

CONDITIONS OF CONSENT

1. Approved Plans and Documents (UNI2005)

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

Plan number	Reference	Prepared by	Date
Floor Plan Rev 5	DWG-011	Pedavoli Architects	26/5/23
Site Plan Rev 5	DWG-001	Pedavoli Architects	26/5/23
Roof Plan Rev 4	DWG-021	Pedavoli Architects	26/5/23
Elevations Rev 2	DWG-101	Pedavoli Architects	16/12/22
Site Sections Rev 2	DWG-201	Pedavoli Architects	16/12/22
Material Board & 3D View Rev 2	DWG-301	Pedavoli Architects	26/5/23
Landscape Master Plan Rev D	DWG-01	Taylor Brammer	19/06/23
Landscape Concept Plan Rev D	DWG 02	Taylor Brammer	19/06/23
Landscape Concept Section Rev D	DWG 03	Taylor Brammer	19/06/23
Civil Design - Notes and Legends Rev 3	C01	Greenview Consulting	16/12/22
Ground Floor Drainage Plan Rev 4	C02	Greenview Consulting	16/12/22
Site Stormwater Details Sheet 1 Rev 3	C03	Greenview Consulting	16/12/22
Site Stormwater Details Sheet 2 Rev 3	C04	Greenview Consulting	16/12/22
OSD Catchment Plan Rev 2	C05	Greenview Consulting	16/12/22
Hydraulic Designs Notes & legends Rev 2	H01	Greenview Consulting	22/12/22
Ground Floor Pressure Layout Rev 2	H02	Greenview Consulting	22/12/22
Vegetation Management Plan Rev 03	Not Stated	Anderson Environment and Planning	13/03/22
Aboricultural Impact Assessment	JNC03614V2	Andrew Clark	16/12/22
Environmental Site Management Notes and Legends Rev 2	ESM 12	Greenview Consulting	16/12/22

Environmental Site Management Plan Rev 2	ESM22	Greenview Consulting	16/12/22
Waste Management Plan Ver 1	Not stated	MRA Consulting Group	28/04/22
Rail and Noise Vibration Assessment Rev A	7463-1.2R	Day Design Pty Ltd	18/05/22
Bushfire Assessment Report	Ref 220956	Building Code & Bushfire Hazard Solution Pty Ltd	13/05/22
Aboriginal Objects Due Diligence Assessment	Not stated	Niche Environment and Heritage	30/05/22

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

2. Building Code of Australia Certification (UNI9001)

A. Before Commencement of Works

Crown Building work cannot be commenced unless the Crown building work is certified by or on behalf of the Crown to comply with the Building Code of Australia.

3. Vegetation Management Plan (UNI9002)

A. Before Commencement of any works on the site

The following actions must be completed to the satisfaction of Sutherland Shire Council, Greenweb Officer and/or Environmental Assessment Officer (Environmental Science), prior to commencement of the works:

- (i) Protective construction fencing of 1.8m interlocking chain wire fence, supported by robust poles, must be installed to delineate the Vegetation Management Zone identified in Figure 3 - VMP Lands of the Vegetation Management Plan - 1B Pitt Street, Loftus, NSW Dated 13/03/2023 Revision 03.
- (ii) Obvious signage must be erected at regular intervals along the protective fence line to clearly delineate the area subject to the Vegetation Management Plan. The signage must be as per Appendix B - VMP Lands Signage of the Vegetation Management Plan - 1B Pitt Street, Loftus, NSW Dated 13/03/2023 Revision 03.
- (iii) Appropriate soil erosion and sediment control measures must be installed in accordance with, but not limited to, section 3.1 Site Preparation of the Vegetation Management Plan - 1B Pitt Street, Loftus, NSW Dated 13/03/2023 Revision 03.

B. During Works

The Supervising Ecologist must supervise all aspects of vegetation management works and ensure compliance with the following plan throughout the course of the development: Vegetation Management Plan - 1B Pitt Street, Loftus, NSW Dated 13/03/2023 Revision 03.

C. Before Occupation

The following actions must be completed to the satisfaction of Sutherland Shire Council, Greenweb Officer and/or Environmental Assessment Officer (Environmental Science), prior

to the commencement of the use:

- (i) **Implementation of Vegetation Management Measures**
Implementation of the following vegetation management measures must be completed in accordance with the requirements of the Vegetation Management Plan, under the supervision of the Supervising Ecologist:
 - Baseline surveys by Supervising Ecologist.
 - Primary weed control measures in both management zones.
 - Revegetation for both management zones i.e. mulching, planting and irrigation.
- (ii) **Reporting of Vegetation Management Measures**
On completion of the vegetation management measures required by C(i), a report outlining the progress of works must be submitted to the satisfaction of Sutherland Shire Council, Greenweb Officer and/or Environmental Assessment Officer (Environmental Science); within 1 month of the completion of required work.
- (iii) **Inspection of Vegetation Management Measures**
Following the reporting of the vegetation management works as required by “(ii)” above; the completed works must be reviewed and inspected as a requirement of the Final Vegetation Management Inspection process. A Final Vegetation Management Certificate must be issued by Council’s Greenweb or Environmental Assessment Officer to ensure that the vegetation management measures required by “(i)” above have been completed in accordance with the approved plans. This requirement must be satisfied prior to the commencement of the use.

To arrange a Final Vegetation Management 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 re-inspection fee.

Note: The Vegetation Management Inspection and Certificate is a component of Council’s Final Landscape Inspection process.

D. Ongoing

The ongoing monitoring, management and reporting measures required by the plan; Vegetation Management Plan - 1B Pitt Street, Loftus, NSW Dated 13/03/2023 Revision 03, must be undertaken under the supervision of the Supervising Ecologist.

Copies of progress reports required by the Vegetation Management Plan must be submitted annually, as the minimum, to the satisfaction of Sutherland Shire Council, Greenweb Officer and/or Environmental Assessment Officer (Environmental Science).

4. Sydney Trains (UNI9003)

A. Before commencement of the works

- i. The proposed development is to comply with the deemed-to-satisfy provisions in the Department of Planning's document titled "Development Near Rail Corridors and Busy Roads- Interim Guideline".
- ii. Prior to the commencement of works the Applicant must submit to Sydney Trains a plan showing all craneage and other aerial operations for the development and must comply with all Sydney Trains' requirements. If required by Sydney Trains, the Applicant must amend the plan showing all craneage and other aerial operations to comply with all Sydney Trains' requirements. No work is to be commenced until written confirmation has been received from the Sydney Trains confirming that this condition has been satisfied.
- iii. Prior to the commencement of any works appropriate fencing must be in place along the rail corridor to prevent unauthorised access to the rail corridor during construction works. Details of the type of fencing and the method of erection are to be to the satisfaction of Sydney Trains prior to the fencing work being undertaken.
- iv. No work is permitted within the rail corridor or any easements which benefit Sydney Trains/TAHE (Transport Asset Holding Entity), at any time, unless the prior approval of, or an Agreement with, Sydney Trains/TAHE (Transport Asset Holding Entity) has been obtained by the Applicant. No work is to be commenced until written confirmation has been received from Sydney Trains confirming that this condition has been satisfied.

B. During construction

- i. During all stages of the development the Applicant must take extreme care to prevent any form of pollution entering the rail corridor. Any form of pollution that arises as a consequence of the development activities shall remain the full responsibility of the Applicant.
- ii. Excess soil is not allowed to enter, be spread, or stockpiled within the rail corridor (and its easements) and must be adequately managed/disposed of.
- iii. Without in any way limiting the operation of any other condition of this consent, the Applicant must, during demolition, excavation and construction works, consult in good faith with Sydney Trains in relation to the carrying out of the development works and must respond or provide documentation as soon as practicable to any queries raised by Sydney Trains in relation to the works.

C. Before commencement of the use

- i. Prior to the commencement of the use the Applicant is to provide structural details that the concrete slab or footings will be protected by a vapour barrier membrane. A copy of this detail is to be provided to the Crown Certifier.
- ii. The development shall have appropriate fencing fit for the future usage of the development site to prevent unauthorised access to the rail corridor by future occupants of the development. Prior to the commencement of the use the Applicant shall liaise with Sydney Trains regarding the adequacy of any existing fencing along

the rail corridor boundary or design and construction of new fencing. Details of the type of new fencing to be installed and the method of erection are to be to the satisfaction of Sydney Trains prior to the fencing work being undertaken.

- iii. Copies of any certificates, drawings, approvals/certification, or documents endorsed by, given to, or issued by Sydney Trains or TAHE (Transport Asset Holding Entity) must be submitted to Council for its records prior to the commencement of the use.

D. Ongoing

- i. The Applicant must ensure that all drainage from the development is adequately disposed of and managed and not allowed to be discharged into the rail corridor unless prior written approval has been obtained from Sydney Trains.
- ii. The Applicant must ensure that at all times they have a representative (which has been notified to Sydney Trains in writing), who:
 - oversees the carrying out of the Applicant's obligations under the conditions of this consent and in accordance with correspondence issued by Sydney Trains;
 - acts as the authorised representative of the Applicant; and
 - is available (or has a delegate notified in writing to Sydney Trains that is available) on a 7 day a week basis to liaise with the representative of Sydney Trains, as notified to the Applicant.
- iii. Where a condition of consent requires consultation with Sydney Trains, the Applicant shall forward all requests and/or documentation to the relevant Sydney Trains External Interface Management team. In this instance the relevant interface team is Illawarra Interface, and they can be contacted via email on Illawarra_Interface@transport.nsw.gov.au.

5. Connection with Country (UNI9004)

A. Before commencement of works

Design verification must be provided by an appropriately qualified person stating that the planning and design of the development has been informed by the processes and principles outlined in the 'Draft Connecting with Country' document prepared by the NSW Government Architect. This verification must be provided to Council prior to the commencement of works

6. Public Place Environmental, Damage & Performance Security Bond (FIN1015)

A. Before commencement of any works on site

Prior to 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 \$2,200

Note: Bond amount includes a non-refundable administration fee, specified in Council's Schedule of Fees and Charges, which must be paid separately if security is provided by way of a deposit with Council or a bank guarantee.

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

A Bank Guarantee may only be used where the minimum bond amount is \$50,000.

The Bank Guarantee must also:

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

B. After Occupation

A request for release of 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.

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

A. Before Construction

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

- Frontage works including construction of a driveway, footpath, etc.
- Road openings and restoration to provide services to the development.

- Work Zones and hoardings.
- Skip bins.
- Shoring / anchoring.
- Standing of cranes, concrete pumps, etc.

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

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

B. During Works

There must be no occupation or works on public land (including a road or footpath) or access provided over a public reserve adjacent to the development site without approval being obtained from Sutherland Shire Council. Any work on public land must be undertaken strictly in accordance with the relevant approval issued under the Roads Act 1993 and/or the Local Government Act 1993 by Sutherland Shire Council.

Note:

- Motorised access through the adjacent public reserve for development purposes is prohibited.
- No building materials are to be stored in the adjacent public reserve.
- Vehicles and equipment are not to be stored in the adjacent public reserve.

8. Site Management (ENG2020)

A. Before Commencement of Works including Demolition

Appropriate environmental site management measures must be in place and incorporate the following throughout demolition and construction:

- Safe access to and from the site during construction and demolition.
- Safety and security of the site, road and footpath area including details of proposed fencing, hoarding and lighting.
- Method of loading and unloading excavation machines, building materials.
- How and where, construction materials, excavated and waste materials will be stored.
- Methods to prevent material being tracked off the site onto surrounding roadways.
- Erosion, sediment and dust control measures.
- 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 must remain in place and be maintained throughout the period of works and until the site has been stabilised and

landscaped.

9. Supervising Engineer (ENG4005)

A. Before Construction

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

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

The Crown Certifier 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 Use

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.

10. Internal Driveway, Parking and Manoeuvring (ENG4015)

A. Design

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

- i) The ingress and egress crossing must be clearly identified by signage.
- ii) The car park must be line marked to accommodate 11 vehicles.
- iii) The internal driveway must be concreted and must be finished in materials other than plain or exposed aggregate concrete.
- iv) Provide adequate sight distance for the safety of pedestrians using the footpath area.
- v) Comply with AS2890.1(2004) user class 1A, in relation to the design of vehicular access, parking and general manoeuvring for the B85 vehicle.
- vi) The maximum longitudinal grade of the driveway must not exceed 12.5%.

B. Before Use

Prior to the commencement of the use, 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 Crown Certifier and a copy also provided to Council.

C. On-going

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

11. Stormwater Drainage (ENG5015)

A. Design

The stormwater drainage system must be designed in accordance with the approved stormwater drainage design drawing; Australian Standard AS3500.3:2015; Sutherland Shire Environmental Specification - Stormwater Management.

B. Before Use

Prior to the commencement of the use:

- i) A Works-As-Executed drawing (WAED) of the stormwater drainage system must be prepared by a Registered Surveyor. This drawing must detail the alignment of pipelines, pits, the rainwater tanks and the detention facilities. An original or a colour copy must be submitted to Sutherland Shire Council.
- ii) The supervising engineer must certify the WAED of the stormwater drainage system that the stormwater drainage works, rainwater harvesting facility and rainwater reuse systems were constructed to their satisfaction and in accordance with the Development Consent, and Public Domain Technical Manual. Prior to the commencement of the use of the building the Applicant / Owner must submit to Council a copy of the aforementioned letter of certification.

D. Ongoing

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

Note 1: Upon submission of the Works-As-Executed drawing for the stormwater drainage system a notation will be added to the Section 10.7 certificate advising future owners that their property is burdened by a stormwater detention facility.

Note 2: Upon submission of the Certified Works-As-Executed drawing for the stormwater drainage system a notation will be added to the Section 10.7 certificate advising future owners that their property is burdened by a stormwater treatment device that must be maintained, serviced and cleaned.

12. Stormwater Treatment (ENG5025)

A. Before Construction

Appropriate stormwater treatment measures, selected and designed in accordance with Engineers Australia (2006) Australian Runoff Quality - A guide to Water Sensitive Urban Design, Argue J R (2013) WSUD: Basic Procedures for 'Source Control' of Stormwater - A Handbook for Australian practice, or other relevant industry design guidelines, must be provided as part of the permanent site stormwater quality management system. Details of the design, construction and maintenance must be provided before commencement of the works.

B. Before Commencement of Use

The work required by A. above must be completed to the satisfaction of the supervising engineer before commencement of the use.

C. Ongoing

The stormwater treatment measure must be maintained in accordance with the manufacturers' or designer's specification for the life of the development.

Note: Upon approval of the stormwater management designs a notation will be added to the Section 10.7 certificate in relation to any required stormwater treatment device.

13. Landscaping Works (ENV2005)

A. Design

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

- i. The swale shall be planted with native grasses and sedges at a rate of 4pm² tolerant of withstanding temporary inundation.
- ii. Clearly show on plan existing trees to be removed /retained including tree numbering in accordance with the arborist report OR provide a separate existing tree plan and schedule.
- iii. 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.
- iv. All landscape retaining walls and planter boxes must be constructed in masonry, stone or gabions. Timber is not acceptable.
- v. All landscaped areas and all planter boxes on slab must be provided with a water-efficient irrigation system and taps at 25m centres, connected to a pump and the rainwater tank, to enable effective landscape maintenance.
- vi. To reduce long term maintenance of planting beds turf species must be native grass such as *Zoysia macrantha* 'Nara' or Buffalo grass varieties.
- vii. As the subject site is identified as being within a Greenweb Core area, all new plantings must be indigenous species selected from Council's 'Native Plant Selector' available on Council's website (www.sutherlandshire.nsw.gov.au) and

search for Native Plant Selector).

The applicant must engage a suitably qualified Landscape Designer or Landscape Architect to oversee any design changes to the approved Landscape Plan and amendments required above.

Notes:

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

If demolition works are to occur prior to the construction, tree protection measures must be installed prior to commencement of demolition.

B. Before Commencement of Use

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

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

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

C. Ongoing

All landscaping works required by 'A' above must be maintained for 12 months following the final landscape inspection date. Trees required by this condition must be maintained and protected until they are covered by Council's Controls for Preservation of Trees and Bushland Vegetation (SSCDP 2015 Chapter 39).

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, Gympie
Ph: 02 9524 5672

14. Trees on Private Land (ENV2031)

A. Tree Removal

The removal of the following trees is approved:

- i) The (12) twelve trees identified in the approved Arborist Report as “existing tree to be removed”.
- ii) Trees growing within the 3 metres of the building footprint of the approved structures.
- iii) Any declared noxious plant. The applicant is to ensure that all noxious plants are properly identified and controlled/removed.
- iv) 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.

B. Design

- i) **12** trees are approved for removal as part of this consent. Where trees are proposed to be removed Sutherland Shire Council requires indigenous replacement canopy tree planting at a ratio of 8:1 on private land (dual occ / medium / high density) (Council Resolution EHR003-17 of 18 July 2016).
- ii) **96** replacement trees are required to be planted.
- iii) Replacement planting shall be undertaken in accordance with the landscape plan.

An amended Landscape Plan/Tree Location Plan showing the location of all replacement trees on the site and/or in the street must be provided prior to the commencement of the use.

Note: For the **96** replacement trees required by “B ii)” (less the requirements of “B iii)” above), Council offers offsite planting under a ‘Deed of Agreement’ as an alternative to on site planting, at a cost specified in Council’s Schedule of Fees and Charges. Offsite planting will be undertaken as part of Council’s Green Street Program. ‘Deed of Agreement’ forms can be downloaded from Council’s website at <https://www.sutherlandshire.nsw.gov.au/plan-and-build/development-applications/what-happens-after-i-get-consent/off-site-tree-replacement-and-deed-of-agreement>

A completed form and payment must be submitted to Council prior to the commencement of the use.

C. Prior to Occupation

The replacement tree planting must be completed in accordance with the approved Landscape Plan/Tree Location Plan.

D. Ongoing

Trees required by this condition must be maintained and protected until they are covered by Council’s Controls for Preservation of Trees and Bushland Vegetation

(SSCDCP 2015 Chapter 39). Any replacement trees found damaged, dying or dead must be replaced with the same species in the same container size within one month with all costs to be borne by the owner.

15. Tree Retention and Protection (ENV2042)

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

A. Prior to Commencement of Works

Prior to the commencement of any demolition, excavation or construction works on site, the following tree protection measures must be put in place and maintained during the course of construction to prevent damage to trees.

- i) Protective fencing constructed of 1.8m high chain wire mesh supported by robust posts must be installed at the distance required by Australian Standards AS4970- Protection of Trees on Development Sites. Signage must be erected on the fence with the following words clearly displayed "TREE PROTECTION ZONE, DO NOT ENTER".
- ii) The tree protection zone within the protective fencing must be mulched with a maximum depth 75mm of suitable organic mulch (woodchips or composted leaf chip mulch) and kept regularly watered for the duration of the works subject to this consent.
- iii) No development or associated activity is permitted within the fenced tree protection zone for the duration of works subject to this consent. This includes vehicular or pedestrian access, sheds, washout areas, excavations, backfilling, installation of services (including stormwater), removal of top soil, stockpiling of soil or building materials.
- iv) Where site access/egress is required over the roots of trees identified for retention and protection, provide hardwood rumble boards over a 200mm thick layer of wood chip.

B. During Construction

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

construction then works must cease and Council's Tree Assessment Officer (ph. 9710 0333) must be contacted to assess the tree/s and recommend action to be taken.

16. Protection for a Potential Item of Aboriginal Heritage (ENV4050)

A. During Construction

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

Should any Aboriginal objects be unearthed/exposed during the project, works must temporarily cease within the immediate vicinity and Heritage NSW 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)).

17. Waste Management

- i. All ongoing management, maintenance and cleaning of all waste and recycling management facilities, including suitable collection arrangements are the responsibility of the Building Manager/Caretaker and in accordance with the approved Waste Management Plan for the development.
- ii. Waste collection is to occur wholly within the site

18. Bushfire Management (FIRE1015)

1. Asset Protection Zones

That all grounds not built upon and already managed within the subject site continue to be maintained as an Inner Protection Area as detailed in the NSW Rural Fire Service's document 'Standards for Asset Protection Zones' and Appendix 4 of Planning for Bush Fire Protection 2019.

2. Emergency Management

That the bushfire emergency / evacuation plan is updated consistent with the NSW Rural Fire Service Guidelines for the *Preparation of Emergency / Evacuation Plan*.

3. Landscaping

That any new landscaping is to comply with Appendix 4 'Landscaping and Property Maintenance' under Planning for Bush Fire Protection 2019.

4. Gas

Location and design of gas services will not lead to ignition of surrounding bushland or the fabric of buildings.

- reticulated or bottled gas is installed and maintained in accordance with AS/NZS 1596:2014 and the requirements of relevant authorities,
- and metal piping used
- all fixed gas cylinders are kept clear of all flammable materials to a distance of 10m and shielded on the hazard side;
- connections to and from gas cylinders are metal
- polymer-sheathed flexible gas supply lines are not used; and
- above-ground gas service pipes are metal, including and up to any outlets.

19. External Lighting - (Amenity) (HLT3025)

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

A. Design

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

B. Ongoing

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

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

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

A. Design

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

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

C. Ongoing

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

21. Rail Noise Design Criteria (HLT4040)

To minimise the impact of noise and vibration from the adjoining rail corridor on the occupants of the development, the building must be designed to meet the internal noise and vibration level criteria provided in:

- i) State Environmental Planning Policy (Transport and Infrastructure) 2021; and,
- ii) Development near Rail Corridors and Busy Roads - Interim Guideline' produced by the NSW Department of Planning.

22. Noise from Road and / or Rail (HLT4050)

To minimise the impact of noise from the adjoining major road and / or rail corridor on the occupants:

A. Design

The building design must be in accordance with the recommendations of the acoustic report by Day Design Pty Ltd dated 18th May 2022 approved as part of this application.

B. Before Commencement of the Use

Before commencement of the use, certification demonstrating compliance with the requirements of the acoustic report detailed in "A" above must be provided to the Crown Certifier. This must include all post construction validation test results.

23. Building Ventilation (HLT5005)

To ensure adequate ventilation for the building:

A. Design

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

- i) The Building Code of Australia;
- ii) AS 1668.1 2015;
- iii) AS 1668.2 2012;

B. Before Commencement of Use

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

D. Ongoing

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

24. Sydney Water Requirements (ORD4045)

A. Before Commencement of Works

Prior to the commencement of any works on site, including demolition or excavation, the plans must also be approved by Sydney Water.

Sydney Water will 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 obtained before commencement of the use.

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

25. Dial Before You Dig (ORD4050)

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.

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

A. General

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

B. Before Excavation

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

C. During Works

To minimise the noise impact on the surrounding environment, all building and demolition work must be carried out only between the hours of 7.00am and 6.00pm Monday to Friday inclusive, 8.00am and 3.00pm Saturdays. No work is permitted on Sundays and Public Holidays.

27. Toilet Facilities (ORD5010)

A. During Works

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

Each toilet must:

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

28. Car parking Areas (ORD7015)

A. Ongoing

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

- i) it must be made available on an unrestricted basis and free of charge at all times for employees' and visitors' vehicles

PRESCRIBED CONDITIONS

The prescribed conditions in accordance with Part 4, Division 2 of the *Environmental Planning and Assessment Regulation 2021* apply:

- Clause 69 Compliance with Building Code of Australia and insurance requirements under Home Building Act 1989
- Clause 74 Shoring and adequacy of adjoining property

Refer to the NSW Legislation website for the full text of the above clauses under the *Environmental Planning and Assessment Regulation 2021*. The website can be accessed at: <https://legislation.nsw.gov.au>

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) Part 4 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, in accordance with Section 4.53 of the Environmental Planning and Assessment Act 1979 as amended.

DECISION

Pursuant to the provisions of Section 80(1)(a) of the Environmental Planning and Assessment Act 1979, Development Application No DA22/0643 is determined by the granting of approval subject to the conditions outlined in the Development Assessment Report attached to Council's file.

Signed:
(Delegated Officer)

Date: 12 July 2023

DRAFT