

SUTHERLAND SHIRE COUNCIL ADDENDUM REPORT

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FILE REF: DA21/0326
Panel Reference: PPSSSH - 87

SUBJECT: Development Application No. DA21/0326
Description: The application is for demolition of existing structures and construction of a mixed use development comprising food and drink premises and commercial and office floor space, 2 basement levels, 2 signs and stratum subdivision.
Property: 138 to 144 Cronulla Street, Cronulla

Amendment to Sydney South Planning Panel Report – (Panel Reference PPSSSH - 87)

This report is a result of 2 separate discussions, one with Council's Senior Heritage specialist in relation to heritage impact and the other with the applicant after Council's report recommendation, recommendation and Draft Conditions of Conditions were made available.

Specifically this addendum covers an additional heritage condition, clarification of an error within Council's report and changes to conditions which are largely at the request of the applicant, some of which typographical errors which are easily resolved.

1. Heritage

To provide context, Monro Park is located immediately to the south of the site. Monro Park, the bus shelter, the gate posts and monument are all listed under Schedule 5 Environmental Heritage of SSLEP2015. To minimise potential impacts on Monro Park Council's Senior Heritage specialist recommends the following precautionary condition (to be condition 53) be included in the development consent if the application is supported:

53. Heritage

A. During Construction

- i) Significant heritage elements are to be adequately protected during the works from potential damage. Protection systems must be employed to ensure historic fabric and heritage trees' root systems are not damaged or removed.
- ii) The applicant must ensure that if unexpected archaeological deposits or relics not identified and considered in the supporting documents for this approval are discovered, work must cease in the affected area(s) and the Heritage Council of NSW must be notified. Additional assessment and approval may be required prior to works continuing in the affected area(s) based on the nature of the discovery.

2. Report error

There is a typographical error on page 24 of the report with regards to the capacity of the food and drink premises contained within the second bullet point which should state the following:

- Capacity – 900 patrons excluding staff (maximum).

3. Conditions

Appendix “A” of the report outlines the Draft conditions of consent. The following conditions are found within this Appendix.

- The applicant contacted Council after the report and conditions were made publicly available and requested the following amendments to conditions 1 (replacement plan attached), 35, 43 and 52 (shown in red and struck out) which Council raises no objection to:

1. Approved Plans and Documents

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

Plan number	Reference	Prepared by	Date
Sheet 01/issue 4	Site Plan	Innovate Architects	October 2021
Sheet 03/issue 4	Basement Level 1	Innovate Architects	October 2021
Sheet 02/issue 4	Basement Level 2	Innovate Architects	October 2021
Sheet 04/issue 5	Ground Floor Plan	Innovate Architects	October 2021
Sheet 05/issue 4	Level 1 Floor Plan	Innovate Architects	October 2021
Sheet 06/issue 4	Level 2 Floor Plan	Innovate Architects	October 2021
Sheet 07/issue 4	Level 3 Floor Plan	Innovate Architects	October 2021
Sheet 08/issue 4	Level 4 Floor Plan	Innovate Architects	October 2021
Sheet 09/issue 4	Level 5 Floor Plan	Innovate Architects	October 2021
Sheet 10/issue 4	Level 6 Floor Plan	Innovate Architects	October 2021
Sheet 11/issue 4	Roof Plan	Innovate Architects	October 2021
Sheet 12/issue 4	East & West Elevations	Innovate Architects	October 2021
Sheet 13/issue 4	South Elevation	Innovate Architects	October 2021
Sheet 14/issue 4	North Elevation	Innovate Architects	October 2021
Sheet 15/issue 4	Section A-A	Innovate Architects	October 2021
Sheet 16/issue 5	Section B-B & Driveway Section	Innovate Architects	October 2021
Sheet 21/issue 2	Draft Stratum Plan	Innovate Architects	August 2021
L-00/G	Cover Page	SiteDesign & Studios	14/10/2021

L-01/G	Precedent images	SiteDesign & Studios	14/10/2021
L-02/G	Level 1	SiteDesign & Studios	14/10/2021
L-03/G	Level 2	SiteDesign & Studios	14/10/2021
L-04/G	Level 3	SiteDesign & Studios	14/10/2021
L-05/G	Level 4	SiteDesign & Studios	14/10/2021
L-06/G	Level 5	SiteDesign & Studios	14/10/2021
L-07/G	Level 6	SiteDesign & Studios	14/10/2021
L-08/G	Roof	SiteDesign & Studios	14/10/2021
L-09/G	Typical details	SiteDesign & Studios	14/10/2021
L-10/G	Notes	SiteDesign & Studios	14/10/2021
	Level 1 - Fig Encroachment	Innovate Architects	Received 8 November 2021
	Section - Hoarding at Fig Tree	Innovate Architects	Received 8 November 2021
C01/3	Notes & Legends	Greenview consulting	30/03/2021
C02/3	Basement Drainage Plan 2	Greenview consulting	30/03/2021
C03/3	Basement Drainage Plan 1	Greenview consulting	30/03/2021
C04/3	Ground Floor Drainage Plan	Greenview consulting	30/03/2021

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

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

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

Under Section 6.5 of the Environmental Planning and Assessment Act 1979, please note that Sutherland Shire Council must be appointed as the Principal Certifying Authority for all subdivision works.

35. Noise and Vibration Control –~~Residential Car Park~~

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

A. Design

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

B. Before Occupation

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

43. Sydney Water Requirements & Section 73 Compliance Certificate ~~(for Dual-Occs)~~

A. Before Any Works

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

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

B. Before Occupation / Subdivision Certificate

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

Sydney Water Advice on Compliance Certificates:

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

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

52. Sydney Water Requirements ~~(for Dual-Occs)~~

A. Prior to Construction

Prior to the issue of any construction certificate, all Sydney Water requirements must be satisfied and the plans endorsed. Any construction activities including but not limited to earthworks and excavation within the subject properties MUST NOT commence/be permitted until Sydney Water requirements are met and the proposal is endorsed by Sydney Water via Letter of Conditions. Compliance with Sydney Water requirements is critical as the development is proposed to be constructed over critical trunk infrastructure that serves the

population in Cronulla and surrounding suburbs. A copy of the endorsed plans must be provided to the Principal Certifier and form part of the construction certificate application.

- ii) The applicant also requested changes to Conditions 19 (B. Before occupation/subdivision) and 20 which relate to “public utilities” and “plan of subdivision”.

Applicant's reason for amendment to condition 19 B: *To avoid ambiguity when being assessed by certifier. Condition 19B has the effect of grouping the occupation certificate and stratum subdivision certificate together which in our view is not normal practice. We accept entirely that 19B i), ii), iii), iv) need to be completed prior to the issue of an Occupation Certificate. The subdivision certificate should be able to be issued once the lots are defined and all easements required by council are in agreed form.*

Applicant's reason for amendment to condition 20: *to clarify the condition relates to subdivision as per the condition heading Condition 20 is slightly ambiguous. We agree with the need to conform with this consent but would like the condition to be clear that stipulates “all works required by (this) development consent **AS IT RELATES TO SUBDIVISION** must be completed prior to the release of the Subdivision Certificate.*

Council has considered the applicant's request to amend conditions 19 B and 20 and these have been amended (below) and as a result, condition 20 will require an additional paragraph below it. The additional paragraph will require a works as executed plan be prepared by a registered surveyor demonstrating the built form fits within the stratum boundaries (see in red below). The amended conditions would now read the following:

19. Public Utilities

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

A. Before Construction

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

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

B. Before Occupation/~~Subdivision~~

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

their satisfaction.

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

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

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

20. Plan of Subdivision to conform with Development Consent

A. Before Subdivision

The Plan of Subdivision must conform with this development consent.

All works required by development consent **for subdivision** must be completed prior to the release of a Subdivision Certificate.

A Registered Surveyor must provide Certification and confirmation via Works-As-Executed drawings which details easements, finished floor levels, soffits, services and the like, that the built form is consistent with the stratum subdivision. This documentation must be provided to Director – Shire Planning of Sutherland Shire Council and the Principal Certifier.