

Annexure A

**DETERMINATION OF DEVELOPMENT APPLICATION BY GRANT OF
CONSENT**

Development Application No: DA24/0369

Development: *The demolition of existing structures, tree removal, construction of a mixed use development including two buildings being a residential flat building (Building A) containing 53 units and a mixed use building with two wings (Buildings B and C) containing 88 units and tenancies at the lower ground floor and ground floor of Buildings B and C (S2) to accommodate future non-residential uses, intended by the proponent to comprise retail and tavern uses (subject to future assessment and development consent), two basement structures with three levels of basement parking and associated works at 1323-1329 Princes Highway, Heathcote (otherwise known as 1 Veno Street).*

Site: 1323-1329 Princes Highway, Heathcote (otherwise known as 1 Veno Street)

The above development application has been determined by the granting of consent subject to the conditions specified in this consent.

Date of determination: 04 November 2025

Date from which consent takes effect: Date of determination

TERMINOLOGY

In this consent:

- (a) Any reference to a Construction, Compliance, Occupation or Subdivision Certificate is a reference to such a certificate as defined in the *Environmental Planning and Assessment Act 1979*.
- (b) Any reference to the “applicant” means a reference to the applicant for development consent or any person who may be carrying out development from time to time pursuant to this consent.
- (c) Any reference to the “site”, means the land being 1323-1329 Princes Highway, Heathcote (otherwise known as 1 Veno Street).

REASONS FOR THE GRANT OF CONSENT

1. The Clause 4.6 written request in relation to contravention of the height of buildings development standard pursuant Clause 4.3 of SSLEP 2015 and section 16(3) of the Housing SEPP has demonstrated that:

(a) compliance with the development standard is unreasonable or unnecessary in the circumstances, and

(b) there are sufficient environmental planning grounds to justify the contravention of the development standard.

Relevantly, the development is consistent with the desired future scale and character of the street and locality and has been designed and sited to preserve solar access to the Veno Street Reserve playground.

2. The development includes a 15% affordable housing component in accordance with Chapter 2, Part 2, Division 1 of the Housing SEPP. The affordable housing dwellings are distributed across Buildings A, B and C and they are afforded a standard of residential amenity that is consistent with all dwellings across the development.
3. The quality of the design of the development meets the design principles and criteria for residential apartment development set out in Schedule 9 of the Housing SEPP.
4. The design of the development is consistent with the ADG Objectives and Design Criteria, subject to the imposition of conditions.
5. The traffic, parking, vehicular access, pedestrian access and servicing are satisfactory, subject to the imposition of conditions.
6. The development provides satisfactory stormwater disposal systems, subject to the imposition of conditions.
7. Adequate arrangements have been made to retain existing significant trees on the site and adjoining land and the proposed landscape plan (including deep soil landscaped areas) is satisfactory subject to the imposition of conditions.
8. It has been demonstrated that the land is suitable for the proposed use or can be made suitable by remediation.
9. A condition of consent has been imposed stating that consent has not been granted for any non-residential uses in the development, including the tenancy marked "Tavern" on the lower ground floor (S2) and ground floor of Buildings B and C and the tenancy marked 'retail' on the ground floor (S2) of Building B and C as the nature of those uses and their impacts have not yet been assessed.

The conditions of consent are as follows:

Terms and Reasons for Conditions

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

GENERAL CONDITIONS

Condition

1. Compliance with Building Code of Australia and insurance requirements under Home Building Act 1989

1. It is a condition of a development consent for development that involves building work that the work must be carried out in accordance with the requirements of the *Building Code of Australia*.
2. It is a condition of a development consent for development that involves residential building work for which a contract of insurance is required under the *Home Building Act 1989*, Part 6 that a contract of insurance is in force before building work authorised to be carried out by the consent commences.
3. It is a condition of a development consent for a temporary structure used as an entertainment venue that the temporary structure must comply with Part B1 and NSW Part H102 in Volume 1 of the *Building Code of Australia*.
4. In subsection (1), a reference to the *Building Code of Australia* is a reference to the *Building Code of Australia* as in force on the day on which the application for the construction certificate was made.
5. In subsection (3), a reference to the *Building Code of Australia* is a reference to the *Building Code of Australia* as in force on the day on which the application for development consent was made.
6. This section does not apply-
 - a. to the extent to which an exemption from a provision of the *Building Code of Australia* or a fire safety standard is in force under the *Environmental Planning and Assessment (Development Certification and Fire Safety) Regulation 2021*, or
 - b. to the erection of a temporary building, other than a temporary structure to which subsection (3) applies.

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

2. Erection of signs

1. This section applies to a development consent for development involving building work, subdivision work or demolition work.
2. It is a condition of the development consent that a sign must be erected in a prominent position on a site on which building work, subdivision work or demolition work is being carried out-
 - 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 the building work and a telephone number on which the principal contractor may be contacted outside working hours, and
 - c. stating that unauthorised entry to the work site is prohibited.
3. The sign must be-
 - a. maintained while the building work, subdivision work or demolition work is being carried out, and
 - b. removed when the work has been completed.
4. This section does not apply in relation to-
 - a. building work, subdivision work or demolition work carried out inside an existing

building, if the work does not affect the external walls of the building, or

- b. Crown building work certified to comply with the Building Code of Australia under the Act, Part 6.

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

3. Notification of Home Building Act 1989 requirements

1. This section applies to a development consent for development involving residential building work if the principal certifier is not the council.
2. It is a condition of the development consent that residential building work must not be carried out unless the principal certifier for the development to which the work relates has given the council written notice of the following-
 - a. for work that requires a principal contractor to be appointed-
 - i. the name and licence number of the principal contractor, and
 - ii. the name of the insurer of the work under the Home Building Act 1989, Part 6,
 - b. for work to be carried out 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 the Home Building Act 1989-the number of the owner-builder permit.
3. If the information notified under subsection (2) is no longer correct, it is a condition of the development consent that further work must not be carried out unless the principal certifier has given the council written notice of the updated information.
4. This section does not apply in relation to Crown building work certified to comply with the Building Code of Australia under the Act, Part 6.

Condition reason: Prescribed condition under section 71 of the Environmental Planning and Assessment Regulation 2021.

4. Shoring and adequacy of adjoining property

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

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

5. Fulfilment of BASIX commitments

It is a condition of a development consent for the following that each commitment listed in a relevant BASIX certificate is fulfilled-

1. BASIX development,
2. BASIX optional development, if the development application was accompanied by a BASIX certificate.

Condition reason: Prescribed condition under section 75 of the Environmental Planning and Assessment Regulation 2021.

6. Approved plans and supporting documentation

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

Approved plans

Plan number	Revision number	Plan title	Drawn by	Date of plans
Architectural Plans				
DA-0-111	E	Demolition Plan	MHNDU	10 October 2025
DA-0-112	O	Site Plan	MHNDU	10 October 2025
DA-0-115	F	Site Elevations	MHNDU	10 October 2025
DA-0-200	U	(S1) Basement 2	MHNDU	10 October 2025
DA-0-201	U	(S1) Basement 1 & (S2) Basement 2	MHNDU	10 October 2025
DA-0-202	W	(S1) Ground floor & (S2) Basement 1	MHNDU	10 October 2025
DA-0-203	V	(S1) Level 1 & (S2) Lower Ground	MHNDU	10 October 2025
DA-0-202	V	(S1) Level 2 & (S2) Ground floor	MHNDU	10 October 2025
DA-0-205	U	(S1) Level 3 & (S2) Level 1	MHNDU	10 October 2025
DA-0-206	U	(S1) Level 4 & (S2) Level 2	MHNDU	10 October 2025
DA-0-207	U	(S1) Level 5 & (S2) Level 3	MHNDU	10 October 2025
DA-0-208	U	(S1) Roof & (S2) Level 4	MHNDU	10 October 2025
DA-0-209	U	(S2) Level 5	MHNDU	10 October 2025
DA-0-210	U	(S2) Roof	MHNDU	10 October 2025
DA-0-220A	W	(A)Basement 2 Plan – Building A	MHNDU	10 October 2025
DA-0-220	W	(A)Basement 1 Plan – Building A	MHNDU	10 October 2025
DA-0-221	Y	(A)Ground Floor Plan	MHNDU	10 October 2025
DA-0-222	W	(A)Level 1 Floor Plan	MHNDU	10 October 2025
DA-0-223	V	(A)Level 2-3 Floor Plan	MHNDU	10 October 2025
DA-0-223A	N	(A)Level 4 Floor Plan	MHNDU	10 October 2025
DA-0-224	Y	(A)Level 5 Floor Plan	MHNDU	10 October 2025
DA-0-225	T	(A)Roof Plan	MHNDU	10 October 2025
DA-0-230A	C	(B)Basement 2 Plan	MHNDU	10 October 2025
DA-0-230	O	(B)Basement 1 Plan	MHNDU	10 October 2025
DA-0-231	O	(B)Lower Ground Floor Plan	MHNDU	10 October 2025
DA-0-232	P	(B)Ground Floor Plan	MHNDU	10 October 2025
DA-0-233	P	(B)Level 1 Floor Plan	MHNDU	10 October 2025
DA-0-234	P	(B)Level 2 Floor Plan	MHNDU	10 October 2025
DA-0-234A	P	(B)Level 3 Floor Plan	MHNDU	10 October 2025
DA-0-235	P	(B)Level 4 Floor Plan	MHNDU	10 October 2025
DA-0-236	S	(B)Level 5 Floor Plan	MHNDU	10 October 2025
DA-0-237	N	(B)Roof Plan	MHNDU	10 October 2025
DA-0-240	K	(C)Basement 2 Plan	MHNDU	10 October 2025
DA-0-241	M	(C)Basement 1 Plan	MHNDU	10 October 2025
DA-0-242	K	(C)Lower Ground Floor Plan	MHNDU	10 October 2025
DA-0-243	M	(C)Ground Floor Plan	MHNDU	10 October 2025

DA-0-244	P	(C)Level 1 Floor Plan	MHNDU	10 October 2025
DA-0-245	P	(C)Level 2-3 Floor Plan	MHNDU	10 October 2025
DA-0-246	Q	(C)Level 4 Floor Plan	MHNDU	10 October 2025
DA-0-247	Q	(C)Level 5 Floor Plan	MHNDU	10 October 2025
DA-0-301	K	Elevation Sheet – Building A	MHNDU	10 October 2025
DA-0-302	I	Elevation Sheet II– Building A	MHNDU	10 October 2025
DA-0-303	H	Elevation Sheet – Building B	MHNDU	10 October 2025
DA-0-304	H	Elevation Sheet II- Building B	MHNDU	10 October 2025
DA-0-305	H	Elevation Sheet – Building C	MHNDU	10 October 2025
DA-0-306	J	Southeast Elevation Building C	MHNDU	10 October 2025
DA-0-307	H	Northwest Elevation Building C	MHNDU	10 October 2025
DA-0-401	I	Section Sheet 1	MHNDU	10 October 2025
DA-0-402	O	Section Sheet 2	MHDNU	10 October 2025
DA-0-403	I	Section Sheet 3	MHNDU	10 October 2025
DA-0-404	M	Façade Details	MHNDU	10 October 2025
DA-0-405	M	Façade Section Details 2	MHNDU	10 October 2025
DA-0-910	H	Car Park Ramp Sections	MHNDU	10 October 2025
DA-0-921	D	Natural Ventilation – (B + C) Ground Floor Plan	MHNDU	21 October 2025
DA-0-922	D	Natural Ventilation – (B + C) Level 1 Floor Plan	MHNDU	21 October 2025
DA-0-923	D	Natural Ventilation – (B + C) Level 2 Floor Plan	MHNDU	21 October 2025
DA-0-924	D	Natural Ventilation – (B + C) Level 3 Floor Plan	MHNDU	21 October 2025
DA-0-925	D	Natural Ventilation – (B + C) Level 4 Floor Plan	MHNDU	21 October 2025
DA-0-926	D	Natural Ventilation – (B + C) Level 5 Floor Plan	MHNDU	21 October 2025
DA-0-927	D	Natural Ventilation – Building A	MHNDU	21 October 2025
DA-0-928	D	Acoustic Plenum Details	MHNDU	21 October 2025
DA-0-929	C	Acoustic Plenum Details – Sheet 2	MHNDU	21 October 2025
DA-0-940	G	External Finishes & Materials	MHNDU	10 October 2025
DA-0-941	F	External Finishes & Materials – Building A	MHNDU	10 October 2025
DA-0-942	F	External Finishes & Materials – Building C	MHNDU	10 October 2025
Stormwater Plans				
C100	E	Stormwater Plan	Richmond + Ross	03.04.25
C150	D	Stormwater Details	Richmond + Ross	03.04.25
Landscape Plans				
L03	P	Overall Landscape Master Plan	Habitat8	22 October 2025
L04	P	Soil Depth + Volume Plan	Habitat8	22 October 2025
L05	P	Landscape Concept plan Building A (Ground level - Level 01)	Habitat8	22 October 2025
L06	P	Landscape Concept plan Buildings	Habitat8	22 October 2025

		B+C (Lower ground level) 01		
L07	P	Landscape Concept plan Buildings B+C (Ground level) 02	Habitat8	22 October 2025
L08	P	Landscape Sections A-A + B-B	Habitat8	22 October 2025
L09	P	Landscape Sections C-C + D-D	Habitat8	22 October 2025
L10	P	Landscape Section E-E	Habitat8	22 October 2025
L11	P	Landscape Sections F-F + G-G	Habitat8	22 October 2025
L12	P	Plant Schedule 01	Habitat8	22 October 2025
L13	P	Plant schedule 02	Habitat8	22 October 2025
L14	P	Typical Specification + Maintenance Notes	Habitat8	22 October 2025
L15	P	Typical Landscape Details 01	Habitat8	22 October 2025
L16	P	Typical Landscape Details 02	Habitat8	22 October 2025

Approved Documents

Document title	Version number	Prepared by	Date of document
Ventilation of Noise Affected Apartments	0	Windtech	12 September 2025
Letter of Advice Mixed Use Development at 1 Veno Street, Heathcote	-	McLaren Traffic Engineering	12 September 2025
Operational Waste Management Plan	K	Elephants Foot	22 October 2025
Acoustic Assessment Proposed Mixed Use Development 1 Veno Street, Heathcote, NSW	Final	Day Design Pty Ltd	12 September 2025
Remediation Action Plan	E26160.E06_Rev0	ei Australia	21 October 2025
Preliminary Site Investigation – Limited Sampling	E26160.E01_Rev0	ei Australia	17 November 2023
Detailed Site Investigation	E26160.E02_Rev0	ei Australia	28 June 2024
Adaptable Housing & LHDG Indicative Compliance Report for DA Lodgement	1.0	Building Innovations Australia	4 July 2024
Geotechnical Investigation	2	ei Australia	26 June 2024
Fire Services Assessment Report		Goldfish & Bay	7 August 2024
BCA & Access 2022 Indicative Compliance Report for DA Lodgement	1	Building Innovations Australia	4 July 2024
Hydrogeological Report including	0	ei Australia	30 October 2024

Dewatering Management Plan and Groundwater Seepage Analysis			
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In the event of any inconsistency with the approved plans and a condition of this consent, the condition prevails.

Condition reason: To identify the plans and documents that form part of this application.

7. Occupation and use of the non-residential tenancies

No consent is granted or implied for the fit-out or specific use of the non-residential tenancies shown on the approved plans. A 'first use' development consent or other approval (as appropriate) is required to be obtained for the fit-out and use of the non-residential tenancies prior to that fit-out or use commencing.

Condition Reason: To clarify the approved uses in this consent. This development consent does not authorise the erection of the building for the purpose of a 'tavern' or 'retail' and s4.19 of the *Environmental Planning and Assessment Act 1979* is not engaged to authorise those uses.

8. Occupation of buildings

Separate Occupation Certificates may be issued for Building A, and Buildings B and C (combined). All conditions relevant to that building must be satisfied prior to the issue of each respective Occupation Certificate.

BUILDING WORK

BEFORE ISSUE OF A CONSTRUCTION CERTIFICATE

Condition

9. Adaptable units

Before the issue of the relevant construction certificate a report prepared by a suitably qualified consultant must be obtained that demonstrates, to the certifier's satisfaction, that any adaptable dwellings specified in the approved plans or documents comply with the provisions of AS4299 Adaptable Housing Standards.

Condition reason: To ensure adaptable units are designed in accordance with the Australian Standard.

10. Construction site management plan

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

1. The location and materials for protective fencing and hoardings on the perimeter of the site;
2. Provisions for public safety;
3. Pedestrian and vehicular site access points and construction activity zones;
4. Details of construction traffic management including:
 - a. Proposed truck movements to and from the site;
 - b. Estimated frequency of truck movements; and
 - c. Measures to ensure pedestrian safety near the site;
5. Details of bulk earthworks to be carried out;
6. The location of site storage areas and sheds;
7. The equipment used to carry out works;

8. The location of a garbage container with a tight-fitting lid;
9. Dust, noise and vibration control measures;
10. The location of temporary toilets;
11. The protective measures for the preservation of trees on-site and in adjoining public areas including measures in accordance with:
 - a. AS 4970 - Protection of trees on development sites;
 - b. An applicable Development Control Plan;
 - c. An arborist's report approved as part of this consent

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

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

11. Design amendments

Before the issue of a construction certificate, the certifier must ensure the construction certificate plans and specifications detail the following required amendments to the approved plans and documents:

1. **Revised landscape plans** must be prepared to align with the approved architectural plans in particular the width of the planter to the eastern side of the car entry from Strickland Street is not consistent with the updated architectural plans. The landscape plans must be updated to reflect the dimensions of the built form of the planter and include clearly nominate the tree numbers as per the Arborists report which are to be retained and protected.
2. **The swale / pedestrian access way:** location to be further detailed and co-ordinated between the landscape and stormwater plans. This path must be 1m wide and provided with a handrail/s where required by NNC. The path material is to be revised to be a reinforced concrete with concrete kerb / gutter / channel / swale to the southern edge as to direct the overland flow away from the neighbouring properties to the north.
3. **Civil plan cross sections** must be provided for that part of the site where trees are being retained. The plans must be drawn by a suitably qualified and practicing civil engineer and must be reviewed by a consulting arborist (with Level 5 qualifications) to ensure the long term health and survival of the trees to be retained referred to in this condition.
4. **A consulting arborist** (with Level 5 qualifications) must review all the engineering and civil plans to ensure all works will have minimal impacts to the long term health and survival of the trees to be retained. The consulting arborist must provide an addendum report certifying that the plans have been designed or amended to ensure compliance with this condition.
5. **Residential Electric Vehicles (EV) EV charging bays** must be provided in basement levels and these EV charging bays shall be allocated to common use for the residents and contained within Common Property. A minimum of 2 EV charging bays and for the residential parking in buildings A, B and C.
6. **Commercial Electric Vehicles (EV) charging bay:** One EV charging bay must be provided in commercial basement level for their visitors or staff.
7. **EV infrastructure:** The civil plans for the basement levels must detail conduits to enable charging of EVs for every residential bay.
8. **Building A – Traffic Lights.** All single lane ramps and associated queueing bays must be provided with traffic lights to ensure the safe, efficient and orderly movement of vehicles.
9. **Building A - Turning Bay.** Parking spaces R14 and R15 must be deleted and converted into a turning bay. This area is to be appropriately signposted and linemarked (chevroned).
10. **Carwash Bays:**
 - In Building A, parking space 20 and adjacent walkway and storage facilities (2) must be converted into a carwash bay with minimum dimensions of 3m x 7.6m. This

carwash bay is to be appropriately signposted and linemarked and the existing carwash bay as shown on the architectural plans can be converted into a residential or storage room space.

- In Buildings B and C two carwash bays with minimum dimensions of 3m x 7.6m shall be provided within the residential parking areas.
- 11. **A Skylight to Unit B210:** To ensure adequate solar access is achieved, a skylight must be installed above the balcony area of Apartment B210. The skylight must be a minimum 1m² in area and comprise clear glass.
- 12. The **glass line** of Apartment BLG02 must be adjusted to align with the glass line of unit BG02 directly above.
- 13. **Clothes Drying Racks:** The architectural plans to be amended to provide clothes drying racks to each apartment is fixed below the balustrade height [see example on DA-0-405M but clothes drying rack must not 'hung' over the solid portion of balustrade and must instead be fixed to it]. Further, the clotheslines must not be located so as to facilitate climbing of the balustrade.
- 14. The proposed **tanking of basements** shall not reduce the internal dimensions of the basement and carparks.
- 15. **Vertical Plenums:** The Architectural Plans shall be revised to include the vertical plenums as indicated in the following concept plans prepared by MHNDUnion dated 21 October 2025 numbered DA-0-921, DA-0-922, DA-0-923, DA-0-924, DA-0-925, DA-0-926, DA-0-927, DA-0-928 and DA-0-929. The resultant floor area of the apartments and areas and dimensions of the rooms shall comply with the minimum apartment and room size provisions in Part 4D of the Apartment Design Guide and these revised architectural plans shall be approved by the Senior Manager of Development Assessment of Sutherland Shire Council prior to the issue of a Construction Certificate.
- 16. The plenum design(s) should be developed and certified to the level necessary to confirm ventilation, acoustic performance, and access provisions and a report shall be provided to the Senior Manager of Development Assessment of Sutherland Shire Council prior to the issue of a Construction Certificate demonstrating the design provides adequate natural ventilation performance prepared by a suitably qualified ventilation expert.

Condition reason: To require minor amendments to the plans endorsed by the consent authority following assessment of the development.

12. Erosion and sediment control plan

Before the issue of a construction certificate an erosion and sediment control plan must be prepared by a suitably qualified person in accordance with the following documents and provided to the Principal Certifier:

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

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

13. Long Service Levy

Before the issue of the any construction certificate, a long service levy, as calculated at the date of this consent, must be paid to the Long Service Corporation or Council under the Building and Construction industry Long Service Payments Act 1986, section 34, and evidence of the payment is to be provided to the certifier.

Exemptions may apply. Refer to the [Long Service Corporation website](#) for more information.

Condition reason: To ensure the long service levy is paid.

14. Payment of security deposits

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

1. make payment of \$100,000 for a security deposit to the consent authority, and
2. if a principal certifier is required to be appointed for the development - provide the principal certifier with written evidence of the payment and the amount paid.

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

15. Construction waste management plan requirements

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

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

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

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

16. Utilities and services

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

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

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

17. Equal access to the premises

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

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

18. External lighting

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

1. comply with AS 1158: Lighting for Roads and Public Spaces

2. comply with AS 4282: Control of Obtrusive Effects of Outdoor Lighting
3. lighting must be placed at all entrances to, and exits from the premises
4. lighting must provide coverage of the premises and surrounding areas for visibility and to reduce hidden areas
5. lighting must not interfere with traffic safety
6. lighting must not give rise to obtrusive light or have adverse impacts on the amenity of surrounding properties; and
7. external lighting must not flash or intermittently illuminate unless required for safe ingress/egress of vehicles crossing a pedestrian footway or approved vehicle entrance.
8. Relevant council development control plan

The lighting plan must be submitted to the certifier.

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

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

19. Preparation of mechanical ventilation plans

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

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

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

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

20. Housing and productivity contribution - general

Before any Construction Certificate is issued, the housing and productivity contribution (HPC) set out in the table below is required to be made.

Housing and productivity contribution	Amount
Housing and productivity contribution (base component)	\$1,112,480.48
Transport project component	Not applicable
Total housing and productivity contribution	\$1,112,480.48

Note: The Total housing and productivity contribution is calculated as: residential component: \$1,070,405.80 and the commercial component is \$42,074.68. The total amount includes a credit for the existing 7 lots and a 35 apartment credits for the affordable apartments.

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

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

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

The HPC is not required to be made to the extent that a planning agreement excludes the

application of Subdivision 4 of Division 7.1 of the Environmental Planning and Assessment Act 1979 to the development, or the HPC Order exempts the development from the contribution.

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

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

21. Requirement of bodies

The application for a construction certificate is to incorporate the requirements of the following bodies:

- **Transport for New South Wales - Trains.**
- 1. The Applicant shall prepare an acoustic assessment demonstrating how the proposed development will comply with the Department of Planning's document titled "Development Near Rail Corridors and Busy Roads -Interim Guidelines". The Applicant must incorporate in the development all the measures recommended in the report. A copy of the report is to be provided to the Certifier and Council prior to the issuing of a Construction Certificate. The Certifier must ensure that the recommendations of the acoustic assessment are incorporated in the construction drawings and documentation prior to the issuing of the relevant Construction Certificate.
- 2. Prior to the issue of a Construction Certificate, the Applicant is to engage an Electrolysis Expert to prepare a report on the Electrolysis Risk to the development from stray currents. The Applicant must incorporate in the development all the measures recommended in the report to control that risk. A copy of the report is to be provided to the Certifier with the application for a Construction Certificate. The Certifier must ensure that the recommendations of the electrolysis report are incorporated in the construction drawings and documentation prior to the issuing of the relevant Construction Certificate.
- 3. Prior to the issuing of a Construction Certificate, the Applicant must submit to Sydney Trains a plan showing all craneage and other aerial operations for the development and must comply with all Sydney Trains' requirements. If required by Sydney Trains, the Applicant must amend the plan showing all craneage and other aerial operations to comply with all Sydney Trains' requirements. The Certifier is not to issue the Construction Certificate until written confirmation has been received from the Sydney Trains confirming that this condition has been satisfied.
- 4. The Applicant must ensure that at all times they have a representative (which has been notified to Sydney Trains in writing), who:
 - oversees the carrying out of the Applicant's obligations under the conditions of this consent and in accordance with correspondence issued by Sydney Trains;
 - acts as the authorised representative of the Applicant; and
 - is available (or has a delegate notified in writing to Sydney Trains that is available) on a 7 day a week basis to liaise with the representative of Sydney Trains, as notified to the Applicant.
- 5. Without in any way limiting the operation of any other condition of this consent, the Applicant must, during demolition, excavation and construction works, consult in good faith with Sydney Trains in relation to the carrying out of the development works and must respond or provide documentation as soon as practicable to any queries raised by Sydney Trains in relation to the works.

6. Where a condition of consent requires consultation with Sydney Trains, the Applicant shall forward all requests and/or documentation to the relevant Sydney Trains External Interface Management team. In this instance the relevant interface team is Illawarra Interface, and they can be contacted via email on Illawarra_Interface@transport.nsw.gov.au.
 7. Copies of any certificates, drawings, approvals/certification, or documents endorsed by, given to, or issued by Sydney Trains or TAHE (Transport Asset Holding Entity) must be submitted to Council for its records prior to the issuing of the applicable Construction Certificate or Occupation Certificate.
- **Transport for New South Wales - Roads.**
1. All buildings and structures (other than pedestrian footpath awnings), together with any improvements integral to the future use of the site are to be wholly within the freehold property unlimited in height or depth along the Princes Highway boundary. Any proposed awning shall be setback a minimum distance of 0.6 metres from the face of kerb on Princes Highway to protect against the overhang of large vehicles.
 2. The developer is to submit design drawings and documents relating to the excavation of the site and support structures to TfNSW for assessment, in accordance with Technical Direction GTD2020/001.

The developer is to submit all documentation at least six (6) weeks prior to commencement of construction and is to meet the full cost of the assessment by TfNSW. Please send all documentation to development.sydney@transport.nsw.gov.au.

If it is necessary to excavate below the level of the base of the footings of the adjoining roadways, the person acting on the consent shall ensure that the owner/s of the roadway is/are given at least seven (7) day notice of the intention to excavate below the base of the footings. The notice is to include complete details of the work.

3. A Road Occupancy Licence (ROL) should be obtained from Transport Management Centre for any works that may impact on traffic flows on Princes Highway during construction activities. A ROL can be obtained through <https://lmyrta.com/oplinc2/pages/security/oplincLogin.jsf>.
4. Any public utility adjustment/relocation works on the state road network will require detailed civil design plans for road opening/underboring to be submitted to TfNSW for review and acceptance prior to the commencement of any works. The developer must also obtain any necessary approvals from the various public utility authorities and/or their agents. Please send all documentation to development.sydney@transport.nsw.gov.au. A plan checking fee will be payable and a performance bond may be required before TfNSW approval is issued.

In addition to the above, TfNSW provides the following advisory comments for Council's consideration in the determination of the application:

1. The proposed development should be designed such that road traffic noise from Princes Highway is mitigated by durable materials to satisfy the requirements for habitable rooms under clause 2.120 of State Environmental Planning Policy (Transport and Infrastructure) 2021.

2. Council may wish to consider a requirement for banning the right turn movement from Veno Street onto Princes Highway due to the potential increase in right turn movements at this uncontrolled intersection resulting from the development.

- **WaterNSW**

Prior to the issue of any Construction Certificate, General Terms of Approval must be obtained from WaterNSW for the tanking of the basements and any associated ground water management requirements.

- **Ausgrid**

The applicant/developer should note the following comments below regarding any proposal within the proximity of existing electrical network assets.

- Ausgrid Overhead Powerlines are in the vicinity of the development.

The developer should refer to SafeWork NSW Document - Work Near Overhead Powerlines: Code of Practice. This document outlines the minimum separation requirements between electrical mains (overhead wires) and structures within the development site throughout the construction process. It is a statutory requirement that these distances be maintained throughout the construction phase.

Consideration should be given to the positioning and operating of cranes, scaffolding, and sufficient clearances from all types of vehicles that are expected be entering and leaving the site.

The "as constructed" minimum clearances to the mains must also be maintained. These distances are outlined in the Ausgrid Network Standard, NS220 Overhead Design Manual. This document can be sourced from Ausgrid's website at www.ausgrid.com.au.

It is the responsibility of the developer to verify and maintain minimum clearances onsite. In the event where minimum safe clearances are not able to be met due to the design of the development, the Ausgrid mains may need to be relocated in this instance. Any Ausgrid asset relocation works will be at the developer's cost.

- New Driveways - Proximity to Existing Poles

Proposed driveways shall be located to maintain a minimum clearance of 1.5m from the nearest face of the pole to any part of the driveway, including the layback, this is to allow room for future pole replacements. Ausgrid should be further consulted for any deviation to this distance.

- New or modified connection

To apply to connect or modify a connection for a residential or commercial premises. Ausgrid recommends the proponent to engage an Accredited Service Provider and submit a connection application to Ausgrid as soon as practicable. Visit the Ausgrid website for further details; <https://www.ausgrid.com.au/Connections/Get-connected>

Additional information can be found in the Ausgrid Quick Reference Guide for Safety Clearances "Working Near Ausgrid Assets - Clearances". This document can be found by visiting the following Ausgrid website: www.ausgrid.com.au/Your-safety/Working-Safe/Clearance-enquiries

A copy of each of the requirements from Transport for New South Wales Trains and Roads are **attached** to this development consent.

The developer shall obtain the approval of Water NSW prior to the release of the construction certificate and all of their requirements must be satisfied and complied with.

Condition reason: To ensure all parties are aware of any integrated development requirements stipulated by all approval bodies.

22. Section 7.12 Levy - Section 7.12 Development Contribution Plan 2020

Pursuant to Section 4.17 of the *Environmental Planning and Assessment Act 1979*, and Sutherland Shire Council Section 7.12 Development Contribution Plan 2020, a levy of \$707,150 must be paid to Sutherland Shire Council.

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

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

The formula to index a contribution rate is:

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

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

Condition reason: To ensure development contributions are paid to address the increased demand for public amenities and services resulting from the approved development.

23. Approvals required under Roads Act or Local Government Act

No occupation or works are to be carried out on public land (including a road or footpath) or access provided over a public reserve adjacent to the development site without approval being obtained from Sutherland Shire Council and the necessary fee paid under the Roads Act 1993 and/or the Local Government Act 1993.

These approvals must be obtained prior to the issue of a construction certificate, to the satisfaction of council, for the required development works and may include but are not limited to the following:

- frontage works including construction of a driveway, footpath, etc
- road openings and restoration to provide services to the development
- work zones and hoardings
- skip bins
- shoring / anchoring
- standing of cranes, concrete pumps, etc.

Note: Approval under the Roads Act or Local Government Act cannot be granted by a principal certifier or by a private certifier.

Failure to obtain approval may result in fines or prosecution.

Condition reason: Ensure the protection of public assets.

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

Before the issue of a construction certificate, 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

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:

1. Property alignment/ boundary levels - establish the property alignment/ boundary levels and crossing profiles.
2. Grades - regrade footpath verge to final design levels including topsoil, turf and all associated soft landscaping.
3. Vehicle crossings - construct two (2) vehicle crossings. The vehicle crossing to the Ground Floor loading dock in building B shall be asymmetrical, 8.8m wide at the boundary and 9.8m wide at the kerb (splayed to the west).
4. Redundant laybacks and crossings - remove redundant laybacks and vehicle crossings and replace with kerb and gutter (including associated road reconstruction works).
5. Stormwater connection - construct and upgrade Council's stormwater infrastructure as detailed on the approved stormwater plans.
6. Footpath - install new footpath pavement along full frontage of site (as required).
7. Cycleway - install new cycleway (as required).
8. Infrastructure transitions - ensure there are adequate transitions between newly constructed and existing infrastructure as required.
9. Road pavement - construct road pavement as required.
10. Kerb and gutter - construct kerb and gutter/edge strip as required including associated road reconstruction.
11. Street signage - alter existing and/or install new street signage as required.
12. Trees - remove existing street trees and install new street trees as required.
13. 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.
14. Street lighting - install new street lighting in conjunction with the undergrounding of local distribution power lines and other utilities as required.
15. Utility services - adjust public services infrastructure as required.
16. 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.
17. The Power pole located in Veno Street will be relocated to facilitate the vehicle driveway.
18. Instal signage and any infrastructure required to restrict right hand turns from Veno Street onto Princes Highway.
19. Construction of a pedestrian refuge island in Veno St and any associated fencing where required.

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

25. Supervising engineer

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

1. Road frontage works.
2. Construction / installation of stormwater drainage.

3. Rainwater harvesting and reuse.
4. All other works that form part of a subdivision.

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

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

26. Internal driveway, parking and manoeuvring

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

1. Align with access and alignment levels issued by council's Public Domain Unit.
2. The proposed loading and delivery area must be clearly defined with suitable signposting and pavement markings.
3. Provide adequate sight distance for the safety of pedestrians using the footpath area.
4. In Building A, provide a maximum grade of 5% for the first 3 metres inside the property boundary.
5. Comply with AS 2890.1(2004) user class 1A in relation to the design of the vehicular accessway for the B85 vehicle.
6. Comply with AS 2890.2(2018) in relation to the design of vehicular accessway for a SRV for Building A and for a 10.24m long truck for Building B.
7. for Building A, the maximum longitudinal grade of the driveway must not exceed 25% for non-truck accessways and a maximum grade of 20% for truck accessways.

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

27. Engineering design certification

Certification from an appropriately qualified engineer to the effect that the design requirements of car and truck accessways, basement car parks, stormwater and stormwater treatment have been met.

A copy of this certification must accompany any construction/subdivision works certificate application.

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

28. Basement car park design and construction

Before issue of a construction certificate, the basement car park must be designed in accordance with the approved architectural drawings, subject to the following modifications:

1. The car accessways must have 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 AS 2890.1.
2. Parking bays must not be enclosed, caged or a door provided.
3. All parking bays must provide a minimum clear parking envelop in accordance with figure 5.2 of AS 2890.1.
4. All parking bays labelled as disabled and associated shared zones must be strictly in compliance with Figures 2.2, 2.3 or 2.7 in AS2890.6:2022 or AS4299, having a clear width of 3.8m, a clear length of 5.4m and a head height clearance of 2.5m.
5. 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.

6. All "one way" traffic aisles in the car parking area must be clearly identified by signposting and pavement marking.
7. The car park must be line marked.
8. All basement changes required by condition 11 of this consent.
9. Provide dedicated parking bays within buildings B or C to accommodate a Motrec MT180 ride on bin tug and Sitecraft Bin trailer (or similar).
10. Provide dedicated parking bays within buildings B or C to accommodate a Movexx T2500™ (or similar), Motrec MT180™ (or similar) ride on bin tug and Sitecraft Bin trailer (or similar).
11. Tandem commercial parking bays must be dedicated to staff parking.
12. Each tandem residential parking bays must be dedicated to a single unit.

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

29. Drainage design - detailed requirements

Before issue of a construction certificate, the stormwater drainage system must be designed in accordance with the approved stormwater drainage design drawing; Australian Standard AS 3500.3:2015; the BASIX Certificate issued for this development; Sutherland Shire Environmental Specification - Stormwater Management.

Except where modified by the following:

1. A layout of the drainage system showing existing and proposed pipe sizes, type, class, grades, lengths, invert levels, finished surface levels and location of all pipes with levels reduced to Australian Height Datum. Impacts on existing trees must be indicated on the plan.
2. A longitudinal section of the pipeline within the road reserve including existing natural surface levels, design surface levels, design invert levels of the proposed pipeline and the location, size and reduced level of all services to AHD where those services cross the proposed drainage line.
3. 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.
4. The pipeline within the footpath verge must be a hot dipped galvanised steel hollow section with a minimum wall thickness of 4.0 millimetres.
6. Where pipelines are located within the "tree protection zone" of significant vegetation to be retained, the lines shall be excavated by hand or by directional under boring techniques to reduce any adverse impact on the root zone of the trees.
7. A stormwater treatment device must be designed in accordance with Councils WSUD/Water Quality requirements.
8. The private drainage system to connect to Council's augmented drainage system as required by condition 24 of this consent.
9. The "proposed overland flow diversion swale" / pedestrian access-way shall be realigned to the alignment shown on the approved landscape drawings. The swale is required to capture and minimise stormwater overland sheet flows to the neighbouring northern properties.

Condition reason: Ensuring suitable drainage is provided.

30. Design of waste collection (on site collection)

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

1. A loading bay to accommodate a contractor's Waste Collection vehicle must be provided in accordance with AS 2890.2 within the subject property for waste collection use. For

- Building A the maximum size waste truck shall be a SRV as defined in AS2890.2. For Buildings B loading dock the maximum size waste truck shall be 10.24m long.
2. The vehicle accessway and loading bay pavements for the waste trucks must be designed to withstand the loads generated by a 30 tonne waste collection vehicle.
 3. The maximum long and cross section grade of the designated loading areas and temporary bin holding areas must be $\pm 5\%$.
 4. All waste storage and recycling storage areas must have a smooth impervious floor that is graded to a floor waste. A tap and hose must be provided to facilitate regular cleaning of the bins and all wastewater must be discharged to the sewer in accordance with the requirements of Sydney Water. Garbage bins must be designed to prevent the escape of any liquid leachate and must be fitted with a lid to prevent the entry of vermin.
 5. the 'retail garbage room' on the ground floor of Building B, shall have a minimum internal clear floor area of 25m².
 6. Bin movements between the basement/s within Buildings B and C to the ground floor "Loading Dock" shall be undertaken by a Motrec MT180™ (or similar) ride on bin tug and Sitecraft Bin trailer (or similar). Thos tug / trailer shall be maintained for the life of the development by the relevant owners' corporation.
 7. Bin movements between the ground retail garbage room of the commercial building to the ground floor "Loading Dock" shall be undertaken by a Movexx T2500™ (or similar) bin tug. This tug shall be maintained for the life of the development by the relevant owners' corporation.
 8. Bin size location and type within permanent and temporary bin holding areas are to accord with Appendix A.1, A.3, A.4 and A.5 of the draft Operational Waste Management Plan Report No 5488 (21/10/2025) Rev K prepared by Elephants Foot Company.

A suitable qualified civil engineer must certify that the waste collection facilities have been design in accordance with the above. A copy of this certification must accompany the construction certificate.

Condition reason: Ensure the development is suitably serviced.

31. Unexpected Finds Protocol

An Unexpected Finds Protocol (UFP) must be prepared by an appropriately qualified, experienced and certified environmental consultant to manage the discovery of unexpected contaminants which may be encountered during excavation and/or construction works.

The environmental consultant must be certified by one of the following certification schemes:

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

Condition reason: Ensure the protection of the environment.

32. Car wash bays

To prevent contamination of the stormwater drainage system a car-wash bay must be provided on site.

The wash-bay must be graded to an internal drainage point and connected to the sewer. The design must be certified by a civil/hydraulic engineer. A copy of this certification must accompany the application for a construction certificate.

Condition reason: To ensure the stormwater drainage system of medium and high density developments is not contaminated.

33. External lighting - (amenity)

Before the issue of a construction certificate, plans detailing external lighting must be prepared

by a suitably qualified person and submitted to the Certifier.

The lighting plan must be consistent with the approved plans and documents, and the following requirements:

1. comply with AS 1158: Light for Roads and Public Spaces
2. comply with AS 4282: Control for Obtrusive Effects of Outdoor Lighting
3. lighting must be placed at all entrances to, and exits from the premises
4. lighting must provide coverage of the premises and surrounding areas for visibility and to reduce hidden areas
5. lighting must not interfere with traffic safety
6. lighting must not give rise to obtrusive light or have adverse impacts on the amenity of surrounding properties
7. external lighting must not flash or intermittently illuminate unless required for safe ingress/egress of vehicles crossing a pedestrian footway or approved vehicle entrance.
8. relevant council development control plan

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

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

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

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

1. All plant and equipment is to be designed such that the cumulative noise emitted from them complies with the requirements of the EPA Noise Policy for Industry.
2. An appropriately qualified acoustical consultant shall prepare an acoustic report to assess the noise emission from all mechanical plant and equipment prior to issue of the Construction Certificate.

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

35. Rail and Road noise and vibration design criteria (residential & noise sensitive receivers)

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

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

An acoustically treated passive ventilation system is to be incorporated such that under naturally ventilated conditions, internal noise level within apartments is compliant with a noise level 10dB above the internal noise requirements set out in Development Near rail Corridors and Busy Roads (being 10dB(A) above 35dB(A)_{Leq}9hr in bedrooms, and 10dB(A) above 40dB(A)_{Leq}(15hr) in Living Areas).

The internal noise level criteria are to be met by the natural ventilation plenums [condition 10] providing ventilation. Under naturally ventilated conditions, the internal noise levels within apartments should be no more than 10dB above the internal noise level requirements nominated in 'Development near Rail Corridors and Busy Roads – Interim Guideline' produced by the NSW Department of Planning.

Details of the acoustic attenuation treatment required above, must be prepared by a qualified acoustic engineer. These details must accompany the application for a construction certificate.

Condition reason: To minimise the impact on the nearby residents.

36. Noise and vibration control - residential car park

Prior to the issue of a construction certificate the proposed security door fitted to the car parking area entrance must be independently mounted on rubber pads or otherwise installed to prevent noise transmission through the concrete walls and/ or columns.

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

37. Car park ventilation - alternate system

To ensure adequate ventilation for the car park, details of compliance above must form part of the application for a construction certificate:

Design

As the basement car park does not appear to comply with the natural ventilation requirements of Section 4 of Australian Standards AS 1668.2 -2012, the car park must be either mechanically ventilated by a system complying with AS 1668.2 -2012 or alternatively, the natural ventilation system must be certified by a qualified mechanical ventilation engineer to the effect that the system is adequate.

The certification shall confirm that the system will protect the health of occupants of the car park at any time it is used and satisfies the atmospheric contaminate exposure rates specified in the Worksafe Australia document: Workplace Exposure Standards for Airborne Contaminants.

Condition reason: To ensure the mechanical ventilation system has been constructed and installed as approved.

38. External walls and cladding flammability

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

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

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

Condition reason: To ensure safety of occupants.

39. Containment of fill

Details of finished levels around the perimeter of the building must accompany the application for a construction certificate.

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

40. Hazardous Building Materials Survey

A Hazardous Building Materials Survey (HBMS) should be undertaken for all structures requiring demolition. The hazardous materials targeted in the HBMS must include:

- Asbestos-containing material (ACM).
- Synthetic mineral fibre (SMF).
- Lead-based paint (LBP).
- Lead-containing dust (LCD).
- Polychlorinated biphenyls (PCB).
- Ozone-depleting substances (ODS).

The HBMS must, as far as reasonably practicable, identify all known or suspected occurrences of the above hazardous materials. The HBMS must be undertaken in accordance with the following legislation and guidelines:

- NSW Health and Safety Act 2011
- NSW Health and Safety Regulation 2017
- SafeWork NSW Code of Practice: *How to safely remove asbestos* (2022).
- SafeWork NSW Code of Practice: *How to manage and control asbestos in the workplace* (2022).
- SafeWork NSW Code of Practice: *Demolition work* (2019).
- AS 4361.1–1995: *Guide to lead paint management— Industrial applications*.

The HBMS must be undertaken by an experienced environmental consultant, occupational hygienist, or SafeWork NSW Licensed Asbestos Assessor.

Condition reason: To ensure minimal risk to health and impacts to the receiving environment.

41. Consolidation of Lots

All lots must be consolidated into a single lot prior to the issue of any Construction Certificate. A copy of the consolidation of land title and record from the Land Registry Service must be provided to the certifier prior to the issue of any Construction Certificate to certify compliance with this condition.

Condition reason: To ensure compliance with the NCC.

BEFORE BUILDING WORK COMMENCES

Condition

42. Dilapidation report – Adjoining Properties and Road

Before any site work commences, a dilapidation report must be prepared by a suitably qualified engineer detailing the structural condition of adjoining buildings, structures or works and public land, to the satisfaction of the principal certifier.

Where access has not been granted to any adjoining properties to prepare the dilapidation report, the report must be based on a survey of what can be observed externally and demonstrate, in writing, to the satisfaction of the principal certifier that all reasonable steps were taken to obtain access to the adjoining properties.

No less than two days before any site work commences, adjoining building owner(s) must be provided with a copy of the dilapidation report for their property(ies) and a copy of the report(s) must be provided to council (where council is not the principal certifier) at the same time.

Condition reason: To establish and document the structural condition of adjoining properties and public land for comparison as site work progresses and is completed and ensure neighbours and council are provided with the dilapidation report.

43. Erosion and sediment controls in place

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

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

44. Payment of fees

Before any site work commences, the following must be paid to council and written evidence of these payments provided to insert the principal certifier:

1. inspection fee
2. any other fees as specified in council's fees and charges at the payment date.

Condition reason: To ensure fees are paid for inspections carried out by council in connection with the completion of public work such as footway construction or stormwater drainage required in connection with the consent or the making good of any damage to council property.

45. Tree protection measures

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

Condition reason: To protect and retain trees.

46. Damage to adjoining properties

Before building work commences, to minimise vibration damage and loss of support to buildings / structures and properties in close proximity to the development site, 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.

This report must be provided to the person undertaking the excavation and the principal certifier.

Condition reason: Ensure protection of neighbouring structures.

47. Tree retention and protection

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

Condition reason: To protect and retain trees.

48. Sydney Water requirements & section 73 compliance certificate

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

This allows Sydney Water to determine if sewer, water or stormwater mains or easements will be affected by any part of your development.

Customers will receive an approval receipt which must be included in the construction certificate documentation.

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

Condition reason: To ensure the development is adequately serviced.

49. Before You Dig Australia

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

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

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

50. Containment of fill

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

Condition reason: To ensure the protection of the environment and the development doesn't divert water.

51. Fire & Rescue NSW hardstand before construction

An application must be lodged with council's Local Traffic Committee to determine the most appropriate location for the required Hardstand area as required by the Fire safety guideline - Access for fire brigade vehicles and firefighters.

Condition reason: Ensure the hardstand requirements are addressed.

DURING BUILDING WORK

Condition

52. Discovery of relics and aboriginal objects

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

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

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

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

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

53. Hours of work

Site works and associated deliveries must only be carried out between the following times -

- Monday to Friday: From 7.00am to 6.00pm,
- Saturdays from 8.00am to 3.00pm,
- No work is permitted on Sundays and Public Holidays.

Site work is not to be carried out outside of these times except where there is an emergency, or for urgent work directed by a police officer or a public authority.

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

54. Implementation of the site management plans

While site work is being carried out:

1. the measures required by the construction site management plan and the erosion and sediment control plan must be implemented at all times, and
2. a copy of these plans must be kept on site at all times and made available to council officers upon request.

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

55. Noise and vibration - an approved document of this consent

While site work is being carried out, noise generated from the site must be controlled in

accordance with the requirements of the approved noise and vibration management plan

Condition reason: To protect the amenity of the neighbourhood during construction.

56. Responsibility for changes to public infrastructure

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

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

57. Soil management

While site work is being carried out, the principal certifier must be satisfied all soil removed from or imported to the site is managed in accordance with the following requirements:

1. All excavated material removed from the site must be classified in accordance with the EPA's Waste Classification Guidelines before it is disposed of at an approved waste management facility and the classification, and the volume of material removed must be reported to < insert the principal certifier
2. All fill material imported to the site must be:
 - a. Virgin Excavated Natural Material as defined in Schedule 1 of the Protection of the Environment Operations Act 1997, or
 - b. a material identified as being subject to a resource recovery exemption by the NSW EPA, or
 - c. a combination of Virgin Excavated Natural Material as defined in Schedule 1 of the Protection of the Environment Operations Act 1997 and a material identified as being subject to a resource recovery exemption by the NSW EPA.

Condition reason: To ensure soil removed from the site is appropriately disposed of and soil imported to the site is not contaminated and is safe for future occupants.

58. Surveys by a registered surveyor

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

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

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

59. Tree protection during work

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

1. the construction site management plan under this consent,
2. the relevant requirements of AS 4970 Protection of trees on development sites,
3. any document, plans and reports provided by the consulting arborist as required by the design change condition in this consent.

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

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

60. Waste management

While site work is being carried out:

1. all waste management must be undertaken in accordance with the waste management plan, and
2. upon disposal of waste, records of the disposal must be compiled and provided to the

principal certifier detailing the following:

- a. The contact details of the person(s) who removed the waste
- b. The waste carrier vehicle registration
- c. The date and time of waste collection
- d. A description of the waste (type of waste and estimated quantity) and whether the waste is to be reused, recycled or go to landfill
- e. The address of the disposal location(s) where the waste was taken
- f. The corresponding tip docket/receipt from the site(s) to which the waste is transferred, noting date and time of delivery, description (type and quantity) of waste.

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

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

61. Approvals required under Roads Act or Local Government Act

While site works are being carried out, there must be no occupation or works on public land (including a road or footpath) or access provided over a public reserve adjacent to the development site without approval being obtained from Sutherland Shire Council.

Any work on public land must be undertaken strictly in accordance with the relevant approval issued under the Roads Act 1993 and/or the Local Government Act 1993 by Sutherland Shire Council.

Note: All plans and permits are required to be on site, at all times and may be requested by council officers at any time.

Condition reason: To protect public infrastructure.

62. Supervision of engineering works

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

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

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

63. Works required in the road reserve

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

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

64. Potential contaminated land - unexpected finds - during work

If unexpected soil and/or groundwater contamination is encountered during any works; all work must cease and the situation must be promptly evaluated by the supervising environmental consultant.

The contaminated soil and/or groundwater must then be managed under the supervision of the environmental consultant, in accordance with relevant NSW Environment Protection Authority (EPA) guidelines.

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:

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

Condition reason: Protection of the environment.

65. Certification requirement of levels

Survey During Construction

During building work, a registered surveyor must provide the principal certifier with certification that the structure complies with the development consent in respect of levels at the following stages of construction:

1. Prior to the pouring of each floor or roof slab,
2. Upon completion of the roof frame.

Condition reason: Ensure the structure complies with approved levels.

66. Management of site soil / fill material

Disposal of site soils

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

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

Reused soils

Any soils excavated beyond 2 metres below the finished surface level to be reused on the site must be analysed and classified by the supervising environmental consultant, in accordance with the National Environment Protection (Assessment of Site Contamination) Measure 1999 (amended 2013) and any relevant guidelines approved under the Contaminated Land Management Act 1997; to verify that the material is suitable for the intended land use, prior to reuse.

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

Importation of fill material

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

Condition reason: Ensure the protection of the environment.

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

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

The verification documentation must be provided to the satisfaction of the principal certifier and a copy submitted to Sutherland Shire Council, Environmental Science Assessment Officer.

Condition reason: Ensure protection of the environment.

68. Toilet facilities

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

Each toilet must:

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

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

BEFORE ISSUE OF AN OCCUPATION CERTIFICATE

Condition

69. Completion of public utility services

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

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

70. Post-construction dilapidation report

Before the issue of any occupation certificate a post-construction dilapidation report must be prepared by a suitably qualified engineer, to the satisfaction of the principal certifier, detailing whether:

1. after comparing the pre-construction dilapidation report to the post-construction dilapidation report required under this condition, there has been any structural damage to any adjoining buildings; and
2. where there has been structural damage to any adjoining buildings, that it is a result of the work approved under this development consent, and
3. a copy of the post-construction dilapidation report must be provided to council (where council is not the principal certifier or a principal certifier is not required) and to the relevant adjoining property owner(s).

Condition reason: To identify any damage to adjoining properties resulting from site work on the development site.

71. Release of securities

When Council receives an occupation certificate an application may be lodged to release the securities held.

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

72. Removal of waste upon completion

Before the issue of an occupation certificate:

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

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

73. Repair of infrastructure

Before the issue of an occupation certificate:

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

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

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

Before the issue of an occupation certificate the works-as-executed plans for the stormwater drainage system (including treatment device and works within the Road Reserve) and associated compliance certificates and any other evidence confirming the following completed works must be submitted to the satisfaction of the principal certifier:

A copy of the works-as-executed plans and certification must be provided to council with the occupation certificate.

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

75. Certification of acoustic measures

Before the issue of an occupation certificate, a suitably qualified person must provide certification to the principal certifier that the acoustic measures have been installed in accordance with the conditions and that the measures satisfy the internal acoustic requirements of development adjacent a rail corridor and road.

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

76. Compliance of works as executed for mixed use

Before the issue of an occupation certificate, certification from a suitably qualified person must be provided to the principal certifier that the following works as executed are consistent with the plans and specifications approved under this consent

1. Acoustic report
2. Disability access plan
3. Pedestrian access
4. Signage location and structures
5. Mechanical ventilation

Condition reason: To ensure work has been completed in accordance with the development consent.

77. Construction and installation of ventilation system

Before the issue of an occupation certificate, a suitably qualified person must provide details demonstrating compliance to the principal certifier which demonstrates that the mechanical exhaust ventilation system has been constructed and installed in accordance with the approved plans.

Condition reason: To ensure the mechanical ventilation system has been constructed and installed as approved.

78. Water authority certification

Before the issue of an occupation certificate, a certificate of compliance must be obtained in relation to the development from Sydney Water.

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

79. Certification of waste collection

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

A copy of this certification must accompany the occupation certificate.

Condition reason: Ensure the development is suitably serviced.

80. Certification of landscape works

The principal certifier must be satisfied all landscape and tree works have been completed in accordance with the approved landscape plans and specifications documents and any relevant conditions of this consent. A certificate of compliance for the planting of all trees and shrubs proposed for the site must be prepared by a qualified Horticulturist, Landscape Designer or Landscape Architect and approved by the principal certifier prior to the issue of an occupation certificate.

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

81. Certification of tree retention and protection

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

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

82. Car wash bays

To prevent contamination of the stormwater drainage system a car-wash bay must be provided on site.

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

The design must be certified by a civil/hydraulic engineer. A copy of this certification must accompany the application for a construction certificate.

Condition reason: To ensure the stormwater drainage system of medium and high density developments is not contaminated.

83. Noise control - residential air conditioning unit / heat pump water heater / any other pump

To minimise the noise impact on the surrounding environment, the equipment must be installed in accordance with the manufacturer's specification and all required noise attenuation measures implemented to ensure that the equipment complies with the acoustic requirements of the Protection of the Environment Operations Act and (Noise) regulation.

Condition reason: To ensure that the equipment has minimal noise impact on the surrounding environment.

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

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

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

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

A certification must be provided by a qualified acoustic engineer that all work associated with the installation of the acoustic measures has been carried out in accordance with the requirements listed in the "Building work/Noise control - design of plant and equipment (continual operation)" condition of consent.

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

86. Rail noise and vibration design criteria (residential & noise sensitive receivers)

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

Condition reason: To minimise the impact on the nearby residents.

87. Road or rail noise design criteria

Prior to the occupation of the building or the issue of any occupation certificate the appropriate certification, contingent on the category, must be provided to the principal certifier detailing that all work associated with the installation of the acoustic measures has been carried out in accordance with the approved acoustic report/requirement.

Condition reason: To minimise the impact on the nearby residents.

88. Construction and installation of ventilation system

Before the issue of an occupation certificate, a suitably qualified person must provide details demonstrating compliance to the principal certifier which demonstrates that the mechanical exhaust ventilation system has been constructed and installed in accordance with the approved plans.

Condition reason: To ensure the mechanical ventilation system has been constructed and installed as approved.

89. Car park ventilation - alternate system

Prior to the occupation of the building or the issue of any occupation certificate, certification must be provided by a qualified mechanical ventilation engineer that the installation of the ventilation system has been carried out in accordance with condition 'Building work/ Car park ventilation - alternate system' above.

Condition reason: To ensure the mechanical ventilation system has been constructed and installed as approved.

90. Design requirements for disabled access

Prior to the occupation of the development or the issue of any occupation certificate, certification from an appropriately qualified access consultant must be provided demonstrating compliance with AS1428 - Design for Access and Mobility.

A copy of the required certification must accompany the occupation certificate.

Condition reason: To ensure the development is accessible for those with a disability.

91. Design statement

A **design statement** by a **qualified designer** must be provided to the certifier prior to the issue of any occupation certificate.

Note 1: A **design statement** is defined by section 43(4) of the *Environmental Planning and Assessment (Development Certification and Fire Safety) Regulation 2021*.

Note 2: A **qualified designer** is defined by schedule 2 of the *Environmental Planning and*

Condition reason: To ensure the constructed development maintains the design quality of the approved development.

92. External walls and cladding flammability

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

Condition reason: To ensure safety of occupants.

93. Design requirements for liveable housing

Prior to the occupation of the development, or this issue of any occupation certificate, a suitably qualified Liveable Housing Specialist must certify that the development has been constructed in accordance with the following:

1. The development must provide 15 apartments as liveable housing.

These units must be designed to the 'Silver Standard' as outlined in the Liveable Housing Design Guidelines (prepared by Liveable Housing Australia).

Details must be included in documentation submitted with the application for a construction certificate.

Condition reason: To ensure units are designed in accordance with the 'Silver Standard' as outlined in the Liveable Housing Design Guidelines.

94. Completion of engineering works

Certifications from an appropriately qualified engineers to the effect that the completed vehicle accessways, basement carpark layout, disabled parking bays and associated shared zones, EV charging bays/facilities and carwash bays required by this consent have been completed to their satisfaction, in accordance with this development consent and any relevant Australian Standards.

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

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

95. Certification - verification of approved ground levels

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

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

96. Fire & Rescue NSW hardstand construction

The location of the hardstand and any associated works approved by council's Local Traffic Committee as required by the "Fire & Rescue NSW Hardstand Before Construction" condition of consent must be completed.

Condition reason: Ensure the hardstand requirements are addressed.

97. Truck Movements, Waste and Deliveries

Prior to the issue of an Occupation Certificate, a Plan of Management for the ongoing use of the building must be prepared to address the following:

- **Vehicle size:** No vehicle servicing the commercial premises and waste collection vehicles is to exceed 10.24m in length.

- **Delivery, access times:** All deliveries, loading and unloading of any service vehicles associated with any commercial premises within the development and the waste collection associated with the residential apartments must occur outside of peak AM and PM periods. This includes waste collection vehicles.
- **Waste and Commercial Deliveries:** Deliveries must only be carried out between:
 - 7.30am to 5.30pm on Monday to Friday.
 - 8am to 3pm on Saturday.
 - No deliveries are permitted on Sunday or any Public Holiday.
- This Plan of Management, in particular the limitations on the size of the trucks to 10.24m, must be referenced to in any future strata subdivision for the residential and commercial components of the development.
- All waste must be managed by private contractors and no more than two (2) waste collection days per week shall occur.

Condition reason: To ensure the occupation and use of the commercial premises have minimal impacts on the operation of the local road network, the circulation and manoeuvring of other vehicles.

OCCUPATION AND ONGOING USE

Condition

98. Location of mechanical ventilation

During occupation and ongoing use of the building, all mechanical ventilation system(s) or other plant and equipment that generates noise must be located on the site (including in a soundproofed area where necessary) to ensure the noise generated does not exceed 5dBA above the ambient background noise at the boundary adjacent to any habitable room of adjoining residential premises.

Condition reason: To protect the residential amenity of neighbouring properties.

99. External lighting during ongoing use

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

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

100. Graffiti removal

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

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

101. Ongoing management of waste collection

1. 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.
2. All waste and recycling bins must be stored wholly within the approved permanent communal garbage and/or recycling storage area. The bins must only be placed in the onsite loading bay in the evening prior to collection and returned to the permanent communal garbage and/or recycling storage area as soon as possible after pick-up.

Condition reason: Ensure the development is suitably serviced.

102. Maintenance of landscaping

All landscaping works must be maintained for 12 months from the date of the final occupation

Trees required by this consent must be maintained and protected until they are covered by council's Controls for Preservation of Trees and Bushland Vegetation.

Condition reason: To protect the residential amenity and streetscape.

103. Car wash bays

All car washing and cleaning must be conducted in the dedicated wash-bay bays. The wastewater must be treated in accordance with the requirements of Sydney Water.

Condition reason: To ensure the stormwater drainage system is not contaminated.

104. External lighting - (amenity)

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

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

105. Noise control - residential air conditioning unit / heat pump water heater / any other pump

To minimise the noise impact on the surrounding environment:

1. All equipment must be operated in accordance with the requirements listed in the "Building work/ Noise control - residential air conditioning unit / heat pump water heater / any other pump" condition of consent.
2. For air conditioning units / heat pump water heaters:
 - a. 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.
3. For any other pump:
 - a. Between the hours of 8.00pm and 8.00am on weekends and public holidays and 8.00pm and 7.00am any other day, noise emitted must not be heard within any residence with its windows and/or doors open or closed.
4. Receipt of a noise complaint from the operation of this equipment will result in the requirement for certification from an acoustic engineer that the equipment is operating in accordance with the requirements of this condition. If the acoustic assessment reveals that the equipment is not operating in accordance with the consent it must make recommendations on what remediation measures are required to bring the equipment into compliance.

NB. Any other pump includes a swimming pool pump, a spa pump, a sump pump, a water cooler that uses a pump any other apparatus or machine for raising, driving, exhausting or compressing fluid by means of a piston, plunger or rotating vanes.

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

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

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

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

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

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

During ongoing use of the premises, the noise levels of all plant and equipment must not exceed

the project specific noise level when measured at the most affected point on or within any residential property boundary.

The project specific noise level must be the most stringent noise level of the Intrusive and Amenity criteria and be calculated in accordance with the provisions of the NSW Environmental Protection Authority Noise Policy for Industry 2017.

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

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

108. Noise and vibration control - residential car park

Before occupation the principal certifier must be satisfied that condition 'Building work/ Noise and vibration control - residential car park' has been complied with.

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

109. Car park ventilation - alternate system

The ventilation system must be operated and maintained in accordance with condition 'Building work/ car park ventilation - alternate system' above.

Condition reason: To ensure the mechanical ventilation system has been constructed and installed as approved.

110. Commercial Car parking areas

To ensure that the car parking area satisfies the demands of the development, it must be made available on an unrestricted basis and free of charge at all times for employees' and visitors' vehicles,

Condition reason: Ensure car parking is available at all times.

111. Residential Car parking allocation

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

Condition reason: Ensure parking is used for the intended purpose.

112. Street numbering and provision of letter box facilities

Street/unit/shop numbers must be clearly displayed and suitable letterbox facilities must be provided in accordance with Australia Post specifications and AS 4253.

For street numbering, please contact Council's Property and Rating Section.

Condition Reason: To ensure all properties are clearly identified by their address.

113. Loading and unloading

All loading and unloading of vehicles must be carried out within the site and not from the public roadway.

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

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

114. Street numbering and provision of letter box facilities

Street/unit/shop numbers must be clearly displayed and suitable letterbox facilities must be provided in accordance with Australia Post specifications and AS 4253.

The dwellings & commercial spaces must be allocated street addresses as determined by Council Spatial Services Team.

Condition Reason: To ensure all properties are clearly identified by their address.

DEMOLITION WORK

BEFORE DEMOLITION WORK COMMENCES

Condition

115. Asbestos removal signage

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

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

116. Demolition management plan

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

The demolition management plan must be prepared in accordance with Australian Standard 2601 - The Demolition of Structures, the Code of Practice - Demolition Work and must include the following matters:

1. The proposed demolition methods
2. The materials for and location of protective fencing and any hoardings to the perimeter of the site
3. Details on the provision of safe access to and from the site during demolition work, including pedestrian and vehicular site access points and construction activity zones
4. Details of demolition traffic management, including proposed truck movements to and from the site, estimated frequency of those movements, and compliance with AS 1742.3 Traffic Control for Works on Roads and parking for vehicles
5. Protective measures for on-site tree preservation and trees in adjoining public domain (if applicable) (including in accordance with AS 4970-2009 Protection of trees on development sites and <Insert council's relevant development control plan>)
6. Erosion and sediment control measures which are to be implemented during demolition and methods to prevent material being tracked off the site onto surrounding roadways
7. Noise and vibration control measures, in accordance with any Noise and Vibration Control Plan approved under this consent
8. Details of the equipment that is to be used to carry out demolition work and the method of loading and unloading excavation and other machines
9. Details of any bulk earthworks to be carried out
10. Details of re-use and disposal of demolition waste material
11. Location of any reusable demolition waste materials to be stored on-site (pending future use)
12. Location and type of temporary toilets onsite
13. A garbage container with a tight-fitting lid.

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

117. Disconnection of services before demolition work

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

Condition reason: To protect life, infrastructure and services.

118. Notice of commencement for demolition

At least one week before demolition work commences, written notice must be provided to

council and the occupiers of neighbouring premises of the work commencing. The notice must include:

1. name
2. address,
3. contact telephone number,
4. licence type and license number of any demolition waste removal contractor and, if applicable, asbestos removal contractor, and
5. the contact telephone number of council and
6. the contact telephone number of SafeWork NSW (4921 2900).

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

119. Site preparation

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

1. Protective fencing and any hoardings to the perimeter on the site
2. Access to and from the site
3. Construction traffic management measures
4. Protective measures for on-site tree preservation and trees in adjoining public domain
5. Onsite temporary toilets
6. A garbage container with a tight-fitting lid.

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

120. Demolition work and / or removal of asbestos

Asbestos removal signage

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

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

121. Affordable Rental Housing

(1) This section applies to the development - State Environmental Planning Policy (Housing) 2021, Chapter 2, Part 2, Division 1, other than development carried out by or on behalf of the Aboriginal Housing Office or the Land and Housing Corporation.

(2) It is a condition of this development consent that before the issue of an occupation certificate for the development, or an occupation certificate for a building within the development, 15% of the floor space shall have the following—

- (a) a restriction must be registered, in accordance with the Conveyancing Act 1919, section 88E, against the title of the property relating to the development, which will ensure the requirements of subsection (3)(a) and (b) are met, and
- (b) evidence of an agreement with a registered community housing provider for the management of the affordable housing component must be given to the Registrar of Community Housing, including the name of the registered community housing provider, and
- (c) evidence that the requirements of paragraphs (a) and (b) have been met must be given to the consent authority.

(3) It is a condition of the development consent that during the relevant period—

- (a) the affordable housing component must be used for affordable housing, and

- (b) the affordable housing component must be managed by a registered community housing provider, and
- (c) notice of a change in the registered community housing provider who manages the affordable housing component must be given to the Registrar of Community Housing and the consent authority no later than 3 months after the change, and
- (d) the registered community housing provider who manages the affordable housing component must apply the Affordable Housing Guidelines.

(4) In this section—

affordable housing component has the same meaning as in State Environmental Planning Policy (Housing) 2021, section 21.

relevant period means a period of 15 years commencing on the day on which an occupation certificate is issued for all parts of the building or buildings to which the development consent relates.

Condition reason: To ensure affordable housing is provided in accordance with the prescribed condition under section 82 of the Environmental Planning and Assessment Regulation 2021.

DURING DEMOLITION WORK

Condition

122. Handling of asbestos during demolition

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

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

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

123. Site maintenance

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

1. Protective fencing and any hoardings to the perimeter on the site
2. Access to and from the site
3. Construction traffic management measures
4. Protective measures for on-site tree preservation and trees in adjoining public domain
5. Onsite temporary toilets
6. A garbage container with a tight-fitting lid.

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

ON COMPLETION OF DEMOLITION WORK

Condition

124. Waste disposal verification statement

On completion of demolition work:

1. a signed statement must be submitted to the certifier that demolition work, and any recycling of materials, was undertaken in accordance with the waste management plan approved under this consent,
- and
2. if the demolition work involved the removal of asbestos, an asbestos clearance certificate issued by a suitably qualified person, must be submitted to the certifier within 14 days of completion of the demolition work.

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

REMEDIATION WORK BEFORE REMEDIATION WORK COMMENCES

Condition

125. Appointment of supervising environmental consultant

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

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

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

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

Condition reason: To ensure the protection of the environment.

126. Supervising environmental consultant evidence

The applicant must provide clear evidence of the appointment of the appropriately qualified, experienced and certified environmental consultant to the satisfaction of Sutherland Shire Council, Environmental Science Assessment Officer, prior to the issue of any construction certificate.

Condition reason: Ensure appropriate person is supervising works.

DURING REMEDIATION WORK

Condition

127. Contaminated Land Remediation

The identified contamination at the site must be remediated in accordance with the preferred remedial options provided in section 5.3 of the Remediation Action Plan:

- El Australia, *Remediation Action Plan, 1 Veno Street, Heathcote NSW*, report ref: E26160.E06_Rev0, dated 21 October 2025.

and in accordance with:

- National Environmental Protection (Assessment of Site Contamination) Measure (2011);
- State Environmental Planning Policy (Resilience and Hazards) (2021);
- Sutherland Shire Development Control Plan (2015); and
- SafeWork NSW *Code of Practice: How to safely remove asbestos* (2022);

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

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

Condition reason: To ensure the protection of the environment.

128. Underground Petroleum Storage System removal and replacement

The Underground Petroleum Storage Systems (UPSS) identified at the site must be removed in accordance with the remedial option described in Section 6.4.1 of the Remediation Action Plan:

- El Australia, *Remediation Action Plan, 1 Veno Street, Heathcote NSW*, report ref: E26160.E06_Rev0, dated 21 October 2025.

and in accordance with:

- Protection of the Environment Operations (Underground Petroleum Storage Systems) Regulation 2019
- NSW EPA Guidelines for implementing the Protection of the Environment Operations (Underground Petroleum Storage Systems) Regulation 2019 (2020).
- Australian Standard AS 4976–2008, The Removal and Disposal of Underground Petroleum Storage Tanks
- Australian Standard AS 1940–2017, The Storage and Handling of Flammable and Combustible Liquids
- SafeWork NSW safety alert WC01188, Potential risks when removing underground storage tanks.
- National Environmental Protection (Assessment of Site Contamination) Measure (2011);
- State Environmental Planning Policy (Resilience and Hazards) (2021);
- Sutherland Shire Development Control Plan (2015); and

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

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

Condition reason: To ensure the protection of the environment.

ON COMPLETION OF REMEDIATION WORK

Condition

129. Remediation Validation Works

On completion of remedial works, a Validation Report must be prepared by an appropriately qualified, experienced and certified environmental consultant verifying that the site has been remediated in accordance with the approved Remediation Action Plan and meets the validation criteria listed in Section 8 of the Remediation Action Plan:

- El Australia, *Remediation Action Plan, 1 Veno Street, Heathcote NSW*, report ref: E26160.E06_Rev0, dated 21 October 2025.

The Validation Report must also verify that the site is suitable for the proposed land use.

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

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

Condition reason: To ensure the protection of the environment.

