

Terms and Reasons for Conditions

Under section 88(1)(c) of the EP&A Regulation, the consent authority must provide the terms of all conditions and reasons for imposing the conditions other than the conditions prescribed under section 4.17(11) of the EP&A Act. The terms of the conditions and reasons are set out below.

DEFERRED COMMENCEMENT CONDITIONS

SCHEDULE 1 - DEFERRED COMMENCEMENT CONDITIONS (CONDITIONS TO BE SATISFIED PRIOR TO CONSENT OPERATING)

The following deferred commencement conditions must be satisfied prior to the consent becoming operative:

The consent is not to operate until the following conditions are satisfied, within **24 months** of the date of this determination:

(A) DESIGN MODIFICATION

The design is to be amended to remove 113 parking spaces in order to improve existing tree retention and associated landscaping on site. Changes required to the design include:

- (a) Amending the footprint of Building 8 to retain the existing mature trees along the southern and south-western edges of the building;
- (b) Removal of 13 parking spaces and the shared space adjacent Building 8 and relocation of this building to the north so that existing mature trees to the south of Building 8 can be retained. Arborist advice will be required alongside the amendments and is to detail measures to ensure that these trees are able to be retained. The Arborist is to advise on the ability to retain trees 46 and 47, noting that these two trees may be difficult to retain even with an amended design.
- (c) Removal of 34 parking spaces and associated vehicle circulation access adjacent the future access point from the roundabout on Captain Cook Drive and internal drop off area to enable the retention of existing trees and landscaping in this area; and
- (d) Removal of 66 parking spaces along the length of captain cook drive frontage adjacent to in front of Buildings 5 and existing Building 1C (Dutton) and 1D (Aquatic Achievers) to enable the retention of existing mature trees and a 6-7m deep soil zone in this area;

The applicant must submit an amended site plan, drawings, landscape plan , arborist report and stormwater design demonstrating consistency with the above requirements for approval by Council's Senior Manager Development Assessment.

The applicant must also submit an amended parking allocation plan demonstrating allocation of parking spaces consistent with the approved uses on site, which includes:

- Retention of the existing 12 accessible parking spaces in locations in close proximity to the buildings they are allocated to;
- Indicative allocation of childcare parking and 'drop off' spaces adjacent to proposed location in Building 5 (subject to future detailed fit out DA);
- Retention of the same number of EV parking spaces equally distributed throughout the site; and
- Remaining 10 excess parking spaces are to be evenly distributed across the

site.

Condition reason: Ensuring sufficient retention of existing mature trees and landscaping on site to meet SSLEP2015 and SSDCP2015 requirements.

(B) STORMWATER DESIGN

The stormwater trunk drainage system must be designed in accordance with Australian Standard AS 3500.3:2015; the BASIX Certificate issued for this development; Sutherland Shire Environmental Specification - Stormwater Management 2009 and Chapter 38 in the SSDCP 2015.

Except where modified by the following:

- (a) A detailed drainage design supported by drainage calculations must demonstrate the management of stormwater flow / discharge for all events up to the 100 ARI storm event. This must include roof gutters / downpipes and in-ground drainage lines and the on-site detention system.
- (b) A detailed drainage design supported by a catchment area plan and drainage calculations (including a Hydraulic Grade Line Analysis).
- (c) A layout of the drainage system showing existing and proposed pipe sizes, type, class, grades, lengths, invert levels, finished surface levels and location of all pipes with levels reduced to Australian Height Datum. Impacts on existing trees to be retained must be indicated on the plan where the design may impact on their SRZ.
- (d) A longitudinal section of any proposed pipes within the road reserve or Council land including existing natural surface levels, design surface levels, design invert levels of the proposed pipeline and the location, size and reduced level of all services to AHD where those services cross the proposed drainage line.
- (e) A drainage depression must be provided for the full width and length of the drainage easement to facilitate any required / the overland flow of stormwater. The overland flow route must be designed to have the capacity to carry the difference between the 1% AEP flow and the flow in the pipeline within the easement.
- (f) The rate of discharge and velocity of stormwater from the site across the Northern Boundary must be controlled so that it does not exceed the pre-development conditions for all storm events. Any required on-site detention facility must be designed to cater for all storm events up to the 1% AEP event.
- (g) Stormwater treatment measures must be designed in accordance with the Water by Design Music Modelling Guidelines 2018

Condition reason: Ensuring suitable drainage is provided.

(C) REGISTRATION OF EASEMENT WITH NSW LAND AND PROPERTY INFORMATION

The required drainage easement to drain water burdening Lot 4 DP 714965 (477 Captain Cook Drive) must be registered with NSW Land and Property Information. This is to enable connection to Council's drainage channel and in accordance with Council's Drainage Easements Policy February 2025.

Condition reason: To legally traverse Council land and discharge stormwater from the site.

(D) VOLUNTARY PLANNING AGREEMENT

- (a) The Voluntary Planning Agreement between the Sutherland Shire Council, and Perpetual Corporate Trust Limited (as custodian for Aliro Trusco 1 Pty Ltd), based on letter of offer dated 21 March 2025 and endorsed by Council on 28 April 2025 has been exhibited and executed; and,
- (b) The Voluntary Planning Agreement, as executed, must be registered on the title of the land(s).

Reason: To require the execution and registration of the voluntary planning agreement.

(1) Evidence that will sufficiently enable Council to be satisfied as to those matters identified in deferred commencement conditions, as indicated above, must be submitted to Council within 24 months of the date of determination of this deferred commencement consent failing which, this deferred development consent will lapse pursuant to section 4.53(6) of the Environmental Planning and Assessment Act 1979.

(2) The consent will not operate until such time that the Council notifies the Applicant in writing that deferred commencement consent conditions, as indicated above, have been satisfied.

(3) Upon Council giving written notification to the Applicant that the deferred commencement conditions have been satisfied, the consent will become operative from the date of that written notification, subject to the conditions of consent, as detailed in Part B Conditions of Consent (Once the Consent is Operation).

GENERAL CONDITIONS

1. Approved plans and supporting documentation

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

Approved plans

Plan number	Revision number	Plan title	Drawn by	Date of plans
004	B	Demolition Plan	Watson Young	18.10.24
005	E	Estate Master Plan	Watson Young	12.02.25
006	C	Access Master Plan	Watson Young	12.02.25
007	C	Wayfinding and Signage	Watson Young	12.02.25
010	B	Overall Master Sections	Watson Young	18.10.24
020	C	Overall Master Elevations	Watson Young	12.02.25
030	A	External Finishes	Watson Young	22.09.23
SK03	P1	Building 3 Detail View	Watson Young	31.05.24
SK04	A	Building 4 Detail View	Watson Young	31.05.24
200	C	Building 2 Site Plan	Watson Young	12.02.25
300	C	Building 3 Site Plan	Watson Young	12.02.25
301	B	Building 3 Mezzanine Floor Plan	Watson Young	18.10.24
302	A	Caringbah Building 3 Roof Plan	Watson Young	02.10.23
303	B	Building 3 Typical Unit Layout	Watson Young	12.02.25
310	C	Caringbah Building 3 Sections	Watson Young	12.02.25
320	C	Caringbah Building 3 Elevations	Watson Young	12.02.25

Plan number	Revision number	Plan title	Drawn by	Date of plans
350	C	Building 3 Area Plan (GFA)	Watson Young	12.02.25
400	C	Building 4 Site Plan	Watson Young	12.02.25
401	B	Building 4 First Floor	Watson Young	18.10.24
402	C	Ground Floor Mezzanine	Watson Young	12.02.25
403	B	First Floor Mezzanine	Watson Young	18.10.24
404	B	Building 4 Roof Plan	Watson Young	18.10.24
410	B	Building 4 Sections	Watson Young	18.10.24
411	B	Building 4 Sections / Elevations	Watson Young	18.10.24
420	B	Building 4 Elevations	Watson Young	18.10.24
421	B	Building 4 Elevations	Watson Young	18.10.24
450	B	Building 4 Area Plan (GFA)	Watson Young	18.10.24
500	C	Building 5C Site Plan	Watson Young	11.02.25
501	A	Building 5C Roof Plan	Watson Young	28.09.23
502	A	Building 5C Office Plans Block 1	Watson Young	04.10.23
503	A	Building 5C Office Plans Block 1	Watson Young	04.10.23
504	B	Building 5C Office Plans Block 2	Watson Young	18.10.24
505	C	Building 5C Commercial Ground Floor	Watson Young	17.10.24
506	B	Building 5C Commercial First Floor	Watson Young	17.10.24
510	A	Building 5C Sections Block 1	Watson Young	28.09.24
511	A	Building 5C	Watson Young	28.09.24

Plan number	Revision number	Plan title	Drawn by	Date of plans
		Sections Block 2		
515	B	Building 5C Section Commercial	Watson Young	04.10.24
520	A	Building 5C Elevations Block 1	Watson Young	28.09.23
521	B	Building 5C Elevations Block 2	Watson Young	18.10.24
522	C	Building 5C Elevations Commercial	Watson Young	17.10.24
550	A	Building 5 Area Plan (GFA)	Watson Young	28.09.23
552	C	Building 5C Area Plan Commercial (GFA)	Watson Young	04.10.24
600	C	Buildings 6, 7 & 8 Site Plan	Watson Young	12.02.25
601	B	Buildings 6,7 & 8 Mezzanine Floor Plan	Watson Young	18.10.24
602	B	Buildings 6,7 & 8 Roof Plan	Watson Young	18.10.24
603	A	Buildings 3, 6, 7 & 8 Typical Unit Layout	Watson Young	28.09.23
610	B	Buildings 6,7 & 8 Sections	Watson Young	18.10.24
620	B	Buildings 7 and 7 Elevations	Watson Young	18.10.24
621	A	Building 8 Elevations	Watson Young	28.09.24
650	B	Buildings 6, 7, & 8 Area Plans (GFA)	Watson Young	18.10.24
DA1501	C	Master Plan Construction Management Plan Sheet 1	Sparks and Partners	10.02.25
DA1502	C	Master Plan Construction Management Plan Sheet 1	Sparks and Partners	10.02.25
DA1503	C	Master Plan Construction	Sparks and Partners	10.02.25

Plan number	Revision number	Plan title	Drawn by	Date of plans
		Management Plan Sheet 3		
DA2101	C	Master Plan Concept Sediment and Control Plan Sheet 1	Sparks and Partners	10.02.25
DA2102	C	Master Plan Concept Sediment and Control Plan Sheet 2	Sparks and Partners	10.02.25
DA2103	C	Master Plan Concept Sediment and Control Plan Sheet 3	Sparks and Partners	10.02.25
DA3101	C	Master Plan Concept Bulk Earthworks Cut and Fill Plan	Sparks and Partners	10.02.25
DA3501	C	Master Plan Concept Bulk Earthworks Sections Sheet 1	Sparks and Partners	10.02.25
DA3502	C	Master Plan Concept Bulk Earthworks Sections Sheet 2	Sparks and Partners	10.02.25
DA4501	C	Master Plan Concept Sections	Sparks and Partners	10.02.25
38591	1	DA Application Accessibility Design Compliance Statement	DDA Consult	25.09.23
64957/153 701	Rev 2	Masterplan Area Acid Sulfate Soil Management Plan – 13 Endeavour Rd, Caringbah	JBS & G	30.10.24
630.03186 6.000000	2.0	Operational Air Quality Management Plan – Caringbah Child Care Centre	SLR	3.10.24
AIA-P107-	3.0	Arboricultural	Green Tree	30.10.24

Plan number	Revision number	Plan title	Drawn by	Date of plans
V3.0		Impact Assessment	Consultancy	
230188	3.1	BCA Assessment Report	BM+G	14.10.24
	3	Biodiversity Assessment Report	écologique	17.10.24
630.03186 6.00001	1.1	Construction Environmental Management Plan	SLR Consulting Australia	31.10.24
L03	0	Landscape Concept: Zones	Habit8	18.10.24
L08	0	Landscape Illustrative Masterplan	Habit8	18.10.24
L09	0	Landscape Key Plan	Habit8	18.10.24
L10	0	Canopy Cover Plan	Habit8	18.10.24
L11	0	Landscape Concept Plan	Habit8	18.10.24
L12	0	Landscape Concept Plan 02	Habit8	18.10.24
L13	0	Landscape Concept Plan Boulevarde Part 1	Habit8	18.10.24
L14	0	Landscape Concept Plan Boulevarde Part 2	Habit8	18.10.24
L15	0	Landscape Concept Plan Boulevarde Part 3	Habit8	18.10.24
L16	0	Landscape Concept Plan BLDG 4-6 Common Area	Habit8	18.10.24
L17	0	Landscape Concept Plan BLDG 4	Habit8	18.10.24
L18	0	Landscape Concept Plan BLDG 2-3 Common Area	Habit8	18.10.24

Plan number	Revision number	Plan title	Drawn by	Date of plans
L19	0	Landscape Concept Plan BLDG 3-4 Common Area	Habit8	18.10.24
L20	0	Landscape Section A-A	Habit8	18.10.24
L21	0	Landscape Section B-B	Habit8	18.10.24
L22	0	Landscape Section C-C	Habit8	18.10.24
L23	0	Landscape Section D1-D1	Habit8	18.10.24
L24	0	Landscape Section D2-D2	Habit8	18.10.24
L25	0	Landscape Section E-E	Habit8	18.10.24
L26	0	Landscape Section F-F	Habit8	18.10.24
L25	0	Landscape Section F-F	Habit8	18.10.24
L31	0	Proposed Plant Palette 01	Habit8	18.10.24
L32	0	Proposed Plant Palette 02	Habit8	18.10.24
L33	0	Proposed Plant Palette 03	Habit8	18.10.24
L34	0	Proposed Plant Palette 04	Habit8	18.10.24
L35	0	Typical Specification +Maintenance	Habit8	18.10.24
L36	0	Typical Landscape Details	Habit8	18.10.24
2230200		Operational Plan of Management	Ethos Urban	22.10.24
SY074865.000.43.3 Sheet 01 of 02	3	Plan of VPA Area for Dedication of Part Lot 2 DO 714965 as public road.	Land Partners	04.10.24
SY074865.000.43.3 Sheet 02 of 02	3	Plan of VPA Area for Dedication of Part Lot 2 DO 714965 as public road.	Land Partners	29.10.24

Plan number	Revision number	Plan title	Drawn by	Date of plans
-	-	Operational Waste Management Plan	Waste Audit & Consultancy Services (Aust) Pty Ltd	October 2024
23106_C_RPT_Flood Study	B	Flood Management Report	Sparks and Partners	14.10.24
-	4	Vegetation Management Plan	écologique	01.11.24
SKC001.2 2	Rev B	Conceptual Signalised Intersection Arrangement (Option 01)	Northrop	14.11.24

In the event of any inconsistency with the approved plans and a condition of this consent, the condition prevails.

Condition reason: To reinforce the plans and documents that form part of this approval.

2. Clarification of Sequencing

Sequencing of the development must be in accordance with the preliminary staging plan and approved Civil Engineering plans, except where modified by the following and subject to the requirements of conditions of this consent.

- i. Phase 1: Installation of the trunk drainage system connecting to the Council drainage channel via a registered easement. Construction of the main entrance road from Captain Cook Drive
- ii. Phase 2: Bulk earthworks to facilitate buildings and dedication of land to Council.
- iii. Phase 3: Construction of the proposed buildings and associated parking, access, landscaping, services, water quality facilities and on-site stormwater management system. This includes Stage 1A (Building 5, Blocks 1 and 2), Stage 1B (Building 3), Stage 1C (Building 4) and Stage 2 (Buildings 6 and 7) in any order.
- iv. Phase 1 is to occur first, then Phase 2, followed by Phase 3.. The stages within Phase 3 may be the subject of separate Construction Certificates and Occupation Certificates.

3. COMPLIANCE WITH VOLUNTARY PLANNING AGREEMENT

The terms of the planning agreement entered into in accordance with Deferred Commencement Condition D contained in Part A of this consent must be complied with.

Reason

To ensure the Planning Agreement is tied to this consent and fulfilled. To ensure the development complies with all terms of the planning agreement.

4. **Shoring and adequacy of adjoining property**

- a) This section applies to a development consent for development that involves excavation that extends below the level of the base of the footings of a building, structure or work on adjoining land, including a structure or work in a road or rail corridor.
- b) It is a condition of the development consent that the person having the benefit of the development consent must, at the person's own expense-
 - protect and support the building, structure or work on adjoining land from possible damage from the excavation, and
 - if necessary, underpin the building, structure or work on adjoining land to prevent damage from the excavation.
- c) This section does not apply if-
 - the person having the benefit of the development consent owns the adjoining land, or
 - the owner of the adjoining land gives written consent to the condition not applying.

Condition reason: Prescribed condition under section 74 of the Environmental Planning and Assessment Regulation 2021.

5. **Child Care Centre Operation**

This consent does not authorise the fitout, operating hours and/or the number of children associated with the childcare centre use in Building 5. The child care centre operation is to be the subject of a separate development consent.

Condition reason: Detailed fitout of the childcare centre was not provided to adequately demonstrate compliance.

6. **Location of Buildings and Structures**

All buildings and structures, together with any improvements integral to the future use of the site (apart from the works at the intersection of Captain Cook Drive / Endeavour Road), are to be wholly within the freehold property unlimited in height or depth along Captain Cook Drive.

Condition reason: Required by TfNSW.

7. **Compliance with Building Code of Australia**

- a) It is a condition of a development consent for development that involves building work that the work must be carried out in accordance with the requirements of the Building Code of Australia.
- b) In subsection (1), a reference to the Building Code of Australia is a reference to the Building Code of Australia as in force on the day on which the application for the construction certificate was made.
- c) This section does not apply—
- d) to the extent to which an exemption from a provision of the Building Code of Australia or a fire safety standard is in force under the Environmental Planning and Assessment (Development Certification and Fire Safety) Regulation 2021, or
- e) to the erection of a temporary building, other than a temporary structure to which subsection (3) applies.

Condition reason: Prescribed condition under section 69 of the Environmental Planning and Assessment Regulation 2021.

8. Erection of signs

- a) This section applies to a development consent for development involving building work, subdivision work or demolition work.
- b) It is a condition of the development consent that a sign must be erected in a prominent position on a site on which building work, subdivision work or demolition work is being carried out-
 - showing the name, address and telephone number of the principal certifier for the work, and
 - showing the name of the principal contractor, if any, for the building work and a telephone number on which the principal contractor may be contacted outside working hours, and
 - stating that unauthorised entry to the work site is prohibited.
- c) The sign must be-
 - maintained while the building work, subdivision work or demolition work is being carried out, and
 - removed when the work has been completed.
- d) This section does not apply in relation to-
 - building work, subdivision work or demolition work carried out inside an existing building, if the work does not affect the external walls of the building, or
 - Crown building work certified to comply with the Building Code of Australia under the Act, Part 6.

Condition reason: Prescribed condition under section 70 of the Environmental Planning and Assessment Regulation 2021.

BUILDING WORK

BEFORE ISSUE OF A CONSTRUCTION CERTIFICATE

9. Payment of security deposits

Before the issue of the first construction certificate, the applicant must:

- a) Make payment of \$200,000.00 for a security deposit, and a non-refundable \$250.00 administration fee to Sutherland Shire Council. The security deposit may be provided by way of a cash payment or a bank guarantee. A Bank Guarantee may only be used where the minimum bond amount is \$50,000, and
- b) if a principal certifier is required to be appointed for the development - provide the principal certifier with written evidence of the payment and the amount paid.

Condition reason: To ensure any damage to public infrastructure is rectified and public works can be completed.

10. Utilities and services

Before the issue of the first construction certificate, written evidence of the following service provider requirements must be provided to the principal certifier:

1. a letter from an electricity supply authority demonstrating that satisfactory arrangements can be made for the installation and supply of electricity
2. a response from Sydney Water as to whether the plans accompanying the application for a construction certificate would affect any Sydney Water infrastructure, and whether further requirements need to be met
3. other relevant utilities or services - that the development as proposed to be carried out is satisfactory to those other service providers, or if it is not, the changes that are required to make the development satisfactory to them.

Condition reason: To ensure relevant utility and service providers' requirements are provided to the certifier.

11. Registration of easement with NSW Land and Property Information

Before the issue of the first construction certificate the required drainage easement / easement to drain water burdening No.477 Captain Cook Drive must be registered with NSW Land and Property Information.

Condition reason: Ensure the site has legal access/drainage discharge.

12. Approvals required under Roads Act or Local Government Act

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 obtained prior to the issue of a construction certificate, 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: 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.

Condition reason: Ensure the protection of public assets.

13. Design and construction of works in road reserve (council design)

Before the issue of any construction certificate, the proposed development generates a need for the following works to be undertaken by the applicant in the Road Reserve including the future Road Reserve (that is the subject of land dedication) To this end a detailed frontage works application under the Roads Act 1993 must be submitted to Sutherland Shire Council. 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:

- Property alignment/ boundary levels - establish the property alignment/ boundary levels and crossing profiles.
- Carriageway pavement – regrade, reconstruct and resurface as required.
- Grades - regrade footpath verge to final design levels including topsoil, turf and all associated soft landscaping.
- Captain Cook Drive frontage footpaths - install a 1.5m footpath pavement to the west of Gannons Road and install a 2.5m footpath pavement to the east of Gannons Road, connecting to the existing footpath pavement in front of Solander Park.
- Resolution Drive / Endeavour Road intersection eastern side footpaths - install a 2.5m footpath pavement from the development to the existing footpath pavement upon No.477 Captain Cook Drive.
- Infrastructure transitions - ensure there are adequate transitions between newly constructed and existing infrastructure as required.
- Kerb and gutter - adjacent to the required 2.5m footpath pavement construct kerb, gutter and carriageway.
- Utility services - adjust public services infrastructure as required.

Condition reason: Ensure the development provides suitable vehicle and pedestrian access.

14. Supervising engineer

The applicant must engage an accredited certifier in civil engineering works or a chartered civil engineer to supervise construction of any:

- Road frontage works.
- Construction / installation of stormwater drainage.

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

Condition reason: Ensure engineering works are constructed in accordance with the

approved plans.

15. Vehicle Access-ways, parking and manoeuvring

Before issue of the first construction certificate, the internal driveway profile, parking and manoeuvring areas must be designed in accordance with the approved architectural plans and associated approved Traffic Report, except where modified by the following:

- a) All truck "one way" aisles must be clearly identified by signposting and pavement marking.
- b) The ingress and egress crossing must be clearly identified by signage and line marking.
- c) The proposed loading and delivery area must be clearly defined with suitable signposting and pavement markings.
- d) The parking bays must be line marked.
- e) Provide adequate sight distance for the safety of pedestrians using the footpath area.
- f) Comply with AS 2890.1(2004) user class 1A/2/3/3A, where applicable, in relation to the design of vehicular access, parking and general manoeuvring for the B85 vehicle.
- g) Comply with AS2890.2(2018) in relation to the design of vehicular access, parking and general manoeuvring for the SRV,MRV,HRV and AV vehicles, where applicable.
- h) Truck size limited access-ways specified in the approved Traffic Report, must be signed posted/line marked.

Condition reason: Details the driveway and parking design requirements within the property boundaries.

16. Engineering design certification

Certification from an appropriately qualified engineer to the effect that the design requirements of internal driveway, stormwater, stormwater treatment and flooding have been met. A copy of this certification must accompany the first construction certificate application.

Condition reason: Ensure the engineering design complies with Australian Standards and councils DCP.

17. Design of waste collection (on site collection)

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

- a) The maximum long and cross section grade of the designated loading area and temporary bin holding area must be $\pm 5\%$.
- b) Clear and direct access must be provided from the bin holding areas to the loading area.
- c) The permanent communal garbage and/or recycling storage area must have a smooth impervious floor that is graded to a floor waste. A tap and hose must be provided to facilitate regular cleaning of the bins, and all wastewater 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.
- d) A suitable qualified civil engineer must certify that the waste collection point has been designed in accordance with the above. A copy of this certification must accompany the construction certificate(s) for any phases which contain waste

collection areas.

Condition reason: Ensure the development is suitably serviced.

18. Appointment of supervising environmental consultant

The applicant must engage an appropriately qualified, experienced and certified environmental consultant to supervise all aspects of acid sulfate soil management and contaminated land management and related environmental management issues.

The appropriately qualified and experienced environmental consultant must be certified by one of the following certification schemes:

- Environmental Institute of Australia and New Zealand Inc., 'Certified Environmental Practitioner - Site Contamination' (EIANZ CEnvP - SC); or
- Soil Science Australia 'Certified Professional Soil Scientist - Contaminated Site Assessment & Management' (SSA CPSS CSAM).

A copy of the acceptance letter must form part of the first construction certificate and a copy provided to Sutherland Shire Council Environmental Science Officer.

Condition reason: To ensure the protection of the environment.

19. Stormwater drainage design - general

Before issue of the first construction certificate, the stormwater drainage system must be designed and constructed in accordance with the approved to satisfy the Deferred Commencement – Stormwater condition.

Condition reason: Ensuring suitable drainage is provided.

20. Flood requirements

Before issue of a construction certificate, the development must be designed in accordance with the recommendations within the Flood Management Report, revision B dated 14 October 2024 prepared by Sparks+Partners Consulting Engineers and the approved architectural drawings.

Condition reason: Ensuring the building is protected from flooding.

21. Supply of Electricity

It is recommended for the nominated electrical consultant/contractor to provide a preliminary enquiry to Ausgrid to obtain advice for the connection of the proposed development to the adjacent electricity network infrastructure. An assessment will be carried out based on the enquiry which may include whether or not:

- The existing network can support the expected electrical load of the development
- A substation may be required on-site, either a pad mount kiosk or chamber style and;
- site conditions or other issues that may impact on the method of supply.

Please direct the developer to Ausgrid's website, www.ausgrid.com.au about how to connect to Ausgrid's network.

Condition reason: Required by AusGrid.

22. Service Mains

It appears the existing overhead electricity service mains, that supply the subject property, may not have sufficient clearance to the proposed construction as per the requirements of "The Installation and Service Rules of NSW".

It is recommended that the developer engage a Level 2 Accredited Service Provider (ASP) Electrician to ensure that the installation will comply with the Service Rules.

Condition reason: Required by AusGrid.

23. ISSC-20-Guideline for management of activities withing Electricity Easements

The installation of utility services Low voltage electricity (less than 1000 volts), telecommunications water, sewerage, whether overhead, underground or on the surface:

NO approval will only be given subject to: there being no practicable alternative; standard clearances are maintained to the overhead conductors and their supporting structures; any services within 15 metres of the supporting structures are of non conducting material; and hazards associated with induced voltages and transferred earth voltages are controlled. Approval of the installation of high voltage electricity is subject to there being no practicable alternative location and provided that standard clearances are maintained to the overhead conductors and their supporting structures.

Condition reason: Required by AusGrid.

24. Design of intersection of Captain Cook and Endeavour Road

The proposed provision of traffic control signals and associated civil works at the intersection of Captain Cook Drive and Endeavour Road shall be designed to meet TfNSW requirements and endorsed by a suitably qualified practitioner. The submitted design shall be in accordance with Austroads in association with relevant TfNSW supplements (available on www.transport.nsw.gov.au). All documentation should be forwarded to development.sydney@transport.nsw.gov.au.

TfNSW fees for administration, plan checking, civil works inspections and project management shall be paid by the developer prior to the commencement of road works. The proposed traffic control signals and associated civil works will require the applicant to enter a Major WAD with TfNSW.

The developer is required to enter into a Works Authorisation Deed (WAD), or other suitable arrangement as agreed to by TfNSW, for the abovementioned works detailed in the above or for public utility adjustment / relocation works on the state road network that are located on or have the potential to impact Captain Cook Drive.

Condition reason: Required by TfNSW.

25. Public utility adjustment / relocation works on the state road network

Any public utility adjustment/relocation works on the state road network will require detailed civil design plans for road opening/underboring to be submitted to TfNSW for review and acceptance prior to the issue of a construction certificate and the commencement of any works. The developer must also obtain any necessary approvals from the various public utility authorities and/or their agents. Please send all documentation to development.sydney@transport.nsw.gov.au. A plan checking fee will be payable and a performance bond may be required before TfNSW approval is issued.

Condition reason: Required by TfNSW.

26. Captain Cook Drive and Endeavour Road Cost

The proposed traffic control signals at the intersection of Captain Cook Drive and Endeavour Road shall be at no cost to TfNSW.

Condition reason: Required by TfNSW.

27. Signage Strategy

Prior to issue of any construction certificate, a signage strategy is to be submitted to Council for approval. The signage strategy is to include the following information:

- Locations on each building where tenants can locate signage “building signage zone” in plan form;
- Identification of the type of signage permitted in each “building signage zone”; and
- Elevations showing building signage zones on individual buildings, including dimensions and types of signs.

Condition reason: Ensure a signage strategy is developed to holistically manage signage across the site.

28. Car parking details

Before the issue of the relevant construction certificate, written evidence prepared by a suitably qualified engineer must be obtained that demonstrates, to the certifier’s satisfaction, the plans for parking facilities comply with the relevant parts of AS 2890.1 Parking Facilities - Off-Street Carparking and Council’s relevant development control plan (in force as at the date of determination of this consent).

Condition reason: To ensure parking facilities are designed in accordance with the Australian Standard and council’s DCP.

29. Construction site management plan

Before the issue of a construction certificate, a construction site management plan must be prepared, and provided to the principal certifier. The plan must include the following matters:

- a) The location and materials for protective fencing and hoardings on the perimeter of the site;
- b) Provisions for public safety;
- c) Pedestrian and vehicular site access points and construction activity zones;
- d) Details of construction traffic management including:
 - Proposed truck movements to and from the site;
 - Estimated frequency of truck movements; and
 - Measures to ensure pedestrian safety near the site;
- e) Details of bulk earthworks to be carried out;
- f) The location of site storage areas and sheds;
- g) The equipment used to carry out works;
- h) The location of a garbage container with a tight-fitting lid;
- i) Dust, noise and vibration control measures;
- j) The location of temporary toilets;
- k) The protective measures for the preservation of trees on-site and in adjoining public areas including measures in accordance with:
 - AS 4970 - Protection of trees on development sites;

- An applicable Development Control Plan;
- An arborist's report approved as part of this consent

A copy of the construction site management plan must be kept on-site at all times while work is being carried out.

Condition reason: To require details of measures that will protect the public, and the surrounding environment, during site works and construction.

30. Erosion and sediment control plan

Before site work commences, an erosion and sediment control plan must be prepared by a suitably qualified person in accordance with the following documents and provided to the certifier:

- a) Council's relevant development control plan,
- b) the guidelines set out in 'Managing Urban Stormwater: Soils and Construction' prepared by Landcom (the Blue Book) (as amended from time to time), and
- c) the 'Guidelines for Erosion and Sediment Control on Building Sites' (Department of Planning, Housing and Infrastructure)(dated 2024, as amended from time to time).

Condition reason: To ensure no substance other than rainwater enters the stormwater system and waterways.

31. Waste management plan requirements

Before the issue of a construction certificate, a waste management plan for the development must be prepared and provided to the principal certifier. The plan must be prepared

1. in accordance with
 - a. the Environment Protection Authority's Waste Classification Guidelines as in force from time to time, and
 - b. a development control plan that provides for waste management that applies to the land on which the work or the clearing of vegetation is carried out, and
2. include the following information-
 - a. the contact details of the person removing waste,
 - b. an estimate of the type and quantity of waste,
 - c. whether waste is expected to be reused, recycled or sent to landfill,
 - d. the address of the disposal location for waste.

A copy of the waste management plan must be kept on-site at all times while work approved under the development consent is being carried out.

Condition reason: To ensure resource recovery is promoted and local amenity protected during construction.

32. Clear public access ways

Before issue of a construction certificate, construction plans must demonstrate that access doors to enclosures for building services and facilities, such as hydrant and sprinkler booster assemblies or the like, except fire stair doors, will not open over the footway or roadway.

Condition reason: To ensure doors used to house building services and facilities do not obstruct pedestrians and vehicles.

33. Equal access to the premises

Before the issue of a construction certificate, plans which demonstrate that adequate access to the premises will be provided for persons with disabilities in accordance with the Commonwealth Disability (Access to Premises - Buildings) Standards 2010. These plans must be submitted to the certifier.

Condition reason: To ensure safe and easy access to the premises for people with a disability.

34. External lighting

Before the issue of a construction certificate, plans detailing external lighting must be prepared by a suitably qualified person. The lighting plan must be consistent with the approved plans and documents, and the following requirements:

- a) comply with AS 1158: Lighting for Roads and Public Spaces
- b) comply with AS 4282: Control of Obtrusive Effects of Outdoor Lighting
- c) lighting must be placed at all entrances to, and exits from the premises
- d) lighting must provide coverage of the premises and surrounding areas for visibility and to reduce hidden areas
- e) lighting must not interfere with traffic safety
- f) lighting must not give rise to obtrusive light or have adverse impacts on the amenity of surrounding properties; and
- g) external lighting must not flash or intermittently illuminate unless required for safe ingress/egress of vehicles crossing a pedestrian footway or approved vehicle entrance.
- h) Relevant council development control plan

The lighting plan must be submitted to the certifier.

Note - All above documents refer to the version in effect at the time the consent is granted.

Condition reason: To ensure external lighting is provided for safety reasons and to protect the amenity of the local area.

35. Preparation of mechanical ventilation plans

Before the issue of a construction certificate, detailed plans of the mechanical exhaust ventilation system must be prepared by a suitably qualified person.

The detailed plans must be in accordance with the following and submitted to the certifier:

- a) Australian Standard 1668: - The use of ventilation and air conditioning in buildings; and
- b) ensure all generate heated air, smoke, fumes, steam or grease vapours do not:
 - a. cause a nuisance to persons within or nearby to the premises, or
 - b. cause air pollution as defined under the NSW Protection of the Environment Operations Act 1997.

Condition reason: To ensure that detailed professional plans of the approved mechanical ventilation system are submitted before the issue of a construction certificate.

36. Provision of detailed plans for construction certificate application

Before the issue of a construction certificate, detailed plans must be prepared by a suitably qualified person and provided to the Certifier that are consistent with the plans and documentation approved under this consent. Detailed plans must also show the following:

- a) Car parking facilities
- b) Acoustic measures
- c) Disability access
- d) Pedestrian access
- e) Signage location and structures
- f) Mechanical ventilation

Condition reason: To ensure that detailed construction certificate plans are consistent with the approved plans and supporting documentation.

37. **Housing and productivity contribution - general**

Before any Construction Certificate (unless a different time payment is provided under cl 19(3) or (4) of the HPC Order) the housing and productivity contribution (HPC) set out in the table below is required to be made.

Housing and productivity contribution	Amount
Housing and productivity contribution (base component)	\$571,620
Total housing and productivity contribution	\$571,620

The HPC must be paid using the [NSW planning portal](https://pp.planningportal.nsw.gov.au/) [<https://pp.planningportal.nsw.gov.au/>](https://pp.planningportal.nsw.gov.au/).

At the time of payment, the amount of the HPC is to be adjusted in accordance with the Environmental Planning and Assessment (Housing and Productivity Contributions) Order 2024 (**HPC Order**).

The HPC may be made wholly or partly as a non-monetary contribution (apart from any transport project component) if the Minister administering the Environmental Planning and Assessment Act 1979 agrees.

The HPC is not required to be made to the extent that a planning agreement excludes the application of Subdivision 4 of Division 7.1 of the Environmental Planning and Assessment Act 1979 to the development, or the HPC Order exempts the development from the contribution.

The amount of the contribution may be reduced under the HPC Order, including if payment is made before 1 July 2025.

Condition reason: To require contributions towards the provision of regional infrastructure.

38. **Section 7.12 Levy - Section 7.12 Development Contribution Plan 2020**

Unless released from the requirement for payment of Section 7.12 Contributions pursuant to the Voluntary Planning Agreement, in accordance with Section 4.17 of the Environmental Planning and Assessment Act 1979, and Sutherland Shire Council Section 7.12 Development Contribution Plan 2020, a levy of \$1,480,732 is required to be paid to Sutherland Shire Council.

The amount to be paid is to be adjusted at the time of the actual payment, in accordance with the provisions of the Section 7.12 Development Contribution Plan 2020.

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 index a contribution rate is:

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

Payment must be made prior to the issue of the construction certificate.

Condition reason: To ensure development contributions are paid to address the increased demand for public amenities and services resulting from the approved development in the event that the development is not exempted from Section 7.12 contributions under the Voluntary Planning Agreement.

39. Landscape design

As the subject site is identified as being within a Greenweb Support area and a Greenweb Restoration 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).

Condition reason: To inform the landscape design for the construction certificate documentation.

40. Noise control - design of plant and equipment (continual operation)

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

- a) All plant and equipment must be designed and / or located so that the noise emitted does not exceed the Project Specific Noise level when measured at the most affected point on or within any residential property boundary.
- b) The Project Specific Noise level must be the most stringent noise level of the Intrusive and Amenity criteria and be calculated in accordance with the provisions of the NSW Environmental Protection Authority Noise Policy for Industry 2017.
 - Note: The method of measurement of sound must be carried out in accordance with Australian Standard 1055.1.
- c) Details of the acoustic attenuation treatment required to comply with the above, must be prepared by a qualified acoustic engineer. These details must accompany the application for a construction certificate.

Condition reason: To protect the amenity of the local area.

41. External walls and cladding flammability

The external walls of the building must comply with the relevant requirements of the National Construction Code (NCC).

This includes the products and systems proposed for use or used in the construction of external walls including finishes and claddings such as synthetic or aluminium

composite panels.

Details of compliance must form part of the application for a construction certificate.

Condition reason: To ensure safety of occupants.

BEFORE BUILDING WORK COMMENCES

42. Pre-commencement meeting

Before building work commences a pre-commencement inspection/meeting is to be convened by the applicant on-site a minimum 5 days and between the hours of 8am and 4.30 pm Monday to Friday. The meeting must be attended by a representative of Council's Public Domain Assets Branch, the principal certifier, 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:

- a) Ensure safe passage for pedestrians, work and hoarded zones are maintained in accordance with council requirements.
- b) Check the installation and adequacy of all traffic management devices.
- c) Confirm that the supervising engineer has a copy of Council's Public Domain Technical Manual.

Note: The security bond and inspection fee must be paid to council prior to the pre-commencement meeting taking place. Please refer to Sutherland Shire Council's adopted schedule of fees and charges.

Condition reason: Ensure all parties are aware of their responsibilities.

43. Sydney Water requirements & section 73 compliance certificate

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.

Condition reason: To ensure the development is adequately serviced.

44. Before You Dig Australia

Before excavating or erecting structures, Before You Dig Australia must be contacted at www.byda.com.au <<http://www.byda.com.au>>.

Note: It is the individual's responsibility to anticipate and request the nominal location of plant or assets on the relevant property via contacting the Before You Dig Australia service in advance of any construction or planning activities.

Condition reason: To protect damage to third party assets in the interest of health and safety.

45. Works-as-executed plans and any other documentary evidence

Before the issue of the relevant occupation certificate, works-as-executed plans, any compliance certificates and any other evidence confirming the following completed works must be submitted to the satisfaction of the principal certifier:

- a) All stormwater drainage systems and storage systems, and
- b) Finished levels of all fill placed upon the lot

- c) A copy of the plans must be provided to council with the occupation certificate.

Condition reason: To confirm the location of works once constructed that will become council assets.

46. Certification - verification of approved ground levels

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

Condition reason: Ensure the development has been constructed in accordance with the approval.

47. Underground Cables

There are existing 11kv underground electricity network assets in 13 ENDEAVOUR ROAD CARINGBAH.

Special care should also be taken to ensure that driveways and any other construction activities within the footpath area do not interfere with the existing cables in the footpath. Ausgrid cannot guarantee the depth of cables due to possible changes in ground levels from previous activities after the cables were installed. Hence it is recommended that the developer locate and record the depth of all known underground services prior to any excavation in the area.

Should ground anchors be required in the vicinity of the underground cables, the anchors must not be installed within 300mm of any cable, and the anchors must not pass over the top of any cable.

Safework Australia – Excavation Code of Practice, and Ausgrid's Network Standard NS156 outlines the minimum requirements for working around Ausgrid's underground cables.

Condition reason: Required by Ausgrid

48. Substation

There are existing electricity substation S9186 within 13 ENDEAVOUR ROAD CARINGBAH S9186. The existing electricity chamber substation may be impacted by the proposed construction. This type of building is susceptible to damage from subsidence or vibration due to nearby excavation or piling, and also due to building materials and machinery coming into contact with the facade of the building. The use of ground anchors under a substation building is generally not permitted due to the presence of underground cabling and earthing conductors which may be more than 10m deep. A further area of exclusion may be required in some circumstances.

The substation ventilation openings, including substation duct openings and louvered panels, must be separated from building air intake and exhaust openings, natural ventilation openings and boundaries of adjacent allotments, by separation distances which meet the requirements of all relevant authorities, building regulations, BCA and Australian Standards including AS 1668.2: The use of ventilation and air-conditioning in buildings - Mechanical ventilation in buildings.

In addition to above, Ausgrid requires the substation ventilation openings, including duct openings and louvered panels, to be separated from building ventilation system air

intake and exhaust openings, including those on buildings on adjacent allotments, by not less than 6 metres.

Exterior parts of buildings within 3 metres in any direction from substation ventilation openings, including duct openings and louvered panels, must have a fire rating level (FRL) of not less than 180/180/180 where the substation contains oil-filled equipment, or 120/120/120 where there is no oil filled equipment and be constructed of non-combustible material.

The development must comply with both the Reference Levels and the precautionary requirements of the ICNIRP Guidelines for Limiting Exposure to Time-varying Electric and Magnetic Fields (1 HZ – 100 kHz) (ICNIRP 2010).

For further details on fire segregation requirements refer to Ausgrid's Network Standard 113.

Existing Ausgrid easements, leases and/or right of ways must be maintained at all times to ensure 24 hour access. No temporary or permanent alterations to this property tenure can occur without written approval from Ausgrid.

For further details refer to Ausgrid's Network Standard 143.

Condition reason: Required by Ausgrid

49. Activities Within or Near to the Electricity Easement

- a) All construction works on or near the easement and/or powerlines must adhere to the Safework NSW – Work Near Overhead Powerlines: Code of Practice, 2006
- b) Safework Australia – Excavation Code of Practice, and Ausgrid's Network Standard NS156 outlines the minimum requirements for working around Ausgrid's underground cables.
- c) Ausgrid is not responsible for the reinstatement of any finished surface within the easement site.
- d) Ausgrid requires 24 hour access along the easement for plant and personnel. For the purpose of exercising its rights under the easement, Ausgrid may cut fences and/or walls and install gates in them. Where the easements on a site do not provide practical access to all of Ausgrid's infrastructure, a suitable right of access at least 5m wide must be provided to each asset.
- e) Access driveways shall withstand the weight of a heavy rigid truck when fully laden weighing 30 tonne.
- f) Access gates, minimum 4.5 metres wide, may be required in all fences crossing the transmission line easement.
- g) No vehicles, plant or equipment having a height exceeding 4.6 metres are to be brought into the easement site without written approval from Ausgrid.
- h) Vehicles brought into the easement, with a height less than 4.6m but having an extension capable of extending greater than 4.6m above ground, must not have that extension operated at all whilst within the easement.
- i) Adequate removable protection must be installed to prevent vehicles inadvertently colliding with the transmission tower. This proposed form of protection must be forwarded to Ausgrid for review and consent.
- j) Driveways and other vehicle access must be capable of supporting the heaviest vehicle likely to traverse the driveway without damaging Ausgrid's assets.
- k) All metal work within the easement site including metallic fencing, are to be locally earthed by a qualified electrician via a 50 sq. mm stranded copper, insulated earthwire bonded to a copper-clad earth-stake driven at least 1.6 metres into the ground.

- l) Metallic fencing is generally not permitted to extend away from the easement site unless an insulating section is installed, at least 3 metres wide. This requirement maybe relaxed upon assessment of a supplied fencing design.
- m) No buildings/structures or parts thereof constructed may encroach the easement.
- n) No machine excavation is permitted within the easement without Ausgrid's express permission.
- o) No obstruction of any type shall be placed within 10 metres of any part of a transmission line structure except where installed to protect transmission structure from vehicle impacts when Ausgrid has approved such structures.
- p) Care must be taken to prevent any damage to underground metalwork which can extend up to 15 metres away from the transmission line structure.
- q) During building construction, adequate controls must be put in place to prevent vehicles and machinery from damaging the Ausgrid assets.
- r) Bulk solids (e.g sand and gravels) are not to be stored within the easement area.
- s) The storage of non-flammable materials is allowable provided access is maintained along the easement and subject to height limitations of 2.5 metres if climbable or 4.6 metres if not climbable. Lifting of materials within the easement area must consider the clearance requirements given in Safework NSW Code of Practice.
- t) The erection of minor structures such as clothes hoists, barbecues, and the like are permitted within the easement site provided they do not exceed a height of 2.5 metres if climbable or 4.6m if not climbable, and the metallic components are earthed. The positioning of such structures should allow a 5m wide vehicular access along the full length of the subject easement area. Ausgrid reserves the right to remove such structures where required for safety, access and maintenance.
- u) The flying of kites, model aircraft etc. is not permitted within the easement site.
- v) Any change to ground levels must be submitted to Ausgrid for approval.
- w) The proposed finished ground levels within the easement must provide a minimum of 600mm cover to the 11kV Distribution Cables.
- x) The proposed finished ground levels within the easement must provide a minimum of 500mm cover to the Low Voltage Cables.
- y) No fill material or retaining walls are to be placed within the easement without Ausgrid's written approval.
- z) Any excavation adjacent to the easement must utilise adequate shoring to prevent destabilisation or subsidence of the ground around the LV cable.
- aa) Trees, shrubs, or plants which have root systems likely to grow greater than 250mm below ground level are not permitted within the easement or close to the cable infrastructure. The planting of other vegetation is to ensure Ausgrid's access and maintenance requirements are maintained.
- bb) Trees, shrubs, or plants which have a mature height of greater than 3.0m, or climbable portions greater than 2.5m above ground, are not permitted within the easement. The planting of other vegetation is to ensure Ausgrid's access and maintenance requirements are maintained.
- cc) Electric power should not be connected to the easement site without permission from Ausgrid.
- dd) Electric power should not be connected to the easement site without permission from Ausgrid, however electric power may be run through the easement under the conditions in the following point.
- ee) Any electrical services and metallic telecoms and metallic piping, whilst installed within easement are not to be run parallel with the overhead electricity mains for a combined total distance greater than 50m per service. Any parallel length greater than this will require additional Ausgrid consent when the services design is determined. Fibre communications cable does and plastic or concrete piping does

not need to meet this requirement.

Condition reason: Required by Ausgrid

50. Deliveries

While site work is being carried out, deliveries of material and equipment must only be carried out between:

- 7.00am to 6.00pm on Monday to Friday and
- 8.00am to 3.00pm Saturdays. .

Condition reason: To protect the amenity of neighbouring properties.

51. Erosion and sediment controls in place

Before any site work commences, the principal certifier, must be satisfied the erosion and sediment controls in the erosion and sediment control plan are in place. These controls must remain in place until any bare earth has been restabilised in accordance with 'Managing Urban Stormwater: Soils and Construction' prepared by Landcom (the Blue Book) (as amended from time to time).

Condition reason: To ensure sediment laden runoff and site debris do not impact local stormwater systems and waterways.

52. Tree protection measures

Before any site work commences the principal certifier, or council where a principal certifier is not required, must be satisfied the measures for tree protection detailed in the construction site management plan are in place.

Condition reason: To protect and retain trees.

53. Tree retention and protection

Before any site work commences, the principal certifier, must be satisfied the measures for tree protection detailed in the construction site management plan are in place.

Condition reason: To protect and retain trees.

DURING BUILDING WORK

54. Responsibility for changes to public infrastructure

While site work is being carried out, any costs incurred as a result of the approved removal, relocation or reconstruction of infrastructure (including ramps, footpaths, kerb and gutter, light poles, kerb inlet pits, service provider pits, street trees or any other infrastructure in the street footpath area) must be paid as directed by the consent authority.

Condition reason: To ensure payment of approved changes to public infrastructure.

55. Approvals required under Roads Act or Local Government Act

While site works are being carried out, 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;

- 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.

Works within the road reserve are the subject of a separate approval 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:

- Detailed 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.

Condition reason: To protect public infrastructure.

56. Supervising environmental consultant – site management

The supervising environmental consultant must supervise all aspects of onsite environmental management to ensure compliance with the approved plans including, but not limited to

- JBS&G, Masterplan Area Acid Sulfate Soil Management Plan, 13 Endeavour Road, Caringbah, NSW, report ref: 64957/153701 Rev 2, dated 30 October 2024.
- JBS&G, Masterplan Remedial Action Plan, 13 Endeavour Road, Caringbah, NSW, report ref: 64957/153694 Rev 2, dated 11 October 2024.

Condition reason: Ensure the protection of the environment

57. Management of acid sulfate soils

The management procedures detailed in:

- JBS&G, Masterplan Area Acid Sulfate Soil Management Plan, 13 Endeavour Road, Caringbah, NSW, report ref: 64957/153701 Rev 2, dated 30 October 2024.

must be implemented and adhered to for the duration of works.

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

Condition reason: Ensure the protection of the environment.

58. Supervision of engineering works

The supervising engineer must supervise any engineering (civil and/or structural) works to ensure compliance with:

1. All relevant conditions of development consent.
2. Any consent issued under the Roads Act for this development.

Condition reason: Ensure engineering works are constructed in accordance with the approved plans.

59. Works required in the road reserve

All works within the road reserve must be undertaken in accordance with the requirements of the Roads Act approval issued by council.

Condition reason: Ensure the works are being carried out in accordance with the Roads Act Approval.

60. Surveys by a registered surveyor

While building work is being carried out, the positions of the following must be measured and marked by a registered surveyor and provided to the principal certifier:

- a) All footings / foundations in relation to the site boundaries and any registered and proposed easements
- b) At other stages of construction - any marks that are required by the principal certifier.

Condition reason: To ensure buildings are sited and positioned in the approved location.

61. Certification requirement of levels

During building work, a registered surveyor must provide the principal certifier with certification that the bulk excavation/ fill and structure(s) comply with the development consent in respect of levels at the following stage of construction:

- Finished surface levels.
- Placement of the finished internal road surface
- Prior to the pouring of each floor slab

Condition reason: Ensure the structures comply with approved levels.

62. Management of site soil / fill material

Disposal of site soils

Any soils to be excavated below the finished surface level 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.

Reused soils

Any soils excavated below the finished surface level to be reused on the site must be analysed and classified by an appropriately qualified 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 Land Management Act 1997; to verify that the material is 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 the above.

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

- Environmental Institute of Australia and New Zealand Inc., 'Certified Environmental Practitioner - Site Contamination' (EIANZ CEnvP - SC); or,
- Soil Science Australia 'Certified Professional Soil Scientist - Contaminated Site Assessment & Management' (SSA CPSS CSAM).

Condition reason: Ensure the protection of the environment.

63. Potential contaminated land – unexpected finds – during work

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

Condition reason: Protection of the environment.

64. Potential contaminated land – unexpected finds – prior to recommencement of use

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 certifier and a copy submitted to Sutherland Shire Council, Environmental Science Assessment Officer.

Condition reason: Ensure protection of the environment.

65. Contaminated Land Remediation

The identified contamination at the site must be remediated in accordance with 'preferred remedial option no. 1' provided in the Remediation Action Plan:

- JBS&G, Masterplan Remedial Action Plan, 13 Endeavour Road, Caringbah, NSW, report ref: 64957/153694 Rev 2, dated 11 October 2024.
- and in accordance with:
- National Environmental Protection (Assessment of Site Contamination) Measure (2011);
- State Environmental Planning Policy (Resilience and Hazards) (2021);
- Sutherland Shire Development Control Plan (2015); and
- SafeWork NSW Code of Practice: How to safely remove asbestos (2022);

The removal and remediation must be undertaken under the supervision of the supervising environmental consultant.

Note: A NSW EPA Accredited Site Auditor must be notified of and endorse any variations to the Remedial Action Plan (RAP), prior to the variations being implemented.

Condition reason: To ensure the protection of the environment.

66. **Environmental Safeguards**

Environmental safeguards as stated in the Construction Environmental Management Plan (CEMP) (SLR, 31 October 2024) and its appendix E Erosion, Sediment Control Plan and Acid Sulfate Soils Management Plan and Assessment (JBS&G, 27/09/2023) are to be used and regularly inspected and maintained during construction and until vegetation has established and the site is stabilised. Failure to conduct timely inspections and regular maintenance is likely to result in sediments and site contaminants entering Towra Point Aquatic Reserve and causing harm to the plants, animals and habitats within the Aquatic Reserve. This would constitute a breach of the *Marine Estate Management Act 2014*.

Condition reason: Required by DPI Fisheries.

67. **Environmental Safeguards – Sediment and turbid plumes**

Environmental safeguards (silt fences, silt curtains, booms etc.) are to be used during construction to ensure that there is no escape of sediment or turbid plumes into the aquatic environment. Turbid plumes have the potential to smother aquatic vegetation and have a deleterious effect on benthic organisms.

Condition reason: Required by DPI Fisheries.

68. **Overhead Powerlines**

There are existing overhead 132kv transmission lines and Tower 49 (CR-9126). Access is to be maintained for the current tower, with Tower 49 to be replaced with two steel poles.

Condition reason: Required by Ausgrid

69. **Overhead Powerlines**

Safework NSW Document – Work Near Overhead Powerlines: Code of Practice, outlines the minimum safety separation requirements between these mains/poles to structures within the development throughout the construction process. It is a statutory requirement that these distances be maintained throughout construction. Special consideration should be given to the positioning and operating of cranes and the location of any scaffolding.

The “as constructed” minimum clearances to the mains should also be considered. These distances are outlined in the Ausgrid Network Standard, NS220 Overhead Design Manual. This document can be sourced from Ausgrid’s website, www.ausgrid.com.au

The proposed development may encroach the statutory clearances of nearby powerlines as per the requirements set out in AS7000 and Ausgrid Standard NS220. The developer is required to either:

- Engage an Accredited Service Provider Level 3 (ASP3) to confirm that the development does maintain the statutory clearances to the powerlines (this must include wind impacts). If the ASP3 determines that the proposed structure does encroach the statutory clearances, suitable arrangements must be made to ensure that the structure will not encroach the powerline statutory clearance either by redesign of the encroaching structure or relocation of the powerlines away from the proposed structure.
- Make suitable arrangements to have powerlines relocated prior to the commencement of construction so that statutory clearances are not encroached.

Should the existing overhead mains require relocating due to the minimum safety clearances being compromised in either of the above scenarios, this relocation work is generally at the developers cost.

It is also the responsibility of the developer to ensure that the existing overhead mains have sufficient clearance from all types of vehicles that are expected be entering and leaving the site.

Condition reason: Required by Ausgrid

70. Discovery of relics and aboriginal objects

While site work is being carried out, if a person reasonably suspects a relic of Aboriginal object is discovered:

- a) the work in the area of the discovery must cease immediately;
- b) the following must be notified
 - a. for a relic - the Heritage Council; or
 - b. for an Aboriginal object - the person who is the authority for the protection of Aboriginal objects and Aboriginal places in New South Wales under the National Parks and Wildlife Act 1974, section 85.

Site work may recommence at a time confirmed in writing by:

- a) for a relic - the Heritage Council; or
- b) for an Aboriginal object - the person who is the authority for the protection of Aboriginal objects and Aboriginal places in New South Wales under the National Parks and Wildlife Act 1974, section 85.

Condition reason: To ensure the protection of objects of potential significance during works.

71. Hours of work

For excavation, demolition, or construction work from 7.00am to 6.00pm on Monday to Friday and 8.00am to 3.00pm Saturdays. No work is permitted on Sundays and Public Holidays. Site work is not to be carried out outside of these times except where there is an emergency, or for urgent work directed by a police officer or a public authority.

Noise control

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, EPA Draft Construction Noise Guideline and Australian Standard 2436 - 2010 Guide to Noise Control on Construction, Maintenance and Demolition Sites.

Condition reason: To protect the amenity if the surrounding area.

72. Implementation of the site management plans

While site work is being carried out:

- a) the measures required by the construction site management plan must be implemented at all times, and
- b) a copy of these plans must be kept on site at all times and made available to council officers upon request.

Condition reason: To ensure site management measures are implemented during the carrying out of site work.

73. Toilet facilities

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:

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

Condition reason: To ensure appropriate amenities are made available during the construction process.

74. Responsibility for changes to public infrastructure

While site work is being carried out, any costs incurred as a result of the approved removal, relocation or reconstruction of infrastructure (including ramps, footpaths, kerb and gutter, light poles, kerb inlet pits, service provider pits, street trees or any other infrastructure in the street footpath area) must be paid as directed by the consent authority.

Condition reason: To ensure payment of approved changes to public infrastructure.

75. Tree protection during work

While site work is being carried out, all required tree protection measures must be maintained in good condition in accordance with:

- a) the construction site management plan under this consent,
- b) the relevant requirements of AS 4970 Protection of trees on development sites,
- c) Council's relevant development control plan (in force as at the date of determination of this consent)
- d) The approved Arboricultural Impact Assessment Report by <Green Tree Consultancy, 30 October 2024.

This includes maintaining adequate soil grades and ensuring all machinery, builders refuse, spoil and materials remain outside tree protection zones.

Condition reason: To protect trees during the carrying out of site work.

76. Waste management

While site work is being carried out:

- a) all waste management must be undertaken in accordance with the waste management plan, and
- b) upon disposal of waste, records of the disposal must be compiled and provided to the principal certifier, detailing the following:
 - The contact details of the person(s) who removed the waste
 - The waste carrier vehicle registration
 - The date and time of waste collection
 - A description of the waste (type of waste and estimated quantity) and whether the waste is to be reused, recycled or go to landfill
 - The address of the disposal location(s) where the waste was taken
 - The corresponding tip docket/receipt from the site(s) to which the waste is transferred, noting date and time of delivery, description (type and quantity) of waste.

If waste has been removed from the site under an EPA Resource Recovery Order or Exemption, records in relation to that Order or Exemption must be maintained and provided to the principal certifier and council.

Condition reason: To require records to be provided, during site work, documenting the lawful disposal of waste.

BEFORE ISSUE OF AN OCCUPATION CERTIFICATE

77. Completion of landscape and tree works

Before the issue of an occupation certificate, the principal certifier must be satisfied all landscape and tree-works have been completed in accordance with approved plans and documents and any relevant conditions of this consent.

Condition reason: To ensure the approved landscaping works have been completed in accordance with the approved landscaping plan(s).

78. Works-as-executed plans and any other documentary evidence

Works-as-executed plans and associated certifications, compliance certificates and any other evidence confirming the following completed works must be submitted to the satisfaction of the principal certifier at the following points:

a) For Phase 1:

Prior to the issue of the Occupation Certificate for this stage:

- The trunk stormwater drainage system, stormwater treatment ponds and storage systems required in Phase 1
- Finished levels of all bulk fill placed upon the lot for phase 1; and
- A copy of the plans/ certification must be provided to council and the PCA with the occupation certificate.

b) For each following Phase/ stage:

Prior to the issue of the Occupation Certificate for this respective stage/s:

- Finished floor levels of the buildings relevant to the phase.
- All parking bays, bays numbered, allocation to specific tenancies detailed, and visitor bays.
- A copy of the plans/ certification and the carpark layout must be provided to council and the PCA with the occupation certificate.

Condition reason: To confirm the location/ position of works conform with the approval.

79. Certification - verification of approved ground levels

Prior to the release of an Occupation Certificate for each phase/ stage, Certification by a Registered Surveyor must be provided to the principal certifier verifying that the ground levels of the site are in accordance with the approved plans.

Condition reason: Ensure the development has been constructed in accordance with the approval.

80. Completion of public utility services

Before the issue of the relevant occupation certificate, confirmation must be obtained from the relevant authority that any adjustment or augmentation of any public utility services including gas, water, sewer, electricity, street lighting and telecommunications, required as a result of the development, have been completed and this confirmation must be provided to the principal certifier.

Condition reason: To ensure required changes to public utility services are completed, in accordance with the relevant agency requirements, before occupation.

81. Release of securities

When Council receives the last/ final occupation certificate, an application may be lodged to release the securities held as required by this development consent.

Condition reason: To allow release of securities where the terms and conditions for the securities have been met to council's satisfaction.

82. Repair of infrastructure

Before the issue of the final occupation certificate:

1. any public infrastructure damaged as a result of the carrying out of work approved under this consent (including damage caused by, but not limited to, delivery vehicles, waste collection, contractors, sub-contractors, concreting vehicles) must be fully repaired to the written satisfaction of council, and at no cost to council, or
2. if the works in (1) are not carried out to council's satisfaction, council may carry out the works required and the costs of any such works must be paid as directed by council and in the first instance will be paid using the security deposit required to be paid under this consent.

Condition reason: To ensure any damage to public infrastructure is rectified.

83. Removal of waste upon completion

Before the issue of an occupation certificate:

1. all refuse, spoil and material unsuitable for use on-site must be removed from the site and disposed of in accordance with the approved waste management plan, and
2. written evidence of the waste removal must be provided to the satisfaction of the principal certifier.

Condition reason: To ensure waste material is appropriately disposed or satisfactorily stored.

84. Hours of operation - cafe

During ongoing use, the approved café development may operate for the following hours from the date of the relevant Occupation Certificate:

Monday to Sunday (inclusive of public holidays): 5am to 10pm

Condition reason: To provide approved operating hours for the cafe.

85. Maximum capacity and signage for business operator - cafe

Before the issue of an occupation certificate, a sign must be permanently displayed at the main entry point of the premises in a prominent position which states the operator's name and 26 as the maximum number of seated persons permitted in the premises as approved under this consent.

Condition reason: To provide patrons with details of the operator and maximum number of persons permitted on the premises.

86. Notice of food business

Before the issue of an occupation certificate, council and any other appropriate enforcement agency must be notified of the food business in accordance with the NSW Food Act 2003 and the Australia New Zealand Food Standards Code - 3.2.2 - Food Safety Practices and General Requirements.

Condition reason: To enable council to ensure compliance with the consent when the business is operating.

87. Food premises final inspection

Before the issue of an occupation certificate, the food premises shall be inspected by an Authorised Officer of under the Food Act 2003, to determine compliance with the Food Act 2003, Food Safety Standards and Australian Standard 4674:2004: Design, Construction and Fit-out of Food Premises.

Condition reason: To enable council to ensure compliance with the Food Act 2003 before the business commences.

88. Certification of waste collection

A suitable qualified civil engineer must certify that the waste collection point has been constructed to their satisfaction and in accordance with the requirements listed in the "Design of waste collection (on site collection)" condition of consent.

A copy of this certification must accompany the occupation certificate.

Condition reason: Ensure the development is suitably serviced.

89. Certification of tree retention and protection

The principal certifier must be satisfied all tree protection including AQF Level 5 Arborist Supervision & Certification (if required) have been completed in accordance with the approved plans and documents and any relevant conditions of this consent.

Condition reason: To ensure the approved tree protection works and trees have been retained in good health and condition.

90. Completion of Vegetation Management Plan work

The following actions are to be finalised to the satisfaction of Sutherland Shire Council, Manager Environmental Science and the principal certifier, prior to the release of any occupation certificate related to the use of buildings within the development.

a) Implementation of vegetation management measures

The following vegetation management measures must be implemented by an appropriately qualified and experienced ecologist or bush regenerator, as stipulated in the amended VMP dated 4 November 2024 prepared by ecologique.

b) Reporting of vegetation management measures

On completion of the vegetation management measures stipulated in 90.a) above, a report outlining the progress of the vegetation management works must be submitted to Sutherland Shire Council, Manager Environmental Science for endorsement, within 1 month of the completion of such works.

c) Inspection of vegetation management measures

Following the reporting of the vegetation management works, a final vegetation management inspection must be carried out and a certificate issued by Sutherland Shire Council's Greenweb/ landscape officer to verify that the required vegetation

management measures have been completed.

To arrange a final landscape/ vegetation management Inspection, please contact Sutherland Shire Customer Service on ph 9710 0333, 48 hours prior to the required inspection date. A fee is required to be paid, prior to the inspection in accordance with Council's fees and charges current at the time of inspection. Additional fees will also apply for additional inspections.

91. Cleanliness and maintenance of food preparation and storage areas

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

1. Prior to the occupation of the premises or the 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.
2. Occupation of the premises must not occur until a registration application has been submitted to council's Environmental and Health Regulation Department for the food business.

Condition reason: To ensure health and safety of food preparation and storage premises.

92. Noise control - design and operation (general use)

A suitably qualified person must provide details demonstrating compliance to the principal certifier that the acoustic measures have been installed in accordance with the acoustic report approved under this consent.

Condition reason: To protect the amenity of the local area.

93. Noise control - design of plant and equipment (continual operation)

A 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 the requirements listed in the "Building work/Noise control - design of plant and equipment (continual operation)" condition of consent.

Condition reason: To protect the amenity of the local area.

94. External walls and cladding flammability

Certification, including an appropriate level of detail to demonstrate compliance with the NCC as built, must be provided to the principal certifier by an appropriately accredited professional that external finishes of the building comply with the relevant requirements of the National Construction Code (NCC).

Condition reason: To ensure safety of occupants.

95. Water authority certification

Before the issue of the relevant occupation certificate, a certificate of compliance must be obtained in relation to the proposed use(s) from Sydney Water.

Condition reason: To ensure compliance with the water supply authority's requirements.

96. Certification requirement of levels

Prior to the issue of each occupation certificate, the certificates listed in the "Survey during construction" condition of consent must form part of the application for an occupation certificate.

Condition reason: Ensure the structure complies with approved levels.

97. Certification - verification of approved ground levels

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

Condition reason: Ensure the development has been constructed in accordance with the approval.

98. Works required in the road reserve

Before the issue of an occupation certificate for the use of any of the buildings, the works required by the Roads Act approval must be completed to the satisfaction of council or the supervising engineer (where one is required to be appointed by a condition of this development consent).

Condition reason: Ensure engineering works are constructed in accordance with the Roads Act Approval.

99. Remediation Validation Works

On completion of remedial works, a Validation Report must be prepared by the supervising environmental consultant verifying that the site has been remediated in accordance with the approved Remediation Action Plan and meets the validation criteria listed in Section 6 of the Remediation Action Plan. The Validation Report must also verify that the site is suitable for the proposed commercial / industrial land use.

The Validation Report must be prepared in accordance with relevant NSW EPA guidelines including, but not limited to, the NSW EPA 'Guidelines for Consultants Reporting on Contaminated Sites' 2011.

The validation report must be submitted to the satisfaction of Sutherland Shire Council, Environmental Science Assessment Officer.

Condition reason: To ensure the protection of the environment.

OCCUPATION AND ONGOING USE

100. Timing of construction of intersection of Captain Cook Drive and Endeavour Road

The Applicant is to fully construct the traffic control signals and associated civil works to the satisfaction of TfNSW at the intersection of Captain Cook Drive and Endeavour Road prior to the issue of the first occupation certificate for Buildings 6, 7 and 8, identified in the Staging Plan prepared by Watson Young dated September 2023 Revision E (Drawing 005) dated 12 February 2025.

Nothing in this condition operates to prevent the Applicant/site owner from constructing and occupying the buildings identified as Buildings 3, 4, 5 block 1, 5 block 2 and 5 commercial identified in the Staging Plan prepared by Watson Young dated September 2023 Revision E (Drawing No. 005) dated 12 February 2025.

Condition reason: Required by TfNSW

101. Maintenance of wastewater and stormwater treatment device

During occupation and ongoing use of the building, all wastewater and stormwater treatment devices (including drainage systems, stormwater treatment ponds / cartridges, and on-site detention) must be regularly maintained to remain effective and in accordance with any positive covenant (if applicable).

Condition reason: To protect sewerage and stormwater systems.

102. Additional requirements during operating hours

During ongoing use of the premises the preparation and service of food at the premises must cease 30 minutes before the required closing time.

Condition reason: To protect the amenity of the local area.

103. External lighting during ongoing use

During ongoing use of the premises, all lighting must be operated and maintained in accordance with the approved plans and the requirements of this consent.

Condition reason: To ensure the safe operation of the premises and protect the amenity of the local area.

104. Graffiti removal

During ongoing use of the premises, ensure graffiti is removed from the exterior of the building or associated structures, including any fences, site services and retaining/planter bed walls.

Condition reason: To protect and preserve the visual amenity of the surrounding public domain.

105. Limitations on food preparation during ongoing use

During ongoing use of the premises, food preparation that generates heated air, smoke, fumes, steam or grease vapours must not be undertaken unless mechanical ventilation has been approved and installed under this consent.

Condition reason: To ensure the safe operation of the premises and to protect the amenity of adjoining premises and the surrounding area.

106. Street numbering and provision of letter box facilities

- a) Street numbers must be clearly displayed, and suitable letterbox facilities must be provided in accordance with Australia Post specifications and AS4253:2011.
- b) The buildings and associated warehouses / tenancies must be allocated street addresses as determined by Council Spatial Services Team.

Condition reason: To ensure all properties are clearly identified by their addresses.

107. Loading and unloading

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.

Condition reason: To preserve the amenity and ensure the safety of the public.

108. Managing noise

During ongoing use of the premises, the premises must be operated in accordance with the acoustic report approved under this consent.

Condition reason: To protect the amenity of the local area.

109. Managing noise with ongoing acoustic treatment

During ongoing use of the premises, the premises must be operated in accordance with any approved acoustic report.

Where the approved acoustic report recommends ongoing acoustic treatments, an acoustic implementation report from a suitably qualified person must be submitted to council within 3 months of the date of the issue of the occupation certificate.

The report must confirm the implementation of acoustic treatment and demonstrate the external and internal noise levels satisfy the criteria nominated in accordance with the approved acoustic report.

Condition reason: To ensure operational noise levels comply with the approved acoustic report and do not unreasonably impact on the amenity of adjoining and nearby premises.

110. Signage during ongoing use

During ongoing use of the premises:

- a) signage of the building street number and building name (where applicable) must be clearly displayed
- b) advertising signs must accord with the approved signage strategy and not be placed or displayed on any public space (including the public footpath or street)
- c) any approved lighting of signs must comply with Australian Standard AS 4282:2019 - Control of the Obtrusive Effects of Outdoor Lighting
- d) no upward facing light sources can be displayed on signs on the premises.
- e) signs must only be illuminated when the premises are in operation and only during the operating hours approved under this consent

Condition reason: To protect the amenity of the local area.

111. Storage and disposal of waste materials during ongoing use

During ongoing use of the premises:

- a) all garbage and recyclable materials generated from the premises must be stored wholly within any approved storage area and must not be stored outside the premises (including any public place) at any time
- b) arrangements must be implemented for the separation of recyclable materials from garbage
- c) any approved waste storage area must be appropriately maintained to prevent litter and the entry of pests
- d) where council does not provide commercial garbage and recyclable materials collection services:
 - a contract must be entered into with a licensed contractor to provide these services for the premises; and
 - a copy of the contract must be kept on premises and provided to relevant authorities including council officers on request.
- e) where the collection of garbage and recyclable materials from the premises is undertaken by a licensed contractor, it must only occur between 6am and 8pm on Monday – Friday.
- f) all liquid trade waste discharged to sewerage system must comply with the trade waste approval issued by the relevant water authority
- g) all liquid trade waste pre-treatment devices must be regularly maintained to remain effective in accordance with the conditions of the liquid trade waste approval issued by the relevant water authority.

Condition reason: To ensure proper handling of waste, garbage and recyclable materials generated during operation of the premises.

112. Maintenance of Vegetation Management Plan

Ongoing monitoring and management required by the amended VMP must be undertaken under the supervision of an appropriately qualified, experienced and certified Ecologist.

The ongoing monitoring and management works required by the amended VMP must commence by the date of issue of the occupation certificate / subdivision certificate and be undertaken in accordance with the amended VMP prepared by ecologue dated 4 November 2024. Copies of all monitoring and progress reports are to be submitted to the satisfaction of Sutherland Shire Council, Manager Environmental Science. The reports must be provided annually during the minimum [enter year i.e. timeframe of maintenance & monitoring period] year maintenance and monitoring period.

Condition reason: Ensure the enhancement of the environment.

113. Prevention of air pollution

To ensure contaminants are not released into the atmosphere from the site; the use of buildings, plant, equipment and fittings installed therein, must be operated to meet the requirements of the following:

- Environment Protection Licence No. 11329, administered by the NSW EPA under the Protection of the Environment Operations Act 1997.
- The Protection of the Environment Operations Act 1997
- The Protection of the Environment Operations (Clean Air) Regulation 2010
- AS 1668 - Part 2 - 2012 Mechanical Ventilation in Buildings
- AS 3666.1 - 2011 Air Handling and Water Systems of Buildings - Microbial Control Design, Installation and Commissioning
- AS 3666.2 - 2011 Air Handling and Water Systems of Buildings - Microbial Control Operation and Maintenance

- AS 3666.3 - 2011 Air Handling and Water Systems of Buildings - Microbial Control Performance-based Maintenance of Cooling Water Systems
- Public Health Act 2010
- Public Health Act (Microbial Control) Regulation 2012.

Condition reason: Protection of the environment.

114. Storage and handling of chemicals - during use and ongoing

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

- a) Work Health and Safety Act 2011 and Work Health and Safety Regulation 2011.
- b) Australian Standard 1940:2004 - The Storage and Handling of Flammable and Combustible Liquids.
- c) Australian Standard 4452:1997- The Storage and Handling of Toxic Substances.
- d) Protection of the Environment Operations Act 1997
- e) NSW EPA Storing and Handling Liquids, Environment Protection Training Manual, 2007
- f) SafeWork NSW requirements

Condition reason: Protection of the environment.

115. Garbage, recycling and waste storage area - food and drink premises

Storage and disposal of waste materials during ongoing use

- a) an adequate number and size of bins must be put on the premises for the storage of any waste that is generated (including for recycling),
- b) all garbage and recyclable materials generated from the premises must be stored wholly within any approved storage area and must not be stored outside the premises (including any public place) at any time,
- c) arrangements must be implemented for the separation of recyclable materials from garbage
- d) any approved waste storage area must be appropriately maintained to prevent litter and the entry of pests
- e) where council does not provide commercial garbage and recyclable materials collection services:
 - a contract must be entered into with a licensed contractor to provide these services for the premises; and
 - a copy of the contract must be kept on premises and provided to relevant authorities including council officers on request.
- f) where the collection of garbage and recyclable materials from the premises is undertaken by a licensed contractor, it must only occur between 6 am and 9pm on Monday - Friday
- g) all liquid waste discharged to sewerage system must comply with the trade waste approval issued by the relevant water authority
- h) all liquid trade waste pre-treatment devices must be regularly maintained to remain effective in accordance with the conditions of the liquid trade waste approval issued by the relevant water authority.

Condition reason: To ensure proper handling of waste, garbage and recyclable materials generated during the operation of the premises.

116. Car parking allocation

Car parking must be allocated to individual tenancies/building uses on the following

basis:

- a) With respect to the proposed uses and associated floor areas, car parking must be provided in compliance with the parking generation rates specified in Chapter 36 of Sutherland Shire Development Control Plan 2015 (as amended) and the RTA Guide to Traffic Generating Development 2002.
- b) The ten surplus parking bays must be evenly distributed through the development and be designated as common property in any future strata plan.
- c) With respect to future uses and associated floor areas, car parking must be provided in compliance with the parking generation rates specified in Chapter 36 of Sutherland Shire Development Control Plan 2015 (as amended) or relevant Carparking Development Control Plan in force at the time and the RTA Guide to Traffic Generating Development 2002.

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

Condition reason: Ensure the parking has been allocated to the correct uses.

117. Noise control - design and operation (general use)

During ongoing use of the premises, the premises must be operated in accordance with any approved acoustic report.

Before the issue of an occupation certificate, a suitably qualified person must provide details demonstrating compliance to the principal certifier that the acoustic measures have been installed in accordance with the acoustic report approved under this consent.

Condition reason: To protect the amenity of the local area.

118. Industrial activities outside the building

There must be no industrial activities, storage or depositing of any goods or maintenance to any machinery conducted external to the building.

Condition reason: To protect the amenity of the surrounding environment.

119. Operating hours

During ongoing use of the premises, the hours of operation of the light industrial, warehouse and distribution, industrial retail outlet, and commercial uses (excluding the café) are restricted to:

- Monday 12pm to 12pm
- Tuesday 12pm to 12pm
- Wednesday 12pm to 12pm
- Thursday 12pm to 12pm
- Friday 12pm to 12pm
- Saturday 12pm to 12pm
- Sunday 12pm to 12pm

120. Easements

Easements must be created over the following:

- a) The area required for on-site detention.

- b) The area required for stormwater treatment ponds/cartridges.
- c) The 2.5m wide bicycle and pedestrian shared pathway which traverses through the site between Captain Cook Drive and the public boardwalk adjacent to Woollooware Bay. This pathway is to be an unrestricted public accessway.

The easements and terms thereof must be created under the provisions of s.88B of the *Conveyancing Act, 1919*.

Condition reason: Ensure suitable easements are created for access, drainage and services.

121. Completion of engineering works

A certification from an appropriately qualified engineer to the effect that the completed stormwater infrastructure, stormwater treatment device and flooding works required by this consent have been completed to their satisfaction, in accordance with the development consent and any relevant Australian Standards.

A copy of this certification must accompany any occupation certificate application.

Condition reason: Ensure engineering works are constructed in accordance with the approved plans.

122. Stormwater Treatment

Stormwater treatment measures be maintained according to manufacturers and best practice maintenance requirements for the life of the development.

Condition reason: Required by DPI Fisheries.

DEMOLITION WORK

BEFORE DEMOLITION WORK COMMENCES

123. Asbestos removal signage

Before demolition work commences involving the removal of asbestos, a standard commercially manufactured sign containing the words 'DANGER: Asbestos removal in progress' (measuring not less than 400mm x 300mm) must be erected in a prominent position at the entry point/s of the site and maintained for the entire duration of the removal of the asbestos.

Condition reason: To alert the public to any danger arising from the removal of asbestos.

124. Demolition management plan

Before demolition work commences, a demolition management plan must be prepared by a suitably qualified person.

The demolition management plan must be prepared in accordance with Australian Standard 2601 - The Demolition of Structures, the Code of Practice - Demolition Work, Council's Development Control Plan 2015 and must include the following matters:

- a) The proposed demolition methods

- b) The materials for and location of protective fencing and any hoardings to the perimeter of the site
- c) Details on the provision of safe access to and from the site during demolition work, including pedestrian and vehicular site access points and construction activity zones
- d) Details of demolition traffic management, including proposed truck movements to and from the site, estimated frequency of those movements, and compliance with AS 1742.3 Traffic Control for Works on Roads and parking for vehicles
- e) Protective measures for on-site tree preservation and trees in adjoining public domain (if applicable) (including in accordance with AS 4970-2009 Protection of trees on development sites and Councils Development Control 2015
- f) Erosion and sediment control measures which are to be implemented during demolition and methods to prevent material being tracked off the site onto surrounding roadways
- g) Noise and vibration control measures, in accordance with any Noise and Vibration Control Plan approved under this consent
- h) Details of the equipment that is to be used to carry out demolition work and the method of loading and unloading excavation and other machines
- i) Details of any bulk earthworks to be carried out
- j) Details of re-use and disposal of demolition waste material in accordance with Council's Development Control Plan 2015
- k) Location of any reusable demolition waste materials to be stored on-site (pending future use)
- l) Location and type of temporary toilets onsite
- m) A garbage container with a tight-fitting lid.

Condition reason: To provide details of measures for the safe and appropriate disposal of demolition waste and the protection of the public and surrounding environment during the carrying out of demolition works on the site.

125. Disconnection of services before demolition work

Before demolition work commences, all services, such as water, telecommunications, gas, electricity and sewerage, must be disconnected in accordance with the relevant authority's requirements.

Condition reason: To protect life, infrastructure and services.

126. Hazardous material survey before demolition

Before demolition work commences, a hazardous materials survey of the site must be prepared by a suitably qualified person and a report of the survey results must be provided to council at least one week before demolition commences. Hazardous materials include, but are not limited to, asbestos materials, synthetic mineral fibre, roof dust, PCB materials and lead based paint. The report must include at least the following information:

- a) the location of all hazardous material throughout the site
- b) a description of the hazardous material
- c) the form in which the hazardous material is found, e.g. AC sheeting, transformers, contaminated soil, roof dust
- d) an estimation of the quantity of each hazardous material by volume, number, surface area or weight
- e) a brief description of the method for removal, handling, on-site storage and transportation of the hazardous materials
- f) identification of the disposal sites to which the hazardous materials will be taken.

Condition reason: To require a plan for safely managing hazardous materials.

127. Notice of commencement for demolition

At least one week before demolition work commences, written notice must be provided to council and the occupiers of neighbouring premises of the work commencing. The notice must include:

- a) name
- b) address,
- c) contact telephone number,
- d) licence type and license number of any demolition waste removal contractor and, if applicable, asbestos removal contractor, and
- e) the contact telephone number of council and
- f) the contact telephone number of SafeWork NSW (4921 2900).

Condition reason: To advise neighbours about the commencement of demolition work and provide contact details for enquiries.

128. Site preparation

Before demolition work commences the following requirements, as specified in the approved demolition management plan, must be in place until the demolition work and demolition waste removal are complete:

- a) Protective fencing and any hoardings to the perimeter on the site
- b) Access to and from the site
- c) Construction traffic management measures
- d) Protective measures for on-site tree preservation and trees in adjoining public domain
- e) Onsite temporary toilets
- f) A garbage container with a tight-fitting lid.

Condition reason: To protect workers, the public and the environment.

DURING DEMOLITION WORK

129. Handling of asbestos during demolition

While demolition work is being carried out, any work involving the removal of asbestos must comply with the following requirements:

- a) Only an asbestos removal contractor who holds the required class of Asbestos Licence issued by SafeWork NSW must carry out the removal, handling and disposal of any asbestos material;
- b) Asbestos waste in any form must be disposed of at a waste facility licensed by the NSW Environment Protection Authority to accept asbestos waste; and
- c) Any asbestos waste load over 100kg (including asbestos contaminated soil) or 10m² or more of asbestos sheeting must be registered with the EPA on line reporting tool WasteLocate.

Condition reason: To ensure that the removal of asbestos is undertaken safely and professionally.

130. Site maintenance

While demolition work is being carried out, the following requirements, as specified in the approved demolition management plan, must be maintained until the demolition work and demolition waste removal are complete:

- a) Protective fencing and any hoardings to the perimeter on the site
- b) Access to and from the site
- c) Construction traffic management measures
- d) Protective measures for on-site tree preservation and trees in adjoining public domain
- e) Onsite temporary toilets
- f) A garbage container with a tight-fitting lid.

Condition reason: To protect workers, the public and the environment.

131. Vegetation Management Plan (VMP)

The vegetation management measures provided by Ecologique must be implemented by an appropriately qualified and experienced Ecologist or Bush Regenerator that is certified by one of the following certification schemes or demonstrates an equivalent standard acceptable to Sutherland Shire Council, Manager Environmental Science.

- Environment Institute of Australia & New Zealand (EIANZ) 'Certified Environmental Practitioner (CEnvP) Scheme.
- Ecological Consultants Association (NSW) Certification Scheme

Condition reason: To restore native vegetation.

ON COMPLETION OF DEMOLITION WORK

132. Waste disposal verification statement

On completion of demolition work:

1. a signed statement must be submitted to the certifier verifying that demolition work, and any recycling of materials, was undertaken in accordance with the waste management plan approved under this consent,
2. if the demolition work involved the removal of asbestos, an asbestos clearance

certificate issued by a suitably qualified person, must be submitted to the certifier within 14 days of completion of the demolition work.

Condition reason: To provide for the submission of a statement verifying that demolition waste management and recycling has been undertaken in accordance with the approved waste management plan.

General advisory notes

This consent contains the conditions imposed by the consent authority which are to be complied with when carrying out the approved development. However, this consent is not an exhaustive list of all obligations which may relate to the carrying out of the development under the EP&A Act, EP&A Regulation and other legislation. Some of these additional obligations are set out in the [*Conditions of development consent: advisory notes*](#) and listed below. The consent should be read together with the *Conditions of development consent: advisory notes* and the advisory matters listed below to ensure the development is carried out lawfully.

The approved development must be carried out in accordance with the conditions of this consent. It is an offence under the EP&A Act to carry out development that is not in accordance with this consent.

>Building work or subdivision work must not be carried out until a construction certificate or subdivision works certificate, respectively, has been issued and a principal certifier has been appointed.

A document referred to in this consent is taken to be a reference to the version of that document which applies at the date the consent is issued, unless otherwise stated in the conditions of this consent.

Dictionary

The following terms have the following meanings for the purpose of this determination (except where the context clearly indicates otherwise):

Approved plans and documents means the plans and documents endorsed by the consent authority, a copy of which is included in this notice of determination.

AS means Australian Standard published by Standards Australia International Limited and means the current standard which applies at the time the consent is issued.

Building work means any physical activity involved in the erection of a building.

Certifier means a council or a person that is registered to carry out certification work under the *Building and Development Certifiers Act 2018*.

Construction certificate means a certificate to the effect that building work completed in accordance with specified plans and specifications or standards will comply with the requirements of the EP&A Regulation and *Environmental Planning and Assessment (Development Certification and Fire Safety) Regulation 2021*.

Council means Sutherland Shire Council.

Court means the Land and Environment Court of NSW.

EPA means the NSW Environment Protection Authority.

EP&A Act means the *Environmental Planning and Assessment Act 1979*.

EP&A Regulation means the *Environmental Planning and Assessment Regulation 2021*.

Independent Planning Commission means Independent Planning Commission of New South Wales constituted by section 2.7 of the EP&A Act.

Local planning panel means Sutherland Shire Local Planning Panel.

Occupation certificate means a certificate that authorises the occupation and use of a new building or a change of building use for an existing building in accordance with this consent.

Principal certifier means the certifier appointed as the principal certifier for building work or subdivision work under section 6.6(1) or 6.12(1) of the EP&A Act respectively.

Site work means any work that is physically carried out on the land to which the development the subject of this development consent is to be carried out, including but not limited to building work, subdivision work, demolition work, clearing of vegetation or remediation work.

Stormwater drainage system means all works and facilities relating to:

- the collection of stormwater,
- the reuse of stormwater,
- the detention of stormwater,
- the controlled release of stormwater, and
- connections to easements and public stormwater systems.

Strata certificate means a certificate in the approved form issued under Part 4 of the *Strata Schemes Development Act 2015* that authorises the registration of a strata plan, strata plan of subdivision or notice of conversion.

Subdivision certificate means a certificate that authorises the registration of a plan of subdivision under Part 23 of the *Conveyancing Act 1919*.

Subdivision works certificate means a certificate to the effect that subdivision work completed in accordance with specified plans and specifications will comply with the requirements of the EP&A Regulation.

Sydney district or regional planning panel means Sydney South Planning Panel.