



Daniel Lukic – 9710 0668
File Ref: DA18/0323

26 September 2024

The Trustee For Ozone Cronulla Unit Trust
Po Box R258
ROYAL EXCHANGE NSW 1225

Dear Sir/Madam

**Section 4.55 Modification Application No. MA24/0086
Development Consent No. DA18/0323**

Proposal: Demolition of existing structures and construction of a residential apartment building containing 38 apartments and 3 basement parking levels (Modified - 23 November 2020)

Property: 5 Ozone Street, Cronulla

I refer to your application to modify Development Consent No. DA18/0323.

Following careful consideration of your application, Council is pleased to advise that your request for modification has been supported and an amended Development Consent is attached. In this respect your attention is drawn to Condition No's **1, 12, 14, 20 & 53** which have been either modified or deleted from the original development consent.

Under Section 4.55(6) of the Environment Planning and Assessment Act, 1979 an applicant who is dissatisfied with the determination of the Consent Authority has a right of appeal to the Land and Environment Court.

Please note that you must obtain either a Construction Certificate or an amended Construction Certificate prior to the commencement of any work that may have been approved within the subject site under this modified Development Consent.

Should you require further information please contact Daniel Lukic on 9710 0668 during business hours.

Yours faithfully

Sue McMahon
Senior Manager Development Services



MODIFIED DEVELOPMENT CONSENT

Environmental Planning and Assessment Act 1979

Application Number: DA18/0323
Modification Application Number: MA24/0086
Authority: Council staff under delegated authority

APPLICATION DETAILS

Applicant: The Trustee For Ozone Cronulla Unit Trust
Po Box R258
ROYAL EXCHANGE NSW 1225

Land Description: S/P 545
S/P 9336
S/P 48254
5 Ozone Street, Cronulla

Proposed Development: Demolition of existing structures and construction of a residential apartment building containing 38 apartments and 3 basement parking levels
(Modified - 23 November 2020)

Date of Determination: 2 April 2019

Date of Modification: 26 September 2024

Date of Operation: 2 April 2019

Date of Lapsing: 2 April 2024

Under Section 4.55 of the Environmental Planning and Assessment Act 1979, Sutherland Shire Council has determined MA24/0086 as described above, by approving the application to modify the consent, subject to the conditions specified in this notice.

The following conditions of consent have been imposed to reduce or eliminate any detrimental effects that the proposed development might have on the environment or the amenity of the area.

CONDITIONS OF CONSENT

1. Approved Plans and Documents

The development must be undertaken substantially in accordance with the BASIX certificate, details and specifications set out on the following approved plans:

Plan Number	Reference	Prepared by	Date
S4.56_DA00 0 Revision E	Cover Sheet	PBD Architects	27 March 2020
S4.56_DA00 0 Revision F	Cover Sheet	PBD Architects	26 April 2022
S4.56_DA10 0 Revision F	Basement 3 Plan	PBD Architects	19 November 2020
S4.56_DA10 0 Revision G	Basement 3 Plan	PBD Architects	26 April 2022
S4.56 DA100 Revision H	Basement 3 Plan	PBD Architects	14.3.24
S4.56_DA10 1 Revision F	Basement 2 Plan	PBD Architects	19 November 2020
S4.56_DA10 1 Revision G	Basement 2 Plan	PBD Architects	26 April 2022
S4.56_DA10 2 Revision F	Basement 1 Plan	PBD Architects	19 November 2020
S4.56_DA10 2 Revision G	Basement 1 Plan	PBD Architects	26 April 2022
S4.56 DA102 Revision H	Basement 1 Plan	PBD Architects	14.3.24
S4.56_DA10 3 Revision E	Ground Floor Plan	PBD Architects	16 April 2020
S4.56_DA10 3 Revision G	Ground Floor Plan	PBD Architects	8 February 2021
S4.56_DA10 3 Revision J	Ground Floor Plan	PBD Architects	27 May 2022
S4.56 DA103 Revision L	Ground Floor Plan	PBD Architects	25.6.24
S4.56_DA10 4 Revision E	Level 1 Plan	PBD Architects	16 April 2020
S4.56_DA10 4 Revision H	Level 1 Plan	PBD Architects	8 February 2021
S4.56_DA10	Level 1 Plan	PBD Architects	27 May 2022

4 Revision J			
S4.56 DA104 Revision K	Level 1 Plan	PBD Architects	14.3.24
S4.56_DA10 5 Revision E	Level 2 Plan	PBD Architects	16 April 2020
S4.56_DA10 5 Revision H	Level 2 Plan	PBD Architects	8 February 2021
S4.56_DA10 5 Revision J	Level 2 Plan	PBD Architects	27 May 2022
S4.56_DA10 6 Revision E	Level 3 Plan	PBD Architects	16 April 2020
S4.56_DA10 6 Revision H	Level 3 Plan	PBD Architects	8 February 2021
S4.56_DA10 6 Revision J	Level 3 Plan	PBD Architects	27 May 2022
S4.56_DA10 7 Revision E	Level 4 Plan	PBD Architects	16 April 2020
S4.56_DA10 7 Revision H	Level 4 Plan	PBD Architects	8 February 2021
S4.56_DA10 7 Revision J	Level 4 Plan	PBD Architects	7 July 2021
S4.56_DA10 7 Revision K	Level 4 Plan	PBD Architects	27 May 2022
S4.56_DA10 8 Revision E	Level 5 Plan	PBD Architects	16 April 2020
S4.56_DA10 8 Revision H	Level 5 Plan	PBD Architects	8 February 2021
S4.56_DA10 8 Revision J	Level 5 Plan	PBD Architects	7 July 2021
S4.56_DA10 8 Revision L	Level 5 Plan	PBD Architects	27 May 2022
S4.56_DA10 9 Revision E	Level 6 Plan	PBD Architects	16 April 2020
S4.56_DA10 9 Revision H	Level 6 Plan	PBD Architects	8 February 2021
S4.56_DA10 9 Revision K	Level 6 Plan	PBD Architects	27 May 2022
S4.56_DA11 0 Revision E	Level 7 Plan	PBD Architects	16 April 2020
S4.56_DA11 0 Revision H	Level 7 Plan	PBD Architects	8 February 2021
S4.56_DA11 0 Revision J	Level 7 Plan	PBD Architects	7 July 2021
S4.56_DA11 0	Level 7 Plan	PBD Architects	27 May 2022

Revision L			
S4.56_DA11 1 Revision F	Level 8 Plan	PBD Architects	16 April 2020
S4.56_DA11 1 Revision H	Level 8 Plan	PBD Architects	8 February 2021
S4.56_DA11 1 Revision K	Level 8 Plan	PBD Architects	27 May 2022
S4.56_DA11 2 Revision D	Roof Terrace Plan	PBD Architects	16 April 2020
S4.56_DA11 2 Revision F	Roof Terrace Plan	PBD Architects	19 February 2021
S4.56_DA11 2 Revision G	Roof Terrace Plan	PBD Architects	26 April 2022
S4.56_DA11 3 Revision C	Roof Plan	PBD Architects	18 March 2020
S4.56_DA11 3 Revision E	Roof Plan	PBD Architects	19 February 2021
S4.56_DA11 3 Revision F	Roof Plan	PBD Architects	26 April 2022
S4.56_DA20 0 Revision B	East Elevation Ozone Street	PBD Architects	18 March 2020
S4.56_DA20 0 Revision G	East Elevation Ozone Street	PBD Architects	19 February 2021
S4.56_DA20 0 Revision H	East Elevation Ozone Street	PBD Architects	7 July 2021
S4.56_DA20 0 Revision K	East Elevation Ozone Street	PBD Architects	27 May 2022
S4.56 DA200 Revision L	East Elevation Ozone Street	PBD Architects	14.3.24
S4.56_DA20 2 Revision C	West Elevation	PBD Architects	27 March 2020
S4.56_DA20 2 Revision H	West Elevation	PBD Architects	19 February 2021
S4.56_DA20 2 Revision J	West Elevation	PBD Architects	26 April 2022
S4.56 DA202 Revision K	West Elevation	PBD Architects	14.3.24
S4.56_DA20 3 Revision B	North Elevation Ocean Grove Rd	PBD Architects	18 March 2020
S4.56_DA20 3 Revision G	North Elevation Ocean Grove Rd	PBD Architects	19 February 2021
S4.56_DA20 3 Revision K	North Elevation Ocean Grove Rd	PBD Architects	27 May 2022
S4.56 DA203 Revision L	North Elevation Ocean Grove Avenue	PBD Architects	14.3.24
S4.56_DA20	South Elevation	PBD Architects	18 March

1 Revision B	Cecil Monroe Ave		2020
S4.56_DA20 1 Revision G	South Elevation Cecil Monroe Ave	PBD Architects	19 February 2021
S4.56_DA20 1 Revision H	South Elevation Cecil Monroe Ave	PBD Architects	26 April 2022
S4.56 DA201 Revision J	South Elevation Cecil Munro Avenue	PBD Architects	14.3.24
S4.56_DA30 0 Revision A	Section A	PBD Architects	11 September- 2019
S4.56_DA30 0 Revision C	Section A	PBD Architects	19 February 2021
S4.56_DA30 0 Revision D	Section A	PBD Architects	26 April 2022
S4.56_DA30 0 Revision E	Section A	PBD Architects	14.3.24
S4.56_DA30 1 Revision A	Section B	PBD Architects	11 September- 2019
S4.56_DA30 1 Revision C	Section B	PBD Architects	19 February 2021
S4.56_DA30 4 Revision D	Section B	PBD Architects	7 July 2021
S4.56_DA30 4 Revision D	Section B	PBD Architects	26 April 2022
S4.56_DA30 1 Revision E	Section B	PBD Architects	14.3.24
S4.56_DA30 2 Revision B	Section C	PBD Architects	19 February 2021
S4.56_DA30 2 Revision C	Section C	PBD Architects	26 April 2022
S4.56_DA30 2 Revision D	Section C	PBD Architects	14.3.24
S4.56_DA40 0 Revision C	Material Finishes	PBD Architects	18 March 2020
S4.56_DA40 0 Revision E	Material Finishes	PBD Architects	8 February 2021
S4.56_DA40 0 Revision F	Material Finishes	PBD Architects	26 April 2022
S4.56_502 Revision A	Storage Diagram	PBD Architects	11 September 2019
DA05.03- Revision H	Driveway Ramp Section	Vic Lake Architect	6 November 2018
S4.56 DA310 Revision A	Driveway Ramp Alteration	PBD Architects	1.7.24
DA05.04	Section Detail	Vic Lake	7 November

Revision H	Façade	Architect	2018
S4.56_DA60 0 Revision A	Adaptable Unit	PBD Architects	11 September 2019
S4.56_DA60 1 Revision A	Adaptable Unit	PBD Architects	11 September 2019
S4.56_DA60 2 Revision A	Adaptable Unit	PBD Architects	11 September 2019
S4.56_DA60 3 Revision B	Livable Unit	PBD Architects	18 March 2020
DA06.07 Revision H	Communal Open Storage	Vic Lake Architect	6 November 2018
DA06.30 Revision H	Construction Management Plan – Stage One	Vic Lake Architect	20 March 2018
DA06.31 Revision A	Construction Management Plan – Stage Two	Vic Lake Architect	20 March 2018
DA06.32 Revision A	Construction Management Plan – Stage Three	Vic Lake Architect	20 March 2018
DA06.48 Revision H	Planting Pocket	Vic Lake Architect	7 November 2018
17A09_DA_ C000 Revision 01	Cover Sheet, Drawing Schedule, Notes & Locality Sketch	Henry & Hymes	31 July 2018
17A09_DA_ C100 Revision 01	Stormwater Management Plan	Henry & Hymes	31 July 2018
CI-520-02 Revision H	Stormwater Drainage Plan – Basement 1	Stantec	15.3.24
17A09_DA_ 200 Revision 01	OSD Tank Sections and Details	Henry & Hymes	31 July 2018
CI-520-01 Revision I	Stormwater Drainage Plan – Ground Floor	Stantec	15.3.24
CI-526-02 Revision H	Stormwater Drainage – Details – Sheet 2	Stantec	2.7.24
L-0001/D	Coversheet	Habit8	2 February 2021
L-0001/G	Coversheet	Habit8	27 April 2022
17-0679L- L01 Revision Q	Paving and Planting Schedule	Habit8	31 January 2019

17-0679L-L01	Landscape Plan — Ground Level (South Western)	Habit8	31 January 2019
L-1001/D	Landscape Layout Plan 01	Habit 8	2 February 2021
L-1001/G	Landscape Layout Plan 01 Ground Level	Habit 8	27 April 2022
17-0679L-L02 Revision Q	Landscape Plan — Ground Level (North Western)	Habit8	31 January 2019
L-1002/D	Landscape Layout Plan 02	Habit 8	2 February 2021
L-1002/G	Landscape Layout Plan 02 Ground Level	Habit 8	27 April 2022
17-0679L-L03 Revision Q	Landscape Plan — Ground Level (South Eastern)	Habit8	31 January 2019
L-1003/D	Landscape Layout Plan 03	Habit 8	2 February 2021
L-1003/G	Landscape Layout Plan 03 Ground Level	Habit 8	27 April 2022
17-0679L-L04 Revision Q	Landscape Plan — Ground Level (North Eastern)	Habit8	31 January 2019
L-1004/D	Landscape Layout Plan 04	Habit 8	2 February 2021
L-1004/G	Landscape Layout Plan 04 Ground Level	Habit 8	27 April 2022
17-0679L-L05 Revision Q	Landscape Planting Plan Ground Level — (South Western)	Habit8	31 January 2019
L-2001/D	Landscape Planting Plan 01	Habit 8	2 February 2021
L-2001/G	Landscape Planting Plan 01 Ground Level	Habit 8	27 April 2022
17-0679L 06 Revision Q	Landscape Planting Plan — Ground Level (North Western)	Habit8	31 January 2019
L-2002/D	Landscape Planting Plan 02	Habit 8	2 February 2021
L-2002/G	Landscape Planting Plan 02 Ground Level	Habit 8	27 April 2022
17-0679L-L07 Revision Q	Landscape Planting Plan — Ground Floor (South Eastern)	Habit8	31 January 2019

L-2003/D	Landscape Planting Plan 03	Habit 8	2 February 2021
L-2003/G	Landscape Planting Plan 03 Ground Level	Habit 8	27 April 2022
17-0679L-L08 Revision Q	Landscape Planting Plan – Ground Floor (North Eastern)	Habit8	31 January 2019
L-2004/D	Landscape Planting Plan 04	Habit 8	2 February 2021
L-2004/G	Landscape Planting Plan 04 Ground Level	Habit 8	27 April 2022
L-2005/G	Landscape Planting Plan Roof Terrace Unit 801	Habit 8	27 April 2022
L-2006/G	Landscape Planting Plan Roof Terrace Unit 802	Habit 8	27 April 2022
17-0679L L09 Revision Q	Landscape Planting – Roof Terrace (Southern)	Habit8	31 January 2019
17-0679L L10 Revision Q	Landscape Plan – Roof Terrace (Northern)	Habit8	31 January 2019
L-3001/D	Landscape Sections	Habit 8	2 February 2021
L-3001/G	Landscape Sections	Habit 8	27 April 2022
L-3002/D	Landscape Sections	Habit 8	2 February 2021
L-3002/G	Landscape Sections	Habit 8	27 April 2022
L-3003/D	Landscape Elevation Ozone St	Habit 8	2 February 2021
L-4001/D	Specification Notes and Maintenance Program	Habit 8	2 February 2021
L-4001/G	Specification Notes and Maintenance Program	Habit 8	27 April 2022
L-4002/D	Landscape Details	Habit 8	2 February 2021
L-4002/G	Landscape Details	Habit 8	27 April 2022
L-4003/D	Landscape Details	Habit 8	2 February 2021
L-4003/G	Landscape Details	Habit 8	27 April 2022
L-0001(L)	Coversheet	Habit8	25.6.24
L-1001(L)	Landscape Layout	Habit8	25.6.24

	Plan 01 - Ground Level		
L-1002(L)	Landscape Layout Plan 02 - Ground Level	Habit8	25.6.24
L-1003(L)	Landscape Layout Plan 03 - Ground Level	Habit8	25.6.24
L-1004(L)	Landscape Layout Plan 04 - Ground Level	Habit8	25.6.24
L-2001(L)	Landscape Planting Plan 01 – Ground Level	Habit8	25.6.24
L-2002(L)	Landscape Planting Plan 02 – Ground Level	Habit8	25.6.24
L-2003(L)	Landscape Planting Plan 03 – Ground Level	Habit8	25.6.24
L-2004(L)	Landscape Planting Plan 04 – Ground Level	Habit8	25.6.24
L-3001(L)	Landscape Sections	Habit8	25.6.24
L-3002(L)	Landscape Sections	Habit8	25.6.24
L-3003(L)	Landscape Sections	Habit8	25.6.24
L-4001(L)	Specification Notes and Maintenance Program	Habit8	25.6.24
L_4002(L)	Landscape Details	Habit8	25.6.24
L_4003(L)	Landscape Details	Habit8	25.6.24

(Modified - 26 September 2024)

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

Note: The following must be submitted to Sutherland Shire Council prior to the commencement of any building work.

- i) A Construction Certificate.
- ii) Notification of the appointment of a Principal Certifying Authority and a letter of acceptance from that Principal Certifying Authority.
- iii) Notification of the commencement of building works with a minimum of 2 days' notice of such commencement.

2. Integrated Development Approval - Requirements of WaterNSW

A. General Terms of Approval from WaterNSW

The development must be undertaken in accordance with all General Terms of Approval (GTA) from WaterNSW issued under Section 4.46 of the Environmental Planning and Assessment Act 1979 as follows:

1. *A Water Supply Work Approval from WaterNSW must be obtained prior to commencing dewatering activity on the proposed site. Please complete an Application for approval for water supply works, and/or water use.*
2. *An application for a Water Supply Works Approval will only be accepted upon receipt of supporting documentation, and payment of the applicable fee (see Application fees for New or amended Works and/or Use Approvals). The information required for the processing of the water supply work application may include preparation of a dewatering management plan. Please refer to checklist attached.*
3. *If approved, the Approval will be issued for a period of up to 24 months to cover the dewatering requirements during the construction phase. It will include conditions to ensure that impacts are acceptable and that adequate monitoring and reporting procedures are carried out. The Approval will be issued subject to the proponent meeting requirements of other agencies and consent authorities. For example, an authorisation by either Sydney Water or the local Council, depending where the water will be discharged. If contaminants are likely, or are found to be present in groundwater, and are being discharged to stormwater, including high salinities, a discharge licence under the Protection of the Environment Operations Act 1997 (NSW) may also be required.*
4. *WaterNSW prefers “tanking” (i.e. total water proofing below the seasonal high water table) of basement excavations, and avoids the ongoing extraction of groundwater after the initial construction phase. It is also advised to adopt measures to facilitate movement of groundwater post construction (e.g. a drainage blanket behind the water-proof membrane).*
5. *If the basement is not “tanked”, the proponent will require a Water Access Licence (WAL) and need to acquire groundwater entitlements equivalent to the yearly ongoing take of groundwater. Please note: Acquiring groundwater entitlements could be difficult, and may cause delay in project completion. If a WAL is required, please complete an Application for a new water access licence with a zero share component.*

A copy of the GTA and any further requirements are attached to this development consent. These requirements must be incorporated in the application for a Construction Certificate and where required by the GTAs, relevant approvals must be obtained prior to the release of the Construction Certificate.

3. Fire Hydrant Booster Radiant Heat Shield

A. Before Construction

A radiant heat shield for a required fire hydrant booster assembly is not approved by this development consent. If a fire hydrant booster assembly is required by the Building Code of Australia, a performance solution to not provide a radiant heat shield in accordance with the requirements of AS2419.1-2005 or AS2419.1:2017 must form part of an application for a Construction Certificate.

4. Positive Covenant over Green Wall

A. Before Occupation

Before the issue of any Occupation Certificate, a positive covenant pursuant to Section 88E of the Conveyancing Act, 1919 shall be created on the title of the allotment to ensure that the green wall on the eastern elevation of Ground floor and Level 1 (adjacent to the main building entry from Ozone Street), and the green walls within the north western Communal Open Space remain an integral component of the building for the life of the development. To this end the registered proprietor(s) of the property shall covenant with Sutherland Shire Council and its successors that the green walls shall be maintained, irrigated and (if necessary) replanted in perpetuity in accordance with Condition 24.

Ongoing maintenance of the green wall shall be undertaken in accordance with the Green Wall

Maintenance Plan required under Condition 25.

5. Public Place Environmental, Damage & Performance Security Bond

A. Before Issuing of any Construction Certificate

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

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

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

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

The value of the bond is \$20,200.00

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

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

B. After Occupation

A request for release of the bond may be made to Sutherland Shire Council after all works relating to this consent have been completed. Such a request must be submitted to Council on the 'Bond Release Request Form' signed by the owner or any person entitled to act on the consent and must be accompanied by a current dilapidation report including photographs.

SECTION 94 CONTRIBUTIONS

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

6. S94 2016 Contribution Plan - Cronulla Centre Precinct

A. Before Construction

Pursuant to Section 94 of the Environmental Planning and Assessment Act 1979 and Sutherland Shire Council Section 94 Plan 2016, a total monetary contribution of \$560,000.00 must be paid to Sutherland Shire Council toward the cost of regional and local public domain works contained in the Works Programme of the Contributions Plan.

This contribution has been assessed and calculated in accordance with the Sutherland Shire 2016 S94 Contribution Plan on the basis of **35** proposed Residential Flat Units, Apartments etc, with a concession for 10 existing Residential Flat Units, Apartments etc.

Infrastructure & Facilities	Contribution Required
Local open space and public domain works	\$385,098.50
Regional open space	\$114,901.50

Payment must be made prior to the issue of the Construction Certificate.
(Modified – 1 November 2021)

7. Approvals Required under Roads Act or Local Government Act

A. Before Construction

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

- Frontage works including construction of a driveway, footpath, etc.
- Road openings and restoration to provide services to the development.
- Work Zones and hoardings.
- Skip bins.
- Shoring / anchoring.
- Standing of cranes, concrete pumps, etc.

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

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

8. Design and Construction of Works in Road Reserve (Council Design)

A. Design

Council has determined that the proposed development generates a need for the following works to be undertaken by the applicant in the road reserve. To this end a Detailed Frontage Works application under the Roads Act 1993 must be submitted to Sutherland Shire Council, prior to the release of the Construction Certificate. The form is available on Council's website. A fee applies for the relevant inspections, assessment, coordination, creation of design brief and the issue of permits providing consent to undertake frontage works. The design will be quoted separately by Council's Design Services unit.

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

- i) Property alignment/ boundary levels - establish the property alignment/ boundary levels and crossing profiles.
- ii) Grades - regrade footpath verge to final design levels including topsoil, turf and all associated soft landscaping.
- iii) Vehicle Crossings - construct a vehicle crossing on Cecil Monroe Avenue measuring 8.5m wide.
- iv) Redundant Laybacks and Crossings - remove redundant laybacks and vehicle crossings and replace with kerb and gutter (including associated road reconstruction works).

- v) Stormwater Connection - construct and upgrade existing stormwater infrastructure as required to facilitate drainage for the proposed development.
- vi) Footpath - install new footpath pavement along all frontages of the site including the adjustment of kerb and gutter and road pavement as required.
- vii) Parking Bays - adjust parking bays as required by Council.
- viii) Infrastructure Transitions - ensure there are adequate transitions between newly constructed and existing infrastructure as required.
- ix) Road Pavement - construct road pavement as required.
- x) Kerb and Gutter - reconstruct kerb and gutter as required including associated road reconstruction.
- xi) Street Signage & Line Marking - alter existing and/or install new street signage and line marking as required.
- xii) Trees - remove and replace street trees as required by Council.
- xiii) Undergrounding - provide replacement of existing local distribution power lines and other overhead utilities with subsurface utilities or with insulated aerial bundles cables (ABC) as required.
- xiv) Street Lighting - install new street lighting in conjunction with the undergrounding of local distribution power lines and other utilities as required.
- xv) Utility Services - adjust public services infrastructure as required.
- xvi) NBN - the Australian Government has issued a new policy on the provision of telecommunication infrastructure in new developments. The policy is effective from 1 March 2015. Developers are responsible for providing telecommunications infrastructure in their developments. To provide this infrastructure, developers need to contract a carrier to install and operate a telecommunications network.

NBN is the IPOLR (infrastructure provider of last resort) in developments of 100 lots or more within its fixed-line footprint and in new development where its fixed-line network is available, or the NBN rollout has been announced (www.nbnco.com.au/learn-about-the-nbn/rollout-map.html).

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

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

B. Before Construction

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

C. Before Occupation

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

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

9. Construction Environmental Management Plan

A. Design

A Construction Environmental Management Plan (CEMP) must be prepared by an appropriately qualified, experienced and certified environmental practitioner to manage and control all aspects of environmental site management throughout development.

- (i) The CEMP must address, but not be limited to, the following:
 - a. Description of works.
 - b. Details of all contractors involved with the project.
 - c. Environmental awareness and training of contractors.
 - d. Compliance with legislation and regulations.
 - e. Measures to prevent noise, water, air and land pollution.
 - f. Safe access to and from the site during construction.
 - g. Safety and security of work site, road and footpath area; including details of any proposed fencing, signage, hoarding and lighting, as required.
 - h. Method of loading and unloading excavation machines, construction materials etc.
 - i. Details of how and where construction material and any waste materials will be appropriately managed, stored and disposed of.
 - j. Details of any fuel storage and management.
 - k. Detailed erosion and sediment control measures including methods to prevent material impacting adjoining waterways, roadways and neighbouring land.
 - l. Protection of existing trees and vegetation.
 - m. Unexpected Finds Protocol i.e. the address unexpected finds of soil and/or groundwater contamination.
 - n. Work, Health & Safety requirements.
 - o. Contingency and emergency response plans.
 - p. Inclusion of a detailed site plans.
 - q. The largest sized vehicle permitted to service the property for the purposes of construction and deliveries is limited to a Heavy Ridged Vehicle "HRV" sized truck as defined in AS2890.2.
 - r. Onloading and offloading for heavy vehicles limited to Ozone Street.
 - s. Onloading and offloading on Cecil Monroe Street to be limited to light vehicles only.

B. Prior to Commencement and Issue of Construction Certificate

The CEMP must be included in the documentation for any construction certificate.

C. During Works

The site management measures outlined above must remain in place and be maintained throughout the period of works until the site is stabilised and landscaped.

(Modified – 13 May 2020.)

10. Pre-commencement Inspection

A. Before Works

A Pre-commencement Inspection/meeting is to be convened by the Applicant on-site a minimum 5 days prior to any demolition and/or construction activity and between the hours of 8.00 am and 4.30 pm Monday to Friday. The meeting must be attended by a representative of Council's Public Domain Assets Branch, the Principal Certifying Authority, the builder/site manager of the building/civil construction company and where necessary the supervising engineer. The attendance of the owner is required when it is intended to use more than one builder/principal contractor throughout the course of construction.

The purpose of the meeting is to:

- i) Ensure safe passage for pedestrians, Work and Hoarded Zones are maintained in accordance with Council requirements.
- ii) Check the installation and adequacy of all traffic management devices.
- iii) Confirm that the supervising engineer has a copy of Council's Specification for Civil Works Associated with Subdivisions and Developments.

Note: An inspection fee must be paid to Council prior to the lodgement of the Notice of Commencement. Please refer to Sutherland Shire Council's Adopted Schedule of Fees and Charges.

11. Supervising Engineer

A. Before Construction

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

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

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

B. During Construction

The engineer must supervise the works as listed above to ensure compliance with:

- i) All relevant conditions of development consent.
- ii) Any Consent issued under the Roads Act for this development.

C. Before Occupation

The supervising engineer must certify the works required in A. above were undertaken and completed in accordance with the requirements of this Development Consent and to their satisfaction.

12. Internal Driveway, Parking and Manoeuvring

A. Design

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

- i) Align with Access and Alignment levels issued by Council's Public Domain Unit.
- ii) The convex mirror located on the caretakers office wall of basement 01 is to be deleted Traffic light system are to be provided instead with the priority given to entering traffic.
- iii) A 1m x 1m splayed corner must be provided on the eastern wall of the basement ramp within Basement 01 reducing the size of the waste room to facilitate suitable manoeuvring to and from the ramp.
- iv) The internal driveway must be paved or concreted and must be finished in materials other than plain or exposed aggregate concrete.
- v) Provide adequate sight distance for the safety of pedestrians using the footpath area.
- vi) Provide a maximum grade of 5% for the first 13 metres inside the property boundary.
- vii) Comply with AS2890.1(2004) user class 1A, in relation to the design of vehicular access, parking and general manoeuvring for the B85 vehicle.
- viii) Comply with AS2890.2(2002) in relation to the design of vehicular access, parking and general manoeuvring for the HRV vehicle.
- ix) The maximum longitudinal grade of the driveway must not exceed 25%.
- x) **The new garage door proposed for Unit 801, the double garage must have a minimum door opening of 5.15m wide x 2.2m high clear of any necessary hinges, jambs or fixtures required for the operation of garage doors or any services within the garage area.
(Added - 26 September 2024)**

B. Construction

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

C. Occupation

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

D. On-going

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

13. Basement Car Park Design and Construction

A. Design

The basement car park must be designed in accordance with the approved architectural drawings, subject to the following modifications:

- i) A minimum headroom of 2.2m measured from the parking floor to the underside of any beam, ventilation duct or service conduit, or to the underside of any door including a security door and fittings when those doors are in an open position in accordance with clause 5.3 of AS2890.1.
- ii) **(Deleted – 2 April 2020.)**
- iii) Any double garage accessing off a 6.0m aisle must have a minimum width of 5.7m with a minimum door opening of 5.2m wide x 2.2m high clear of any necessary hinges, jambs or fixtures required for the operation of garage doors or any services within the garage area.
- iv) A parking bay within each adaptable garage must have a clear width of 3.8m, a clear length of 5.4m and a head height clearance of 2.5m, except where this space is occupied by a remote controlled roller door.
- v) The security door fitted to the car parking area entrance must be independently mounted on rubber pads to prevent vibration noise transmission through the concrete walls and / or columns.

B. Prior to Construction

Certification from a Chartered Civil Engineer or a Registered Surveyor, to the effect that the car park layout and vehicle access-way design has been prepared in accordance with A above must accompany the Construction Certificate.

C. Occupation

Prior to the occupation of the development or the issue of any Occupation Certificate a Chartered Civil Engineer or a Registered Surveyor must certify that the works required in "A" above have been completed to their satisfaction and in accordance with the requirements of this Development Consent. This certification must be provided to the PCA and a copy provided to Council.

D. On-going

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

14. Stormwater Drainage

A. Design

The stormwater drainage system must be designed in accordance with the approved stormwater drainage design drawing; Australian Standard AS3500.3:2015; the BASIX Certificate issued for this development; Sutherland Shire Environmental Specification - Stormwater Management. Except where modified by the following:

- i) **(Deleted - 26 September 2024)**
- ii) **(Deleted - 26 September 2024)**
- iii) Water from pathways and access driveways shall be prevented from entering the road reserve as surface flow. This can be achieved by constructing a box drain at the boundary equipped with a 300mm wide grate and frame to collect the flow or directing the flow to a sag pit within the property.
- iv) The rate of discharge of stormwater from the site to a drainage system under Council's control must be controlled so that it does not exceed the pre-development rate of discharge. Any required on-site detention facility must be designed to cater for all storm events up to the Recurrence Interval of 1 in 100 years.
- v) A new kerb inlet pit and associated lintel must be provided within Cecil Monro Avenue to facilitate the private connection to Councils piped system.
- vi) All levels reduced to Australian Height Datum.
- vii) The pipeline within the footpath verge must be a hot dipped galvanised steel hollow section with a minimum wall thickness of 4.0 millimetres or reinforced concrete.
- viii) **The rainwater tank must have minimum volume of 4m³ and 5m³ for OSD as approved plans. (Added - 26 September 2024)**

B. Before Construction

- i) Certification from an Accredited Certifier in Civil Engineering or a Chartered Civil Engineer, to the effect that the drainage design is to their satisfaction and satisfies the design requirements in A. above must accompany the application for a Construction Certificate.

C. Before Occupation

Prior to the issue of an Occupation Certificate:

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

D. Ongoing

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

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

15. Stormwater Treatment

A. Before Construction

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

B. Before Occupation

The work required by A. above must be completed to the satisfaction of the supervising engineer before occupation of the site or the issue of any Occupation Certificate.

C. Ongoing

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

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

16. Waste Collection (On Site Collection)

A. Design

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

- i) A “HRV” sized loading bay must be provided in accordance with AS2890.2 within the subject property (i.e., within the driveway) for waste collection use.
- ii) The maximum long and cross section grade of the loading bay and temporary bin holding area must be $\pm 5\%$.
- iii) The temporary bin holding area is to be adjacent to the loading bay to facilitate ease of access for Council staff on collection day. The bin holding area must be 4.5m long x 2m wide to allow the temporary storage of all allocated bins for the development.
- iv) Clear and direct access must be provided from the bin holding areas to the loading bay.
- v) The permanent communal garbage and/or recycling storage area in Basement 01 must have a smooth impervious floor that is graded to a floor waste. A tap and hose must be provided to facilitate regular cleaning of the bins and all waste water must be discharged to the sewer in accordance with the requirements of Sydney Water. Garbage bins must be designed to prevent the escape of any liquid leachate and must be fitted with a lid to prevent the entry of vermin.

B. Before Construction

Prior to the issue of any Construction Certificate a suitable qualified civil engineer must certify that the waste collection point has been design in accordance with part A. above. A copy of this certification must accompany the Construction Certificate.

C. Before Occupation

Prior to the occupation of the site or the issue of any Occupation Certificate a suitable qualified civil engineer must certify the following:

- that the waste collection point has been constructed to their satisfaction and in accordance with part A above.
- A dedicated room or caged area has been provided for the waste carousel and compactor prohibit access by residents.

A copy of this certification must accompany the Occupation Certificate.

(Modified – 13 May 2020)

D. On-going

- i) All ongoing management, maintenance and cleaning of all waste and recycling management facilities, including suitable collection arrangements and how bins are to be moved from waste storage area/s to collection area/s are to be carried out in accordance with the approved Waste Management Plan for the development.
- ii) All waste and recycling bins (including hard waste) must be stored wholly within the approved permanent communal garbage and/or recycling storage area in Basement 01. The bins must only be placed in the temporary bin holding area in the southern building setback at ground level on the evening prior to collection and then returned to the permanent communal garbage and/or recycling storage area in Basement 01 as soon as possible after pick-up, on the same day.

17. Damage to Adjoining Properties

A. Before Excavation and Construction Works

To minimise vibration damage and loss of support to buildings / structures and properties in close proximity to the development site, including the basement of 20 Gerrale Street, Cronulla, a Geotechnical Engineer's Report must be prepared detailing constraints to be placed on earth moving and building plant and equipment and the method of excavation, shoring, underpinning and support (including to ensure that no damage occurs to, or additional loads are placed on, the basement levels of 20 Gerrale Street Cronulla). This report must be provided to the person undertaking the excavation and the Principal Certifying Authority.

B. During Excavation and Construction Works

The constraints and recommendations of the Geotechnical Engineers Report must be implemented. All excavation and construction works must be supervised by a suitably qualified structural engineer.

18. Public Utilities

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

A. Before Construction

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

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

B. Before Occupation/Subdivision

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

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

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

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

19. Registration of Plan of Consolidation and Road Dedication

A. Prior to Occupation

Prior to the issue of any Occupation Certificate, a Plan of Subdivision must be registered with NSW Land Registry Services showing the following:

- i) Consolidation of Lot 20 DP839823, Lot D DP366048 and Lot 2 DP202936.
- ii) A 3m x 3m splay on the south-eastern corner of the site dedicated as road to Sutherland Shire Council in Stratum to improve vehicle sight lines.

(Modified – 23 November 2020.)

20. Landscaping Works

A. Design

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

- i) The approved landscape plans are to be amended to reflect the approved architectural plans and conditions of consent.
- iii) Clearly show on plan existing trees to be removed /retained including tree numbering in accordance with the arborist report OR provide a separate existing tree plan and schedule.
- iv) Tree Protection Zones (TPZ) / the location of tree protective fencing must be shown on plan for all existing trees and/or natural site features to be retained and protected.
- v) Provide minimum soil depths AND volumes when planting over slab in accordance with the Apartment Design Guide as follows:
 - 1200mm depth for large trees (12-18m tall)
 - 1000mm depth for medium trees (8-12m tall)
 - 800mm depth for small trees (6-8m tall)
 - 600mm for shrubs.
 - 300-450mm for ground covers.
 - 200mm depth for turf
- vi) The Communal Open Space (COS) to the north western corner of the site must accommodate a universal toilet, BBQ, basic kitchen facilities and furniture as shown on the landscape plans referenced in condition 1 of this consent.
- vii) All landscape retaining walls and planter boxes must be constructed in masonry, stone or gabions. Timber is not acceptable.
- viii) Each ground floor unit must be provided with a clothes line easily accessible from the laundry.
- ix) All planted and turf areas including those on slab must be provided with a water-efficient irrigation system and taps at 25m centres, connected to a pump and the rainwater tank or mains, to enable effective plant establishment and maintenance.
- x) The private open space of each ground floor dwelling must be provided with one tap, connected to mains water.
- xi) To improve coverage and reduce weeds and maintenance, planting densities in all planting areas including planter boxes must achieve a minimum of 4 plants per square metre.
- xii) To reduce long term maintenance of planting beds turf species must be native grass such as *Zoysia macrantha* 'Nara' or Buffalo grass varieties.
- xiii) Screening trees capable of attaining a minimum of 12m height at maturity are to be installed in a minimum 200L pot size at the following locations on the ground floor.

1. 3 to Cecil Monro Avenue frontage
2. 9 to Ozone Street frontage
3. 4 to Ocean Grove Avenue

xiv) **(Deleted - 26 September 2024)**

xv) The total number of shrubs to be planted along the three frontages of the site **must be designed as shown on the landscape plans referenced in condition 1 of this consent, except** be increased in numbers to 385 shrubs.

xvii) The planter box wall (PW) (including screen fence) to the private open space of unit G04 is to be setback 1m min from the back of the services wall that will accommodate the FHB and GM.

xvii) The palisade fence **must be designed as shown on the landscape plans referenced in condition 1 of this consent, by being** installed on the wall that encloses the concreted bin collection area only **and not be of a height greater than 1.5m.**

xviii) Eleven (11) star jasmine creepers are to be planted underneath the three magnolia trees above the driveway entrance to drape over the wall.

xix) The front fence is to be finished in sandstone cladding and constructed no greater than **1m** in height when measured from natural ground level.
(Modified - 26 September 2024)

The applicant must engage a suitably qualified Landscape Designer or Landscape Architect to oversee any design changes to the approved Landscape Plan and amendments required above. Details of these design changes must be included in the documentation submitted with the application for a Construction Certificate.
(Modified – 29 November 2022)

Notes:

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

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

B. Prior to Occupation/Occupation Certificate

The landscape works must be completed in accordance with the approved Landscape Plan and amendments required by 'A' above by persons with a minimum AQF Level III certification in Horticulture or Landscape Construction. A Final Landscape Inspection must be carried out and a certificate issued by Council's landscape officer prior to occupation or the issue of an Occupation Certificate. This certificate is required to ensure that all tree protection measures, landscaping works, replacement tree planting and the deep soil percentage requirements have been carried out in accordance with 'A' above and other

conditions within this consent, and that all new indigenous plants on the site and within the road reserve are the correct species.

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

C. Ongoing

All landscaping works required by 'A' above must be maintained for 12 months following the final landscape inspection date. Trees required by this condition must be maintained and protected until they are covered by Council's Controls for Preservation of Trees and Bushland Vegetation (SSCDP 2015 Chapter 38).

Any plants found faulty, damaged, diseased or dead shall be replaced with the same species in the same sized container within one month with all costs borne by the owner.

Note: If difficulty is experienced sourcing suitable indigenous plants from other suppliers, plants grown from locally provenance seed may be available from:

Sutherland Shire Council Nursery
345 The Boulevard, Gympie
Ph: 02 9524 5672
(Modified – 29 November 2022)

21. Tree Removal on Private and Council Land

The removal of the following trees is approved:

- i) Trees identified on the approved Landscape Plan as "existing tree to be removed" and/or as listed below:

Tree No.	Tree Species (botanical and common name)	Location
5	<i>Hibiscus tiliaceus</i>	Refer to Drawing TMP01 of the Arboricultural Impact Appraisal and Method Statement prepared by Naturally Trees dated 27 th Sept 2017
6	<i>Hibiscus tiliaceus</i>	"
7	<i>Melaleuca quinquenervia</i>	"
8	<i>Lagunaria patersonii</i>	"
18	<i>Archontophoenix alexandrae</i>	"
19	<i>Lagunaria patersonii</i>	"
20	<i>Archontophoenix alexandrae</i>	"

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

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

A. Tree Replacement

- i) Seven (7) trees are approved for removal as part of this consent. Where trees are proposed to be removed Sutherland Shire Council requires indigenous replacement canopy tree planting at a ratio of 8:1 on private land (dual occ / medium / high density) and 4:1 on Council land (Council Resolution EHR003-17 of 18 July 2016).
- ii) Fifty six (56) replacement trees are required to be planted.
- iii) A minimum number of ten (10) indigenous trees must be planted on the site and/or the street. Replacement trees within the site must be planted within 3m of the front or rear setback of the subject property and not within 4m of an existing or approved building or swimming pool.
- iv) Trees must have a minimum container size of 5 litres.

Note: For the remaining forty six (46) replacement trees required by “A ii)” above, Council offers offsite planting under a ‘Deed of Agreement’ as an alternative to on site planting, at a cost of \$110 per tree.

Offsite planting will be undertaken as part of Council’s Green Street Program. ‘Deed of Agreement’ forms can be downloaded from Council’s website at [www.sutherlandshire.nsw.gov.au/Development/Development-Applications/Off-Site-Tree- Replacement-and-Deed-of-Agreement](http://www.sutherlandshire.nsw.gov.au/Development/Development-Applications/Off-Site-Tree-Replacement-and-Deed-of-Agreement). A completed form and payment must be submitted to Council prior to the release of the Construction Certificate.

B. Tree Removal on Council Land

Council has preferred supplier agreements in place with arborists who are approved to carry out arbor works on Council land. Removal / pruning of the tree/s listed below must only be undertaken using Council’s preferred supplier at the applicant’s expense. The applicant is responsible for contract management and payment of the arborist prior to works being undertaken.

Alternatively, if Council’s Contractor is unavailable, the applicant may engage their own contractor with appropriate qualifications, licences and insurances and forward their name and details to Council prior to the commencement of work. This information will be kept on record in the event of any reportable incidents. The applicant is responsible for contract management and payment of the Arborist. Any contractor used must undertake all work according to the Australian Standard for Amenity Pruning (AS4373).

Select from Council's list of preferred suppliers listed on Council's website: <http://www.sutherlandshire.nsw.gov.au/Residents/Trees/Trees-on-Council-or-Public-Land>. Payment of the quoted amount provided must be made prior to any works commencing on site.

C. Prior to Occupation/Occupation Certificate

The replacement tree planting must be completed in accordance with the approved Landscape Plan/ required street tree planting. Certification will be provided as part of the Final Landscape Inspection by Council's landscape officer (refer Condition - Approved Landscape Plan).

D. Ongoing

Trees required by this condition must be maintained and protected until they are covered by Council's Controls for Preservation of Trees and Bushland Vegetation (SSCDCP2015 Chapter 39). Any replacement trees found damaged, dying or dead must be replaced with the same species in the same container size within one month with all costs to be borne by the owner.

Note: If you have difficulty sourcing suitable indigenous plants from other suppliers, plants grown from local provenance seed may be available from:

Sutherland Shire Council Nursery
345 The Boulevard, Gymea
Ph: 02 9524 5672

Opening hours - Monday to Friday 7.00am-3.00pm (excluding public holidays).

22. Tree Retention and Protection

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

A. Before Works

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

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

All trees not approved for removal must be protected by the measures outlined in the Arboricultural Impact Appraisal and Method Statement prepared by Naturally Trees dated 27th September, 2017 and as outlined below:

- i) Protective fencing constructed of 1.8m high chain wire mesh supported by robust posts must be installed in accordance with the Arboricultural Impact Appraisal and Method Statement prepared by Naturally Trees dated 27th

September, 2017. Signage must be erected on the fence with the following words clearly displayed "TREE PROTECTION ZONE, DO NOT ENTER".

- ii) The tree protection zone within the protective fencing must be mulched with a maximum depth 75mm of suitable organic mulch (woodchips or composted leaf chip mulch) and kept regularly watered for the duration of the works subject to this consent.
- iii) No development or associated activity is permitted within the fenced tree protection zone for the duration of works subject to this consent. This includes vehicular or pedestrian access, sheds, washout areas, excavations, backfilling, installation of services (including stormwater), removal of top soil, stockpiling of soil or building materials.
- iv) Where site access/egress is required over the roots of trees identified for retention and protection, provide hardwood rumble boards over a 200mm thick layer of wood chip.
- v) Where it is impossible to install protection fencing to the full extent of the specified Tree Protection Zone- install trunk and branch boarding protection as shown in Figure 4 of the Australian Standards AS4970- Protection of Trees on Development Sites (Page 17).

B. During Works

- i) The tree protection measures detailed in 'A' above must be maintained during construction.
- ii) The supervising Consulting Arborist must be present during any approved hand excavation or under boring works within the Tree Protection Zone (TPZ) of any tree identified for retention and protection and have the authority to direct works to ensure the trees long term preservation.
- iii) The supervising Consulting Arborist must strictly supervise that there is no disturbance or severing of roots greater than 50mm diameter and to cleanly cut those roots between 10-50mm in diameter.
- iv) If the tree/s identified for retention in 'A' above are damaged or destabilised during construction then works must cease and Council's Tree Assessment Officer (ph. 9710 0333) must be contacted to assess the tree/s and recommend action to be taken.

Hold Point	Task	Responsibility	Certification	Timing of Inspection	Sign/Date
1.	Indicate clearly with spray paint trees approval for removal Only	Principal Contractor	Supervising Arborist	Prior to demolition and site establishment	
2.	Establishment of tree protection fencing	Principal Contractor	Supervising Arborist	Prior to demolition and site establishment	

3.	Supervise all excavation works proposed within the TPZ	Principal Contractor	Supervising Arborist	As required prior to the works proceeding adjacent to the tree	
4.	Inspection of trees by Project Arborist	Principal Contractor	Supervising Arborist	Bi-monthly during construction period	
5.	Final inspection of trees by project Arborist	Principal Contractor	Supervising Arborist	Prior to issue of interim/final Occupation Certificate	

- v) Ensure each hold point outlined below within the Tree Protection Schedule is signed off and dated progressively by the Consulting Arborist throughout the various development stages, including preconstruction, construction and post construction. Photographic evidence must also be provided.

C. Before Occupation

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

23. Green Wall Design

A. Design

The design of the green wall on the eastern elevation of Ground floor, Level 1 (adjacent to the main building entry from Ozone Street) and within the communal space areas on the western side of the building must demonstrate the response to site conditions, including in particular light availability, sun, salt tolerance and wind impacts.

B. Before Construction

- i) Detailed drawings demonstrating how the green wall is constructed, including proposed materials, planter dimensions, and integration into the wall structure;
- ii) Details of the proposed growing medium, including soil depth and type;
- iii) Location, numbers, type and size of plant species selected (with plants being selected on the basis of the site conditions);
- iv) Drainage, irrigation and waterproofing details (as applicable); and
- v) Details of any additional lighting (where applicable).

Note:

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

(Modified – 17 June 2021)

24. Green Wall Maintenance Plan**A. Before Construction**

Prior to the issue of a Construction Certificate, a “Green Wall Maintenance Plan” is to be prepared by a suitably qualified Landscape Designer or Landscape Architect, relating to all green walls shown on the landscape plans listed in condition 1. The maintenance plan must include information on:

- (i) How access will be provided to the plants, soil and structural elements for installation and maintenance;
- (ii) How the Green Wall irrigation system will be maintained and periodically checked;
- (iii) Details outlining the intended replacement strategy for the plants in the event that the plants fail (with a maximum replacement period of 2 weeks).

Note:

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

25. Balcony planters – common ownership**A. Before Construction**

Prior to the issue of a Construction Certificate, a “Maintenance Plan” is to be prepared by a suitably qualified Landscape Designer or Landscape Architect, relating to all elevated planters shown on the plans listed in condition 1. The maintenance plan must include information on:

- (i) How access will be provided to the plants, soil and structural elements for installation and maintenance;
- (ii) How the irrigation system will be maintained and periodically checked;
- (iii) Details outlining the intended replacement strategy for the plants in the event that the plants fail (maximum replacement period of 2 weeks)

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

26. Unexpected Finds Protocol

A. Before Construction and Issue of a Construction Certificate

An Unexpected Finds Protocol (UFP) must be prepared as part of a Construction Environmental Management Plan (CEMP), by an appropriately qualified and experienced environmental consultant to manage the discovery of unexpected soil and/or groundwater contaminants which may be encountered during excavation and/or construction works.

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

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

The Unexpected Finds Protocol and the Construction Environmental Management Plan must accompany the application for a construction certificate.

B. During Works

If unexpected contaminants are encountered during excavation and/or construction works, the situation is to be assessed and managed in accordance with the Unexpected Finds Protocol and Construction Environmental Management, under the supervision of an appropriately qualified and experienced environmental consultant.

27. Management of Site Soil / Fill Material

A. During Works

- i) Disposal of site soils

Any soils to be excavated and disposed of from the site must be analysed and classified by an appropriately qualified and experienced environmental consultant, in accordance with relevant NSW EPA guidelines including the "Waste Classification Guidelines" 2014, prior to off-site disposal.

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

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

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

ii) 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*.

28. Basement Design – Management of Groundwater
(Deleted – 13 May 2020.)

29. Car Wash Bay

To prevent contamination of the stormwater drainage system, the Carwash Bay in the north-western corner of Basement 02 must meet the following requirements:

A. Design

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

B. Before Construction

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

C. Before Occupation

The Principal Certifying Authority must be satisfied that

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

D. Ongoing

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

30. Garbage, Recycling and Green-waste Storage Area

To ensure the proper storage of waste from the premises:

A. Design

The garbage and recycling storage area must have a smooth impervious floor that is graded to a floor waste. A tap and hose must be provided to facilitate regular cleaning of the bins and all waste water must be discharged to the sewer in accordance with the requirements of Sydney Water. Garbage bins must be

designed to prevent the escape of any liquid leachate and must be fitted with a lid to prevent the entry of vermin.

B. Before Construction

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

C. Before Occupation

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

D. Ongoing

All waste and recycling bins (including hard waste) must be stored wholly within the approved Waste Room (and Hard Waste Area) in Basement 01. The bins must only be placed in the temporary bin holding area in the southern building setback at ground level on the evening prior to collection and then returned to the permanent communal garbage and/or recycling storage area in Basement 01 as soon as possible after pick-up, on the same day.

31. External Lighting - (Amenity)

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

A. Design

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

B. Ongoing

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

32. Noise Control - Residential Air Conditioning Units

To minimise the noise impact on the surrounding environment:

A. Design

The units must be designed so that noise generated does not cause an LAeq (15min) sound pressure level in excess of 5 dB(A) above the ambient background level when measured on or within any residential property.

B. Ongoing

- i) The units must be operated in accordance with 'A' above.
- ii) Between the hours of 10.00pm and 8.00am on weekends and public holidays and 10.00pm and 7.00am any other day, noise emitted must not be heard within any residence with its windows and/or doors open or closed.

33. Noise and Vibration Control - Residential Car Park

To minimise noise and vibration from use of the security door in the car park:

A. Design

The proposed security door fitted to the car parking area entrance must be independently mounted on rubber pads or otherwise installed to prevent vibration noise transmission through the concrete walls and / or columns.

B. Before Occupation

The Principal Certifying Authority must be satisfied that 'A' above has been complied with.

34. Demolition Work

To ensure that demolition of structures is carried out in an environmentally acceptable and safe manner:

A. Before Commencement

If works involve the removal of more than 10 square metres of asbestos material, a bonded asbestos licence is required. A friable asbestos licence is required to remove, repair or disturb any amount of friable asbestos. For further information contact SafeWork NSW.

B. During Works

- i) The demolition of the existing building must be carried out strictly in accordance with Australian Standard 2601 - The Demolition of Structures.
- ii) The applicant must ensure that the demolition contractor has a current public risk insurance coverage for a minimum of \$5 million. A copy of the Policy must be submitted to the Council prior to demolition.

To ensure that the removal and transportation of any asbestos material, regardless of the quantity, is carried out in an environmentally acceptable and safe manner, all work must comply with the following:

- a) Work Health and Safety Act 2011;
- b) Work Health and Safety Regulation 2011;
- c) Safe Work Australia Code of Practice - How to Manage and Control Asbestos in the Workplace;
- d) Code of Practice for the Safe Removal of Asbestos 2nd Edition [NOHSC:2002(2005)];
- e) SafeWork NSW 'Working with Asbestos - Guide 2008';
- f) Protection of the Environment Operations Act 1997; and
- g) Protection of the Environment Operations (Waste) Regulation 2005.

Asbestos waste in any form must be disposed of at a waste facility licensed by the NSW EPA to accept asbestos waste. Any asbestos waste load over 100kg (including asbestos contaminated soil) or 10m² or more of asbestos sheeting must be registered with the EPA on-line reporting tool WasteLocate. More information can be found at <https://wastelocate.epa.nsw.gov.au>.

35. Dilapidation Report - Adjoining Properties

A. Before Works

To assist in the resolution of any future disputes about damage to properties adjoining the development site, prior to commencement of any work on site the Applicant or principal contractor must provide dilapidation reports on the adjacent buildings at No.s 14, 18 & 20 Gerrale Street, including any basements and ancillary structures. The reports must be provided to the Principal Certifying Authority and to the owners of the properties that are the subject of the report.

The reports must be prepared by a suitably qualified and experienced person, such as a structural engineer.

36. Design Requirements for Adaptable Housing

A. Design

A report prepared by a suitably qualified Adaptable Housing Specialist must be submitted with the Construction Certificate, demonstrating that the development complies with the requirements of AS4299 - Adaptable Housing. The report must contain a completed checklist (Appendix A - AS4299) demonstrating compliance with the requirements of a Class C Adaptable House.

B. Before Occupation

A suitably qualified Adaptable Housing Specialist must certify prior to the issue of any Occupation Certificate that the development has been constructed in accordance with the requirements of AS4299 - Adaptable Housing for a Class C Adaptable House. A copy of this certification must accompany the Occupation Certificate.

37. Verification of Design for Construction - SEPP 65

A. Design

Design verification must be provided by a registered Architect pursuant to SEPP 65 stating that the design intent approved by the Development Consent has been maintained in the building / architectural plans submitted with the Construction Certificate. This must accompany the application for a Construction Certificate.

B. Before Occupation

Prior to the issue of the final Occupation Certificate design verification must be provided in accordance with SEPP 65.

38. External Walls and Cladding Flammability

A. Design

The external walls of the building, including attachments, must comply with the relevant requirements of the *National Construction Code (NCC)*. This includes the products and systems proposed for use or used in the construction of external walls including finishes and claddings such as synthetic or aluminium composite panels

B. Before Construction

Details of compliance with “A” above must form part of the application for a Construction Certificate.

C. Before Occupation

Certification, including an appropriate level of detail to demonstrate compliance with the NCC as built, must be provided by an appropriately accredited professional that external finishes of the building complies with “A” above.

39. Certification Requirement of Levels

A. During Construction

At the following stages of construction:

- i) Prior to the pouring of each floor or roof slab,
- ii) Upon completion of the roof frame.
- iii) Prior to the pouring / installation of the swimming pool shell

A registered surveyor must provide the Principal Certifying Authority with Certification that the stage of structure complies with the development consent in respect of levels.

B. Before Occupation

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

40. Sydney Water Requirements & Section 73 Compliance Certificate

A. Before Any Works

Prior to the commencement of any works on site, including demolition or excavation, the plans approved as part of the Construction Certificate must also be approved by Sydney Water. This allows Sydney Water to determine if sewer, water or stormwater mains or easements will be affected by any part of your development. Customers will receive an approval receipt which must be included in the Construction Certificate documentation.

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

B. Before Occupation / Subdivision Certificate

Prior to the issue of an Occupation Certificate or a Subdivision Certificate a Compliance Certificate under Section 73 of the Sydney Water Act, 1994, must be submitted to Council by the Principal Certifying Authority. Sydney Water may require the construction of works and/or the payment of developer charges. This assessment will determine the availability of water and sewer services, which may require extension, adjustment or connection to the mains.

Sydney Water Advice on Compliance Certificates:

Sydney Water will assess the development and if required will issue a Notice of Requirements letter detailing all requirements that must be met. Applications can be made either directly to Sydney Water or through a Sydney Water accredited Water Servicing Coordinator. Please make early contact with the Coordinator, since building of water / sewer extensions can be time-consuming and may impact on other services as well as building, driveway or landscaping design.

Go to www.sydneywater.com.au/section73 or call 1300 082 746 to learn more about applying through an authorised WSC or Sydney Water.

41. Dial Before You Dig

A. Before Construction

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

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

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

A. During Works

To minimise the noise impact on the surrounding environment:

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

On 13 occasions, only for the purpose of pouring large floor or roof slabs, work may be carried out on the site from 7.00am to 8pm Monday to Friday, excluding Public Holidays on a week day.

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

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

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

43. Toilet Facilities

A. During Works

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

Each toilet must:

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

44. Street Numbering and Provision of Letter Box Facilities

A. Before Occupation

- i) Street numbers must be clearly displayed.
- ii) Suitable letterbox facilities must be provided in accordance with Australia Post specifications.
- iii) The dwellings must have the following street address format:
 - The site must be known as 5 Ozone Street Cronulla
 - The units must be number in a hotel style format i.e. G01, G02, 101, 102, 201, 202 etc.

45. Car parking Areas

A. Ongoing

To ensure that the car parking area satisfies the demands of the development, any parking nominated as visitor parking or common property (including trades or service vehicle parking) must be continually available as common property.

46. Car Parking Allocation

A. Before Subdivision

Car parking must be allocated to individual strata lots as part of their unit entitlement.

Visitor parking and trades or service vehicle spaces and/or car wash bays must be designated as common property on any strata plan.

Parking must be allocated on the following basis:

- Residential dwellings: **71 spaces**
- Residential visitors/**Car wash bay spaces: 2 spaces**
- Trades or service vehicle spaces: 2 spaces
- **Motorcycle: 3 spaces**
- **Bicycle: 8 spaces**
- **Residential dwellings: a minimum of one parking space per dwelling is required.**

(Modified – 29 November 2022)

B. Ongoing

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

47. Loading and Unloading

To preserve the amenity and ensure the safety of the public:

A. Ongoing

All loading and unloading of vehicles (including removalist trucks) associated with the apartments must be carried out:

- i) Within the waste collection loading bay within the property and not from the public roadway
- ii) Only between the hours of 9am and 8pm on Mondays - Tuesdays and Thursdays - Sundays (including public holidays) and between 12pm and 8pm on Wednesdays.
- iii) Using vehicles, no larger than Heavy Rigid Vehicle (HRV)

48. Restricted Hours of Use of Rear Communal Open Space

A. Ongoing

The rear communal open space located in the north-western corner of the site may only be utilised between the hours of 8am and 10pm, 7 days a week (including public holidays). Prominent signage must remain affixed to all entry points of this communal open space to clearly alert residents and visitors to this restriction.

49. Basement Car Park Security Requirements

A. Design

The following design requirements must be satisfied:

- i) Security shutters / roller door must be installed at the main entry to the basement car park levels. An intercom system must be installed for visitors to gain entry.
- ii) Storage rooms within the basement car park levels must be fitted with deadlocks.
- iii) The basement car park levels must be painted in bright colour/s to reflect light (thereby improving security), appear larger and more spacious and reduce the number of lights required to illuminate the basement.

50. Closed Circuit Television (CCTV)

A. Before Occupation

To increase resident safety and security, a CCTV system must be installed to monitor all common areas (including letter boxes), the access / exit driveway and all basement car park levels including lift areas.

51. Communal Open Space (North East)

- i) The planter to the western edge of the communal open space shall be a consistent height of 1m (RL 17.00).
- ii) The walls when within the deep soil zone shall be pierced to not reduce the deep soil area further.
- iii) The planting within this elevated planter **must be designed as shown on the landscape plans referenced in condition 1 of this consent.**
(Modified – 29 November 2022)

52. Noise Control – Design of Plant and Equipment (General Use)

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

A. Design

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

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

B. Before Occupation

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

C. Ongoing

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

(Added – 13 May 2020.)

53. Design Changes Required

A. Before Construction

The following design changes must be implemented:

- i) Aluminium privacy screens (as shown as PS on the Material Finishes plan S4.56_DA400, issue C, dated 18 March 2020) are to be installed wrapping around the north western corner of each unit on levels 1 to 7.
- ii) **(Deleted – 7 June 2021)**
- iii) The front fence is to be finished in sandstone cladding and constructed no greater than 400mm in height when measured from natural ground level.
- iv) The combined height of the planter walls and palisade fence is to be no greater than 1.5m in height when measured from the finished ground floor terrace levels.
- v) The palisade fence **as shown on the landscape plans referenced in condition 1 of this consent** is to be installed on the wall that encloses the concreted bin collection area only and not exceed 1.5m in height. **(Modified – 29 November 2022)**
- vi) The planter box wall (PW) (including screen fence) to the private open space of Unit G04 is to be setback 1m min from the back of the services wall that will accommodate the FHB and GM.
- vii) **(Deleted – 29 November 2022)**
- viii) **To remove the inconsistencies between the ground floor and the northern elevation plan and ensure a positive streetscape outcome, the raised planter shown directly in front of the power kiosk must be replaced with a gate comprising vertical palisade elements that are consistent with the approved perimeter fencing height and materials. The gate will give access to the kiosk and must have a nil street setback. The gate materials must be certified by the PCA and/or a suitably qualified or practicing fire engineer.**

(Added - 26 September 2024)

54. Potential Acid Sulfate Soils – Unexpected Finds (Modified – 2 April 2020.)

A. During Works

If acid sulfate soils are encountered during works; the situation is to be promptly evaluated by an appropriately qualified, experienced and certified environmental consultant. The acid sulfate soils must then be treated and/or managed under the supervision of the environmental consultant in accordance with the requirements of the NSW Acid Sulfate Soil Manual (ASSMAC 1998) and the National Acid Sulfate Soil Guidance (2018).

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

- EIANZ 'Certified Environmental Practitioner' (CEnvP).
- Soil Science Australia 'Certified Professional Soil Scientist' (SSA CPSS)

B. Prior to the recommencement of works

If unexpected acid sulfate soils are treated and/or managed onsite; the appropriately qualified environmental consultant must certify that the acid sulfate soils were appropriately managed in accordance with the requirements of the NSW Acid Sulfate Soil Manual (ASSMAC 1998) and the National Acid Sulfate Soil Guidance (2018) prior to works recommencing on site.

This certification must be provided to the satisfaction of the Principal Certifier and a copy supplied to Sutherland Shire Council, Manager Environmental Science, prior to the recommencement of works. **(Added – 13 May 2020)**

Sue McMahon
Senior Manager Development Services
Sutherland Shire Council

Attached are the prescribed conditions that must be complied with under the Environmental Planning and Assessment Regulations 2021.

PREScribed CONDITIONS

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

- Clause 69 Compliance with Building Code of Australia and insurance requirements under Home Building Act 1989
- Clause 70 Erection of signs
- Clause 71 Notification of Home Building Act 1989 requirements
- Clause 72 Entertainment venues
- Clause 73 Maximum capacity signage
- Clause 74 Shoring and adequacy of adjoining property

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

PREScribed CONDITIONS

Division 8A Prescribed conditions of development consent

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

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

- (1) For the purposes of Section 4.17(11) of the Act, the following conditions are prescribed in relation to a development consent for development that involves any building work:
 - (a) that the work must be carried out in accordance with the requirements of the Building Code of Australia,
 - (b) in the case of residential building work for which the Home Building Act 1989 requires there to be a contract of insurance in force in accordance with Part 6 of that Act, that such a contract of insurance is in force before any building work authorised to be carried out by the consent commences.
- (1A) For the purposes of Section 4.17(11) of the Act, it is prescribed as a condition of a development consent for a temporary structure that is used as an entertainment venue, that the temporary structure must comply with Part B1 and NSW Part H102 of Volume One of the Building Code of Australia.
- (2) This clause does not apply:
 - (a) to the extent to which an exemption is in force under clause 164B, 187 or 188, subject to the terms of any condition or requirement referred to in clause 164B(4), 187(6) or 188(4), or

- (b) to the erection of a temporary building, other than a temporary structure to which subclause (1A) applies.
- (3) In this clause, a reference to the Building Code of Australia is a reference to that Code as in force on the date the application is made for the relevant:
 - (a) development consent, in the case of a temporary structure that is an entertainment venue, or
 - (b) construction certificate, in every other case.

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

Clause 98A Erection of signs

- (1) For the purposes of Section 4.17(11) of the Act, the requirements of subclauses (2) and (3) are prescribed as conditions of a development consent for development that involves any building work, subdivision work or demolition work.
- (2) A sign must be erected in a prominent position on any site on which building work, subdivision work or demolition work is being carried out:
 - (a) showing the name, address and telephone number of the principal certifier for the work, and
 - (b) showing the name of the principal contractor (if any) for any building work and a telephone number on which that person may be contacted outside working hours, and
 - (c) stating that unauthorised entry to the work site is prohibited.
- (3) Any such sign is to be maintained while the building work, subdivision work or demolition work is being carried out, but must be removed when the work has been completed.
- (4) This clause does not apply in relation to building work, subdivision work or demolition work that is carried out inside an existing building that does not affect the external walls of the building.
- (5) This clause does not apply in relation to Crown building work that is certified, in accordance with Section 6.28 of the Act, to comply with the technical provisions of the State's building laws.
- (6) This clause applies to a development consent granted before 1 July 2004 only if the building work, subdivision work or demolition work involved had not been commenced by that date.

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

Clause 98B Notification of Home Building Act 1989 requirements

- (1) For the purposes of Section 4.17(11) of the Act, the requirements of this clause are prescribed as conditions of a development consent for development that involves any

residential building work within the meaning of the Home Building Act 1989.

- (2) Residential building work within the meaning of the Home Building Act 1989 must not be carried out unless the principal certifier for the development to which the work relates (not being the council) has given the council written notice of the following information:
 - (a) in the case of work for which a principal contractor is required to be appointed:
 - (i) the name and licence number of the principal contractor, and
 - (ii) the name of the insurer by which the work is insured under Part 6 of that Act,
 - (b) in the case of work to be done by an owner-builder:
 - (i) the name of the owner-builder, and
 - (ii) if the owner-builder is required to hold an owner-builder permit under that Act, the number of the owner-builder permit.
- (3) If arrangements for doing the residential building work are changed while the work is in progress so that the information notified under subclause (2) becomes out of date, further work must not be carried out unless the principal certifier for the development to which the work relates (not being the council) has given the council written notice of the updated information.
- (4) This clause does not apply in relation to Crown building work that is certified, in accordance with Section 6.28 of the Act, to comply with the technical provisions of the State's building laws.

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

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

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

NOTES

1. The cutting down, lopping, injury and destruction of trees is regulated by Sutherland Shire Local Environmental Plan 2015 and Sutherland Shire Development Control Plan 2015. A person who contravenes, causes or permits the controls in relation to trees to be contravened is guilty of an offence. Trees designated to be removed on the approved plans under this consent may be removed unless specified otherwise in the conditions in this consent. All other trees on the site covered by Council's controls referred to above must be retained.
2. Section 8.9 of the Environmental Planning and Assessment Act confers on an applicant who is dissatisfied with the determination of the application the right to lodge an application with Council for a review of such determination. Any such review must however be lodged within 28 days from this determination. Should a review be contemplated sufficient time should be allowed for Council to undertake public notification and other processes involved in the review of the determination. See Section 8.9 (7) for details of determinations not subject to review under Section 8.9.
3. Part 8 (Appeals and Related Matters) of the Environmental Planning and Assessment Act confers on an applicant who is dissatisfied with the determination of the application a right of appeal to the Land and Environment Court.
4. This Section 4.55 modification does not extend the lapsing date of the original development consent.