepared and signed by a suitably qualified practicing structural engineer.

The Proponent shall provide evidence of the issue of a Structural Works Inspection Certificate and structural certification shall be submitted to the satisfaction of the Principal Certifying Authority prior to the commencement of works.

AN3. USE OF MOBILE CRANES

The Proponent shall obtain all necessary permits required for the use of mobile cranes on or surrounding the site, prior to the commencement of works. In particular, the following matters shall be complied with to the satisfaction of the Principal Certifying Authority:

- (a) For special operations including the delivery of materials, hoisting of plant and equipment and erection and dismantling of on site tower cranes which warrant the on street use of mobile cranes, permits must be obtained from Council:
 - i. at least 48 hours prior to the works for partial road closures which, in the opinion of Council will create minimal traffic disruptions, and
 - ii. at least 4 weeks prior to the works for full road closures and partial road closures which, in the opinion of Council, will create significant traffic disruptions.
- (b) The use of mobile cranes must comply with the approved hours of construction and shall not be delivered to the site prior to 7.30am without the prior approval of Council.

AN4. CONSTRUCTION INSPECTIONS

Compliance certificate/s shall be issued by the Principal Certifying Authority and submitted to Council in accordance with the mandatory inspection requirements of the *Building Legislation Amendment - Quality of Construction Act, 2002* for each stage of construction, such as the following:

- (a) Foundations,
- (b) Footings,
- (c) Damp proof courses and waterproofing installation,
- (d) Structural concrete, including placing of reinforcement and formwork prior to pouring,
- (e) Structural beam and column framing,
- (f) Timber wall and roof framing, and
- (g) Stormwater disposal.

Any Compliance Certificate issued for the above stages of construction shall certify that all relevant ancillary or dependent work has been undertaken in accordance with the Building Code of Australia and any other conditions of approval.

AN5. NOISE GENERATION

Any noise generated during the construction of the development shall not exceed the limits specified in any relevant noise management policy prepared pursuant to the *Protection of the Environment Operations Act 1997*, or exceed approved noise limits for the site.

AN6. TEMPORARY STRUCTURES

An approval under *State Environmental Planning Policy (Temporary Structures and Places of Public Entertainment) 2007* must be obtained from the Council for the erection of the temporary structures. The application must be supported by a report detailing compliance with the provisions of the Building Code of Australia.

Structural certification from an appropriately qualified practicing structural engineer must be submitted to the Council with the application under *State Environmental Planning Policy (Temporary Structures and Places of Public Entertainment) 2007* to certify the structural adequacy of the design of the temporary structures.

AN7. DISABILITY DISCRIMINATION ACT

This application has been assessed in accordance with the *Environmental Planning and Assessment Act 1979*. No guarantee is given that the proposal complies with the *Disability Discrimination Act 1992*. The Proponent/owner is responsible to ensure compliance with this and other anti-discrimination legislation. The *Disability Discrimination Act 1992* covers disabilities not catered for in the minimum standards called up in the Building Code of Australia which references AS 1428.1 - Design for Access and Mobility. AS1428 Parts 2, 3 & 4 provides the most comprehensive technical guidance under the *Disability Discrimination Act 1992* currently available in Australia.

AN8. COMMONWEALTH ENVIRONMENT PROTECTION AND BIODIVERSITY CONSERVATION ACT 1999

The Commonwealth *Environment Protection and Biodiversity Conservation Act 1999* provides that a person must not take an action which has, will have, or is likely to have a significant impact on a matter of national environmental significance (NES) matter; or Commonwealth land, without an approval from the Commonwealth Environment Minister.

This application has been assessed in accordance with the New South Wales *Environmental Planning & Assessment Act, 1979*. The determination of this assessment has not involved any assessment of the application of the Commonwealth legislation. It is the Proponent's responsibility to consult Environment Australia to determine the need or otherwise for Commonwealth approval and you should not construe this grant of approval as notification to you that the Commonwealth Act does not have application. The Commonwealth Act may have application and you should obtain advice about this matter. There are severe penalties for non-compliance with the Commonwealth legislation.

AN9. STREET NUMBERING

Street numbers and the building name(s), if any, will need to be clearly displayed at either end of the ground level frontages in accordance with Council's Policy, prior to the occupation of the building(s) or commencement of the use. If street numbers or a change to street numbers is required, a separate application shall be made to Council.

AN10. ASBESTOS REMOVAL

All excavation works involving the removal and disposal of asbestos must only be undertaken by contractors who hold a current WorkCover Asbestos or "Demolition Licence" and a current WorkCover "Class 2 (Restricted) Asbestos Licence and removal must be carried out in accordance with NOHSC: "Code of Practice for the Safe Removal of Asbestos"

AN11. SITE CONTAMINATION ISSUES DURING CONSTRUCTION

Should any new information come to light during demolition or construction works which has the potential to alter previous conclusions about site contamination then the Proponent must be immediately notified and works must cease. Works must not recommence on site until the consultation is made with the Department.

AN12. IMPACT OF BELOW GROUND (SUB-SURFACE) WORKS – NON-ABORIGINAL RELICS

If any archaeological relics are uncovered during the course of the work, then all works shall cease immediately in that area and the OEH Heritage Branch contacted. Depending on the possible significance of the relics, an archaeological assessment and an excavation permit under the *NSW Heritage Act 1977* may be required before further works can continue in that area.

AN13. DISCOVERY OF ABORIGINAL HERITAGE

If Aboriginal objects are uncovered during work, excavation or disturbance of the area, work must stop immediately. The Environmental Protection and Regulation Group of the OEH is to be contacted. Aboriginal archaeological excavation must be co-ordinated with any proposed investigation of non-indigenous material.

End of this Section

SCHEDULE 3 – Statement of Commitments

ADG Compliance Table – All buildings

Apartment Design Guide (ADG) Key Controls		
Guidelines	Proposed	Compliance
Part 2F: Building Separation		
<p><i>Minimum distances between buildings:</i></p> <p><i>Up to four storeys (approximately 12m)</i></p> <ul style="list-style-type: none"> 12m between habitable rooms/balconies <p><i>Five to eight storeys (25m)</i></p> <ul style="list-style-type: none"> 18m between habitable rooms/balconies 12m between habitable rooms and non-habitable rooms 9m between non-habitable rooms <p><i>Nine storeys and above (over 25m)</i></p> <ul style="list-style-type: none"> 24m between habitable rooms/balconies 18m between habitable rooms and non-habitable rooms 9m between non-habitable rooms 	<p><u>Building A and Building B</u></p> <p>Up to Level 6 = 9m</p> <p>Level 7 to 13 = 13.4m</p> <p>The proposed buildings are within the building envelope approved as part of the Concept Plan which allowed this non-compliance if privacy impacts were mitigated. Privacy impacts mitigated through privacy screens.</p> <p><u>Building A and Building E</u></p> <p>Level 8 to Level 9 = 20.5m</p> <p><u>Building A and Building D</u></p> <p>Level 6 to Level 13 = 18.5m</p> <p><u>Building B and C</u></p> <p>Level 6 to Level 8 = 15.5m</p> <p><u>Building C and Building D</u></p> <p>Level 6 to Level 8 = 20m</p>	<p>No - see 'Assessment' section of this report.</p> <p>Yes</p> <p>Yes</p> <p>Yes</p> <p>Yes</p>
Part 3D: Communal Open Space		

<p><i>Objective 3D-1</i></p> <p><i>Communal open space (COS) has a minimum area equal to 25% of the site (3,647m² based on a site area of 14,591m²)</i></p>	<p>Podium (Level 6) = 3,664m² Building B (Level 7) = 205m² Total – 3,869m²</p> <p>Communal open space = 26.5% of the site</p> <p>Level 5 of Building E has 279m² of COS shared between hotel patrons and available for use by upper level residential but this has not been counted towards the overall provision for the development. See Assessment Section of the report below.</p> <p>Provision of large foreshore recreation area to the north of the building as part of a separate DA20/0266.</p>	<p>Yes</p> <p>No - See 'Assessment' section of this report.</p>
<p><i>Development must achieve a minimum of 50% direct sunlight to the principle usable part of communal open space for a minimum of 2 hours between 9am and 3pm on 21 June (mid-winter)</i></p>	<p>50% of communal open space receives at least 3 hours solar access between 9am and 3pm mid-winter.</p>	<p>Yes</p>
<p>Part 4A: Solar Access</p>		
<p><i>Objective 4A-1</i></p> <p><i>Living rooms and private open spaces of at least 70% (179) of apartments in a building receive a minimum of 2 hours direct sunlight between 9am and 3pm at mid-winter.</i></p> <p><i>Maximum of 15% (38) of apartments in a building receive no direct sunlight between 9am and 3pm at mid-winter.</i></p>	<p>70% (179) apartments</p> <p>14% (36) apartments</p>	<p>Yes</p> <p>Yes</p>

Part 4B: Natural Ventilation		
<p><i>Objective 4B-3</i> At least 60% (153) of apartments are naturally cross ventilated in the first nine storeys of the building.</p>	60% (153) apartments	Yes
<p>Overall depth of a cross-over or cross-through apartment does not exceed 18m, measured glass line to glass line.</p>	Maximum cross-through apartment depth 16.6m	Yes
Part 4C: Ceiling Heights		
<p><i>Objective 4C-1</i> Measured from finished floor to finished ceiling level, minimum heights are;</p> <ul style="list-style-type: none"> Habitable rooms = 2.7m 	Floor to floor heights range from 3.15m to 3.8m. A condition is to be imposed specifying minimum 2.7m ceiling height for habitable rooms.	Yes
Part 4D: Apartment Size		
<p><i>Objective 4D-1</i> Minimum internal areas of;</p> <ul style="list-style-type: none"> 1 bedroom = 50m² 2 bedroom = 70m² 3 bedroom = 90m² <p>*Additional bathrooms increase the minimum internal area by 5m²</p>	All apartments comply with minimum size requirement.	Yes
<p><i>Figure 4D.3 – Depth of a single aspect apartment relative to the ceiling height directly influences the quality of natural ventilation and daylight access. The maximum depth of open plan layouts that combine living, dining and kitchen space is 8m</i></p>	All single depth apartments comply, except for 2 apartments in Building A which have a depth of 8.5m. Acceptable in this instance.	Yes
Part 4E: Private Open Space		
<p><i>Objective 4E-1</i> All apartments are required to have a primary balcony as follows;</p> <ul style="list-style-type: none"> 1 bedroom = 8m² (depth of 2m) 2 bedroom = 10m² (depth of 2m) 3 bedroom = 12m² (depth of 2.4m) 	All apartments comply except for 2 x 3 bedroom apartments on Level 7 of Building C which exceed the minimum area required but only have a depth of 2.3m. This has been conditioned to comply.	Yes subject to conditions

<i>For apartments at ground level or on a podium or similar structure, private open space is provided instead of a balcony. Must have a minimum area of 15m² and depth of 3m</i>	<p>24 of the 34 podium apartments have courtyard-style apartments which comply with the minimum 15m² area requirement.</p> <p>The other 10 apartments are oriented outwards from the podium and have balconies. These balconies all comply with the minimum ADG balcony requirements with the exception of 2 of the 3 bedroom apartments which are only 2.3m in depth (but have more than sufficient area – 25m² and 25m²)</p>	Yes
Part 4F: Common Circulation and Space		
<i>The maximum number of apartments off a circulation core on a single level is eight</i>	<p>Building B, C, D comply with this control.</p> <p>Building A – The eastern circulation core services 4 apartments per level. This lift is also 1 of 2 lifts to be used by the residents of Buildings A-D to access the main lobby and mail room in the Captain Cook Drive entry from the podium level.</p> <p>Building E – The circulation corridor services 11 units per floor (22 apartments in total).</p>	No – See 'Assessment' section of the report
Part 4G: Residential Storage		

<p>Objective 4G-1</p> <p><i>In addition to storage in kitchens, bathrooms and bedrooms the following storage is provided</i></p> <ul style="list-style-type: none"> • 1 bedroom = 6m³ • 2 bedroom = 8m³ • 3 bedroom = 10m³ <p><i>At least 50% of the required storage is to be located within the apartment.</i></p>	<p>A condition of consent is included in Appendix A to ensure minimum provision of storage is met.</p>	<p>Yes</p>
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ADG Compliance Tables for Buildings A, B, C, D and E

Apartment Design Guide (ADG) Key Controls		Building A: 8 storeys above the podium 78 apartments
Guidelines	Proposed	Compliance
Part 2F: Building separation		
<p><i>Minimum distances between buildings:</i></p> <p><i>Up to four storeys (approximately 12m)</i></p> <ul style="list-style-type: none"> • 12m between habitable rooms/balconies • 9m between habitable rooms and non-habitable rooms • 6m between non-habitable rooms <p><i>Five to eight storeys (25m)</i></p> <ul style="list-style-type: none"> • 18m between habitable rooms/balconies • 12m between habitable rooms and non-habitable rooms • 9m between non-habitable rooms 	<p><u>Building A and Building B –</u> Level 6 - 9m Level 7 to 13 - 13.4m</p> <p>Building envelope compliant with concept plan approval which allow for encroachment if privacy impacts mitigated. Privacy impacts mitigated through privacy screens, fencing and landscaping.</p> <p><u>Building A and Building D –</u> Level 6 to Level 13 - 18.5m</p> <p><u>Building A and Building E –</u> Level 8 to Level 9 - 20.5m</p>	<p>No – see 'Assessment' report.</p> <p>Yes</p> <p>Yes</p>
Part 3D: Communal Open Space		

Objective 3D-1		
<i>Communal open space has a minimum area equal to 25% of the site. (3,647m² based on a site area of 14,591m²)</i>	Communal open space: Podium - Level 6: 3664m ² Building B – Level 7: 205m ² Total - 38698m ²	Yes
	Communal open space 26.5% of the site	Yes
<i>Development must achieve a minimum of 50% direct sunlight to the principle usable part of communal open space for a minimum of 2 hours between 9am and 3pm on 21 June (mid-winter)</i>	50% of communal open space receives at least 3 hours solar access between 9am and 3pm mid-winter.	Yes
Part 4A: Solar Access		
Objective 4A-1		
<i>Living rooms and private open spaces of at least 70% (55 apartments) or apartments in a building receive a minimum of 2 hours direct sunlight between 9am and 3pm at mid-winter.</i>	79% (62) apartments	Yes
<i>Maximum of 15% (12) of apartments in a building receive no direct sunlight between 9am and 3pm at mid-winter.</i>	20.5% (16) apartments	No – but overall development complies
Part 4B: Natural Ventilation		
Objective 4B-3		
<i>At least 60% (17) of apartments are naturally cross ventilated in the first nine storeys of the building. Apartments at ten storeys or greater are deemed to be cross ventilated only if any enclosure if the balconies at these levels allows adequate natural ventilation and cannot be fully enclosed.</i>	64% (18) apartments	Yes
<i>Overall depth of a cross-over or cross-through apartment does not exceed 18m, measured glass line to glass line.</i>	15m apartment depth	Yes
Part 4C: Ceiling Heights		

<p>Objective 4C-1</p> <p><i>Measured from finished floor to finished ceiling level, minimum heights are;</i></p> <ul style="list-style-type: none"> Habitable rooms = 2.7m Non-habitable rooms = 2.4m 	<p>Floor to floor heights 3.15m. A condition is to be imposed specifying minimum 2.7m ceiling height for habitable rooms</p>	<p>Yes</p>
<p>Part 4D: Apartment Size</p>		
<p>Objective 4D-1</p> <p><i>Minimum internal areas of;</i></p> <ul style="list-style-type: none"> 1 bedroom = 50m² 2 bedroom = 70m² 3 bedroom = 90m² <p><i>*Additional bathrooms increase the minimum internal area by 5m²</i></p>	<p>All apartments comply with minimum size requirement.</p>	<p>Yes</p>
<p><i>Figure 4D.3 – Depth of a single aspect apartment relative to the ceiling height directly influences the quality of natural ventilation and daylight access. The maximum depth of open plan layouts that combine living, dining and kitchen space is 8m</i></p>	<p>76 of the 78 apartment comply with the 8m apartment depth control. 2 apartment on Level 6 do not comply having a maximum apartment depth of 8.5m.</p>	<p>Acceptable</p>
<p>Part 4E: Private Open Space</p>		
<p>Objective 4E-1</p> <p><i>All apartments are required to have a primary balcony as follows;</i></p> <ul style="list-style-type: none"> 1 bedroom = 8m² (depth of 2m) 2 bedroom = 10m² (depth of 2m) 3 bedroom 12m² (depth of 2.4m) 	<p>1 bedroom balcony: Minimum area 8m² (minimum depth 2.8m)</p> <p>2 bedroom balcony: Minimum area 11m² (minimum depth 2.8m)</p>	<p>Yes</p> <p>Yes</p>
<p><i>For apartments at ground level or on a podium or similar structure, private open space is provided instead of a balcony. Must have a minimum area of 15m² and depth of 3m</i></p>	<p>6 of the 8 apartments comply. 2 south facing apartments do not comply with the minimum area required having areas of 10m² and 11m²</p>	<p>Acceptable on the basis of these being balconies and not terrace areas on podium</p>
<p>Part 4F: Common Circulation and Space</p>		
<p><i>The maximum number of apartments off a circulation core on a single level is eight</i></p>	<p>Western core – 6 apartments per level</p>	<p>Yes</p>

	Eastern core – 4 apartments per level with 2 lifts but these lifts also serve as the shuttle lifts for all residents between ground level and the podium as well as building E residents and visitors.	No – see Assessment Report
Part 4G: Residential Storage		
<p><i>Objective 4G-1</i></p> <p><i>In addition to storage in kitchens, bathrooms and bedrooms the following storage is provided</i></p> <ul style="list-style-type: none"> • 1 bedroom = 6m³ • 2 bedroom = 8m³ • 3 bedroom = 10m³ <p><i>At least 50% of the required storage is to be located within the apartment.</i></p>	A condition of consent is included in Appendix A to ensure minimum provision of storage is met.	Yes

Apartment Design Guide (ADG) Key Controls		Building B: 9 storeys above the podium 69 apartments
Guidelines	Proposed	Compliance
Part 2F: Building separation		
<p><i>Minimum distances between buildings:</i></p> <p><i>Up to four storeys (approximately 12m)</i></p> <ul style="list-style-type: none"> • 12m between habitable rooms/balconies • 9m between habitable rooms and non-habitable rooms • 6m between non-habitable rooms <p><i>Five to eight storeys (25m)</i></p> <ul style="list-style-type: none"> • 18m between habitable rooms/balconies • 12m between habitable rooms and non-habitable rooms • 9m between non-habitable rooms <p><i>Nine storeys and above (over 25m)</i></p> <ul style="list-style-type: none"> • 24m between habitable rooms/balconies 	<p><u>Building B and Building A</u> - Level 6 - 9m</p> <p>Level 9 to Level 13 - 13.4m</p> <p><u>Building B and Building C</u> Level 6 to Level 8 - 15.5m</p> <p><u>Building B and Building D</u> Level 6 – Level 14 29.45m</p>	<p>No – see 'Assessment' Report.</p> <p>Yes</p> <p>Yes</p>

<ul style="list-style-type: none"> 18m between habitable rooms and non-habitable rooms 9m between non-habitable rooms 		
Part 3D: Communal Open Space		
<p><i>Objective 3D-1</i></p> <p><i>Communal open space has a minimum area equal to 25% of the site (3,647m² based on a site area of 14,591m²)</i></p>	<p>Communal open space:</p> <p>Podium - Level 6: 3664m²</p> <p>Building B – Level 7: 205m²</p> <p>Total – 3,869m²</p>	Yes
	Communal open space 26.5% of the site	Yes
<p><i>Development must achieve a minimum of 50% direct sunlight to the principle usable part of communal open space for a minimum of 2 hours between 9am and 3pm on 21 June (mid-winter)</i></p>	50% of communal open space receives at least 3 hours solar access between 9am and 3pm mid-winter.	Yes
Part 4A: Solar Access		
<p><i>Objective 4A-1</i></p> <p><i>Living rooms and private open spaces of at least 70% (48) of apartments in a building receive a minimum of 2 hours direct sunlight between 9am and 3pm at mid-winter.</i></p>	75% (47) apartments	Yes
<p><i>Maximum of 15% (10) of apartments in a building receive no direct sunlight between 9am and 3pm at mid-winter.</i></p>	18.8% (13 apartments)	No – but acceptable on the basis that the overall development complies
Part 4B: Natural Ventilation		
<p><i>Objective 4B-3</i></p> <p><i>At least 60% (20 apartments) of apartments are naturally cross ventilated in the first nine storeys of the building. Apartments at ten storeys or greater are deemed to be cross ventilated only if any enclosure if the balconies at these levels allows adequate natural ventilation and cannot be fully enclosed.</i></p>	54% (18) apartments	No – but acceptable on the basis that overall development complies

Overall depth of a cross-over or cross-through apartment does not exceed 18m, measured glass line to glass line.	15m apartment depth	Yes
Part 4C: Ceiling Heights		
<p>Objective 4C-1</p> <p>Measured from finished floor to finished ceiling level, minimum heights are;</p> <ul style="list-style-type: none"> Habitable rooms = 2.7m Non-habitable rooms = 2.4m 	Floor to floor heights 3.15m. A condition is to be imposed specifying minimum 2.7m ceiling height for habitable rooms	Yes
Part 4D: Apartment Size		
<p>Objective 4D-1</p> <p>Minimum internal areas of;</p> <ul style="list-style-type: none"> 1 bedroom = 50m² 2 bedroom = 70m² 3 bedroom = 90m² <p>*Additional bathrooms increase the minimum internal area by 5m²</p>	All apartments comply with minimum size requirement.	Yes
Figure 4D.3 – Depth of a single aspect apartment relative to the ceiling height directly influences the quality of natural ventilation and daylight access. The maximum depth of open plan layouts that combine living, dining and kitchen space is 8m	Single aspect apartment depth no greater than 8m	Yes
Part 4E: Private Open Space		
<p>Objective 4E-1</p> <p>All apartments are required to have a primary balcony as follows;</p> <ul style="list-style-type: none"> 1 bedroom = 8m² (depth of 2m) 2 bedroom = 10m² (depth of 2m) 3 bedroom 12m² (depth of 2.4m) 	<p>1 bedroom balcony:</p> <p>Minimum area 8m² (minimum depth 2.4m)</p> <p>2 bedroom balcony:</p> <p>Minimum area 10m² (minimum depth 2.7m)</p> <p>3 bedroom balcony: Minimum area 12m² (minimum depth 2.8m)</p>	<p>Yes</p> <p>Yes</p> <p>Yes</p>
For apartments at ground level or on a podium or similar structure, private open space is provided instead of a balcony. Must have a minimum area of 15m ² and depth of 3m	10 of the 11 apartments comply. 1 east facing apartment does not comply having an area of 10m ² .	Acceptable on the basis of these being balconies and not terrace

		areas on podium
Part 4F: Common Circulation and Space		
<i>The maximum number of apartments off a circulation core on a single level is eight</i>	East core and west core – Maximum 6 apartments per level.	Yes
Part 4G: Residential Storage		
<p><i>Objective 4G-1</i></p> <p><i>In addition to storage in kitchens, bathrooms and bedrooms the following storage is provided</i></p> <ul style="list-style-type: none"> • 1 bedroom = 6m³ • 2 bedroom = 8m³ • 3 bedroom = 10m³ <p><i>At least 50% of the required storage is to be located within the apartment.</i></p>	A condition of consent is included in Appendix A to ensure minimum provision of storage is met.	

Apartment Design Guide (ADG) Key Controls		Building C: 5 storeys (including roof terrace) 27 apartments
Guidelines	Proposed	Compliance
Part 2F: Building separation		
<p><i>Minimum distances between buildings:</i></p> <p><i>Up to four storeys (12m)</i></p> <ul style="list-style-type: none"> • 12m between habitable rooms/balconies • 9m between habitable rooms and non-habitable rooms • 6m between non-habitable rooms 	<p><u>Building C and Building B</u></p> <p>Level 6 to Level 8 - 15.5m</p> <p><u>Building C and Building D</u></p> <p>Level 6 to Level 8 – 20m</p>	<p>Yes</p> <p>Yes</p>
Part 3D: Communal Open Space		
<p><i>Objective 3D-1</i></p> <p><i>Communal open space has a minimum area equal to 25% of the site (3,647m² based on a site area of 14,591m²)</i></p>	<p>Communal open space:</p> <p>Podium - Level 6: 3664m²</p> <p>Building B – Level 7: 205m²</p> <p>Total – 3,869m²</p> <p>Communal open space</p> <p>26.5% of the site</p>	Yes

<i>Development must achieve a minimum of 50% direct sunlight to the principle usable part of communal open space for a minimum of 2 hours between 9am and 3pm on 21 June (mid-winter)</i>	50% of communal open space receives at least 3 hours solar access between 9am and 3pm mid-winter.	Yes
Part 4A: Solar Access		
Objective 4A-1 <i>Living rooms and private open spaces of at least 70% (19) apartments of apartments in a building receive a minimum of 2 hours direct sunlight between 9am and 3pm at mid-winter.</i>	81.5% (22) apartments	Yes
<i>Maximum of 15% (4) of apartments in a building receive no direct sunlight between 9am and 3pm at mid-winter.</i>	7.4% (2) apartments	Yes
Part 4B: Natural Ventilation		
Objective 4B-3 <i>At least 60% (16) of apartments are naturally cross ventilated in the first nine storeys of the building. Apartments at ten storeys or greater are deemed to be cross ventilated only if any enclosure if the balconies at these levels allows adequate natural ventilation and cannot be fully enclosed.</i>	52% (14) apartments	No – but acceptable on the basis that the overall development complies
<i>Overall depth of a cross-over or cross-through apartment does not exceed 18m, measured glass line to glass line.</i>	15.2m apartment depth	Yes
Part 4C: Ceiling Heights		
Objective 4C-1 <i>Measured from finished floor to finished ceiling level, minimum heights are;</i> <ul style="list-style-type: none"> <i>Habitable rooms = 2.7m</i> 	Floor to floor heights 3.15m. A condition is to be imposed specifying minimum 2.7m ceiling height for habitable rooms	Yes
Part 4D: Apartment Size		
Objective 4D-1 <i>Minimum internal areas of;</i> <ul style="list-style-type: none"> <i>1 bedroom = 50m²</i> <i>2 bedroom = 70m²</i> <i>3 bedroom = 90m²</i> <i>*Additional bathrooms increase the minimum internal area by 5m²</i>	All apartments comply with minimum size requirement	Yes

<i>Figure 4D.3 – Depth of a single aspect apartment relative to the ceiling height directly influences the quality of natural ventilation and daylight access. The maximum depth of open plan layouts that combine living, dining and kitchen space is 8m</i>	Single aspect apartment depth no greater than 8m	Yes
Part 4E: Private Open Space		
<p><i>Objective 4E-1</i></p> <p><i>All apartments are required to have a primary balcony as follows;</i></p> <ul style="list-style-type: none"> • 1 bedroom = 8m² (depth of 2m) • 2 bedroom = 10m² (depth of 2m) • 3 bedroom 12m² (depth of 2.4m) 	<p>1 bedroom balcony - Minimum area 8m² (minimum depth 2.2m)</p> <p>2 bedroom balcony – Minimum area 19m² (minimum depth 2m)</p> <p>3 bedroom balcony – Minimum area 14m² (minimum depth 2.3m)</p>	<p>Yes</p> <p>Yes</p> <p>No – but the minor variation supported.</p>
<i>For apartments at ground level or on a podium or similar structure, private open space is provided instead of a balcony. Must have a minimum area of 15m² and depth of 3m</i>	<p>7 of the 9 apartment comply. 2 north facing apartments exceed the minimum area required but only have a depth of 2.3m. 1 north facing apartment has an area of 14m² and a depth of 2.3m.</p>	No – but not pressed as high degree of amenity provided with northern aspect and apartment layout.
Part 4F: Common Circulation and Space		
<i>The maximum number of apartments off a circulation core on a single level is eight</i>	East and west core – Maximum 5 apartments per level.	Yes
Part 4G: Residential Storage		
<p><i>Objective 4G-1</i></p> <p><i>In addition to storage in kitchens, bathrooms and bedrooms the following storage is provided</i></p> <ul style="list-style-type: none"> • 2 bedroom = 8m³ • 3 bedroom = 10m³ 	A condition of consent is included in Appendix A to ensure minimum provision of storage is met.	Yes

At least 50% of the required storage is to be located within the apartment.		
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Apartment Design Guide (ADG) Key Controls		Building D: 9 storeys (including roof terrace) 59 apartments
Guidelines	Proposed	Compliance
Part 2F: Building separation		
<p><i>Minimum distances between buildings:</i></p> <p><i>Up to four storeys (approximately 12m)</i></p> <ul style="list-style-type: none"> • 12m between habitable rooms/balconies • 9m between habitable rooms and non-habitable rooms • 6m between non-habitable rooms <p><i>Five to eight storeys (25m)</i></p> <ul style="list-style-type: none"> • 18m between habitable rooms/balconies • 12m between habitable rooms and non-habitable rooms • 9m between non-habitable rooms <p><i>Nine storeys and above (over 25m)</i></p> <ul style="list-style-type: none"> • 24m between habitable rooms/balconies • 18m between habitable rooms and non-habitable rooms • 9m between non-habitable rooms 	<p><u>Building D and Building A –</u> Level 6 to Level 13 - 18.5m</p> <p><u>Building D and Building B</u> Level 6 to Level 14 - 29.45m</p> <p><u>Building D and Building C</u> Level 6 to Level 8 - 20m</p>	Yes
Part 3D: Communal Open Space		

<p><i>Objective 3D-1</i></p> <p><i>Communal open space has a minimum area equal to 25% of the site (3,647m² based on a site area of 14,591m²)</i></p> <p><i>Development must achieve a minimum of 50% direct sunlight to the principle usable part of communal open space for a minimum of 2 hours between 9am and 3pm on 21 June (mid-winter)</i></p>	<p>Communal open space:</p> <p>Podium - Level 6: 3664m²</p> <p>Building B – Level 7: 205m²</p> <p>Total – 3,869m²</p> <p>Communal open space 26.5% of the site</p> <p>50% of communal open space receives at least 3 hours solar access between 9am and 3pm mid-winter.</p>	<p>Yes</p> <p>Yes</p> <p>Yes</p>
Part 4A: Solar Access		
<p><i>Objective 4A-1</i></p> <p><i>Living rooms and private open spaces of at least 70% (41) of apartments in a building receive a minimum of 2 hours direct sunlight between 9am and 3pm at mid-winter. Requires 39 units out of 55.</i></p> <p><i>Maximum of 15% (9) of apartments in a building receive no direct sunlight between 9am and 3pm at mid-winter.</i></p>	<p>38 (64%) apartments</p> <p>0% receive no-direct sunlight</p>	<p>No – but acceptable on the basis that the overall development complies</p> <p>Yes</p>
Part 4B: Natural Ventilation		
<p><i>Objective 4B-3</i></p> <p><i>At least 60% (13) of apartments are naturally cross ventilated in the first nine storeys of the building. Apartments at ten storeys or greater are deemed to be cross ventilated only if any enclosure if the balconies at these levels allows adequate natural ventilation and cannot be fully enclosed.</i></p>	<p>73% (16) apartments</p>	<p>Yes</p>
<p><i>Overall depth of a cross-over or cross-through apartment does not exceed 18m, measured glass line to glass line.</i></p>	<p>16.6m apartment depth</p>	<p>Yes</p>
Part 4C: Ceiling Heights		
<p><i>Objective 4C-1</i></p> <p><i>Measured from finished floor to finished ceiling level, minimum heights are;</i></p>	<p>Floor to floor heights 3.15m. A condition is to be imposed specifying minimum 2.7m</p>	<p>Yes</p>

<ul style="list-style-type: none"> Habitable rooms = 2.7m 	ceiling height for habitable rooms	
Part 4D: Apartment Size		
<p><i>Objective 4D-1</i></p> <p><i>Minimum internal areas of;</i></p> <ul style="list-style-type: none"> 1 bedroom = 50m² 2 bedroom = 70m² 3 bedroom = 90m² <p><i>*Additional bathrooms increase the minimum internal area by 5m²</i></p>	All apartments comply with minimum size requirement.	Yes
<p><i>Figure 4D.3 – Depth of a single aspect apartment relative to the ceiling height directly influences the quality of natural ventilation and daylight access. The maximum depth of open plan layouts that combine living, dining and kitchen space is 8m</i></p>	Single aspect apartment depth no greater than 8m	Yes
Part 4E: Private Open Space		
<p><i>Objective 4E-1</i></p> <p><i>All apartments are required to have a primary balcony as follows;</i></p> <ul style="list-style-type: none"> 1 bedroom = 8m² (depth of 2m) 2 bedroom = 10m² (depth of 2m) 3 bedroom 12m² (depth of 2.4m) <p><i>For apartments at ground level or on a podium or similar structure, private open space is provided instead of a balcony. Must have a minimum area of 15m² and depth of 3m</i></p>	<p>1 bedroom balcony: Minimum area 9m² (minimum depth 2.1m)</p> <p>2 bedroom balcony: Minimum area 12m² (Min depth 2.4m)</p> <p>3 bedroom Balcony: Minimum area 19m² (minimum depth 2.4m)</p> <p>Minimum area 18m² (minimum depth 3m)</p>	<p>Yes</p> <p>Yes</p> <p>Yes</p> <p>Yes</p>
Part 4F: Common Circulation and Space		
<p><i>The maximum number of apartments off a circulation core on a single level is eight</i></p>	Northern core – Maximum of 4 apartments per level	Yes

	South core - Maximum of 8 apartment per level	
Part 4G: Residential Storage		
<p><i>Objective 4G-1</i></p> <p><i>In addition to storage in kitchens, bathrooms and bedrooms the following storage is provided</i></p> <ul style="list-style-type: none"> • 1 bedroom = 6m³ • 2 bedroom = 8m³ • 3 bedroom = 10m³ <p><i>At least 50% of the required storage is to be located within the apartment.</i></p>	A condition of consent is included in Appendix A to ensure minimum provision of storage is met.	Yes

Apartment Design Guide (ADG) Key Controls	Building E: 2 levels of residential apartments comprising a total of 22 apartments	
Guidelines	Proposed	Compliance
Part 2F: Building separation		
<p><i>Minimum distances between buildings:</i></p> <p><i>Five to eight storeys (25m)</i></p> <ul style="list-style-type: none"> • 18m between habitable rooms/balconies • 12m between habitable rooms and non-habitable rooms • 9m between non-habitable rooms 	<p><u>Building A and Building E –</u> Level 8 to Level 9 - 20.5m</p>	Yes
Part 3D: Communal Open Space		
<p><i>Objective 3D-1</i></p> <p><i>Communal open space has a minimum area equal to 25% of the site (3,647m² based on a site area of 14,591m²)</i></p>	<p>Communal open space: Podium - Level 6: 3664m² Building B – Level 7: 205m² Total – 3,869m²</p> <p>Communal open space 28.4% of the site</p> <p>Level 5 of Building E has 279m² of COS shared between hotel patrons and available for use by upper level</p>	<p>Yes</p> <p>Yes</p> <p>Yes</p>

<i>Development must achieve a minimum of 50% direct sunlight to the principle usable part of communal open space for a minimum of 2 hours between 9am and 3pm on 21 June (mid-winter)</i>	residential but this has not been counted towards the overall provision for the development. See Assessment Section of the report below. 50% of communal open space receives at least 3 hours solar access between 9am and 3pm mid-winter.	Yes
Part 4A: Solar Access		
<i>Objective 4A-1 Living rooms and private open spaces of at least 70% (15) of apartments in a building receive a minimum of 2 hours direct sunlight between 9am and 3pm at mid-winter.</i>	45% (10) apartments	No – but acceptable on the basis that the overall development complies
<i>Maximum of 15% (3) of apartments in a building receive no direct sunlight between 9am and 3pm at mid-winter.</i>	22.7% (5 apartments)	No – but acceptable on the basis that the overall development complies
Part 4B: Natural Ventilation		
<i>Objective 4B-3 At least 60% (13) of apartments are naturally cross ventilated in the first nine storeys of the building. Apartments at ten storeys or greater are deemed to be cross ventilated only if any enclosure if the balconies at these levels allows adequate natural ventilation and cannot be fully enclosed.</i>	45% (5) apartments	No – but acceptable on the basis that the overall development complies
Part 4C: Ceiling Heights		
<i>Objective 4C-1 Measured from finished floor to finished ceiling level, minimum heights are;</i>	Floor to floor heights 3.1m. A condition is to be imposed	Yes

<ul style="list-style-type: none"> Habitable rooms = 2.7m 	specifying minimum 2.7m ceiling height for habitable rooms	
Part 4D: Apartment Size		
<p><i>Objective 4D-1</i></p> <p><i>Minimum internal areas of;</i></p> <ul style="list-style-type: none"> 1 bedroom = 50m² 2 bedroom = 70m² 3 bedroom = 90m² <p><i>*Additional bathrooms increase the minimum internal area by 5m²</i></p>	All apartments comply with minimum size requirement.	Yes
<p><i>Figure 4D.3 – Depth of a single aspect apartment relative to the ceiling height directly influences the quality of natural ventilation and daylight access. The maximum depth of open plan layouts that combine living, dining and kitchen space is 8m</i></p>	Depth of single aspect apartments is <8m.	Yes
Part 4E: Private Open Space		
<p><i>Objective 4E-1</i></p> <p><i>All apartments are required to have a primary balcony as follows;</i></p> <ul style="list-style-type: none"> 1 bedroom = 8m² (depth of 2m) 2 bedroom = 10m² (depth of 2m) 	<p>1 Bedroom balcony: Minimum area 10m² (Minimum depth 2.8m)</p> <p>2 Bedroom balcony: Minimum area 10m² (Minimum depth 2.4m)</p>	<p>Yes</p> <p>Yes</p>
Part 4F: Common Circulation and Space		
<p><i>The maximum number of apartments off a circulation core on a single level is eight</i></p>	11 apartments off a circulation core per level. Acceptable on the basis that there are only 22 apartments needing to access the lift via the two floors. ADG enables 1 lift to service 40 apartments so whilst more apartments per floor than the ADG, a considerable less	Acceptable

	number of apartments in totality.	
Part 4G: Residential Storage		
<p><i>Objective 4G-1</i></p> <p><i>In addition to storage in kitchens, bathrooms and bedrooms the following storage is provided</i></p> <ul style="list-style-type: none"> • 1 bedroom = 6m³ • 2 bedroom = 8m³ • 3 bedroom = 10m³ <p><i>At least 50% of the required storage is to be located within the apartment.</i></p>	<p>A condition of consent is included in Appendix A to ensure minimum provision of storage is met.</p>	<p>Yes</p>

Report and Recommendations of the Design Review Forum Panel

Sutherland Shire Council 14 March 2019

Panel Members: John Dimopoulos (Chair), Harry Levine & Peter Brooker

Council Staff: Amanda Treharne (ROFF), Carine Elias (Team Leader)

Applicant Team: Matthew Crews - Project Director - Capitol Bluestone
 Tony Cusick - Senior Development Manager - Capital Bluestone
 James McCarthy – Architect - Turner
 Michael Oliver – Planner - Ethos Urban
 Ross Shepherd - Landscape Architect - Site Image
 Frances Mehrrens - Assistant Planner - Ethos Urban

DA No: DA18/1448

PAD No: PAD16/0084

Project Address: 455 Captain Cook Drive, Woollooware

Proposal: Construction of Stage 1 Precinct of Woollooware Bay Town Centre: Partial demolition of existing Leagues Club and other structures, tree removal, construction and use of new retail centre, fit out of Levels 3 and 4 for the Leagues Club, public domain works, infrastructure works, construction and use of hotel accommodation, construction of four residential apartment buildings containing 255 dwellings, construction and use of office tenancies, construction of a child care centre, above ground car park, landscaping works, 4 lot stratum subdivision and staged Construction and Occupation Certificates

PREAMBLE

A proposal for the site has not previously been reviewed by the DRF.

A proposal for the site was previously reviewed by Council on the 6 September 2016, and the comments made have been taken into account in framing this report.

The site was visited by the Panel members prior to the meeting.

The proposal has been considered in relation to the Design Quality Principles of SEPP 65. Detailed matters relating to Principle 5 (Landscape) are not covered by the Panel and will be separately reported by Council Officers.

Issues considered relevant to the proposal are noted below.

DRF Report – DA18/1448

COMMENTS

1. The Panel understands that this application comes with a long history, which includes approvals in place for the lower non-residential parts of the project. Nevertheless, it is considered within the scope of a design based review to comment on aspects of the approved parts of the project where they are of significance in the current application. In particular, clarity of access, sense of address, identity and way finding are all compromised in the addition of the residential buildings that are the subject of this application, and they are issues that are grounding the conception of the project as a whole.
2. The drawings make the whole project difficult to understand, with no sections included that illustrate the relationships of all parts of the project in an integrated way. In addition, the 3D model submitted was unable to function due to the large file, further hindering a clear understanding of the design and assessment of the scheme.
3. The access arrangements to the various parts of the project, which would be easily managed in a properly civic setting of public streets and development lots, requires a complex choreography of movement systems to manage. It is hard to believe that way finding will be anything other than difficult at best, relying heavily on signage and elaborate security arrangements.
4. As currently presented, a visitor arriving from the street will be confronted with a confusing presentation of options, and a circuitous journey from street to individual front door. The public street entry to 233 apartments is from one foyer, via 2 shuttle lifts to the podium level, through a shared lobby serving 3 apartments on that level, and then out on to the podium, from where paths diverge in all directions, threaded through communal open space, to 7 building entries.
5. Ideally every residential building should have its own entry lobby address to a public street. If the podium accommodates any public access to buildings, it might be of use to re-imagine its design. It could be thought of as a network of pedestrian mews, making use of a legible urban spatial type (albeit removed from the public domain) in its design and detail. Podium level apartments could have individual entries off the mews, and common building entries could be signalled architecturally. Paving, landscape, lighting, thresholds, and materials could all be considered with this in mind.
6. The main residential shuttle lift street entry seems somewhat concealed in the mostly commercial façade wrapping around the corner of Captain Cook Drive and Woollooware Road North. It could be better signalled as being the core residential entry with the green wall feature being extended to street level, creating a sense of address whilst visually grounding and telegraphing the main podium plaza/forecourt above.

7. Considered in isolation, apartment plans are generally well resolved, except for the compromised natural light and ventilation provided to some of the common circulation spaces.
8. While the elevations are competent, the proposal suffers from the inevitable consequences when, even with good intention, so much is designed by one hand: the lack of authentic variety that many hands bring.
9. All of the above contributes to the overall impression of the project being conceived and designed as a homogenous enclave, with the residential part having little engagement with the public domain.

RECOMMENDATIONS

Further design development is recommended by the Panel to respond to the issues noted above.

John Dimopoulos
(DRF Chair)

APPENDIX H

Sutherland Shire Local Environmental Plan 2015			
CLAUSE	REQUIRED	PROPOSAL	COMPLIANCE
Cl.4.3 Height of Building	Maximum 50m	55.07m (top of plant Building B RL 58.320 – Existing Ground Level 3.25)	No – but consistent with approved Concept Plan
Cl.4.4 Floor Space Ratio	Maximum 1.5:1 (21,865m ²) <i>Based on site area in SEE 14,591m².</i>	4.0:1 (58,711m ²)	No – but consistent with approved Concept Plan
Sutherland Shire Development Control Plan 2015			
Chapter 12 – B2 Local Centre			
CLAUSE	REQUIRED	PROPOSAL	COMPLIANCE
Cl.2.2 – Streetscape and Built Form			
Cl.1 A site must be off sufficient size to accommodate development; a. Provides appropriate access and servicing facilities – vehicular parking, access, storage, waste management areas, b. Provides upper storey residential amenity – including privacy, solar access, ventilation and landscaped setbacks, c. Demonstrates architectural merits d. Responds to the local context, including providing adequate separation from existing and future adjoining development		The site is of a significant scale (approximately 14,591m ²). Access is by Captain Cook Drive And Woollooware Road. The subject site forms part of the wider precinct development of Woollooware Bay Town Centre approved by the Concept Approval.	Yes
Cl. 2 Design entry points that contribute to the legibility of the centre.		Ground Level entry points (vehicles and pedestrians have been determined by the Project Approval. Architectural treatment and signage is used to identify the entry points for commercial,	Yes

	residential, club and hotel.	
<p>CI.3</p> <p>Extensive sections of blank façade are to be avoided. Facades are to be articulated to contribute to the visual presentation of development with consideration of;</p> <ul style="list-style-type: none"> a. Articulating facades either through built form or materials. b. Using building materials and finishes which are complementary to nearby development. c. Defining each level of building and articulating the proportions of the building. d. Expressing variation in floor to floor height, particularly at the lower levels. e. Incorporating architectural features which give human scale to the design of the building at street level. f. Integrating building services such as roof plant and parking ventilation with the overall façade and building design, and screened from public view. 	<p>Proposed development represents acceptable urban design outcome having regard to the parameters of the Concept Plan approval. See architectural comments below and in Assessment Report.</p>	<p>Yes</p>
<p>CI.4</p> <p>Where development has two (2) or more road frontages, vehicular access shall be from the lowest order road.</p>	<p>Vehicle access is from Captain Cook Drive and Woollooware Road. New traffic signals were required on Captain Cook Drive to facilitate vehicle access to the development from this major road. This is consistent with the Concept Approval.</p>	<p>Yes</p>
<p>CI.5</p> <p>Highly reflective materials are not acceptable for roof or wall cladding.</p>	<p>Reflective materials not proposed. Conditioned.</p>	<p>Yes</p>
<p>CI.7</p> <p>Development should contribute to a comfortable pedestrian environment with improvement to signage,</p>	<p>The main pedestrian environment will be on Captain Cook Drive with</p>	<p>Yes</p>

lighting, planting, awning cover and seating, where appropriate.	<p>no access along the eastern side of the development on Woollooware Road. The Roads Act approval will ensure that the treatment of this area is suitable, including finishes, furniture and vegetation. A condition of consent is included in Appendix A.</p> <p>A pedestrian forecourt area is provided in the southern frontage of the development. Level 1 above the forecourt provides some cover to this area and the through site link to the foreshore park on the northern side of the development. Vegetation, seating and bicycle parking is also provided within this forecourt for pedestrian amenity.</p>	
<p>CI.9</p> <p>Ground floor residential uses are only permitted subject to demonstration of satisfactory amenity for building occupants, particularly in relation to impacts from noise and traffic.</p>	No ground floor residential proposed.	Yes
<p>CI.10</p> <p>Shop fronts are to be glazed to ensure visual interest, provide borrowed light and surveillance to the street.</p>	Shop fronts addressing Captain Cook Drive are proposed to be glazed.	Yes

	Shop fronts addressing the foreshore are not glazed as approved by the Project Approval. Surveillance of the foreshore area will rely on activation from the Level 1 outdoor dining / deck areas.	No – see Assessment Report.
CI.11 Frontage works for all developments must be in accordance with the Public Domain Design Manual.	Roads Act approval will be largely the same as that granted as a result of the Project Approval. A condition is included in Appendix A .	Yes
CI.12 Residential flat buildings, shop top housing, commercial or industrial development must include the replacement of existing local distribution power lines and other utilities with subsurface utilities and the provision of new street lighting to meet the requirements of the Public Domain Design Manual.	This will be required as part of the Roads Act Approval. Refer Appendix A	Yes
CI.3.2 – Landscape Design		
CI.6 Where planting is proposed on podiums, that part of a basement which extends beyond the building footprint, roof tops or within planter boxes, the space to be planted must be designed and constructed to contain varying minimum soil depths.	No basement parking proposed only podium level with planting above. Conditions imposed re planter soil depths.	Yes
CI.7 Where trees are proposed on roofs or planter boxes an area of 3m x 3m per tree must be provided. Planter boxes in this case must be stepped, mounded or set down in the slab to reduce their apparent height on the surface to 450mm.	Conditioned. Refer Appendix A .	Yes
CI4.2 – Street Setbacks		

<p>CI.1</p> <p>A nil setback to the street frontages is permitted for all new ground floor development in order to provide continuity in the streetscape and encourage active frontages to ground level. However, where existing buildings are setback behind the street boundary and the space adds to the quality of the streetscape, new development shall maintain the established street setback.</p>	<p>Majority of development has nil boundary setbacks, with slight variation for Building E component of podium. The development footprint is as approved under the Concept Approval.</p>	<p>Consistent with approved Concept Plan</p>
<p>CI.5.2 – Building & Site Layout</p>		
<p>CI.1</p> <p>Incorporate passive solar building design including cross ventilation, the optimisation of sunlight access the minimisation of heat loss and energy consumption, to avoid the need for additional artificial heating and cooling.</p>	<p>Proposal meets solar access and cross-ventilation requirements of the ADG.</p>	<p>Yes</p>
<p>CI.2</p> <p>All loading, unloading and manoeuvring of vehicles shall take place within the curtilage of the site, and vehicles are to enter and exit the site from a rear laneway wherever possible and in a forward direction at all times. Where other arrangements for loading and unloading of vehicles are proposed, they may be acceptable where:</p> <ul style="list-style-type: none"> a. There is a low intensity of commercial use; b. The proposed arrangement maintains a safe and convenient pedestrian and traffic environment. 	<p>2 loading docks are provided allowing for all loading and unloading to be undertaken within the footprint of the building.</p> <p>The loading dock access from Captain Cook Drive has been designed to allow all vehicles to enter and exit the site in a forward direction. The loading dock accessed from Woollooware Road (lower order road) requires trucks to reverse from the street into the loading dock. This is as per the Project Approval</p>	<p>Acceptable</p>

	<p>A temporary 'informal' loading arrangement will be permitted on the northern side of the building near the foreshore residential lobby to facilitate residents moving in. Both loading docks will be managed by Building Management</p>	
<p>Cl.3</p> <p>Loading areas shall be located so as to;</p> <ul style="list-style-type: none"> a. Reduce on-street loading b. Be freely available for use at all times c. Not dominate the streetscape 	<p>Loading areas are confined within the footprint of the building and accessed from Captain Cook Drive or Woollooware Road.</p>	Yes
<p>Cl. 4</p> <p>Non-residential and residential land uses in the same development shall be sited and designed in a manner that will not adversely affect the future amenity of the residents and the successful operation of the other land uses.</p>	<p>The commercial uses and club are located on the lower levels of the building to separate them from the upper level residential dwellings.</p> <p>The pedestrian entrances to the commercial and residential are separate.</p> <p>The vehicle access point into residential parking will be restricted.</p> <p>A plan of management and operational conditions for the club and commercial uses</p>	Yes

	will seek to minimise any other amenity impacts on the residential use.	
CI.6.2 – Shop Top Housing and Residential Flat Buildings		
<p>CI.1</p> <p>Residential flat buildings and shop top housing should achieve the design quality principles of SEPP 65 and the objectives and design criteria of the Apartment Design Guide. This control applies for all shop top housing, including for buildings that are two storeys in height, and/or contain less than four dwellings.</p>	<p>Building envelopes approved by the Concept Plan are designed to be consistent with the objectives of SEPP 65 and the ADG. Refer to Assessment Report and Appendix F for a detailed analysis.</p>	Yes
<p>CI.4</p> <p>Variations on the side setback controls will be assessed against the following criteria. The side setbacks must result in a development that:</p> <ul style="list-style-type: none"> a. Provides adequate resident amenity- including privacy, solar access, and ventilation. b. Responds to the local context and streetscape, providing adequate separation from existing and future adjoining development. c. Does not prevent a neighbouring site from achieving its full development potential and optimal orientation. d. Has architectural merit. 	<p>The proposal meets the building envelope controls specified in the Concept Approval.</p>	Yes
<p>CI.5</p> <p>Residential accommodation is to be sited and designed to maximise direct sunlight to north-facing living areas and all private open space areas.</p>	<p>The proposal meets the building envelope controls specified in the Concept Approval.</p>	Yes
<p>CI.6</p> <p>Living rooms and private open space for at least 70% of residential units in a development should receive a</p>	<p>70% (179) apartments</p>	Yes

minimum of 2 hours direct sunlight between 9 am and 3pm in mid-winter.		
<p>CI.8</p> <p>Dwelling entries shall be distinguished from commercial/retail entries.</p>	<p>Signage is proposed on the building to identify the residential / commercial / hotel or Club component of the development.</p> <p>On the southern elevation of the building, double height glass walls are proposed to mark the residential entry. This makes these areas transparent and provides a different architectural treatment to differentiate the lobby from the commercial.</p> <p>On the northern elevation of the building a small residential lobby is provided. The northern wall of this area is glass and open to the foreshore. A small building identification sign is also provided next to the glass doors.</p>	Yes
<p>CI.9</p> <p>Each dwelling must be provided with a primary balcony/patio with direct access from the living area, with sizes as follows;</p> <ul style="list-style-type: none"> • 1 bedroom = 8m² (depth of 2m) • 2 bedroom = 10m² (depth of 2m) • 3 bedroom 12m² (depth of 2.4m) 	<p>All apartments comply except for 2 x 3 bedroom apartments on Level 7 of Building C which exceed the minimum area required</p>	No – Minor variation supported

	but only have a depth of 2.3m.	
<p>CI.10</p> <p>Balcony design is to be integrated into the architectural form and detail of the buildings.</p>	Balconies designed to be contained within the building envelopes and the proposed balcony balustrades continue the colour palette of the respective buildings and create horizontal banding around the buildings.	Yes
<p>CI.11</p> <p>Balcony balustrades should respond to the location, being designed to allow views and passive surveillance of the street while maintaining visual privacy and allowing for a range of uses on the balcony.</p>	Residential apartments are a considerable height above street level or the foreshore park, but will facilitate passive surveillance along with lower level commercial activities.	Yes
<p>CI.12</p> <p>Suitable clothes drying facilities shall be provided and not be visible from a public place and have access to sunlight.</p>	These are conditioned for the podium level apartments.	Yes
<p>CI.13</p> <p>Secure space must be provided for each dwelling in accordance with the following;</p> <ul style="list-style-type: none"> • 1 bedroom = 6m³ • 2 bedroom = 8m³ • 3 bedroom = 10m³ <p>At least 50% of the required storage is to be located within the dwelling and accessible from circulation or living spaces.</p>	A condition of consent is included in Appendix A to ensure minimum provision of storage is met.	Yes
<p>CI.14</p> <p>Developments with 10 or more dwellings require one designated carwash bay with minimum dimensions of 3m x 7.6m. Additional carwash bays are required in</p>	No car wash bays proposed as parking has been resolved under the	No - condition

development in excess of 30 dwellings at a rate of 1 per 20 dwellings. 13 wash bays required	Concept Approval which did not require these.	
<p>CI.16</p> <p>Communal open space should have a minimum area equal to 25% of the site. Communal open space should have a minimum dimension of 3m, and larger developments should consider greater dimensions. This space must incorporate shelter, furniture and facilities suitable for outdoors, and if provided at ground level, include canopy trees. Communal open space on roof tops should be designed to optimise privacy for occupants and adjoining residents.</p>	Communal open space 26.5% of the site	Yes
<p>CI.17</p> <p>A communal rainwater tank and pump should be located in common open space. Common open space areas must be provided with a water efficient irrigation system and taps at a minimum 25m intervals connected to the rainwater tank.</p> <p>Each private open space at ground level must be provided with a tap connected to the rainwater tank.</p>	Proposal includes an 80,000L RWT on the Ground Level with hydraulic pumps to the podium level for irrigation. Taps to individual podium level apartments conditioned for provision of taps.	Yes
CI.7.2 – Visual and Acoustic Privacy		
<p>CI.1</p> <p>Locate, orientate and design new development to ensure visual privacy between buildings, and between buildings and adjacent private open space.</p>	Appropriate building separation has been provided to ensure visual privacy between buildings.	Yes
<p>CI.3</p> <p>All noise generating equipment such as air conditioning units, swimming pool filters, fixed vacuum systems and driveway entry shutters must be designed to protect the acoustic privacy of residents and neighbours. All such noise generating equipment must be acoustically screened. The noise level generated by any equipment must not exceed an LAeq (15min) of 5dB(A) above background noise at the property boundary.</p>	A condition has been included in Appendix A to address these requirements.	Yes

CI.8.2 – Adaptable and Livable Housing		
CI.1 All shop top housing developments must provide dwellings designed in accordance with the Australian Adaptable Housing Standard (AS4299) to Class C Certification at the following rates - 20% adaptable (51 dwellings)	20.45% adaptable (52 dwellings). A condition included in Appendix A to ensure this requirement is delivered.	Yes
CI.1 In addition to complying with the adaptable housing rates in clause 1 above, all shop top housing developments must provide 'livable dwellings (i.e., dwellings designed to Silver Standard Livable Housing Design Guidelines) at the following rates - 10% of dwellings (26 dwellings)	20% livable (51 dwellings). A condition included in Appendix A to ensure this requirement is delivered.	Yes
CI.9.2 – Safety and Security		
CI.1 Any design must demonstrate compliance with Crime Prevention Through Environmental Design (CPTED) guidelines.	A CPTED Report was submitted with the application. The submission has been reviewed by Council staff and the NSW Police Force under Council's adopted Protocol and is considered to be acceptable subject to the imposition of suitable conditions of development consent.	Yes
CI.10.2 – Parking		
CI.1 Car parking shall be provided at the minimum rate of 1 space per dwelling and a maximum of 2 spaces (255 units = 255 spaces minimum and 510 max). 1 space per 30m ² GFA for commercial tenancies Combined commercial uses = 23604m ² = 787 spaces	300 spaces proposed 770 + 15 offices =785 spaces	Yes No – minor variation but car parking is

<p>1 space per room hotel plus 1 space per 2 employees</p> <p>71 keys = 71 + employees (details not provided)</p> <p>Club parking to be based on Traffic Study</p>	<p>38 spaces (including shared office/hotel space)</p> <p>Parking shared with retail centre requirements</p>	<p>consistent with the concept Plan Approval</p> <p>No but consistent with Concept Plan requirements</p>
<p>CI.3</p> <p>Motorbike parking – 1 space per 25 car spaces = 13</p>	<p>NIL – condition included in Appendix A</p>	<p>Yes</p>
<p>CI.4</p> <p>Bicycle parking – 1 space per 10 car spaces for the first 200 spaces and then 1 per 20 spaces thereafter = 66 bicycle parking spaces</p>	<p>176 dedicated bicycle parking spaces provided</p>	<p>Yes</p>
CI.11.2 – Waste Management Requirements – Sop top housing and missed use developments		
<p>CI.1</p> <p>For new multi dwelling housing, residential flat buildings and the residential components of shop top housing and mixed use developments provision for waste management, including storage areas, separation of waste from recyclables, collection areas and the like must be in accordance with Sutherland Shire Council's "Waste Collection Policy for Multi-Unit Dwellings and Residential Flat Buildings".</p>	<p>Detailed Waste Management Plan Submitted. Storage, management and collection is satisfactory to Council's Waste Officer subject to conditions.</p>	<p>Yes</p>

Natural Resource Management – Chapter 39			
39.1.2	Biodiversity Strategy - Greenweb		
39.1.2.1	Greenweb areas are to be landscaped with species indigenous to the Sutherland Shire. Trees and landscaping should be provided in a form and configuration that maintains and	Conditions of the Concept Plan required removal of the playground and proposed grassed areas within the foreshore and replacement with more appropriate riparian planting.	Yes

	enhances the core habitat and vegetated linkages.	The proposed landscape plan is consistent with this revision. The VMP sets out the detailed vegetation establishment and maintenance procedures for the proposed mangrove, saltmarsh and riparian vegetation management zones.	
39.1.2.2	Development should contribute to the maintenance of local habitats and connectivity between bushland remnants	The proposal will contribute to the maintenance of local habitat by providing extensive riparian planting designed to provide a buffer to Towra Point Aquatic Reserve	Yes
39.1.4	Controls for Greenweb Support Areas		
39.1.4.1	Development should, through its siting, design and landscape treatment, maximise habitat values and minimise disruption to connectivity through: a. continuous canopy and understorey planting along one boundary, or b. retention and revegetation of remnant bushland elements.	Planting on site will occur on podiums and on the elevations. Plant species must be appropriate given the adjacent wetland context to the north.	Yes subject to conditions
39.1.4.2	The required treatment will depend upon the scale of the bushland remnants linked by the land or the quality of the remnants to be retained on site.	No bushland exists on the site but extensive mangrove wetlands adjacent to the north. The foreshore area to the north of the site will be pivotal in buffering the proposed development from the significant mangroves.	Yes
39.2.3.8	Removal of woody debris from wetlands and waterways should be minimised	No removal of mangroves is proposed.	Yes
39.2.3.9	There shall be no in-stream blockages to fish passage.	No in-stream works within the channel are proposed as part of this application.	Yes
39.2.3.10	Lateral connectivity between waterways and riparian vegetation must be maintained. To satisfy this control proposed landscaping will have to in part, reflect a natural environment in terms of	This requirement will be met with the connection of the foreshore park in front of the site with the foreshore to the west currently being rehabilitated at present.	Yes

	finished levels and the distribution of vegetation.		
39.3	Threatened Species		
39.3.1.1	Development in areas which contain threatened species, populations or ecological communities or in adjoining buffer areas which may impact on these species, populations or ecological communities requires special consideration under the Threatened Species Conservation Act 1995 (as amended), the <i>NSW Fisheries Management Act 1994</i> , the <i>Environmental Protection and Biodiversity Conservation Act 1999 (EPBC)</i> and the <i>Environmental Planning and Assessment Act 1979 (EP&A Act)</i> .	This has been considered in the assessment of the application and Council's Environmental Scientist is satisfied that there are no species on the subject site.	Yes



25 January 2017

Our Reference: SYD16/01759
Council Ref: DA16/1068

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

Attention: Amanda Treharne

Dear Sir/Madam,

**PROPOSED FOUR (4) RESIDENTIAL FLAT BUILDINGS
475 CAPTAIN COOK DRIVE, WOOLLOOWARE**

Reference is made to Council's letter dated 30 August 2016, regarding the abovementioned Application which was referred to Roads and Maritime Services (Roads and Maritime) for comment in accordance the *State Environmental Planning Policy (Infrastructure) 2007*.

Roads and Maritime has reviewed the submitted application and raises no objection to the proposed development application as all traffic related issues were dealt with as part of the Concept Approval.

Roads and Maritime reiterates that the requirements for the future development of the neighbourhood retail centre shall comply with the Concept Approval MP 10_0229 Schedule 5 Statement of Commitments 3 – Traffic Management in relation to installation/relocation of traffic signals.

Should you have any further inquiries in relation to this matter, please do not hesitate to contact Hans Pilly Mootanah on telephone 8849 2076 or by email at development.sydney@rms.nsw.gov.au

Yours sincerely,

Edmond Platon
A/Senior Land Use Planner
Network Sydney South Precinct

Our Ref: C19/288

Your Ref: DA18/1448

16 May 2019

Sutherland Shire Council
(Attn: Amanda Treharne)
Locked Bag 17
SUTHERLAND NSW 1449

Dear Ms Treharne,

Proposal: IDA referral for proposed Construction of Stage 1 Precinct of Woollooware Bay Town Centre (including associated stormwater infrastructure works within the riparian zone and aquatic reserve)

Property: 455 & 461 Captain Cook Drive, Woollooware

Thank you for your referral of 3 May 2019 seeking comment on this proposal from DPI Fisheries, a division of NSW Department of Primary Industries.

DPI Fisheries is responsible for ensuring that fish stocks are conserved and that there is no net loss of key fish habitats upon which they depend. To achieve this, DPI Fisheries ensures that developments comply with the requirements of the *Fisheries Management Act 1994* (FM Act) (namely the aquatic habitat protection and threatened species conservation provisions in Parts 7 and 7A of the Act, respectively), and the associated *Policy and Guidelines for Fish Habitat Conservation and Management (2013)*. In addition, DPI Fisheries is responsible for ensuring the sustainable management of commercial, recreational and Aboriginal cultural fishing, aquaculture, marine parks and aquatic reserves within NSW.

The Statement of Environmental Effects and Ecological Management Plan for this proposal state that landscaping along the Woollooware Bay foreshore will be subject to a separate approval process. A Stormwater Management Report accompanies this development application and Sutherland Council have verified that the stormwater plans (with two separate stormwater outlets to Woollooware Bay) are to be constructed as part of this development application (DA18/1448). This makes sense as construction of the proposed building will need to include the construction of stormwater infrastructure.

In a previous meeting with the proponent regarding stormwater infrastructure within the riparian buffer zone, DPI Fisheries have clearly stated that there are to be no stormwater works within the Towra Point Aquatic Reserve as part of these works. The plans mentioned above, clearly show the proposed stormwater related infrastructure to be situated below the mean high water mark (outside the property owners boundary) and therefore within the Towra Point Aquatic Reserve.

DPI Fisheries has noted that the development application does not include any assessment of potential environmental impacts from the proposed work within the Towra Point Aquatic Reserve and the adjoining buffer zone. The Department therefore requests to stop the clock on this development application so as to obtain the following information:

- A clear description of what is proposed to be constructed within the Towra Point Aquatic Reserve and adjacent riparian zone as part of this current development application. This will need to include a description of the wall type structure around the stormwater outlet and what its intended purpose is.
- A clear justification as to why the stormwater structures are being proposed at these specific locations.
- Clear consideration of situating all stormwater infrastructure outside of the Towra Point Aquatic Reserve (as previously recommended to the proponent by DPI Fisheries).

- A clear description of the impact of constructing structures within and adjacent to the Towra Point Aquatic Reserve. (i.e. area and type of habitat to be damaged or reclaimed, number of mangroves to be harmed, potential erosion and sedimentation impacts).
- A clear description of potential operational impacts from these stormwater outlets on the Towra Point Aquatic Reserve (i.e. scour of sediment within the Aquatic Reserve around discharge points).
- A clear description of any proposed mitigation measures to avoid, minimise and mitigate any potential construction and operational impacts on the Aquatic Reserve and mangrove habitat.
- As it is important that stormwater infrastructure is maintained over time to ensure effective treatment of this system, DPI Fisheries requests what management arrangements will be put in place to conduct maintenance on this system and which organisation / strata arrangement will be responsible for such maintenance.

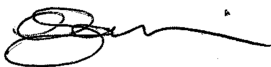
As the Department has previously stated to the proponent, DPI Fisheries strongly recommends that all stormwater infrastructure is situated outside of the Towra Point Aquatic Reserve, within the bounds of the proponent's property. The proponent should note that they have stated on numerous occasions during the concept plan approval for this site, that no works were being proposed within the Towra Point Aquatic Reserve (except perhaps to upgrade the existing mangrove boardwalk).

Note that under S.55(5) of the *Marine Estate Management (MEM) Act*, concurrence must be obtained from DPI Fisheries prior to any authorisation of works within an Aquatic Reserve. Also, note that S.56 of the MEM Act applies to proposals adjacent to an aquatic reserve that could affect the aquatic reserve.

As the harm of mangroves from the current location of the proposed stormwater infrastructure appears likely, then these works also trigger an Integrated Development Referral to DPI Fisheries as a permit to harm marine vegetation under s.205 of the FM Act would be required for these works.

If Council or the proponent requires any further information, please contact me on 4222 8342.

Yours sincerely,



Carla Ganassin
Senior Fisheries Manager, Coastal Systems

Our Ref: IDA19/38

Your Ref: DA18/1448

4 October 2019

Sutherland Shire Council
Locked Bag 17
SUTHERLAND NSW
c/o: atreharne@ssc.nsw.gov.au

Dear Ms Treharne,

Proposal: Construction of Stage 1 Precinct of Woollooware Bay Town Centre
Property: 455 Captain Cook Drive, Woollooware

Thank you for your referral of 3 May 2019 seeking comment on the proposal from DPI Fisheries, a division of NSW Department of Primary Industries.

DPI Fisheries is responsible for ensuring that fish stocks are conserved and that there is no net loss of key fish habitats upon which they depend. To achieve this, DPI Fisheries ensures that developments comply with the requirements of the *Fisheries Management Act 1994* (FM Act) (namely the aquatic habitat protection and threatened species conservation provisions in Parts 7 and 7A of the Act, respectively), and the associated *Policy and Guidelines for Fish Habitat Conservation and Management (2013)*. DPI Fisheries is also responsible for ensuring the sustainable management of commercial, recreational and Aboriginal cultural fishing, aquaculture, marine parks and aquatic reserves within NSW.

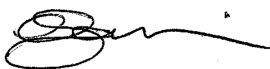
DPI Fisheries has received notice from Council that the stormwater outlets for this development are no longer included in this Development Application and will be constructed as part of the overall concept plan approval. DPI Fisheries has worked with the proponent and Council to ensure every part of all of the stormwater outlet, including energy dissipation measures, will be outside of the Towra Point Aquatic Reserve.

Therefore this particular development does not trigger an Integrated Development under the *Fisheries Management Act*.

Given the proximity of this site to the Towra Point Aquatic Reserve, DPI Fisheries would really like to emphasise with Council the importance of implementing, and maintaining in operational order, best practice erosion and sediment control measures during the whole construction period of the Woollooware Bay Town Centre Precinct. This is required to protect the values of the adjoining Aquatic Reserve.

If you require any further information, please contact me on 4222 8342.

Yours sincerely,



Carla Ganassin
Senior Fisheries Manager, Coastal Systems



Jeremy Morice <jeremy.morice@dpi.nsw.gov.au>

DA18/1448 - 455 & 461 Captain Cook Dr WOOLLOOWARE NSW 2230

1 message

Jeremy Morice <jeremy.morice@nrar.nsw.gov.au>
To: Amanda Treharne <ATreharne@ssc.nsw.gov.au>

7 May 2019 at 12:56

Hi Amanda,

As discussed regarding the above DA and the Woollooware site in general please see the below advice.

Woollooware Bay is now exempt from the need to obtain a Controlled Activity Approval under the Water Management Act 2000 (WMA 2000) in accordance with the attached exemption maps under the Water Management Act Regulations. A full list of exemption maps can be obtained from the below link:

<https://www.industry.nsw.gov.au/water/licensing-trade/approvals/controlled-activities>

All watercourses outside of the mapped area continue to be considered waterfront land and require assessment under the WMA 2000 in accordance with the Regulations and the Controlled Activity Guidelines.

The subject DA does not propose works within 40m of the mapped watercourse to the West of Sharks stadium and therefore is not considered to be Integrated Development under the WMA 2000 and no Controlled Activity Approval is required.

Please give me a call if you would like to discuss any of the above.

Regards,

Jeremy Morice | Water Regulation Officer
Natural Resource Access Regulator | Water Regulation East
Level 0 | 84 Crown Street | Wollongong NSW 2500
PO Box 53 | Wollongong NSW 2520
T: 02 4224 9736 | F: 02 4224 9740 | E: jeremy.morice@nrar.nsw.gov.au
W: www.industry.nsw.gov.au



**Natural Resources
Access Regulator**

2 attachments



Port-Hacking-for-clause-36-of-Sch-4.pdf
392K



Botany-Bay-for-clause-36-of-Sch-4.pdf
762K

1 May 2019

Our Ref: 177943

Amanda Treharne
Environmental Assessment Officer
Sutherland Shire Council
Locked Bag 17
Sutherland NSW 1499

**RE: Stage 1 Precinct of Woollooware Bay Town Centre – 455 & 461 Captain Cook Drive,
Woollooware (DA18/1448)**

Dear Ms Treharne,

Thank you for notifying Sydney Water of the development application listed above. We have reviewed the application based on the information supplied and provide the following comments to assist in planning the servicing needs of the proposed development.

Water Servicing

- The existing 250mm water main in Captain Cook Drive constructed under Case 13674 fronting the site will service the development.

Wastewater Servicing

- The development will be serviced by the proposed 300mm sewer which will be constructed under Case 154982 and will encroach the site's southern boundary.
- Case 154982 sewer works will need to be completed prior to the issue of the Section 73 Certificate.

This advice is not a formal approval of our servicing requirements. Detailed requirements, including any potential extensions or amplifications, will be provided once the development is referred to Sydney Water for a Section 73 application. More information about the Section 73 application process is available on our web page in the [Land Development Manual](#).

Further advice and requirements for this proposal are in the attachment/s. If you require any further information, please contact Caleb Ferry of the Growth Planning and Development Team on 8849 4269 or email caleb.ferry@sydneywater.com.au.

Yours sincerely,



Fernando Ortega
A/Manager, Growth Planning & Development

Attachment 1

Sydney Water Servicing

A Section 73 Compliance Certificate under the Sydney Water Act 1994 must be obtained from Sydney Water.

The proponent is advised to make an early application for the certificate, as there may be water and wastewater pipes to be built that can take some time. This can also impact on other services and buildings, driveways or landscape designs.

Applications must be made through an authorised Water Servicing Coordinator. For help either visit www.sydneywater.com.au > Plumbing, building and developing > Developing > Land development or telephone 13 20 92.

Building Plan Approval

The approved plans must be submitted to the Sydney Water [Tap in™](#) online service to determine whether the development will affect any Sydney Water sewer or water main, stormwater drains and/or easement, and if further requirements need to be met.

The Sydney Water [Tap in™](#) online self-service replaces our Quick Check Agents as of 30 November 2015.

The [Tap in™](#) service provides 24/7 access to a range of services, including:

- building plan approvals
- connection and disconnection approvals
- diagrams
- trade waste approvals
- pressure information
- water meter installations
- pressure boosting and pump approvals
- changes to an existing service or asset, e.g. relocating or moving an asset.

Sydney Water's [Tap in™](#) online service is available at:
<https://www.sydneywater.com.au/SW/plumbing-building-developing/building/sydney-water-tap-in/index.htm>

Attachment 2

Requirements for **Business Customers for Commercial and Industrial Property Developments.**

Trade Wastewater Requirements

If this development is going to generate trade wastewater, the property owner must submit an application requesting permission to discharge trade wastewater to Sydney Water's sewerage system. You must obtain Sydney Water approval for this permit before any business activities can commence. It is illegal to discharge Trade Wastewater into the Sydney Water sewerage system without permission.

The permit application should be emailed to Sydney Water's Business Customer Services at businesscustomers@sydneywater.com.au

A Boundary Trap is required for all developments that discharge trade wastewater where arrestors and special units are installed for trade wastewater pre-treatment.

If the property development is for Industrial operations, the wastewater may discharge into a sewerage area that is subject to wastewater reuse. Find out from Business Customer Services if this is applicable to your development.

Backflow Prevention Requirements

Backflow is when there is unintentional flow of water in the wrong direction from a potentially polluted source into the drinking water supply.

All properties connected to Sydney Water's supply must install a testable Backflow Prevention Containment Device appropriate to the property's hazard rating. Property with a high or medium hazard rating must have the backflow prevention containment device tested annually. Properties identified as having a low hazard rating must install a non-testable device, as a minimum.

Separate hydrant and sprinkler fire services on non-residential properties, require the installation of a testable double check detector assembly. The device is to be located at the boundary of the property.

Before you install a backflow prevention device:

1. Get your hydraulic consultant or plumber to check the available water pressure versus the property's required pressure and flow requirements.
2. Conduct a site assessment to confirm the hazard rating of the property and its services. Contact PIAS at NSW Fair Trading on 1300 889 099.

For installation you will need to engage a licensed plumber with backflow accreditation who can be found on the Sydney Water website:

<http://www.sydneywater.com.au/Plumbing/BackflowPrevention/>

Water Efficiency Recommendations

Water is our most precious resource and every customer can play a role in its conservation. By working together with Sydney Water, business customers are able to reduce their water consumption. This will help your business save money, improve productivity and protect the environment.

Some water efficiency measures that can be easily implemented in your business are:

- Install water efficiency fixtures to help increase your water efficiency, refer to WELS (Water Efficiency Labelling and Standards (WELS) Scheme, <http://www.waterrating.gov.au/>
- Consider installing rainwater tanks to capture rainwater runoff, and reusing it, where cost effective. Refer to <http://www.sydneywater.com.au/Water4Life/InYourBusiness/RWTCalculator.cfm>
- Install water-monitoring devices on your meter to identify water usage patterns and leaks.
- Develop a water efficiency plan for your business.

It is cheaper to install water efficiency appliances while you are developing than retrofitting them later.

Contingency Plan Recommendations

Under Sydney Water's [customer contract](#) Sydney Water aims to provide Business Customers with a continuous supply of clean water at a minimum pressure of 15meters head at the main tap. This is equivalent to 146.8kpa or 21.29psi to meet reasonable business usage needs.

Sometimes Sydney Water may need to interrupt, postpone or limit the supply of water services to your property for maintenance or other reasons. These interruptions can be planned or unplanned.

Water supply is critical to some businesses and Sydney Water will treat vulnerable customers, such as hospitals, as a high priority.

Have you thought about a contingency plan for your business? Your Business Customer Representative will help you to develop a plan that is tailored to your business and minimises productivity losses in the event of a water service disruption.

For further information please visit the Sydney Water website at:

<http://www.sydneywater.com.au/OurSystemsandOperations/TradeWaste/> or contact Business Customer Services on 1300 985 227 or businesscustomers@sydneywater.com.au.

Samantha Gibbins

From: Samantha Gibbins
Sent: Thursday, 23 May 2019 11:43 AM
To: Richard Bonner
Subject: DA18/1448 - 455 Captain Cook Drive Wollooware

Hi Richard,

I understand this is not nominated integrated development under the *National Parks and Wildlife Act 1974* and therefore no further action is required.

Kind regards,

Sam



**Office of
Environment
& Heritage**

Dr Samantha Gibbins

Archaeologist
Greater Sydney Branch
Communities and Greater
Sydney Division

10 Valentine Avenue, Parramatta 2150
PO Box 644, Parramatta 2124
T 02 9895 6586

The Greater Sydney ACH Team has a group email address: gs.ach@environment.nsw.gov.au. Please address all further email correspondence in relation to Aboriginal cultural heritage regulation matters in the Greater Sydney region to this address. If appropriate, emails can be marked to the attention of your usual contact in the Team



TELEPHONE: (02) 9394 6932
EMAIL: development@ausgrid.com.au
REFERENCE: TRIM 2017/39/74

ATTN: Council

Locked Bag 17
Sutherland NSW 1499

570 George Street
Sydney NSW 2000
All mail to GPO Box 4009
Sydney NSW 2001
T +61 2 131 525
F +61 2 9269 2830
www.ausgrid.com.au

Re: DA18/1448 - 455 Captain Cook Drive, Woollooware - Construction of Stage 1 Precinct of Woollooware Bay Town Centre: Partial demolition of existing Leagues Club and other structures, tree removal, construction and use of new retail centre, fitout of Levels 3 and 4 for the Leagues Club, public domain works, infrastructure works, construction and use of hotel accommodation, construction of four residential apartment buildings containing 255 dwellings, construction and use of office tenancies, construction of a child care centre, above ground car park, landscaping works, 4 lot stratum subdivision and staged Construction and Occupation Certificates.

I refer to Sutherland Shire Council development application DA18/1448.

This letter is Ausgrid's response under clause 45(2) of the State Environmental planning Policy (Infrastructure) 2007.

The assessment and evaluation of environmental impacts for a new development consent (or where a development consent is modified) is undertaken in accordance with requirements of Section 79C of the Environmental Planning and Assessment Act 1979. One of the obligations upon consent authorities, such as local councils, is to consider the suitability of the site for the development which can include a consideration of whether the proposal is compatible with the surrounding land uses and the existing environment.

In this regard, Ausgrid requires that due consideration be given to the compatibility of proposed development with existing Ausgrid infrastructure, particularly in relation to risks of electrocution, fire risks, Electric & Magnetic Fields (EMFs), noise, visual amenity and other matters that may impact on Ausgrid or the development.

With Regard to: Construction of Stage 1 Precinct of Woollooware Bay Town Centre: Partial demolition of existing Leagues Club and other structures, tree removal, construction and use of new retail centre, fitout of Levels 3 and 4 for the Leagues Club, public domain works, infrastructure works, construction and use of hotel accommodation, construction of four residential apartment buildings containing 255 dwellings, construction and use of office tenancies, construction of a child care centre, above ground car park, landscaping works, 4 lot stratum subdivision and staged Construction and Occupation Certificates at 455 Captain Cook Drive, Woollooware

- Site Plan - 18/12/2018
- Building E Level 2 - 18/12/2018
- Building A Level 6 - 18/12/2018

Ausgrid consents to the above mentioned development subject to the following conditions:-

Proximity to Existing Network Assets

Overhead Powerlines

There are existing overhead electricity network assets in Captain Cook Dr.

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

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

Should the existing overhead mains require relocating due to the minimum safety clearances being compromised in either of the above scenarios, this relocation work is generally at the developers cost.

It is also the responsibility of the developer to ensure that the existing overhead mains have sufficient clearance from all types of vehicles that are expected be entering and leaving the site.

Underground Cables

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

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

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

Substation

There are existing electricity substation assets Within the Proposed Development.

The substation ventilation openings, including substation duct openings and louvered panels, must be separated from building air intake and exhaust openings, natural ventilation openings and boundaries of adjacent allotments, by separation distances which meet the requirements of all relevant authorities, building regulations, BCA and Australian Standards including AS 1668.2: The use of ventilation and air-conditioning in buildings - Mechanical ventilation in buildings.

In addition to above, Ausgrid requires the substation ventilation openings, including duct openings and louvered panels, to be separated from building ventilation system air intake and exhaust openings, including those on buildings on adjacent allotments, by not less than 6 metres.

Exterior parts of buildings within 3 metres in any direction from substation ventilation openings, including duct openings and louvered panels, must have a fire rating level (FRL) of not less than 180/180/180 where the substation contains oil-filled equipment, or 120/120/120 where there is no oil filled equipment and be constructed of non-combustible material.

The development must comply with both the Reference Levels and the precautionary requirements of the ICNIRP Guidelines for Limiting Exposure to Time-varying Electric and Magnetic Fields (1 HZ – 100 kHz) (ICNIRP 2010).

For further details on fire segregation requirements refer to Ausgrid's Network Standard 113.

Existing Ausgrid easements, leases and/or right of ways must be maintained at all times to ensure 24 hour access. No temporary or permanent alterations to this property tenure can occur without written approval from Ausgrid.

For further details refer to Ausgrid's Network Standard 143.

Please do not hesitate to contact Sreenivasa Rao Ella on Ph: (02) 9394 6932 (please quote our ref: Trim 2017/39/74) should you require any further information.

Regards, Sreenivasa



Sreenivasa Rao Ella
Asset Protection Officer
Ausgrid - Field Services
Ph: (02) 9394 6932

Amanda Treharne

From: Darrin Thompson <thom1dar@police.nsw.gov.au>
Sent: Friday, 12 April 2019 8:16 PM
To: Amanda Treharne
Cc: Andrea Panozzo
Subject: RE: DA's [DLM=Sensitive:Law Enforcement (SLE)]
Attachments: Police Submission - Dan Murphy's Woollooware.pdf; LIQP770017226 - Licence Document - 20181025.pdf; Management Plan Guidelines.pdf; Licence Attachment Report (LIQ0020) - 2019-04-05T084149.745.pdf; LIQL524003773 Licence Document 20180316.pdf; Conditions.pdf

Hi Amanda,
Sorry for the delay.

I haven't had any previous involvement in this project so I am not sure what I can or can't ask for at this late stage.

However, my concerns only relate to the proposed licensed premises, as part of this application.

It appears that the following applies;

- * Partial demolition of the existing Leagues Club and other structures within the site.
- * Construction of a new retail centre with a full-line supermarket, food retail, mini-major tenancies, specialty retail, dining tenancies and medical and leisure uses.
- * Construction and use of a hotel.

The Leagues Club is already subject of a liquor licence, and I anticipate that a number of the dining tenancies, and possibly the hotel, will as well.

In saying that, Police **DO NOT** have an objection to this application, but merely seek conditions to minimise the impact of these additional licensed premises.

Whether this is necessary as part of this application, or later applications, I am unsure.

Whilst the proposed development does not seek to amend the current operating hours for the Club, I would suggest that in accordance with the Late Night Trading DCP it should be subject of a Plan of Management. This application requires major modifications to the current Club and therefore a Plan of Management is appropriate.

See attached, suggested conditions for the Club. If I can provide my submission in relation to the packaged liquor licence (Dan Murphy's) at this site for justification. I have also attached a copy of the liquor licence for the Club and Stadium.

Police submit that these conditions are for a planning purpose, fairly and reasonably relate to the proposed development, and are reasonable.

Thankyou

Darrin Thompson | Sergeant | Licensing Supervisor
Sutherland Shire Police Area Command | New South Wales Police Force
Phone: 02 9527 8154 | EN: 58154 | Phone: 0400 336 834 | Fax: 02 9527 8116 | EN: 58116


From: Amanda Treharne
To: 'Darrin Thompson'



12 April 2019

Sutherland Shire Council
4 - 20 Eton Street
Sutherland, NSW 2232

PROPOSED CONDITIONS

~Licensed Premises (Club)

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

A. Ongoing

i) Plan of Management

The premises must always be operated / managed in accordance with the plan of management titled ??? prepared by ??? and dated ??? except as modified as follows:

ii) Trading Hours

The trading hours of the premises shall be restricted to the following:

??? (To include limiting takeaway sales to 10pm)

iii) Occupation of the site

The premises must not be occupied by staff or contractors beyond 1 hour after the cessation of trading on any day.

iv) Maximum Capacity

The total number of patrons on the premises at any time must not exceed;

??? (For each area, not a whole number)

v) Patron Behaviour

The operator must accept full responsibility for the behaviour of their patrons while on the premises and in the adjoining streets. The operator must take all steps necessary to ensure that no noise nuisance occurs from persons entering or leaving the premises.

vi) Liquor Supply

- a) The sale and supply of liquor in the licensed premises must be in accordance with the terms and conditions of an approved liquor licence issued by Liquor and Gaming NSW.
- b) The sale and/or supply of liquor must cease 30 minutes prior to the cessation of the respective hours of operation.
- c) No patron is permitted to take glasses or open containers of liquor off the premises.
- d) Management is responsible for ensuring the number of patrons in the premises does not exceed the approved capacity specified in (vii) above

vii) Security Personnel

A minimum of ??? uniformed security personnel licensed under the Security Industry Act, 1975 (NSW) must be engaged by the licensee / secretary whenever a NRL first grade occurs at the stadium, and every Friday, Saturday and Sundays when preceding a Public Holiday.

These personnel must patrol the area, being a 25m radius from the main entrance to the premises, to ensure that patrons of the licensed premises do not loiter or linger in the area nor cause any nuisance or annoyance to the quiet and good order of the neighbourhood.

The management of the premises must maintain unfettered control over the operation of the business and the patrons attending the premises.

viii) Live Entertainment - Band Equipment

The loading or unloading of band equipment through the rear of the premises must be undertaken quietly and in an orderly manner that does not disturb the good order of the neighbourhood and the adjoining residential premises.

ix) Cessation of Trading – Announcement

An announcement must be made at the cessation of the entertainment to the effect that patrons must leave the premises and the vicinity quickly and quietly to avoid disturbance of the neighbourhood.

x) Notice to Patrons

Patron entry and exit from the premises must be from Cronulla Street only, unless emergency egress from the premises is required.

A clearly visible sign must be permanently erected immediately adjacent to the entry / exit doors of the premises indicating that patrons are to leave in an orderly fashion and must leave the vicinity of the premises in a manner that does not disturb the quiet and good order of the neighbourhood.

xi) Complaint Response

In the event of a complaint being received by the licensee from a neighbouring resident with respect to a disturbance to the quiet and good order of the neighbourhood, the licensee must notify Council of the complaint for inclusion on the complaints register within 48 hours. It remains the responsibility of the licensee to respond appropriately to complaints.

xii) Waste

To minimise the noise impact of the development on the surrounding environment, the collection of goods, including garbage and recycling waste, from the premises must not take place between the hours of 10pm and 8am Monday to Saturday or before 9am Sunday and Public Holidays.

Owners and operators must at all times display at all staff exits and in the garbage storage area clearly visible and legible signs in the form of or like "Bottles and cans are NOT to be collected by waste operators after 10pm or before 8am (9am Sunday / Public Holiday). Movement of other waste from inside to outside the premises after 10pm must occur quietly.

All bottle bins must not be emptied after 9pm or before 9am on any day.

xiii) Delivery / Collection of Goods

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

xiv) Copies of consents, registers and Plan of Management

A full copy of all current development consents (including approved plans) for the operation of the premises, any Registers required, and the approved Plan of Management must be kept on the premises and made available for inspection immediately upon request by Council Officers, Police Officers and/or Office of Liquor and Gaming NSW Authorised Officers.

xv) Cleaning Operations

To minimise the noise impact of the development on the surrounding environment, the premises must not be occupied by staff or contractors beyond 1 hour after the cessation of trading nor before 9.00am on any day.

Washing of bar mats must not occur after 9pm or before 9am on any day.

xvi) Noise generally

Door closers must be maintained and adjusted to ensure that doors do not slam shut when in use.

~Signage to be displayed – Licensed Premises

A. Ongoing

Signage (in lettering not less than 15mm in height on a contrasting background) is to be erected in a prominent position near the principal entry to the premises in accordance with Clause 98D of the EPA Regulation 2000.

Approved hours of operation

*** As per approval.**

Approved patron capacity

*** As per approval.**

Upon leaving please respect local residents by minimising noise.”

The signage required by this condition is to be erected prior to the commencement of operations. This condition has been imposed to clearly identify the hours and patron capacity of the licensed premises.