

SUTHERLAND SHIRE COUNCIL ADDENDUM REPORT

Panel Reference	2019SSH002
DA Number	DA18/1448
LGA	Sutherland Shire Council
Proposed Development	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 and staged Construction and Occupation Certificates
Street Address	455 - 461 Captain Cook Drive, Woollooware
Applicant/Owner	BCV Sharks Retail Unit Trust
Date of DA lodgement	13 December 2018
Number of Submissions	21
Recommendation	Approval
Regional Development Criteria (Schedule 7 of the SEPP (State and Regional Development) 2011	The application is referred to the Sydney South Planning Panel (SSPP) as the development has a capital investment of more than \$30,000,000 as nominated under Schedule 7(2) of State Environmental Planning Policy (State and Regional Development) 2011. The application submitted to Council nominates the capital investment value of the project as \$233,640,000.00.
Report prepared by	Amanda Treharne
Report date	7 August 2020

Conditions

Have draft conditions been provided to the applicant for comment?

Yes

Note: in order to reduce delays in determinations, the Panel prefer that draft conditions, notwithstanding Council's recommendation, be provided to the applicant to enable any comments to be considered as part of the assessment report

REASON FOR THE REPORT

On 15 July 2020, the matter of 2019SSH002 - SUTHERLAND – DA18/1448 at 455 Captain Cook Drive, Cronulla was heard at a public meeting held by Teleconference.

On 16 July 2020, Council officers were notified via email that the Panel agreed to defer the determination of the application, at the request of the applicant, for the following reasons:

1. To allow for the Council Officers and applicant representatives to confer regarding the draft conditions of consent dealing only with the timing of future construction works and occupation.

It is the Panel's position that the consent conditions should not include reference to staging but be flexible enough to allow conditions to be addressed at 'relevant' phases of the work and occupation to occur as is appropriate.

2. The Council provide an updated report with updated draft conditions of consent in response to item 1 above to the panel within 15 working days of the date of this decision.
3. That an additional draft condition be included stating that the use of the hotel rooms are not to be changed to another use without development consent.

A draft consent dealing with the timing of future construction works and occupation was prepared by council officers and emailed to the applicant on 29 July 2020.

A teleconference was held on 31 July 2020 to discuss the draft consent. The consent does not include reference to staging and both Council officers and the applicant are satisfied that the consent is flexible enough to allow for the relevant phases of work and occupation to occur as appropriate.

An additional draft condition (condition 72) has been included in accordance with the determination, requiring that the use of the hotel rooms are not to be changed to another use without development consent.

The draft consent conditions are attached addressing the concerns of the panel.

RESPONSIBLE OFFICER

The officer responsible for the preparation of this Report is the Manager, Major Development Assessment (AT).

DRAFT CONDITIONS OF CONSENT
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 Building B 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 Planting Plan – Level 2 Hotel & Club Setdown	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 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 Streetscape 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 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 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 the relevant 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 relevant 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 Occupation

Prior to the issue of any Occupation Certificate for retail development, the following dedication must be registered with Land Registry Services (LRS) 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 or any retail tenancy until the foreshore landscape and civil infrastructure works identified as Stage 1 under DA20/0266 (as detailed in the Construction Staging Plan L-C-01(L) by Habit8 dated 30 March 2020) 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 Principal Certifying Authority prior to the issue of the Occupation Certificate for the retail development.

An Occupation Certificate must not be issued for any residential dwelling until the foreshore landscape and civil infrastructure works identified as Stage 2 under DA20/0266 (as detailed in the Construction Staging Plan L-C-01(L) by Habit8 dated 30 March 2020) are fully constructed and an Occupation Certificate for the works has been granted. Evidence of the issue of the Occupation Certificate must be provided to the satisfaction of the Principal Certifying Authority prior to the issue of the Occupation Certificate.

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 any 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 and the remaining 50% twelve (12) months after the date of the final occupation certificate issued. 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 7.12 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 **relevant** 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>>).

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 relevant 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 the relevant 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 the Director, Shire Planning 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 Council's 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 Manoeuvring

A. Design

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

- i) Align with 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 1127 vehicles in total at the completion of the development.
- 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 except for the 12 enclosed parking bays on Level 5 which must have a minimum width of 5.4m with a garage door opening of 5.2m.

B. Construction

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

C. Occupation

Prior to the occupation of the development or the issue of the relevant 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

Prior to the issue of any Occupation Certificate;

- i) The stormwater drainage system must be constructed in accordance with the approved stormwater Civil Infrastructure Report and Sheets C010 to C016 dated 29/01/2013, Revision A prepared by AT&L Civil Engineer and Project Managers 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. 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.

B. Ongoing

- i) The operation of all devices or appliances installed within the development approved by this consent as required by conditions pertinent to rainwater harvesting and rainwater reuse must be maintained in good operating order at all times.
- ii) The stormwater treatment facility must be maintained in good working condition by removal of accumulated silt, rubbish and debris in accordance with an approved Maintenance Plan.

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

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

- 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.

C. 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

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 suitably 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 the relevant Occupation Certificate a suitably 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.

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 the relevant 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 the relevant 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 the relevant Occupation Certificate;

- i) The Operational Loading Dock Management Plan prepared by McLaren 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 semiglauc* (Guoia)
 - *Banksia integrifolia* (Coastal Banksia)
 - *Glochidion ferdinandi* (Cheese Tree)

- ii) Substitute *Cuapniopsis 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 an 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 the relevant 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:
Part Lot 312 DP 1232026
Part Lot 313 DP 1232026
Part 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*.

C. 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 the relevant 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 the relevant 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 the relevant 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 the relevant 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 the relevant 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 the relevant 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 e.g. G01, G02, 101, 102, 201, 202 etc.

Note: There must not be a letter or number in front of 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 (including 1 accessible space to be shared with office users)
- ☐ 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 Centre 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 Centre 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 Centre 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 Centre.

iv) Liquor Supply

The sale and supply of liquor in any 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 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 Centre 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 Centre 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 Centre 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 Centre 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. Leagues Club – Licensed Premises

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

A. Ongoing

i) Club

Trading Hours

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

ii) Club Deck

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.

iii) Occupation of the site

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

iv) 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.

v) Security Personnel

Security staff must be employed as set out in the Cronulla Leagues Club Plan of Management 2019 or as otherwise specified in the Liquor Licence. 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 on the Club Deck 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; and
 - iv) associated Occupation Certificate(s) relating to the car parking area, means of access and waste disposal area have been issued; and
 - v) until the requirements of condition 6 of this consent have been met.

65. Affordable Rental Housing - Restriction as to User

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 the relevant 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.

66. Car Wash Bays

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

A. Design

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

B. Before Construction

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

C. Before Occupation

The Principal Certifying Authority must be satisfied that:

- i) 'A' above has been complied with; and
- ii) any discharge to the sewer from the premises is in accordance with the requirements of Sydney Water.

D. Ongoing

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

67. Swimming Pools (including Spas)

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 the relevant 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.

68. Design Requirements for Adaptable Housing

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 the relevant 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 relevant Occupation Certificate.

69. Design Requirements for Livable Housing

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 this issue of the relevant 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 relevant Occupation Certificate.

70. Verification of Design for Construction - SEPP 65

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

71. 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 fascia 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.

72. Hotel Use

A. On-Going

The approved use of the lower floors of Building E as a hotel (Levels 2 to 7) must be retained as such. The use of the hotel rooms are not to be changed to another use without development consent.