

PPSSSH-107 - 186 Captain Cook Drive, Kurnell

MA21/0359

ASSESSMENT REPORT APPENDICES

Appendix	A	DCP 2015 Compliance Table
	B	Draft Conditions of Consent

SSDCP 2015 Compliance Table

Sutherland Shire Draft Development Control Plan 2015			
Standard/Control	DCP 2015	Proposed	Complies
Setbacks			
Street setback	20m	Captain Cook Drive: 23.95m	Yes – no change to approved setbacks
Side boundary 1	9m	Sir Joseph Banks Dr: 63.5m	
Side boundary 2	3m	Chisolm Road: 38.3m	
Rear boundary	0m	Rear boundary (adjoining Caltex facility) = 20.55m	
Landscape strip	3m wide front landscape strip adjacent to the front boundary	Achieved	Yes
Car Parking			
Warehouse or distribution centres: 1 space per 300m ² GFA	GFA = 28,576m ² = 95 spaces required	109 spaces adjacent to office building 69 spaces adjacent to warehouse	No (2.7%) – refer to Assessment section
Ancillary office component to an industrial development: 1 space per 30m ² GFA	GFA = 2,626m ² = 88 spaces required Total = 183 spaces required	= 178 spaces total Deficient by 5 spaces	
Outdoor staff recreation area	Minimum 16m ² in size, with minimum dimension of 3m	Staff area provided	Yes
<i>For sites > 10,000m²</i>	Not located within the 3m landscaped setback		
	Designed to accommodate table and chairs		
	Provide shading in summer		
	At least 6m ² direct sunlight for 4 hours between 10am and 2pm in mid-winter		
Bicycle parking			
1 space per 10 parking spaces for the first 200 spaces, then 1 space per 20 parking spaces thereafter	21 bicycle parking spaces	26 bicycle parking spaces adjacent to the ancillary office building	Yes – no change to approved development

Draft Conditions of Consent

Note:

- New wording highlighted in **red and bold**
- Deleted wording in ~~blue with a strike through~~

PART 2 - CONDITIONS OF CONSENT

3. ~~Deferred Commencement~~ Plans and Documents

The development must be undertaken substantially in accordance with the details and specifications set out on the following plans except where they are the subject of the deferred commencement condition/s:

<i>Plan number</i>	<i>Reference</i>	<i>Prepared by</i>	<i>Date</i>
DA2.03 Revision 3	Parking-Schedule	JSA Studio	Revised on 19-September 2017
DA2.05 Revision 3	Staging-Diagram	JSA Studio	Revised on 26 April-2017
TP11 Revision A	Staging Plan	Watson Young	Received by Council on 21/04/2022
DA3.01 Revision 3	Site / Roof Plan	JSA Studio	Revised on 19-September 2017
TP02 Revision B	Site Plan	Watson Young	Received by Council on 21/04/2022
DA3.02 Revision 4	Warehouse--Ground Floor-Plan	JSA Studio	Revised on 26 April-2017
TP03 Revision B	Warehouse Plan	Watson Young	Received by Council on 21/04/2022
TP04 Revision A	Roof Plan	Watson Young	02/09/2021
DA3.03 Revision 3	Warehouse--Level 1 Floor-Plan	JSA Studio	Revised on 26 April-2017
DA3.04 Revision 3	Warehouse--Level 2 Floor-Plan	JSA Studio	Revised on 26 April-2017
DA3.05 Revision 4	Ancillary Office - Ground Floor Plan Stage 2 Works	JSA Studio	Revised on 26 April 2017
DA3.06 Revision 4	Ancillary Office - Level 1 Floor	JSA Studio	Revised on 26 April 2017

	Plan Stage 2 Works		
DA3.07 Revision 4	Ancillary Office - Level 2 Floor Plan Stage 2 Works	JSA Studio	Revised on 26 April 2017
DA3.08 Revision 4	Ancillary Office - Level 3 Floor Plan Stage 2 Works	JSA Studio	Revised on 26 April 2017
DA5.01 Revision 2	Warehouse Sections	JSA Studio	Revised on 19 September 2017
TP06 Revision A	Sections	Watson Young	02/09/2021
DA5.02 Revision 3	Section - Ancillary Office Stage 2 Works	JSA Studio	Revised on 26 April 2017
DA6.01 Revision 3	Warehouse North & South Elevations	JSA Studio	Revised on 19 September 2017
DA6.02 Revision 3	Warehouse West Elevation	JSA Studio	Revised on 19 September 2017
DA6.03 Revision 3	Warehouse East Elevation	JSA Studio	Revised on 19 September 2017
TP05 Revision B	Elevations	Watson Young	Received by Council on 21/04/2022
DA6.04 Revision 3	Ancillary Office - North & South Elevations Stage 2 Works	JSA Studio	Revised on 26 April 2017
TP07 Revision B	Warehouse Office Plan and Elevations	Watson Young	Received by Council on 21/04/2022
TP08 Revision A	Fence Details	Watson Young	02/09/2021
C00.01 Revision K	General Notes	Engineering Studio	Revised on 13 March 2019
C01.01 Revision K	Sediment & Erosion Control Plan	Engineering Studio	Revised on 13 March 2019
C02.01 Revision K	Stormwater Drainage Plan Sheet 1	Engineering Studio	Revised on 13 March 2019
C02.01 Revision 1	Stormwater Drainage Plan Sheet 1	Engineering Studio	Received by Council on 19/04/2022
C02.02 Revision K	Stormwater Drainage Plan Sheet 2	Engineering Studio	Revised on 13 March 2019

C02.02 Revision 1	Stormwater Drainage Plan Sheet 2	Engineering Studio	Received by Council on 19/04/2022
C02.03 Revision K	Stormwater Drainage Plan Sheet 3	Engineering Studio	Revised on 13 March 2019
C02.03 Revision 1	Stormwater Drainage Plan Sheet 3	Engineering Studio	Received by Council on 19/04/2022
C02.04 Revision K	Stormwater Details Sheet	Engineering Studio	Revised on 13 March 2019
C02.04 Revision 1	Stormwater Details Sheet	Engineering Studio	01/09/2021
C02.05 Revision K	Stormwater Details Sheet 2	Engineering Studio	Revised on 13 March 2019
C02.05 Revision 1	Stormwater Details Sheet 2	Engineering Studio	01/09/2021
C02.06 Revision K	Music Design	Engineering Studio	Revised on 13 March 2019
C02.06 Revision 1	Music Design	Engineering Studio	01/09/2021
C11.04 Revision C	Frontage Works Layout Plan – Sheet 4	Engineering Studio	Received by Council on 19/04/2022
N/A	Stormwater Treatment Device Maintenance Schedule – Industrial Development – 188-206 Captain Cook Drive, Kurnell	Engineering Studio	Dated 13 March 2019
LA-01A	Landscape Plan	CAB Consulting Pty Ltd	Revised August 2018
LA-02A	Landscape Plan Detail Area A	CAB Consulting Pty Ltd	Prepared December 2016
Project No. Ambs1	Vegetation Management Plan	Narla Environmental Pty Ltd	Prepared August 2017
Project No. Insi1	Vegetation Management Plan	Narla Environmental Pty Ltd	August 2021

N/A	186-206 Captain Cook Drive, Kurnell Aboriginal Archaeological Test Excavations. Consultancy report to Taleb Property Pty Ltd. Version 2: Final report issued November 2018	AMBS Ecology and Heritage	Prepared November 2018
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and any details on the application form and on any supporting information received with the application except as amended by the following conditions.

Note: The following must be submitted to Sutherland Shire Council prior to the commencement of any building or subdivision 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 and/or subdivision works with a minimum of 2 days' notice of such commencement.

Under Section 6.5 of the Environmental Planning and Assessment Act 1979, please note that Sutherland Shire Council must be appointed as the Principal Certifying Authority for all subdivision works.

4. Design Changes Required

A. Before Construction

The following design changes must be implemented:

- i) ~~The flood conveyance path along and adjacent to the eastern boundary shall be widened to a clear width of 5m. This will require the eastern extremity of the eastern carpark being cantilevered over the conveyance path.~~
- ii) ~~The flood conveyance path along and adjacent to the south eastern edge of the Sydney Desalination Plant Pty Ltd easement, from the most western culvert under the suspended building to the eastern boundary shall be widened by 1m. This will result in the north western edge of the driveway being cantilevered over the conveyance path.~~
- iii) ~~The development must be constructed to the ground floor finished surface levels detailed on the approved stormwater drainage design drawings.~~
- iv) ~~The "potential staff parking" along the eastern boundary must be sealed and line marked.~~

- v) ~~An outdoor staff recreation shall be provided within the approved landscaped area to the west of the ancillary office building beyond the first two rows of car parking. The area shall be about 16m² in area with a minimum dimension of 3m. It must accommodate a table and chairs and provide shading in summer.~~
- vi) The "Staff Accommodation" and "Accessible Staff Accommodation" rooms on Level 1 of the ancillary office building must be deleted and replaced with additional lounge areas, open offices, meeting rooms, staff room or the like. No overnight accommodation is permitted within the building.

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

4A. Limitation of Mezzanines in the Warehouse Building

To ensure the proposed car parking areas provided on the site is sufficient for the development, mezzanine floor levels in the warehouse building are limited to an area of 4,266m² of the ground floor of the building.

5. Fire Safety Study

At least one month prior to the commencement of construction of the development (except for construction of those preliminary works that are outside the scope of hazard studies), or within such further period as Council may agree, the Applicant must prepare and submit for approval of both Council and Fire and Rescue NSW a Fire Safety Study for the development. The study:

- a) must cover the relevant aspects of the Department of Planning's *Hazardous Industry Planning Advisory Paper NO.2, 'Fire Safety Study'*;
- b) must cover the New South Wales Government's *Best Practice Guidelines for Contaminated Water Retention and Treatment Systems*;
- c) must be consistent with Fire and Rescue NSW's *Fire Safety Guideline 'Guideline for bulk storage of rubber tyres'*. If alternative design or operation is proposed, the alternatives must be demonstrated in the study to achieve an equivalent level of safety as described in the guideline; and
- d) should consider industry best practice and guidelines for storage of tyres, including:
 - i) Fire Service Guideline, Indoor Storage of New and Used Tyres (CFA Victoria, 2014);
 - ii) FM Global Data Sheet 8-3, Rubber Tyre Storage (FM Global, 2009); and
 - iii) NFPA 231 D, Standard for Storage of Rubber Tyres (NFPA, 1998).

Construction, other than of preliminary works, must not commence until approval has been given by both Council and Fire and Rescue NSW.

6. Emergency Plan

The Applicant must develop an Emergency Plan and detailed emergency procedures for the development. This plan must be prepared in accordance with the Department of Planning's Hazardous Industry Planning Advisory Paper NO.1, 'Emergency Planning'. The Emergency Plan and detailed emergency procedures must take into account the potential impacts from the Caltex Kurnell facility and must be developed in consultation with Caltex.

No later than two months prior to commencement of commissioning of the development, or within such further period as Council may agree, the Applicant must submit to Council for approval documentation describing the Emergency Plan and detailed emergency procedures. Commissioning shall not commence until approval has been given by Council.

7. Use of Office Building

Apart from the "take away food and drink booth" on the ground floor, the circular office building must at all times be used only for the purposes of office space that is ancillary to the main functions of the approved warehouse and distribution centre in the adjacent building.

8. Public Place Environmental, Damage & Performance Security Bond

A. Before Issuing of any Construction Certificate

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

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

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

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

The value of the bond is \$50,210.00.

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

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

B. After Occupation

A request for release of the bond may be made to Sutherland Shire Council after all works relating to this consent have been completed. Such a request must be submitted to Council on the 'Bond Release Request Form' signed by the owner

or any person entitled to act on the consent and must be accompanied by a current dilapidation report including photographs.

~~SECTION 94 7.12 CONTRIBUTIONS~~

~~The following dedication of land and/or monetary contributions have been levied in relation to the proposed development pursuant to Section 94 7.12 of the Environmental Planning and Assessment Act 1979.~~

9. ~~S94A~~ Section 7.12 Levy – Section 7.12 Development Contribution Plan 2016 ~~Plan – Sutherland Shire~~

A. Before Construction

Pursuant to ~~s.80A(1)~~ **Section 4.17** of the Environmental Planning and Assessment Act 1979, and Sutherland Shire Council Section ~~94A~~ **7.12** Plan 2016, a contribution of \$352,663.70 must be paid to Sutherland Shire Council towards the cost of works contained in the contribution plan. The amount to be paid is to be adjusted at the time of the actual payment, in accordance with the provisions of the Section ~~94A~~ **7.12** Development Contributions Plan.

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

The formula to review a contribution rate is:

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

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

- the issue of a construction certificate, or
- the release of the subdivision certificate/ linen plan, or
- the commencement of the use/occupation of the premises.

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.

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 between the eastern end of Chisholm Road, along Sir Joseph Banks Drive and along Captain Cook Drive up to the new bus shelters as required below. (An exception is the required stormwater works at the northern corner of the site.) To this end a Detailed Frontage Works application under the Roads Act 1993 must be submitted to Sutherland Shire Council, prior to the release of the Construction Certificate. The form is available on Council's website. A fee applies for the relevant inspections, assessment, coordination, creation of design brief and the issue of permits providing consent to undertake frontage works. The design will be quoted separately by Council's Design Services unit.

This design will generally comply with the approved architectural design drawings and the current website version of Council's Public Domain Design Manual (PDDM) and Public Domain Technical Manual (PDTM) except where modified by/or addressing the following:

- i) Property alignment/ boundary levels - establish the property alignment/ boundary levels and crossing profiles.
- ii) Grades - regrade footpath verge to final design levels including topsoil, turf and all associated soft landscaping (where necessary to suit the extent of works required by this condition).
- iii) Vehicle Crossings - construct two vehicle crossings **as detailed on the approved Site Plan drawing No.21221 Sheet TP02 / A by Watson Young.**
- iv) Redundant Laybacks and Crossings - remove redundant laybacks and vehicle crossings and replace with kerb and gutter (including associated road reconstruction works).
- v) Road Works - Provide upgrade on Captain Cook Drive including the formalisation and modification (including widening) of the existing acceleration lane to facilitate the proposal's vehicle use, and all associated road works for west bound vehicles leaving Sir Joseph Banks Drive.
- vi) Stormwater Connection - construct new stormwater infrastructure as required to facilitate drainage for the proposed development. This includes

adjustment of the existing drainage system adjacent to the northern corner of the site and construction of a new kerb inlet pit.

- vii) Bus Stops - construct new bus shelters and stopping bays on both the eastern and western sides of Captain Cook Drive in close proximity to Sir Joseph Banks Drive. This includes associated road pavement works, kerb and gutter, line marking, median islands and signage and kerb ramps.
- viii) Footpath - install new footpath pavements along the frontages of the site between the new bus stops and the ~~northern~~ **western** driveway to the site, to provide safe access to the bus stops.
- ix) Infrastructure Transitions - ensure there are adequate transitions between newly constructed and existing infrastructure as required
- x) Road Pavement - construct road pavement as required, including to accommodate the upgrade of infrastructure e.g. adjacent to new kerb and gutter to avoid the failure of existing pavement when excavation is carried out. The full extent of works shall be determined by detailed design process and is dependent on the condition of existing infrastructure.
- xi) Kerb and Gutter - construct kerb and gutter/edge strip as required including associated road reconstruction. This includes the formalisation of the eastern end of Chisholm Road as a cul-de-sac or as required to ensure that water drains correctly.
- xii) Street Signage - alter existing and/or install new street signage as required to cater for the impact of the development on the surrounding streets and is subject to approval by Sutherland Traffic and Traffic Safety Committee.
- xiii) Trees - remove and replace street trees as required.
- xiv) Undergrounding - provide replacement of existing local distribution power lines and other overhead utilities with insulated aerial bundles cables (ABC) as required.
- xv) Street Lighting - install new street lighting in Chisholm Road as required.
- xvi) Utility Services - adjust public services infrastructure as required.
- 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.

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

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

B. Before Construction

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

C. Before Occupation

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

- i) The supervising engineer must certify that the road frontage works were constructed in accordance with the development consent and associated approval under the Roads Act 1993 including the approved drawings and specification.

12. Site Management Plan

A. Before Commencement of Works including Demolition

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

- i) Safe access to and from the site during construction and demolition.
- ii) Safety and security of the site, road and footpath area including details of proposed fencing, hoarding and lighting.
- iii) Method of loading and unloading excavation machines, building materials.
- iv) How and where, construction materials, excavated and waste materials will be stored.
- v) Methods to prevent material being tracked off the site onto surrounding roadways.
- vi) Erosion and sediment control measures.

- vii) All trees and their protection zones on and around the site identified for retention are to be protected according to Australian Standard AS 4970 - 2009 Protection of Trees on Development Sites using the methods outlined in that Standard.

B. During Works

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

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 and associated infrastructure.
- 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) The internal driveway and car parking area must be paved or concreted and must be finished in materials other than plain or exposed aggregate concrete.
- iii) Comply with AS2890.1:2004 in relation to the design of vehicular access, parking and general manoeuvring for the B85 vehicle.
- iv) The maximum longitudinal grade of the driveway must not exceed 12.5%.
- v) All "one way" traffic aisles in the car parking area must be clearly identified by signposting and pavement marking.
- vi) The ingress and egress crossing must be clearly identified by signage.
- vii) The proposed loading and delivery area must be clearly defined with suitable signposting and pavement markings.
- viii) The car park must be line marked.
- ix) Comply with AS2890.2:2002 in relation to the design of vehicular access, parking and general manoeuvring for the AV vehicle.
- x) The perimeter / edge of the driveway, vehicle manoeuvring apron and parking areas must be provide with a crash barrier, **where the adjacent ground level is 600mm lower (clause 2.4.5.3 of AS2890.1:2004).**

B. Construction

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

C. Occupation

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

D. On-going

The approved parking must be used exclusively for car parking as approved for

the life of the development.

16. Public Utilities

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

A. Before Construction

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

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

B. Before Occupation/Subdivision

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

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

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

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

17. Endorsement of Plan of Consolidation

A. Construction

Prior to the issue of any Construction Certificate a Plan of Subdivision for the Consolidation of Lot 1 in Deposited Plan No.652964 and Lot 1 in Deposited Plan No.402485, must be registered with NSW Land and Property Information.

18. Stormwater Drainage

A. Design

The stormwater drainage, rainwater harvesting and rainwater reuse systems shall accordance with the approved stormwater drainage design drawings, Flood and Stormwater Impact Assessment Revision ~~1~~ **2** of ~~May 2018~~ **September 2021** and Australian Standard AS3500.3:2003, except where modified by the following;

- i) ~~Layout of the drainage system showing the alignment of all pipelines, rainwater tanks and associated structures, including finished surface levels,~~
- ii) ~~Three shallow~~ **The** bio-retention ponds shall be ~~created along the Chisholm Road frontage within the front setback and~~ planted in accordance with the approved Landscape Plan and Vegetation Management Plan. ~~One must be located between the proposed driveways, another must be located between the eastern driveway and the truck waiting area, and the third must be in the south-eastern corner of the site between the truck waiting area and the eastern boundary. These three areas are shown as landscape areas on the approved architectural design drawings.~~ **The ponds adjacent to Chisholm Road shall include the following:**
 - ~~Drain via pipelines to the street kerb and gutter under the footpath verge in Chisholm Road.~~
 - These Pipelines **within the verge of Chisholm Road** shall be hot dipped galvanised steel rectangular hollow sections, 150mm by 75mm by 4mm, placed on a grade of 0.5% and at 90 degrees to the alignment of the street kerb.
 - ~~Any two pipelines within the footpath verge connecting to the street kerb shall be 6m apart.~~
 - ~~The three ponds shall be interconnected via high level pipelines placed on a grade of 0.5% and a minimum diameter of Ø 250mm. The invert level of these pipelines must be lower than the invert level of the outlet pipes to Chisholm Road.~~
 - ~~Increase the volumetric capacity of these ponds by regrading the side slopes to 1 vertical to 2 horizontal. The maximum vertical depth of the excavation shall be 0.5m.~~
- iii) ~~Delete the proposed Ø 825mm located in close proximity to the north-eastern corner.~~
- iv) ~~In close proximity to the north-eastern corner detail / show the existing stormwater drainage infrastructure, being; pits No.41134, No.76849, No.76846, No.76845, No.76840 and No.76847 and associated pipelines (indicated as Council drainage infrastructure on Shire Maps). Remove those structures located within the footprint of the development. The pipeline between pit No.76840 and No.76849 shall be replaced with an Ø 825mm.~~
- v) ~~Create a long narrow trapezoidal channel adjacent and along the eastern~~

~~boundary. The channel shape to be; 3m wide across the base, 0.5m deep, minimum length 95m and with side slope of 1 vertical to 2 horizontal or where abutting walls the side slope can be vertical. This channel must drain to existing pit No.76840. The southern end of this channel will integrate with the required pond mentioned in above sub-item (ii).~~

~~Note: The “Vegetation Management Plan, 186-206 Captain Cook Drive, Kurnell” by Narla Environmental, August 2017 specifies the revegetation required for this channel and is described as ‘Zone 5—Revegetation Corridor’.~~

- ~~vi) The volumetric increase in the three ponds plus the required trapezoidal channel may be removed from the equivalent volume of the Atlantis™ cells.~~
- ~~vii) The five pipelines and associated pits in the front setback to Chisholm Road and east of the proposed western vehicle crossing shall be redirected to drain to the three required ponds.~~
- ~~viii) The required culverts than enable stormwater flow from Chisholm Road to Captain Cook Drive via the void under the suspended buildings, must be detailed.~~
- ~~ix) The flood conveyance path along and adjacent to the eastern boundary shall be widened to a clear width of 5m, this will result in the eastern extremity of the eastern carpark being cantilevered.~~
- ~~x) The flood conveyance path along and adjacent to the south eastern edge of the Sydney Desalination Plant Pty Ltd easement, from the most western culvert under the suspended building to the eastern boundary shall be widened by 1m. This will result in the north western edge of the driveway being cantilevered.~~
- xi) The rainwater harvesting system shall accord with the following;
 - At least 730m² of roof area shall be capture and directed to rainwater tanks.
 - ~~• The total minimum volume of the rainwater tanks shall be 300m³, with the overflows connected to one or more of the aforementioned three shallow ponds within the site along the Chisholm Road frontage (sub-item (ii)).~~
 - Install an automatic irrigation system to water all landscaped areas, including all wetlands and areas surrounding the wetlands.
 - Ensure suitable proofing for the prevention of mosquito breeding.

B. Before Release of a Construction Certificate

- i) Certification from an Accredited Certifier in Civil Engineering or a Chartered Civil Engineer, to the effect that the stormwater drainage system design was prepared having regard to the conditions of Development Consent and to their satisfaction, shall accompany the application for the Construction Certificate.
- ii) Certification from Catchment Simulation Solutions, to the effect that the stormwater drainage design prepared for the Construction Certificate was prepared having regard to their document “Flood and Stormwater Impact Assessment Revision 1 of May 2018”, shall accompany the application for the Construction Certificate.
- iii) Provide evidence that the stormwater drainage design drawings prepared for the Construction Certificate has been viewed by Sydney Desalination

Plant Pty Ltd that with regards to the existing pits and pipelines in close proximity to the north eastern corner of the property, the proposed stormwater drainage system and flood mitigation works will not adversely affect the operation of the desalination plant.

C. Before Occupation of the Development

- i) A Works-As-Executed drawing (WAED) of the stormwater drainage system shall be prepared by a Registered Surveyor. This drawing must detail the alignment of pipelines, pits, rainwater tanks, Atlantis™ cells, stormwater treatment devices, contours of the excavated ponds, trapezoidal channel and the detention facilities. An original or a colour copy shall be submitted to Sutherland Shire Council.
- ii) The Supervising Engineer must certify the WAED of the stormwater drainage system that the stormwater drainage works were constructed to their satisfaction and in accordance with the Development Consent. Prior to the occupation or use of the building the Applicant / Owner shall submit to Council a copy of the aforementioned letter of certification.
- iii) The appropriately qualified Civil Engineer must certify the stormwater drainage system was constructed to their satisfaction and in accordance with the Development Consent and document "Flood and Stormwater Impact Assessment Revision 1 of May 2018". Prior to the occupation or use of the building the Applicant / Owner shall submit to Council a copy of the aforementioned letter of certification.

D. Ongoing

- i) The operation of all devices or appliances installed within the development approved by this consent as required by conditions pertinent to rainwater harvesting and rainwater reuse must be maintained in good operating order at all times.
- ii) The stormwater ~~detention facilities~~ **overland flow path and trapezoidal flow channels** shall be:
 - Kept clean and free from silt, rubbish and debris.
 - Be maintained so that it functions in a safe and efficient manner.
 - Not be altered without prior consent in writing of the Council.
- iii) Maintenance and renewal of all stormwater treatment devices is to be documented in a maintenance and renewal plan to be prepared by a suitably qualified civil or environmental engineer with experience in stormwater quality management.

Note 1: Upon submission of the Works-As-Executed drawing for the stormwater drainage system a notation will be added to the section 149(5) certificate advising future owners that their property is burdened by a stormwater detention facility.

Note 2: Upon submission of the Works-As-Executed drawing for the stormwater drainage system a notation will be added to the section 149(5) certificate advising future owners that their property is burdened by a stormwater treatment devices.

Note 3: Investigate Pits No.76842, No.76841 and associated ~~Ø300mm~~ **Ø pipeline** as I believe these structures are part of the Desalination Plant

19. Flood Requirements

A. Design

- i) All building materials must be flood resistant, or flood compatible to a height of 3.75m±20mmAHD.
- ii) All internal electrical switches, power points or similar utilities liable to flood damage must be set at a minimum of level of 3.75m±20mmAHD.
- iii) Prepare a "Flood Emergency Response Plan" that accords with Chapter 40 of SSDCP2015, detail flood levels, building floor levels, evacuation strategy and shelter in place strategy. This Plan must be reviewed and updated every five years.

B. Before Release of a Construction Certificate

- i) Certification from an Accredited Certifier in Civil / Structural Engineering or a Chartered Civil / Structural Engineer experience in floodplain risk management, to the effect that the building materials and structural design were prepared having regard to the conditions of development consent and to their satisfaction, shall accompany the application for the Construction Certificate.
- ii) Certification from an Accredited Certifier in Civil / Structural Engineering or a Chartered Civil / Structural Engineer experience in floodplain risk management, to the effect that the "Flood Emergency Response Plan" was prepared having regard to the conditions of development consent and to their satisfaction, shall accompany the application for the Construction Certificate.

C. Before Occupation of the Development

Certification from an Accredited Certifier in Civil / Structural Engineering or a Chartered Civil / Structural Engineer experience in floodplain risk management, to the effect that the development was constructed in accordance with section "A" of this condition and to their satisfaction.

D. Ongoing

- i) The development must be managed in accordance with the "Flood Emergency Response Plan".
- ii) The "Flood Emergency Response Plan" must be provided to all occupants of the development detailing flood levels, building floor levels, evacuation strategy if necessary and shelter in place strategy.

20. Landscaping Works

A. Design

The landscaping works to 'Detail Area A' must be designed in accordance with the approved Landscape Plan, Drawing No. LA-01A, prepared by CAB Consulting dated December 2016; except where modified by the following:

- i) 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.

- ii) Landscaped areas shown on 'Detail Area A' of the approved landscape plan must be provided with a water-efficient irrigation system and taps at 25m centres, connected to a pump and the rainwater tank or mains, to enable effective landscape maintenance.
- iii) To improve coverage and reduce weeds and maintenance, planting densities in all planting areas shown within 'Detail Area A' of the approved landscape plan must achieve a minimum of 4 plants per square metre.
- iv) 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).
- v) Any fencing built within a front or side setback or the boundary of a public reserve is to have maximum height 1.8m, be open form and finished in black to ensure it is visually recessive.
- vi) All landscaped areas are to be separated from hard paved areas by a dwarf wall or kerb to minimise damage caused by vehicles.

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

B. Prior to Occupation/Occupation Certificate

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

To arrange a Final Landscape Inspection please phone 9710-0333 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 Boulevarde, Gymea
Ph: 02 9524 5672

21. Tree Removal on Private and Council Land

A. During Works

The removal of the following trees is approved:

- i) Trees within the approved building and parking footprint.
- ii) Any declared noxious plant. The applicant is to ensure that all noxious plants are properly identified and controlled/removed.
- iii) Any tree species exempted by the Sutherland Shire Local Environmental Plan 2015.

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

Note: Clearing of vegetation must be undertaken in accordance with section 3.4.1 of the "Vegetation Management Plan, 186-206 Captain Cook Drive, Kurnell" by Narla Environmental, August 2017 2021.

22. Tree Retention and Protection

The following condition applies to all trees on the subject site, trees on the adjoining sites (which are potentially affected by the development works), as well as trees on the adjoining Council land that are not approved for removal.

A. Before Works

Prior to the commencement of any demolition, excavation or construction works on site the applicant must engage a suitably qualified and experienced Supervising Consulting Arborist to oversee the measures for the protection of existing trees as listed below.

Note: A Consulting Arborist is a person with a current membership of the Institute of Australian Consulting Arboriculturalists (IACA) or alternatively a person who has obtained an Australian Qualifications Framework AQF Level 5 in Arboriculture.

All trees not approved for removal must be protected by the following measures:

- i) Protective fencing, constructed of a minimum 1.8m high chain wire mesh supported by robust posts, must be installed in accordance with **section 3.4.14 of the “Vegetation Management Plan, 186-206 Captain Cook Drive, Kurnell” by Narla Environmental, August 2017-2021.**

Signage must be erected on the fence with the following words clearly displayed “TREE PROTECTION ZONE, DO NOT ENTER”.

- ii) 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.
- iii) 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.
- iv) Where it is impossible to install protection fencing to the full extent of the specified Tree Protection Zone trunk/branch batten protection boards are to be installed as per 4.5.2 of Australian Standard (AS4970-2009) - Protection of Trees on Development Sites.

B. During Works

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

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

C. Before Occupation

Prior to the issue of an Occupation Certificate the Supervising Arborist's signed and dated checkpoint list and photographic evidence must be provided to both the Private Certifying Authority and Council's Landscape Officer at the time of the final landscape inspection.

23. Storage and Handling of Chemicals

A. Ongoing

All chemicals must be stored and handled in accordance with, but not limited to, the requirements of the following:

- i) *Work Health and Safety Act 2011 and Work Health and Safety Regulation 2011.*
- ii) Australian Standard 1940:2004 - The Storage and Handling of Flammable and Combustible Liquids.
- iii) Australian Standard 4452:1997- The Storage and Handling of Toxic Substances.
- iv) *Protection of the Environment Operations Act 1997*
- v) NSW EPA Storing and Handling Liquids, Environment Protection Training Manual, 2007

24. Supervising Ecologist

A. Before Commencement

The applicant must engage an appropriately qualified, experienced and certified Ecologist to supervise the implementation of works required under the Vegetation Management Plan and relevant plans.

Note: The appropriately qualified and experienced Ecologist must be certified by one of the following certification schemes or demonstrate an equivalent standard acceptable to Sutherland Shire Council, Manager Environmental Science.

- Environment Institute of Australia & New Zealand (EIANZ) 'Certified

- Environmental Practitioner - **Ecology** (CEnvP-E) [Scheme](#).
- Ecological Consultants Association (NSW) Certification [Scheme](#).
- 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 appropriately 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 vegetation management works and ensure compliance with the Vegetation Management Plan and relevant plans, including, but not limited to:

- “Vegetation Management Plan, 186-206 Captain Cook Drive, Kurnell” by Narla Environmental, August ~~2017~~ **2021**.
- Landscape Plan, Drawing No. LA-01A, by CAB Consulting P/L, amended August 2018.

25. Vegetation Management Plan (VMP)

A. Design

The “Vegetation Management Plan, 186-206 Captain Cook Drive, Kurnell” by Narla Environmental, August ~~2017~~ **2021** must be amended by an appropriately qualified, experienced and certified ecologist **in accordance with the following:**

i) The Canopy Species listed in Table 4 for ‘Zone 2 – Sydney Water Easement’ must be amended to the following tree species only:

- Cupaniopsis anacardioides***
- Banksia integrifolia subsp. Integrifolia***

Note: Planting within Zone 2 – Sydney Water Easement’ must also be carried out in accordance with Sydney Water requirements.

ii) The planting rate of ground covers for Zone 5 is to be increased to 4 per m².

~~The species and planting densities provided for “Zone 5 – Revegetation Corridor” in “Table 4. Kurnell Dune Forest Community Revegetation Species List (AMBS 2017) and Defined Densities” must be amended as follows:~~

Canopy Species – planting density 1/7 m²

~~*Banksia integrifolia*~~

~~*Casuarina glauca*~~

~~*Cupaniopsis anacardioides*~~

~~*Glochidion ferdinandi*~~

~~*Acmema smithii*~~

Mid-Storey Species – planting density 1/m²

~~Acacia miadenii~~
~~Homalanthus populifolius~~
~~Myrsine variabilis~~
~~Acacia longifolia subsp. longifolia~~
~~Acacia longifolia subsp. sophorae~~
~~Banksia ericifolia~~
~~Brenynia oblongifolia~~
~~Clerodendrum tomentosum~~
~~Leptospermum laevigatum~~
~~Leucopogon parviflorus~~
~~Maclura cochinchinensis~~
~~Melaleuca nodosa~~
~~Myoporum acuminatum~~
~~Notelaea longifolia~~
~~Pittosporum revolutum~~

Groundcover Species – planting density 3/m²

~~Actinotus helianthi~~
~~Gemmelina cyanea~~
~~Desmodium varians~~
~~Dichondra repens~~
~~Entolasia marginate~~
~~Lomandra longifolia~~
~~Opismenus imbecillis~~
~~Cayratia clematidea~~
~~Ekmatis aristata subsp. glycinoides~~
~~Eustrephus latifolius~~
~~Geitonoplesium cymosum~~
~~Hibbertia scandens~~
~~Marsdenia rostrata~~
~~Parsonsia straminea~~
~~Sarcopetalum harveyanum~~
~~Smilax glyciphylla~~

B. Before Commencement and issue of Construction Certificate.

The following actions within “Vegetation Management Plan, 186-206 Captain Cook Drive, Kurnell” by Narla Environmental, August ~~2017~~ **2021**; as amended: are to be finalised to the satisfaction of Sutherland Shire Council, ~~Manager~~ **Environmental Science Greenweb Officer** prior to the issue of any Construction Certificate:

i) Delineation of Construction Areas

- a. ~~Mark line of proposed fencing and install fencing providing a buffering strip of at least 3m between fence and construction.~~
- b. ~~Arborist to determine and establish Tree Protection Zone (TPZ) within vegetation to be retained.~~

ii) Delineation of Vegetation Management Zones

- a. ~~Surveyor to mark boundary of management zones under supervision of Supervising Ecologist.~~

iii) ~~Support native regeneration~~

- a. ~~Removal of metal debris placed on site by tornado.~~
- b. ~~Relocation of woody debris.~~

C. During Works

The Supervising Ecologist must supervise all aspects of vegetation management works and ensure compliance with the Vegetation Management Plan (as amended) throughout the course of the development.

~~The vegetation management measures specified within in the “Vegetation Management Plan, 186-206 Captain Cook Drive, Kurnell” by Narla Environmental, August 2017, as amended, and delineated in ‘Figure:3 Site Map and Vegetation Management Zones’ must be implemented under the supervision of the appropriately qualified, experienced and certified Ecologist.~~

D. Ongoing

Ongoing monitoring and management measures required by the VMP must be undertaken under the supervision of the ~~appropriately qualified, experienced and certified~~ **Supervising** Ecologist.

Copies of all monitoring and progress reports are to be submitted to as per the formal monitoring and reporting requirements provided in the VMP, to the satisfaction of Sutherland Shire Council, Manager Environmental Science.

26. Potential Contaminated Land - Unexpected Finds

A. During Works

If unexpected soil and/or groundwater contamination is encountered during any works; all work must cease and the situation must be promptly evaluated by an appropriately qualified and experienced environmental consultant. The contaminated soil and/or groundwater must then be managed under the supervision of the environmental consultant, in accordance with relevant NSW Environment Protection Authority (EPA) guidelines.

Note: The environmental consultant must be certified by one of the following certification schemes, or demonstrate an equivalent standard acceptable to Sutherland Shire Council, Manager Environmental Science:

- EIANZ ‘Certified Environmental Practitioner - Site Contamination’ scheme (CEnvP SC).
- Soil Science Australia ‘Certified Professional Soil Scientist - Contaminated Site Assessment & Management’ scheme (SSA CPSS CSAM).

B. Prior to recommencement of works

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

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

27. Management of Acid Sulfate Soils and Groundwater

A. During Works

- i) Onsite excavation must not extend beyond 1m below the natural ground level.
- ii) If acid sulfate soils are encountered during works; the situation is to be promptly evaluated by an appropriately qualified and experienced environmental consultant. The acid sulfate soils must then be treated and/or managed under the supervision of the environmental consultant in accordance with the requirements of the NSW Acid Sulfate Soil Manual (ASSMAC 1998).

Note: An appropriately qualified and experienced environmental consultant must be certified by one of the following certification schemes, or demonstrate an equivalent standard:

- ‘Certified Environmental Practitioner’ (CEnvP) - by Certified Environmental Practitioner (EIANZ).
 - ‘Certified Professional Soil Scientist’ (CPSS CSAM) by Soil Science Australia (SSA)
- iii) If groundwater is intercepted during excavation and requires discharge to Council’s stormwater drainage system; the water must have a pH of between 6.5 and 8, and must not exceed a suspended sediment concentration of 50mg/L.

The discharge of groundwater to Council’s stormwater drainage system must also be undertaken in accordance with, but not limited to

- a. Sutherland Shire Council’s “Environmental Specification - Environmental Site Management 2007”.
- b. Sutherland Shire Council’s “Environmental Specification - Stormwater Management 2009”.
- c. Australian and New Zealand Guidelines for Fresh and Marine Water Quality 2000.

B. Prior to Occupation

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

This certification must be provided to the satisfaction of the Principal Certifying Authority (PCA) and copied to Sutherland Shire Council, Manager Environmental Science, prior to the issue of any occupation certificate.

28. Management of Site Soil / Fill Material

A. During Works

- i) Disposal of site soils

Any soils to be excavated and disposed of from the site must be analysed and classified by an appropriately qualified and experienced environmental consultant, in accordance with relevant NSW EPA guidelines including the

“Waste Classification Guidelines” 2014, prior to off-site disposal.

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

ii) Reused soils

Any existing soils excavated to be reused on the site must be assessed by an appropriately qualified, skilled and experienced environmental consultant in accordance with the National Environment Protection (Assessment of Site Contamination) Measure 1999 (amended 2013) and any relevant guidelines approved under the Contaminated Lands Management Act 1997 and demonstrated to be suitable for the intended land use, prior to reuse.

Any soils not suitable for the intended land use must be removed from site and disposed of in accordance with i) above.

iii) Importation of fill material

Any fill material that is imported onto the site must comprise Virgin Excavated Natural Material (VENM), Excavated Natural Material (ENM) or other suitable material in accordance with the relevant Resource Recovery Exemption issued under the *Protection of the Environment Operations (Waste) Regulation 2014*.

Note: An appropriately qualified, skilled and experienced environmental consultant shall be certified by one of the following certification schemes; or equivalent:

- Environment Institute of Australia & New Zealand (EIANZ) ‘Certified Environmental Practitioner (CENvP) Scheme’.
- Soil Science Australia (SSA) ‘Certified Professional Soil Scientist (CPSS) Scheme’.
- Site Contamination Practitioners Australia (SCPA).

29. Storage or Processing of Waste Tyres Prohibited

A. Ongoing

The storage or processing of waste tyres (as defined under the *Protection of the Environment Operations Act 1997* and *Protection of the Environment Operations (Waste) Regulation 2014*) is prohibited.

Note: Waste tyres means used, rejected, unwanted tyres, including casings, seconds, shredded tyres or tyre pieces.

30. Cleanliness and Maintenance of Food Preparation and Storage Areas

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

A. Design

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

- i) Food Act 2003.
- ii) Food Regulation 2010.

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

B. Before Construction

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

C. Before Occupation

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

31. Waste Management

To ensure the proper waste management is undertaken:

A. Design

All waste storage areas / rooms shown on the approved architectural plans must have a smooth impervious floor that is graded to a floor waste. A tap and hose must be provided to facilitate regular cleaning of the bins and all waste water must be discharged to the sewer in accordance with the requirements of Sydney Water. Garbage bins must be designed to prevent the escape of any liquid leachate and must be fitted with a lid to prevent the entry of vermin.

B. Before Construction

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

C. Before Occupation

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

D. Ongoing

All waste must be stored wholly within the approved waste storage areas within the buildings. No waste may be stored outside the buildings. Any bins put out to the street for collection must be put out the day before pick-up at the earliest and returned to the waste storage areas as soon as possible after pick-up. Ensure a licensed contractor is used to dispose of all hazardous waste items & that waste tracking receipts are kept for all hazardous waste items.

32. 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.

33. Noise Control - Design of Plant and Equipment (General Use)

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

A. Design

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

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

B. Before Occupation

Certification must be provided by a qualified acoustic engineer that all work associated with the installation of the acoustic measures has been carried out in accordance with 'A' above.

C. Ongoing

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

34. Building Ventilation

To ensure adequate ventilation for the building:

A. Design

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

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

B. Before Construction

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

C. Before Occupation

- i) Certification must be provided by a qualified mechanical ventilation engineer that the installation of the ventilation system has been carried out in accordance with 'A' above.
- ii) 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.

35. Noise Mitigation Measures

A. Ongoing

The ongoing use of the business shall comply with the ~~recommendations outlined in section 5.3 of "DA Acoustic Assessment, Tempe Tyres Warehouse with Ancillary Office & Staff Amenities, 186-206 Captain Cook Drive, Kurnell"~~ prepared by Acoustic Logic, 20 December 2016 as follows: **following:**

- i) ~~Loading docks along the northern facade of the development must not be used between the hours of 10pm to 7am, 7 days a week. All roller doors along this facade must remain closed at all times during this period.~~
- ii) ~~The exit roller door along the northern facade of the staging area cannot be used between the hours of 10pm - 7am, 7 days a week. All vehicles accessing the staging area during this time period (10pm-7am) must depart via the entry roller door along the southern facade.~~
- iii) Heavy vehicles must not be left to idle during any loading / unloading operations or whilst waiting.

36. Certification Requirement of Levels

A. During Construction

At the following stages of construction:

- i) Prior to the placement of concrete of the ground floor (both buildings), circulation roadways and car parking bays;
- ii) Upon completion of the roof frame

A registered surveyor must provide the Principal Certifying Authority with Certification that the stage of structure complies with the development consent with respect to the finished floor and surface levels.

B. Before Occupation

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

37. 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.

38. Dial Before You Dig

A. Before Construction

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

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

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

A. During Works

To minimise the noise impact on the surrounding environment:

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

On 50 occasions, only for the purpose of pouring large floor or roof slabs, work may be carried out on the site from 7.00am to 8pm Monday to Friday, excluding Public Holidays on a week day.

In order to activate the extended hours of operation both Council and affected neighbours must be notified a minimum of 48 hours prior to commencement. Affected neighbours include those in the immediate vicinity, adjacent or adjoining the development site. Notification must be by way of written advice including:

- Date/s the extended hours will be utilised.
- The purpose of the extended hours - pouring large slab.
- Address of the development works / site.
- Contact name and number of appropriate site officer (supervisor or manager) for enquiries.

Notification to Council must include a copy of the letter and a map or list identifying those affected neighbours who have been notified.

40. Toilet Facilities

A. During Works

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

Each toilet must:

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

41. Containment of Fill

A. Design

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

B. Before Construction

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

42. Street Numbering and Provision of Letter Box Facilities

A. Before Occupation

- i) Street numbers must be clearly displayed.
- ii) Suitable letterbox facilities must be provided in accordance with Australia Post specifications.
- iii) The development must have the following street address format: No. 5 Chisholm Road, Kurnell.

43. Car Parking Areas

A. Ongoing

To ensure that the car parking area satisfies the demands of the development, all parking (including the "potential staff parking" along the eastern boundary) must be made available on an unrestricted basis and free of charge at all times for employees' vehicles

44. Industrial Activities Outside the Building

A. Ongoing

To protect the amenity of the surrounding environment there must be no industrial activities, storage (including of tyres) or depositing of any goods or maintenance to any machinery conducted external to the building. All tyres must be kept inside the warehouse building at all times except when being temporarily loaded and unloaded into delivery vehicles.

45. 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. All service/delivery vehicles must enter and leave the site in a forward direction.

46. Maximum Number of Staff

A. Ongoing

The facility must operate in accordance with the following maximum number of staff during the specified areas / facilities during the specified times:

- a) ~~Warehouse building: Maximum 20 staff during the day shift (7am to 6pm) and 7 staff during the night shift (6pm to 7am).~~
- b) ~~Ancillary office building: Maximum 60 staff in the office building including the take away food and drink booth.~~ **The maximum combined staff on site for the warehouse, ancillary office building and take away food and drink booth is 150.**

47. Hours of Operation - Ancillary Office Building

A. Ongoing

The ancillary office building (including the take away food and drink booth on the ground floor) must operate only between the hours of 7am and 6pm on weekdays. It shall not be operated on weekends.

48. Aboriginal Heritage - Protection for a Potential Aboriginal Heritage Item

A. During Construction

Development consent from Council does not imply consent to destroy an Aboriginal site or object issued under the National Parks and Wildlife Act. Should any Aboriginal objects be unearthed or exposed during the project, works must temporarily cease within the immediate vicinity and the Office of Environment and Heritage be contacted to advise on the appropriate course of action.

Requirements of National Parks and Wildlife Act 1974: The National Parks and Wildlife Act is the primary legislation for the protection of Aboriginal cultural heritage in NSW. Under the National Parks and Wildlife Act 1974 it is an offence

to desecrate or harm an Aboriginal object without having obtained an Aboriginal Heritage Impact Permit (AHIP) under section 90 or without having exercised due diligence in accordance with the Due Diligence Code of Practice for the Protection of Aboriginal Objects in NSW (NSW Department of Environment, Climate Change & Water (DECCW)).

Sutherland Shire Council

Attached are the prescribed conditions that must be complied with under the Environmental Planning and Assessment Regulations 2000.

PRESCRIBED CONDITIONS

Division 8A of the Environmental Planning and Assessment Regulation Prescribes the following conditions of development consent

Clause 98 Compliance with Building Code of Australia and insurance requirements under the Home Building Act 1989

(cf clauses 78 and 78A of EP&A Regulation 1994)

- (1) For the purposes of Section 4.17 (11) of the Act, the following conditions are prescribed in relation to a development consent for development that involves any building work:
 - (a) that the work must be carried out in accordance with the requirements of the Building Code of Australia,
 - (b) in the case of residential building work for which the Home Building Act 1989 requires there to be a contract of insurance in force in accordance with Part 6 of that Act, that such a contract of insurance is in force before any building work authorised to be carried out by the consent commences.
- (1A) For the purposes of section 80A (11) of the Act, it is prescribed as a condition of a development consent for a temporary structure that is used as an entertainment venue, that the temporary structure must comply with Part B1 and NSW Part H102 of Volume One of the Building Code of Australia.
- (2) This clause does not apply:
 - (a) to the extent to which an exemption is in force under clause 187 or 188, subject to the terms of any condition or requirement referred to in clause 187 (6) or 188 (4), or
 - (b) to the erection of a temporary building, other than a temporary structure to which subclause (1A) applies.
- (3) In this clause, a reference to the Building Code of Australia is a reference to that Code as in force on the date the application is made for the relevant:
 - (a) development consent, in the case of a temporary structure that is an entertainment venue, or
 - (b) construction certificate, in every other case.

Note. There are no relevant provisions in the *Building Code of Australia* in respect of temporary structures that are not entertainment venues.

Clause 98A Erection of signs

- (1) For the purposes of Section 4.17 (11) of the Act, the requirements of subclauses (2) and (3) are prescribed as conditions of a development consent for development that involves any building work, subdivision work or demolition work.
- (2) A sign must be erected in a prominent position on any site on which building work, subdivision work or demolition work is being carried out:
 - (a) showing the name, address and telephone number of the principal certifying authority for the work, and

- (b) showing the name of the principal contractor (if any) for any building work and a telephone number on which that person may be contacted outside working hours, and
 - (c) stating that unauthorised entry to the work site is prohibited.
- (3) Any such sign is to be maintained while the building work, subdivision work or demolition work is being carried out, but must be removed when the work has been completed.
- (4) This clause does not apply in relation to building work, subdivision work or demolition work that is carried out inside an existing building that does not affect the external walls of the building.
- (5) This clause does not apply in relation to Crown building work that is certified, in accordance with section 109R of the Act, to comply with the technical provisions of the State's building laws.
- (6) This clause applies to a development consent granted before 1 July 2004 only if the building work, subdivision work or demolition work involved had not been commenced by that date.

Note. Principal certifying authorities and principal contractors must also ensure that signs required by this clause are erected and maintained (see clause 227A which currently imposes a maximum penalty of \$1,100).

Clause 98B Notification of Home Building Act 1989 requirements

- (1) For the purposes of Section 4.17 (11) of the Act, the requirements of this clause are prescribed as conditions of a development consent for development that involves any residential building work within the meaning of the Home Building Act 1989.
- (2) Residential building work within the meaning of the Home Building Act 1989 must not be carried out unless the principal certifying authority for the development to which the work relates (not being the council) has given the council written notice of the following information:
 - (a) the case of work for which a principal contractor is required to be appointed:
 - (i) the name and licence number of the principal contractor, and
 - (ii) the name of the insurer by which the work is insured under Part 6 of that Act,
 - (b) in the case of work to be done by an owner-builder:
 - (i) the name of the owner-builder, and
 - (ii) if the owner-builder is required to hold an owner-builder permit under that Act, the number of the owner-builder permit.
- (3) If arrangements for doing the residential building work are changed while the work is in progress so that the information notified under subclause (2) becomes out of date, further work must not be carried out unless the principal certifying authority for the development to which the work relates (not being the council) has given the council written notice of the updated information.

- (4) This clause does not apply in relation to Crown building work that is certified, in accordance with Section 6.28 of the Act, to comply with the technical provisions of the State's building laws.

Clause 98E Condition relating to shoring and adequacy of adjoining property

- (1) For the purposes of Section 4.17 (11) of the Act, it is a prescribed condition of development consent that if the development involves an excavation that extends below the level of the base of the footings of a building on adjoining land, the person having the benefit of the development consent must, at the person's own expense:
- (a) protect and support the adjoining premises from possible damage from the excavation, and
 - (b) where necessary, underpin the adjoining premises to prevent any such damage.
- (2) The condition referred to in subclause (1) does not apply if the person having the benefit of the development consent owns the adjoining land or the owner of the adjoining land has given consent in writing to that condition not applying.

Please be advised if this consent is for an entertainment venue, then there are further prescribed conditions that apply under clauses 98C and 98D of the Environmental Planning and Assessment Regulation.

NOTES

1. The cutting down, lopping, injury and destruction of trees is regulated by Sutherland Shire Local Environmental Plan 2015 and Sutherland Shire Development Control Plan 2015. A person who contravenes, causes or permits the controls in relation to trees to be contravened is guilty of an offence. Trees designated to be removed on the approved plans under this consent may be removed unless specified otherwise in the conditions in this consent. All other trees on the site covered by Council's controls referred to above must be retained.
2. Division 8.2 of the Environmental Planning and Assessment Act confers on an applicant who is dissatisfied with the determination of the application the right to lodge an application with Council for a review of such determination. Any such review must however be completed within 6 months from this determination. Should a review be contemplated sufficient time should be allowed for Council to undertake public notification and other processes involved in the review of the determination.

Note: Review provisions do not apply to Complying Development, Designated Development, State Significant Development Integrated Development or any applications determined by the Sydney South Planning Panel or the Land and Environment Court.

3. Part 8 (Appeals and Related Matters) of the Environmental Planning and Assessment Act 1979 confers on an applicant who is dissatisfied with the determination of the application a right of appeal to the Land and Environment Court of New South Wales.
4. This consent will lapse unless the development is physically commenced within 5 years from the Date of Operation of this consent (ie, the date on which the Deferred Commencement condition is deemed to have been satisfied by Council), in accordance with Section 4.53 of the Environmental Planning and Assessment Act 1979 as amended.