

DETERMINATION AND STATEMENT OF REASONS

SYDNEY SOUTH PLANNING PANEL

DATE OF DETERMINATION	12 June 2025
DATE OF PANEL DECISION	12 June 2025
DATE OF PANEL MEETING	2 June 2025
PANEL MEMBERS	Annelise Tuor (Chair), Glennis James, Carol Provan, Fiona Prodromou
APOLOGIES	Penelope Holloway
DECLARATIONS OF INTEREST	Jared Phillips (previous involvement on the Design Review Panel for this development application)

Public meeting held by videoconference on 2 June 2025, opened at 3pm and closed at 3:24pm.
Papers circulated electronically on 19 May 2025.

MATTER DETERMINED

PPSSSH-172 – SUTHERLAND SHIRE – DA24/0346 at 35A and 35B Waratah Road, Engadine – Alterations and additions to existing school, increase student capacity, and the construction of a car parking area (as described in Schedule 1).

PANEL CONSIDERATION AND DECISION

The panel considered: the matters listed at item 6, the material listed at item 7 and the material presented at meetings and briefings and the matters observed at the site inspection listed at item 8 in Schedule 1.

Development application

The panel determined to approve the development application by "Deferred Commencement" Consent pursuant to section 4.16(3) of the *Environmental Planning and Assessment Act 1979*.

The decision was unanimous.

REASONS FOR THE DECISION

The panel notes that the application has been amended to include an on-site car park for teachers and that further information and changes were made during the assessment process. The panel determined to approve the application for the reasons outlined in the Council Assessment Report.

The proposed development is a permissible development with consent within the SP2 Education Establishment zone pursuant to the *Sutherland Shire Local Environmental Plan 2015* and is consistent with the relevant zone objectives.

The application has been assessed having regard to the matters for consideration under Section 4.15 of the *Environmental Planning and Assessment Act 1979*.

The development complies with the applicable State Environmental Planning Policies and satisfies the relevant provisions of the *Sutherland Shire Local Environmental Plan 2015* and the *Sutherland Shire Development Control Plan 2015*.

The proposed development will provide additional education facilities to support students and appropriately responds to the site, is compatible with the development within the surrounding area and will not result in any unacceptable impact on the environment or the amenity of nearby residents.

CONDITIONS

The Development Application was approved as a "Deferred Commencement" Consent under the provisions of Section 4.16(3) of the Environmental Planning and Assessment Act and subject to the conditions attached to Schedule 2. Council uploaded draft conditions of consent to the NSW Planning Portal on the 19 May 2025. Following the public determination meeting on the 2 June 2025, the panel requested amendments to the draft conditions of consent (uploaded 19 May 2025), these amendments included:

- New condition added (7A – Plan of Management) to require the Plan of Management to be updated to include:
 - Limits on the number of students and staff enrolled at the school
 - reference the car park and bicycle works
 - a review process,
 - a complaint handling procedure and,
 - detail how people can access the Plan of Management
- New condition added (73B – Sustainability Commitments) to requires the initiatives from the General Sustainability Provisions report be implemented
- New condition added (80A) to ensure the Plan of Management is complied with at all times
- New condition added (80B) to limit the number of students and staff enrolled at the school, with minor flexibility (+20 students) to reflect occasional and temporary fluctuations in student numbers.
- New condition added (80C) to ensure that all consents and the Plan of Management are kept on site and that any updates to the Plan of Management to reflect the operation of the school require council approval.

Council further amended the draft conditions of consent (dated 19 May 2025) with the following amendments:

- Condition 4 deleted to remove BASIX reference
- Condition 7(i) renumbered as condition 6 and amended to delete reference to the removal of the temporary demountable buildings
- Condition 7B added to update the bicycle parking in the Green Travel Plan
- Condition 7C added to enforce removal of the temporary demountable buildings to ensure adequate school facilities until the completion of the new building
- Condition 18(7) (previously 19(7)) amended to allow flexibility of design regarding the wombat crossing
- Condition 31 deleted
- Condition 73A added to address drainage easement

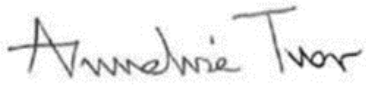
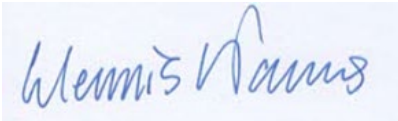


The final conditions of consent, as amended by the panel are included in Schedule 2.

CONSIDERATION OF COMMUNITY VIEWS

In coming to its decision, the panel considered written submissions made during public exhibition and heard from all those wishing to address the panel. The panel notes that issues of concern included:

- Intensification of the school and associated parking strain/traffic congestion
- Deficiency/accuracy of the submitted traffic assessment
- Inadequate parking provided for both students and staff
- Resident/student safety of surrounding pedestrian routes, including drop off and pick up zones
- Adequacy of stormwater design and impact
- Impacts on surrounding neighbourhood and environment during construction works

The Panel considers that concerns raised by the community have been adequately addressed in the Assessment Report and that no new issues requiring assessment were raised during the public meeting.

PANEL MEMBERS	
 Annelise Tuor (Chair)	 Glennis James
 Carol Provan	 Fiona Prodromou

SCHEDULE 1		
1	PANEL REF – LGA – DA NO.	PPSSSH-172 – SUTHERLAND SHIRE – DA24/0346
2	PROPOSED DEVELOPMENT	Alterations and additions to existing school, increase student capacity, and the construction of a car parking area
3	STREET ADDRESS	Lot 1 DP 593896, Lot 2 DP 1190871, 35A Waratah Road, Engadine, Boys Town Oval 35B Waratah Road, Engadine
4	APPLICANT/OWNER	The Trustee For Sydney Catholic Schools Trust
5	TYPE OF REGIONAL DEVELOPMENT	Private infrastructure and community facilities over \$5 million
6	RELEVANT MANDATORY CONSIDERATIONS	<ul style="list-style-type: none"> • Environmental planning instruments: <ul style="list-style-type: none"> ○ State Environmental Planning Policy (Planning Systems) 2021 ○ State Environmental Planning Policy (Resilience and Hazards) 2021 ○ State Environmental Planning Policy (Transport and Infrastructure) 2021 ○ State Environmental Planning Policy (Biodiversity and Conservation) 2021 ○ Sutherland Shire Local Environmental Plan 2015 • Draft environmental planning instruments: Nil • Development control plans: <ul style="list-style-type: none"> ○ Sutherland Shire Development Control Plan 2015 • Planning agreements: Nil • Relevant provisions of the <i>Environmental Planning and Assessment Regulation 2021</i> • Coastal zone management plan: Nil • The likely impacts of the development, including environmental impacts on the natural and built environment and social and economic impacts in the locality • The suitability of the site for the development • Any submissions made in accordance with the <i>Environmental Planning and Assessment Act 1979</i> or regulations • The public interest, including the principles of ecologically sustainable development
7	MATERIAL CONSIDERED BY THE PANEL	<ul style="list-style-type: none"> • Council Assessment Report: 19 May 2025 • Letter to SSPP in response to applicant's condition queries: 2 June 2025 • St John Bosco College Engadine_Letter to SSPP Chair: 30 May 2025 • Written submissions during public exhibition: 17 • Verbal submissions at the public meeting: <ul style="list-style-type: none"> ○ Caren Steward ○ Council assessment officer – Evan Phillips ○ On behalf of the applicant – Giorgia Howard (Sydney Catholic Schools Trust), Andrew Pigott (Willowtree Planning), Scott Harrison (Currie Brown) • Total number of unique submissions received by way of objection: 17
8	MEETINGS, BRIEFINGS AND SITE INSPECTIONS BY THE PANEL	<ul style="list-style-type: none"> • Site inspection: 21 October 2024 <ul style="list-style-type: none"> ○ <u>Panel members</u>: Annelise Tuor (Chair), Glennis James, Penelope Holloway, Fiona Prodromou ○ <u>Council assessment staff</u>: Slavco Bujaroski, Evan Phillips • Briefing: 3 December 2024 <ul style="list-style-type: none"> ○ <u>Panel members</u>: Annelise Tuor (Chair), Penelope Holloway, Carol Provan, Fiona Prodromou

		<ul style="list-style-type: none"> ○ <u>Council assessment staff</u>: Evan Philips, Sue McMahon, Slavco Bujaroski ○ <u>Applicant representatives</u>: Andrew Pigott (Willowtree Planning), Giorgia Howard (Sydney Catholic Schools Trust), Greg Isaac (Fulton Trotter Architects), Manesha Ravji (Urbis), Scott Harrison (Currie Brown) ○ <u>DPHl</u>: Joel Burgess <ul style="list-style-type: none"> • Final briefing to discuss council's recommendation: 2 June 2025 <ul style="list-style-type: none"> ○ <u>Panel members</u>: Annelise Tuor (Chair), Glennis James, Carol Provan, Fiona Prodromou ○ <u>Council assessment staff</u>: Evan Phillips, Sue McMahon, Slavco Bujaroski ○ <u>Applicant representatives</u>: Andrew Pigott (Willowtree Planning), Giorgia Howard (Sydney Catholic Schools Trust), Greg Isaac (Fulton Trotter Architects), Jimmy He (Fulton Trotter Architects) Scott Harrison (Currie Brown), Mikaela Heidrick (Currie Brown) ○ <u>DPHl</u>: Nikita Lange, Tracey Gillett
9	COUNCIL RECOMMENDATION	Approval
10	DRAFT CONDITIONS	Attached to the Council Assessment Report, as amended. Approved conditions are in Schedule 2.

PART 1 - DEFERRED COMMENCEMENT CONDITIONS

To enable the submission of further information to clarify or resolve specific aspects of the proposed development this Development Consent is issued as a "Deferred Commencement" Consent under the provisions of Section 4.16(3) of the Environmental Planning and Assessment Act as amended. The Consent does not operate until the applicant satisfies the Council as to the following matters.

The required information must be submitted within 24 months of the date of issue of this development consent.

Note- Under the provisions of Clause 76(4) of the Environmental Planning and Assessment Regulation 2021 upon submission of the required information, Council must advise in writing whether or not it is satisfied as to the relevant matters.

1. Existing Development Consent

This development consent overrides the development works marked as incomplete and to be extinguished in the Planning Document and Staging Table prepared by Willowtree Planning (dated 11 February 2025), and accompanying Architectural Plans prepared by Fulton Trotter Architects (Rev 2, dated 28/01/2025 - Issue for Section 4.17). Consequently, the following amendments must be made prior to activation of this consent:

- a) DA13/1167 must be amended under Section 4.17 of the Environmental Planning and Assessment Act 1979 to insert the following new condition of consent:

Insert new Condition No. 1A: *'Works marked as incomplete and to be extinguished in the Planning Document and Staging Table prepared by Willowtree Planning (dated 11 February 2025), and accompanying Architectural Plans prepared by Fulton Trotter Architects (Rev 2, dated 28/01/2025 - Issue for Section 4.17)' no longer form part of this consent.'*

Details listed above must be included in documentation submitted to satisfy the Deferred Commencement Development consent.

Upon satisfaction of the details required above, Council shall issue an approval consistent with the Conditions in Part 2, and any conditions reasonably arising from consideration of the details submitted to satisfy the deferred commencement.

PART 2 - CONDITIONS OF CONSENT

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. 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.

4. 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
DA-1003	2	Proposed Staging Plan DA13/1167 - Issue for Section 4.17	Fulton Trotter Architects	28/01/2025
EX-101	J	Existing & Demolition Site Plan	Fulton Trotter Architects	05/02/2025
EX-102	J	Existing & Demolition External Works Plan 01	Fulton Trotter Architects	05/02/2025
EX-103	I	Existing & Demolition External Works Plan 02	Fulton Trotter Architects	05/02/2025
ACD-1001	05	Proposed Site Plan	Fulton Trotter Architects	29/04/2025
ACD-1101	05	External Works Plan 01	Fulton Trotter Architects	29/04/2025
ACD-1102	04	External Works Plan 012	Fulton Trotter Architects	29/04/2025
DA-204	H	Building M - Existing/ Demolition and Proposed Plans	Fulton Trotter Architects	30/05/2024
DA-201	H	Ground Floor Plan	Fulton Trotter Architects	30/05/2024
DA-202	H	First Floor Plan	Fulton Trotter Architects	30/05/2024
DA-203	H	Roof Plan	Fulton Trotter Architects	30/05/2024
DA-301	H	Elevation 01	Fulton Trotter Architects	30/05/2024
DA-302	H	Elevation 02	Fulton Trotter Architects	30/05/2024
DA-111	H	Proposed Streetscape and Site Sections	Fulton Trotter Architects	30/05/2024
DA-311	H	Section -01	Fulton Trotter Architects	30/05/2024
DA-312	H	Section 02	Fulton Trotter Architects	30/05/2024
DA-114	H	External Materials & Finishes	Fulton Trotter Architects	30/05/2024
DA-113	L	Construction Management Plan	Fulton Trotter Architects	05/02/2025
DA-103	H	Tree Retention Plan	Fulton Trotter Architects	30/05/2024
LDA-02	E	Overall Site Plan	Ground Ink Landscape Architects	31/05/2024
LDA-03	E	Ground Floor Landscape Masterplan	Ground Ink Landscape Architects	31/05/2024
LDA-04	E	Level 1 Landscape Masterplan	Ground Ink Landscape Architects	31/05/2024
LDA-05	E	East Elevation	Ground Ink Landscape Architects	31/05/2024
LDA-06	E	Bridge Link Landscape Section	Ground Ink Landscape Architects	31/05/2024
LDA-07	E	Planting Palette	Ground Ink Landscape Architects	31/05/2024
LDA-08	E	Planting Schedule	Ground Ink Landscape Architects	31/05/2024
SK-C-01	A	Stormwater Management Plan	Enscape Studio	01/02/2024

SK-C-03	A	Stormwater Management Plan - Car Park	Enscape Studio	22/01/2025
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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 reinforce the plans and documents that form part of this consent.

5. Amendment of Development Consent DA13/1167

This development consent overrides all conditions and plans under DA13/1167 as they relate to works marked as incomplete and to be extinguished as identified in the Planning Document and Staging Table prepared by Willowtree Planning (dated 11 February 2025), and accompanying Architectural Plans prepared by Fulton Trotter Architects (Rev 2, dated 28/01/2025 - Issue for Section 4.17).

6. School Operation

Prior to any increase in staff/student numbers approved under this development consent, all works in relation to the construction of the staff car parking area and external public domain works including the Banksia Street pedestrian crossing are to be completed and certified for use.

Condition reason: To ensure adequate infrastructure is in place before any population increase.

7A. Plan of Management

The Plan of Management (PoM) prepared by Currie and Brown dated 4 March 2025 must be amended and approved by Council's Senior Manager- Development Services prior to the issue of any construction certificate and is to incorporate the following.

- i. The maximum number of students enrolled and staff at the school must not exceed 1260 students (+ up to 20 additional students on a temporary basis) and 107 staff in any one school year.
- ii. In accordance with development consent DA13/1167, the school hall shall not be used after 10.00 pm with the exception of a maximum of four (4) occasions per year when the school hall may operate until 11 pm. Use of the hall past 9.00 pm shall be limited to a maximum of ten (10) evenings per year). The school must keep a register of these events and this must be shown on request by Council officers.
- iii. To ensure that the car parking area satisfies the demands of the development, the car parking provided on site must be made available on an unrestricted basis at all times for staff vehicles.
- iv. To ensure that the bicycle parking area satisfies the demands of the development, the bicycle parking provided on site must be made available on an unrestricted basis at all times for student / staff use.
- v. The Green Travel Plan (GTP) prepared by Urbis dated 23 January 2025 and as amended by this development consent is to be implemented and incorporated into the PoM for the school.
- vi. To minimise the noise impact of the development on the surrounding environment, waste management shall be in accordance with the Waste Management plan dated 15 November 2024. The collection of goods including garbage and recycling waste from the premises must not take place between the hours of 6pm and 8am Monday to Friday or occur on weekends and Public Holidays.
- vii. The Flood Emergency Response Plan as required by this development consent must be incorporated into the PoM for the school.
- viii. A complaints procedure which includes that in the event of a complaint being received by the school from a neighbouring resident with respect to a disturbance to the quiet and good order of the neighbourhood, the school must include all complaints and the response within a complaints register within 48 hours. It remains the responsibility of the school to respond appropriately to complaints.

Condition reason: To reaffirm the operational parameters of the school and to minimise impacts to surrounding properties.

7B. Green Travel Plan (GTP)

Prior to issue of any Construction Certificate for works approved under this consent, the GTP is to be updated to include the following:

- a) The provision of bicycle parking facilities (including shelter) identified as a Level 2 (3-6 years) initiative is to be brought forward to the Level 1 short term initiative (i.e. 1-3 years). This is to include a bicycle parking provision for student use for a minimum of 63 bicycles.
- b) Both Level 2 and 3 Travel Behaviour Initiatives in the GTP is to include an on-going review of the provision of bicycle spaces and accommodate for future demand based on the GTP mode share target and results from Council's Cycle to School program.

Condition reason: To align the green travel plan with the delivery of works.

7C. Demountable Buildings

Following the completion of the new building, the temporary demountable buildings are to be removed.

Condition reason: To ensure adequate school facilities until the completion of new building.

7. Flood Requirements

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

- a) To ensure the building is outside of the floodplain extents up to and including the PMF, external works must ensure floodproofing at the south-east corner of the development to a minimum 400mm height above the invert of the adjacent kerb/kerb ramp. Floodproofing elements such as pavements, steps and walls must form the continuous protective barrier.
- b) A suitably qualified engineer must certify that floodwall structures, retaining walls and the diversion channel can withstand the forces of floodwater, scour and debris at minimum 400mm flow depth. Existing sheds, water tanks and plant must be relocated where determined required by the engineer to facilitate the diversion of floodwaters.

Condition reason: To ensure the building and occupants of the site are protected from flooding.

8. Bicycle Parking

The reinforced concrete pad adjoining the entry access path for the minimum 64 bicycle spaces shall be moved westward to ensure that no new paths and concrete areas encroach greater than 10% of the Tree Protection Zone (TPZ) of trees 18 and 19 to be retained in accordance with AS 4970 Protection of trees on development sites.

This consent does not approve any enclosure or covering of the bike parking area. Separate approval is to be obtained except where exempt and complying development applies.

Condition reason: To ensure the suitable siting of the bicycle parking area.

BUILDING WORK

BEFORE ISSUE OF A CONSTRUCTION CERTIFICATE

Condition

9. Car parking details

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

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

10. Construction site management plan

Before the issue of a construction certificate, a construction site management plan must be prepared, and provided to the principal certifier OR council (where a certifier is not required). 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. Erosion and sediment control plan

Before the issue of a construction certificate or before site work commences, an erosion and sediment control plan must be prepared by a suitably qualified person in accordance with the following documents and provided to the certifier OR council (where a certifier is not required):

1. Council's relevant development control plan,
2. the guidelines set out in 'Managing Urban Stormwater: Soils and Construction' prepared by Landcom (the Blue Book) (as amended from time to time), and
3. 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.

12. Long Service Levy

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.

13. Payment of security deposits

Before the issue of the relevant construction certificate or before demolition work commences, the applicant must:

1. make payment of \$15,000.00 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.

14. Utilities and services

Before the issue of the relevant construction certificate or before demolition work commences, written evidence of the following service provider requirements must be provided to the principal certifier OR council (where a certifier is not required):

1. a letter from 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 or the plans for the demolition would affect any Sydney Water infrastructure, and whether further requirements need to be met
3. other relevant utilities or services - that the development as proposed to be carried out is satisfactory to those other service providers, or if it is not, the changes that are required to make the development satisfactory to them.

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

15. Provision of detailed plans for construction certificate application

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

1. Stormwater Drainage System
2. Car Parking
3. Upgrading of suction outlet for firefighting system as per hydraulic statement advise {Ref: Project No. 230483 Prepared by Ann Phan of JHA - Revision JHA-CAN-002 (A) 240221}.

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

16. 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 \$223,196.33 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.

17. 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.

18. 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 to Sutherland Shire Council.

The form is available on council's website. A fee applies for the relevant inspections, assessment, coordination, creation of design brief and the issue of permits providing consent to undertake frontage works. The design will be quoted separately by council's Design Services unit.

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

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 6.0m wide vehicle crossing, to be offset 6.0m from the tangent point in the kerb.
4. Redundant laybacks and crossings - remove redundant laybacks and vehicle crossings and replace with kerb and gutter (including associated road reconstruction works).
5. Infrastructure transitions - ensure there are adequate transitions between newly constructed and existing infrastructure as required.
6. Road pavement - re-construct any damaged section of road pavement caused by construction works as required.
7. Pedestrian Crossing - Install a pedestrian crossing on Banksia Avenue, located north of the intersection / roundabout of Waratah Road.
8. Kerb and gutter - re-construct any damaged section of kerb and gutter, caused by construction work, as required including associated road reconstruction.
9. Street signage - alter existing and/or install new street signage as required.
10. Utility services - adjust public services infrastructure as required.
11. NBN - the Australian Government has issued a new policy on the provision of telecommunication infrastructure in new developments. The policy is effective from 1 March 2015. Developers are responsible for providing telecommunications infrastructure in their

developments. To provide this infrastructure, developers need to contract a carrier to install and operate a telecommunications network.

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

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

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

19. 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.

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.

20. 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 ingress and egress crossing must be clearly identified by signage.
3. The loading and delivery area must be clearly defined with suitable signposting and pavement markings.
4. The car park must be line marked to accommodate 26 vehicles.
5. The internal driveway and car parking area must be paved or concreted and must be finished in materials other than plain or exposed aggregate concrete.
6. Provide adequate sight distance for the safety of pedestrians using the footpath area.
7. Comply with AS 2890.1(2004), in relation to the design of vehicular access, parking and general manoeuvring for the B85 vehicle.
8. The maximum longitudinal grade of the driveway must not exceed 12.5%.

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

21. Engineering design certification

Certification from an appropriately qualified engineer to the effect that the design requirements of upgrading suction outlet, major stormwater/treatment and internal driveway, access and flooding have been met.

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

Condition reason: Ensure the engineering design complies with Australian Standards, NSW F&R document "Access for Fire Brigade Vehicles and Firefighters and councils DCP.

22. 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 and Sutherland Shire Environmental Specification - Stormwater Management.

Except where modified by the following:

1. All new downpipes for the new building must be connected with existing stormwater drainage pit as shown in approved stormwater plans.
2. 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 underboring techniques to reduce any adverse impact on the root zone of the trees.
3. A stormwater treatment device must be designed in accordance with Councils WSUD/Water Quality requirements.

Condition reason: Ensuring suitable drainage is provided.

23. Design of structures adjoining drainage easements

Before issue of a construction certificate, the structural integrity of both the stormwater pipeline within the easement and any structure adjoining the easement are maintained, the built form must be designed as follows:

1. All footings within 2m of the drainage easement must be designed in such a manner that they are supported by foundations set at a minimum of 300mm below pipe invert levels or, alternatively, founded on sound rock.
2. The walls of the dwelling / pool or of any structure adjoining the easement must be designed to withstand all necessary forces should excavation be required within the easement down to the existing pipe invert levels.

Condition reason: Ensuring protection of public assets.

24. Landscape design

Plans submitted with the construction certificate must illustrate that the approved landscape plan has been amended to incorporate the following changes:

1. Amend the landscape plan in accordance with the approved architectural plans.
2. Clearly show on plan existing trees to be removed /retained including tree numbering in accordance with the arborist report OR provide a separate existing tree plan and schedule.
3. All trees are to be planted as per the Ground Floor Landscape Masterplan provided by Ground Ink Landscape Architects approved under this application.
4. An additional 20 trees must be provided along the eastern and northern boundaries of the site due to required replacement planting. Tree species planted to boundary must be selected from the table below. A minimum of 4 species must be selected.

	Botanical Name	Common Name
A	Angophora costata	Smooth Barked Apple
B	Corymbia gummifera	Bloodwood
C	Eucalyptus haemastoma	Scribbly Gum
D	Eucalyptus piperita	Sydney Peppermint
E	Eucalyptus punctata	Grey Gum

5. Tree Protection Zones (TPZ) / the location of tree protective fencing must be shown on plan for all existing trees and/or natural site features to be retained and protected.
6. Provide minimum soil depths in planter boxes as follows:
 - 1200mm for large trees.
 - 900mm for small trees and tall shrubs.
 - 600mm low shrubs.
 - 450mm grass and ground covers.
7. All landscape retaining walls and planter boxes must be constructed in masonry, stone or gabions. Timber is not acceptable.
8. All landscape areas including planter boxes on slab must achieve a minimum density of 4 plants per square metre.

The applicant must engage a suitably qualified landscape designer or landscape architect to oversee any design changes to the approved landscape plan and amendments required above. Details of these design changes must be included in the documentation submitted with the application for a construction certificate.

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

25. Trees on private land

The removal of the following trees is approved:

1. The removal of the following trees is approved:
 - Trees identified on the approved Existing and Demo Site Plan as “trees to be removed”.
 - Any declared noxious plant. The applicant is to ensure that all noxious plants are properly identified and controlled/removed.
 - Any tree species exempted by the Sutherland Shire Local Environmental Plan 2015.
2. All other vegetation that would require approval to be removed must be protected.
3. **(17)** trees as identified in the Arboricultural Impact Assessment Report by Tree IQ, dated 22/05/2024 are approved for removal as part of this consent. Where trees are proposed to be removed Sutherland Shire Council requires indigenous replacement canopy tree planting at a ratio of 8:1 on private land (dual occ / medium / high density) (Council Resolution EHR003-17 of 18 July 2016). The extent of compensatory planting has been reduced to **(72)** due to the nature and condition of the species removed and existing trees being retained.
4. **(27)** replacement trees are required to be planted as shown on the approved landscape plan. An additional **(20)** replacement trees must be planted along the eastern and northern boundaries of the site.
5. For the remaining **(25)** replacement trees required, council requires offsite planting under a ‘Deed of Agreement’, at a cost specified in council’s schedule of fees and charges.

Offsite planting will be undertaken as part of council’s Green Street Program. ‘Deed of Agreement’ forms can be downloaded from council’s website at [Off-Site tree replacement and Deed of Agreement | Sutherland Shire Council \(nsw.gov.au\) <https://www.sutherlandshire.nsw.gov.au/plan-and-build/development-applications/what-happens-after-i-get-consent/off-site-tree-replacement-and-deed-of-agreement>](https://www.sutherlandshire.nsw.gov.au/plan-and-build/development-applications/what-happens-after-i-get-consent/off-site-tree-replacement-and-deed-of-agreement)

Condition reason: To inform tree removal and replacement.

26. 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.

27. External lighting - (amenity)

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: Light for Roads and Public Spaces
2. comply with AS 4282: Control for Obtrusive Effects of Outdoor Lighting

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.

28. 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 must be designed and / or located so that the noise emitted does not exceed the Project Specific Noise level when measured at the most affected point on or within any residential property boundary.
2. 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.
3. Details of the acoustic attenuation treatment required to comply with the above, must be prepared by a qualified acoustic engineer. These details must accompany the application for a construction certificate.

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

29. 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.

BEFORE BUILDING WORK COMMENCES

Condition

30. Erosion and sediment controls in place

Before any site work commences, the principal certifier OR council (where a principal certifier is not required), 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.

31. Tree protection measures

The following condition applies to all trees on the subject site, trees on the adjoining sites (which are potentially affected by the development works), as well as trees on the adjoining Council land that are not approved for removal. This includes Trees 16, 19, 31 - 35 and 37 which are located within close proximity to the proposed building, paths or the car parking areas.

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

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

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

- i) To preserve tree 19, the proposed pedestrian ramp must be located on or above the existing soil levels. All formwork must be on grade and hand dug and located such that no roots of a diameter greater than 50mm are severed or injured in the process of any site works during the construction period.
- ii) Demolition works within TPZ areas must be supervised by the project arborist and utilise tree sensitive methods. Applicants must ensure demolition equipment and machinery does not contact trees to be retained.
- iii) Protective fencing constructed of 1.8m high chain wire mesh supported by robust posts must be installed in accordance with the Australian Standard AS - 4970 Protection of Trees on Development Sites. Signage must be erected on the fence with the following words clearly displayed "TREE PROTECTION ZONE, DO NOT ENTER".
- iv) The tree protection zone within the protective fencing must be mulched with a maximum depth 75mm of suitable organic mulch (woodchips or composted leaf chip mulch) and kept regularly watered for the duration of the works subject to this consent.
- v) No development or associated activity is permitted within the fenced tree protection zone for the duration of works subject to this consent. This includes vehicular or pedestrian access, sheds, washout areas, excavations, backfilling, installation of services (including stormwater), removal of top soil, stockpiling of soil or building materials.
- vi) Where site access/egress is required over the roots of trees identified for retention and protection, provide hardwood rumble boards over a 200mm thick layer of wood chip.
- vii) Where it is impossible to install protection fencing to the full extent of the specified Tree Protection Zone- install trunk and branch boarding protection as shown in Figure 4 of the Australian Standards AS4970- Protection of Trees on Development Sites (Page 17).

Condition reason: To protect and retain trees.

32. 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.

33. Sydney Water requirements

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. Furthermore, Sydney Water has strict requirements for swimming pools / spas discharging to a pressure or vacuum sewer system.

Sydney Water will determine if sewer, water or stormwater mains or easements will be affected by any part of your development. Customers will receive an approval receipt which must be 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 and assets protected.

34. Dial Before You Dig

Before excavating or erecting structures, Dial Before You Dig must be contacted at www.1100.com.au or telephone on 1100 (this is the law in NSW).

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 Dial Before You Dig 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.

DURING BUILDING WORK

Condition

35. Discovery of relics of Local Environmental Heritage

While site work is being carried out, if a person reasonably suspects a relic of local environmental heritage is discovered, the work in the area of the discovery must cease immediately and Sutherland Shire Council must be notified.

Site work may recommence at a time confirmed in writing by Sutherland Shire Council.

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

36. 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.

37. Hours of work

Site work 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.

38. 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.

39. Noise and vibration requirements

While site work is being carried out, noise generated from the site must not exceed an LAeq (15 min) of less than 5db>(A) above background noise, when measured at a lot boundary of the site.

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

40. Procedure for critical stage inspections

While building work is being carried out, the work must not continue after each critical stage inspection unless the principal certifier is satisfied the work may proceed in accordance with this consent and the relevant construction certificate.

Condition reason: To require approval to proceed with building work following each critical stage inspection.

41. 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.

42. Soil management

While site work is being carried out, the principal certifier OR council (where a principal certifier is not required) 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 the principal certifier OR council (where a principal certifier is not required).
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.

43. 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.

44. 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 required under this consent,
2. the relevant requirements of AS 4970 Protection of trees on development sites,
3. Part 3.0 of the approved Arboricultural Impact Assessment Report by Tree IQ, dated 22/05/2024.

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

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

45. 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.

46. 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.

47. 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.

48. Pruning of trees on private land

All pruning must be carried out by an AQF Level 3 arborist and conform to the provisions of AS4373 - 2007 Australian Standard for Pruning of Amenity Trees.

Approval is granted for the following pruning activity to be carried out to retained trees on site listed in the within this consent for trees identified in the table below and/or as marked on attachment Plate 7 of the approved Arboricultural Impact Assessment prepared by Tree IQ dated 22/05/2024.

Tree No.	Tree Species (botanical name)	Location	Pruning Works
T19	Eucalyptus saligna (Sydney Blue Gum)	North of proposed ramp to eastern boundary.	Reduction pruning as per Plate 7 on the approved Arboricultural Impact Assessment Report

Condition reason: To ensure tree pruning on council land is in accordance with council policy.

49. Management of site soil / fill material

Disposal of site soils

Any soils to be excavated beyond 2 metres below the finished surface level and disposed of from the site must be analysed and classified by an appropriately qualified and experienced environmental consultant, in accordance with relevant NSW EPA guidelines including the "Waste Classification Guidelines" 2014, prior to off-site disposal.

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

Reused soils

Any soils excavated beyond 2 metres below the finished surface level to be reused on the site must be analysed and classified by an appropriately qualified and experienced environmental consultant, in accordance with the National Environment Protection (Assessment of Site Contamination) Measure 1999 (amended 2013) and any relevant guidelines approved under the Contaminated Land

Management Act 1997; to verify that the material is suitable for the intended land use, prior to reuse.

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

Importation of fill material

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

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

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

Condition reason: Ensure the protection of the environment.

50. 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 an appropriately qualified, experienced and certified 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.

51. 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.

52. 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

53. 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.

54. Preservation of survey marks

Before the issue of an occupation certificate or before the issue of a subdivision certificate or after completion of all site work), documentation must be submitted by a registered surveyor to the principal certifier OR council (where a principal certifier is not required), which demonstrates that:

1. no existing survey mark(s) have been removed, damaged, destroyed, obliterated or defaced, or
2. any survey mark(s) that were damaged, destroyed, obliterated or defaced have been re-established in accordance with the Surveyor General's Direction No. 11 -Preservation of Survey Infrastructure.

Condition reason: To protect the state's survey infrastructure.

55. Release of securities

When Council receives an occupation certificate or council receives a subdivision certificate or after completion of all site work, an application may be lodged to release the securities held in accordance with council policy reference.

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

56. Repair of infrastructure

Before the issue of an occupation certificate or after completion of all site work:

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.

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

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

1. All stormwater drainage systems and storage systems, and
2. A copy of the plans must be provided to council with the occupation certificate or subdivision certificate.

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

58. Certification of acoustic measures

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 prepared by JHA Services, project number 230483.

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

59. Pedestrian safety signage

Before the issue of an occupation certificate, ensure an appropriate sign(s) is provided and maintained within the site to advise all vehicles to be aware of pedestrians within the shared driveway.

Condition reason: To make drivers aware of pedestrians and to ensure the safety of pedestrians using the shared driveway.

60. Water authority certification

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

Condition reason: To ensure compliance with the requirements of Section 73 Compliance Certificate under the Sydney Water Act 1994.

61. 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).

62. 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.

63. 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.

64. 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.

65. Certification requirement of levels

Survey Construction

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

Condition reason: Ensure the structure complies with approved levels.

66. 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.

67. Works required in the road reserve

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

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

68. Suction Outlet Upgrading

Prior to issue occupation certificate the existing suction outlet located in Banksia Avenue must be upgraded and completed as per hydraulic report {Ref: Project No. 230483 Prepared by Ann Phan of JHA - Revision JHA-CAN-002 (A) 240221} following NSWFR document "Access for Fire Brigade Vehicles and Firefighters".

Condition reason: Ensure the firefighting system requirements are completed in accordance with approved consent.

69. Completion of engineering works

Certification from an appropriately qualified engineer to the effect that the completed Internal driveway, car parking, stormwater infrastructure, suction outlet for firefighting system and stormwater treatment required by this consent have been completed to their satisfaction, in accordance with the development consent and any relevant Australian Standards.

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

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

70. Completion of Engineering Works - Flooding

A certification from an appropriately qualified engineer to the effect that the requirements for flooding have been completed to their satisfaction, in accordance with Clause 5.22 of the Sutherland Shire Local Environment Plan 2015, the development consent and any relevant Australian Standards. This includes the following:

1. The building must be outside of the floodplain extents up to and including the PMF.
2. Floodwall structures, retaining walls and the diversion channel can withstand the forces of floodwater, scour and debris at minimum 400mm flow depth.

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

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

71. Flood Emergency Response Plan

Prior to the issue of any Occupation Certificate, a Flood Emergency Response Plan must be prepared by a suitably qualified engineer with expertise in flood emergency management to advise of evacuation processes and address risks in the case of a flood event. The Plan must be a standalone document consistent with Clause 5.22 of the Sutherland Shire Local Environmental Plan 2015 and include:

1. Comprehensive assessment and description of flood risk up to the Probable Maximum Flood.
2. Plan of action for implementation of the plan, including a description of flood warnings, indicators and/or triggers for actions.
3. Flood education and awareness measures

4. Flood warning signs, evacuation signage and emergency drills
5. Emergency phone numbers such as NSW SES
6. Mapping of evacuation routes and offsite refuge areas.
7. Preparation of an emergency kit as required
8. Consideration of the possibility of vulnerable occupants.
9. Consideration of the NSW Shelter-in-Place Guideline 2025 (where suitable).

The above Flood Emergency Response Plan must be incorporated into the Plan of Management for the school.

Condition reason: Ensure safe occupation and evacuation of the development in the event of a flood.

73A. Easements

Before the issue of an Occupation Certificate, the existing interlot drainage easement benefitting No. 35A Waratah Road Engadine is to be realigned to enable the connection of the approved stormwater lines to the existing drainage easement located on the northern side of the approved building (upon 35B Waratah Road Engadine). The easements and terms thereof must be created under the provisions of s.88B of the Conveyancing Act, 1919.

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

73B. Sustainability Commitments

The sustainability provisions contained within the General Sustainability Provisions Report prepared by JHA Services (Revision D dated 22/5/2024) must be incorporated into the development and validated by a suitably qualified consultant prior to the issue of the Occupation Certificate.

Condition reason: To ensure sustainability initiatives such as rainwater tank, solar panels etc be implemented into the development.

OCCUPATION AND ONGOING USE

Condition

74. Maintenance of wastewater and stormwater treatment device

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

Condition reason: To protect sewerage and stormwater systems.

75. Managing noise

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

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

76. Maintenance of landscaping

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

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

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

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

Condition reason: To protect the residential amenity and streetscape.

77. 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.

78. 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.

79. 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.

80. Flood requirements

All recommendations in the Flood Emergency Response Plan must be adopted and maintained at the site with a copy made available to occupants of the school.

The site Flood Emergency Response Plan is to be regularly reviewed and must be updated when any of the following occurs:

1. Redevelopment of the site
2. Adoption of/update to Council's Floodplain Risk Management Study and Plan
3. Updates to any SES Sub Plan
4. Following a significant flood event (i.e. 1% AEP or greater)

Condition reason: Ensure currency and relevance of the Flood Emergency Response Plan.

80A. Plan of Management

The Plan of Management (PoM) approved under this consent is to be complied with at all times.

Condition reason: To reinforce the requirements of the Plan of Management into the on-going operation of the school.

80B. School Capacity

The maximum number of students enrolled and staff at the school must not exceed 1260 students (+ up to 20 additional students on an occasional and temporary basis) and 107 staff in any one school year.

Condition reason: To reaffirm school capacity and permit temporary and minor increases to cater for fluctuations in student numbers.

80C. Copies of consent, register and management plans

A full copy of all current development consents (including approved plans) for the operation of the school, any registers required, and the Plan of Management (PoM) must be kept on the site and

made available for inspection immediately upon request by council officers, police officers and/or the general public. The school is to ensure that the PoM is up to date, reflects current operation. If amendment is required to the PoM, approval is required to be obtained from Council.

Condition reason: Ensure the school is aware of the ongoing operational requirements.

DEMOLITION WORK

BEFORE DEMOLITION WORK COMMENCES

Condition

81. Demolition management plan

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

The demolition management plan must be prepared in accordance with Australian Standard 2601 - The Demolition of Structures, the Code of Practice - Demolition Work, council's development control plan 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 in accordance with council's relevant development control plan.
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.

82. 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.

83. 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.

84. 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.

85. 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.

DURING DEMOLITION WORK

Condition

86. 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.

87. 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

88. Waste disposal verification statement

On completion of demolition work:

1. 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 asbestos has been disposed appropriately