

RECOMMENDED CONDITIONS OF APPROVAL DA230096

DEFERRED COMMENCEMENT CONDITIONS

This consent is a deferred commencement consent issued pursuant to Clause 4.16(3) of the *Environmental Planning Assessment Act 1979*. This consent does not operate until all the following deferred commencement conditions have been completed to the satisfaction of Council:

- a. The proponent shall provide a comprehensive baseline study of the adjacent coastal wetlands that documents its biophysical, hydrological, water quality and ecological characteristics. The proponent shall ensure:
- sufficient measures have been, or will be, taken to protect, and where possible enhance, the biophysical, hydrological and ecological integrity of the coastal wetland;
 - that the proposed development will not significantly impact on the biophysical, hydrological or ecological integrity of the adjacent coastal wetland or littoral rainforest, or the quantity and quality of surface and groundwater flows to and from the adjacent coastal wetland or littoral rainforest; and
 - providing a fulsome understanding of the requirements of flora and fauna within the coastal wetlands and their varied dependencies on rainfall, runoff and groundwater.

- b. The proponent shall provide an integrated assessment of the proposed groundwater and stormwater management design and detail how the design will meet the requirements of the State Environmental Planning Policy (Resilience and Hazards) 2021. This assessment must include details of:

- stormwater quality treatment design;
- stormwater detention volumes and peak flow management (where required); and
- groundwater infiltration requirements (where required).

The report must verify how the treated stormwater flows will be distributed as overland flow or groundwater infiltration.

- c. The proponent shall provide a stormwater design that addresses the requirements for mosquito management. The mosquito management proposal shall specify retention durations for the stormwater basins and the ground-level discharge of stormwater.
- d. The proponent shall provide a Dewatering Management Plan including, but not limited to, a detailed assessment of:
- dewatering volumes;
 - duration of dewatering;
 - proposed treatment methods; and
 - proposed disposal methods.

This assessment must address the need to retain baseline groundwater conditions within the coastal wetlands and manage the known presence of PFOS within the site's groundwaters.

Evidence is required to be submitted in compliance with the above deferred commencement conditions sufficient to satisfy the Council as to those matters within 2 years of the date of this Notice of Determination.

When satisfactory evidence has been provided to Council demonstrating compliance with the above deferred commencement condition, Council will give notice in writing that all deferred commencement conditions have been satisfied and provide the date from which this consent operates.

If Council has not notified the applicant within a period of 28 days after the applicant's evidence is produced to it, the Council is, for the purposes only of Section 8.7 of the Environmental Planning and Assessment Act 1979, taken to have notified the applicant that Council is not satisfied as to those matters on the date on which that 28-day period expires.

GENERAL CONDITION

	Conditions
1.	<p>This concept development consent approves a staged development for a mixed use residential and serviced apartment development with ancillary shops and food and drinks premises, including:</p> <ul style="list-style-type: none"> Stage 2, including four Residential Flat Buildings: <ul style="list-style-type: none"> Maximum GFA for Stage 2 of 12,000m² Providing 10% affordable units by GFA (approximately 1,150m² GFA) Provision of approximately 108 units, with a mix of 1 to 4-bedroom typologies Driveways and basement car parking Maximum building height of RL 24.95m AHD Approximately 5 storeys Stage 3, including 5 buildings of a mix of Residential, Serviced Apartments, shops and food and drink premises; <ul style="list-style-type: none"> Maximum GFA for Stage 3 of 21,000m² for residential purposes Provision of approximately 175 units, with a mix of 1 to 3-bedroom typologies Minimum non-residential Gross Floor Area (GFA) of 3,000m² Driveways and basement car parking Maximum building height RL of RL 27.7m AHD Approximately 6 storeys <hr/> <p>Condition Reason: To ensure all parties are aware of this consent and what development is applicable to the identified stage.</p>

2.

Approved plans and supporting documentation

Development must be carried out in accordance with the following approved plans and documents, except where the conditions of this consent expressly require otherwise.

Approved plans				
Plan number	Revision number	Plan title	Drawn by	Date of plan
DA-CST2&3-04.01	B	SITE PLAN	Rise Projects	24.10.23
DA-CST2&3-05.01	B	BASEMENT	Rise Projects	24.10.23
DA-CST2&3-04.02	B	STAGING PLAN	Rise Projects	24.10.23
DA-CST2&3-05.02	B	BUILDING ENVELOPE – 00 GROUND FLOOR	Rise Projects	24.10.23
DA-CST2&3-05.03	B	BUILDING ENVELOPE – 01 FIRST FLOOR	Rise Projects	24.10.23
DA-CST2&3-05.04	B	BUILDING ENVELOPE -02 SECOND FLOOR	Rise Projects	24.10.23
DA-CST2&3-05.05	B	BUILDING ENVELOPE – 03 THIRD FLOOR	Rise Projects	24.10.23
DA-CST2&3-05.06	B	BUILDING ENVELOPE -04 FOURTH FLOOR	Rise Projects	24.10.23
DA-CST2&3-05.07	B	BUILDING ENVELOPE -05 FIFTH FLOOR	Rise Projects	24.10.23
DA-CST2&3-05.08	B	BUILDING ENVELOPE – SECTIONS	Rise Projects	24.10.23
DA-CST2&3-09.01	B	LANDSCAPE PLAN	Rise Projects	24.10.23

	Approved documents			
	Document title	Version number	Prepared by	Date of document
	GTA – Rural Fire Service NSW	-	RFS	15 August 2024
	GTA – DPE – Water	-	DPIE – Water	22 January 2024
	<p>In the event of any inconsistency between the approved plans and documents, the approved Plans prevail.</p> <p>In the event of any inconsistency with the approved plans and a condition of this consent, the condition prevails.</p> <p>Condition Reason: To ensure all parties are aware of the approved plans and supporting documentation that applies to the development.</p>			

CONDITIONS RELATING TO THE CONCEPT APPROVAL

3.	Compliance with Concept Plans
	<p>Concept Approval is granted for development generally in accordance with the stamped approved plans referred to under Condition 2 only.</p> <p>No works or subdivision are approved under this concept approval.</p>
	Condition Reason: To ensure all parties are aware of the approved plans and supporting documentation that applies to the development.
4.	Determination of Future Development Applications
	<p>In accordance with section 4.22(1) of the <i>Environmental Planning and Assessment Act</i> all development under this concept development application shall be subject of future development application(s). The determination of future development applications(s) must be generally consistent with the terms of the subject development consent.</p>
	Condition Reason: To ensure all parties are aware of the terms of this consent.
5.	Impenetrable and heavily vegetated screen between Stage 3 and the adjacent Crown Land
	<p>Any future development application for the site shall ensure that an impenetrable and heavily vegetated landscape screen having a minimum width of 5m is implemented and maintained in perpetuity between Stage 3 and adjacent Crown Land.</p>
	Condition Reason: To minimise the risk and protect the adjacent Crown Land.

6.	Fauna Sensitive Lighting
	Any future development application for the site shall ensure that no artificial is to spill from the development into the adjacent Crown Land. The design of all lighting in the development generally must follow the principles of <i>Best Practice lighting design in the National Light Pollution Guidelines</i> (Department of the Environment and Energy 2020).
	Condition Reason: To minimise the risk and protect the amenity of the adjacent Crown Land.
7.	Keeping of Domestic Animals
	Any future development application for the site shall prohibit cats and ensure that domestic dogs are to be kept from entering Crown Land or wildlife habitat areas at all times. Dogs are to be kept in an enclosed area and/or inside the dwelling or on a leash to ensure they cannot enter Crown Land or any wildlife habitat areas at all times on the site or surrounding properties or reserves.
	Condition Reason: To minimise the risk and protect the wildlife habitat in the adjacent Crown Land.
8.	Compliance with Site-Specific Design
	All future development is to comply with the document entitled <i>Project Masterplan - Residential, Public Open Space, Retail & Hospitality, February 2023 - Design Guidelines for Stages 2 & 3</i> , published by Rise Projects.
	Condition Reason: To ensure compliance with the Project Masterplan.
9.	Setback to internal road
	Any future development application for the site shall ensure that structures are setback minimum of 5m from the internal road.
	Condition Reason: To ensure compliance setback requirement for the internal road network.
10.	Compliance with NSW Rural Fire Service Requirements
	Compliance with the requirements of NSW Rural Fire Service, General Terms of Approval under the Rural Fires Act, dated 17 April 2024.
	Condition Reason: To comply with the General Terms of Approval issued by state agencies for Integrated Development.
11.	Compliance with Department of Planning and Environment – Water Requirements
	Compliance with the requirements of the Department of Planning and Environment – Water, General Terms of Approval under the Water Management Act 2000, dated 22 January 2024.
	Condition Reason: To comply with the General Terms of Approval issued by state agencies for Integrated Development

12.	Contamination
	With any future development application for the site, a Construction Management Plan shall be submitted detailing protocols to minimise contact, exposure and concentration of PFAS and prevent mobilisation. Any new information that may come to light that has the potential to alter previous conclusions about site contamination shall be immediately notified to Council and disclosed in such Construction Management Plan(s)
	Condition Reason: To require details of measures that will protect the public and the surrounding environment.
13.	Retention of Trees
	With any future development application for the site, the trees and their associated Tree Protection Zones numbered 3, 4, 6, 7, 8, 9, 10, 11, 17 and 19 on the drawing LANDSCAPE PLAN DA-CST2&3-09.01 Rev B shall be retained and protected.
	Condition Reason: To ensure compliance with Tree Protection Zones.