

Annexure A

DETERMINATION OF APPLICATION FOR MODIFICATION OF DEVELOPMENT CONSENT

Modification Application No: MA21/03333

Development Consent modified: DA20/0737

Description of development to be carried out under the consent (as previously modified): Construction of a new mixed use development consisting of 37 seniors living units and 4 commercial tenancies

Address and particulars of title of land on which development to be carried out: 37 Gerrale Street Cronulla

Description of modification to the development consent:

- Changes to the layout and design of level 9
- Delete level 1 plant room and relocate mechanical plant to level 9
- Lift to open to Level 1 Lounge
- Additional basement level
- Changes to layout and building facade

Determination: The development consent is modified as follows:

1. Delete Deferred Commencement Conditions 1-4.
2. Condition 5 is amended by deletion of the words "Deferred Commencement" in the heading and replacement of the table with the following:

Plan number	Reference	Prepared by	Date
AD-DA012 Rev 3	Site Plan	Scott Carver	Prepared 27.01.21
AD-DA050 Rev 3	Demolition Work	Scott Carver	Prepared 27.01.21
AD-DA100 Rev 4	Basement 3	Scott Carver	Prepared 11.08.21
AD-DA101 Rev 8	Basement 2	Scott Carver	Prepared 11.08.21
AD-DA102 Rev 9	Basement 1	Scott Carver	Prepared 04.08.21

AD-DA110 Rev 11	GA Plan - Ground Floor	Scott Carver	Prepared 28.01.22
AD-DA111 Rev 11	GA Plan - Level 1	Scott Carver	Prepared 07.02.22
AD-DA112 Rev 9	GA Plan - Level 2	Scott Carver	Prepared 21.12.21
AD-DA113 Rev 8	GA Plan - Level 3	Scott Carver	Prepared 23.12.21
AD-DA114 Rev 8	GA Plan - Level 4	Scott Carver	Prepared 23.12.21
AD-DA115 Rev 8	GA Plan - Level 5	Scott Carver	Prepared 23.12.21
AD-DA116 Rev 7	GA Plan - Level 6	Scott Carver	Prepared 23.12.21
AD-DA117 Rev 8	GA Plan - Level 7	Scott Carver	Prepared 23.12.21
AD-DA118 Rev 8	GA Plan - Level 8	Scott Carver	Prepared 23.12.21
AD-DA119 Rev 11	GA Plan - Level 9	Scott Carver	Prepared 07.02.22
AD-DA120 Rev 9	GA Plan - Roof Plan	Scott Carver	Prepared 09.08.21
AD-DA201 Rev 13	North Elevation	Scott Carver	Prepared 07.02.22
AD-DA202 Rev 14	South Elevation	Scott Carver	Prepared 07.02.22
AD-DA203 Rev 13	East Elevation	Scott Carver	Prepared 07.02.22
AD-DA204 Rev 13	West Elevation	Scott Carver	Prepared 07.02.22
AD-DA251 Rev 9	Overall Section Sheet 1	Scott Carver	Prepared 07.02.22
AD-DA252 Rev 9	Overall Section Sheet 2	Scott Carver	Prepared 09.08.21
AD-DA260 Rev 11	Detailed Section	Scott Carver	Prepared 07.02.22
AD-DA265 Rev 4	Waste bay section	Scott Carver	Prepared 09.08.21
AD-DA270 Rev 2	Balustrade and screen details	Scott Carver	Prepared 07.02.22
AD-DA940 Rev 2	Materials board	Scott Carver	Prepared 07.02.22
C001 Rev B	Stormwater Management Plan Basement 2	Xavier Knight	Prepared 28.01.21
C101 Rev B	Stormwater Management Plan Basement 1	Xavier Knight	Prepared 28.01.21
C102 Rev B	Stormwater Management Plan Ground Floor	Xavier Knight	Prepared 28.01.21
C200 Rev B	Drainage Details Sheet 1	Xavier Knight	Prepared 28.01.21
C201 Rev B	Drainage Details Sheet 2	Xavier Knight	Prepared 28.01.21
C202 Rev B	Drainage Details Sheet 3	Xavier Knight	Prepared 28.01.21
LD DA300 Rev 5	Planting Plan - Ground	Scott Carver	Prepared 28.01.21
LD DA301 Rev 5	Planting Plan - Level 1	Scott Carver	Prepared 10.01.22
LD DA302 Rev 4	Planting Plan - Level 2	Scott Carver	Prepared 28.01.21
LD DA303 Rev 5	Planting Plan - Rooftop	Scott Carver	Prepared 28.01.21

3. Amendment of Condition 6 by the deletion of the reference to 'construction certificate' and replace with 'occupation certificate'.
4. Amendment of Condition 15A by:

The replacement of v) with the following; and

- v) The car park must be line marked to accommodate 58 vehicles.

The addition of the following:

- xii) The garage doors must have the following clear dimensions to facilitate suitable access and manoeuvring as follows: Single parking space 3m and double parking space in accordance with AS2890.1.
- xiii) The proposed storage rooms within the disabled share area allocated to space 17 in basement levels 2 & 3 must be relocated to ensure compliance with AS2890.6.

5. Amendment of Condition 16A by:

Deletion of ii); and

The replacement of iv) and v) with the following:

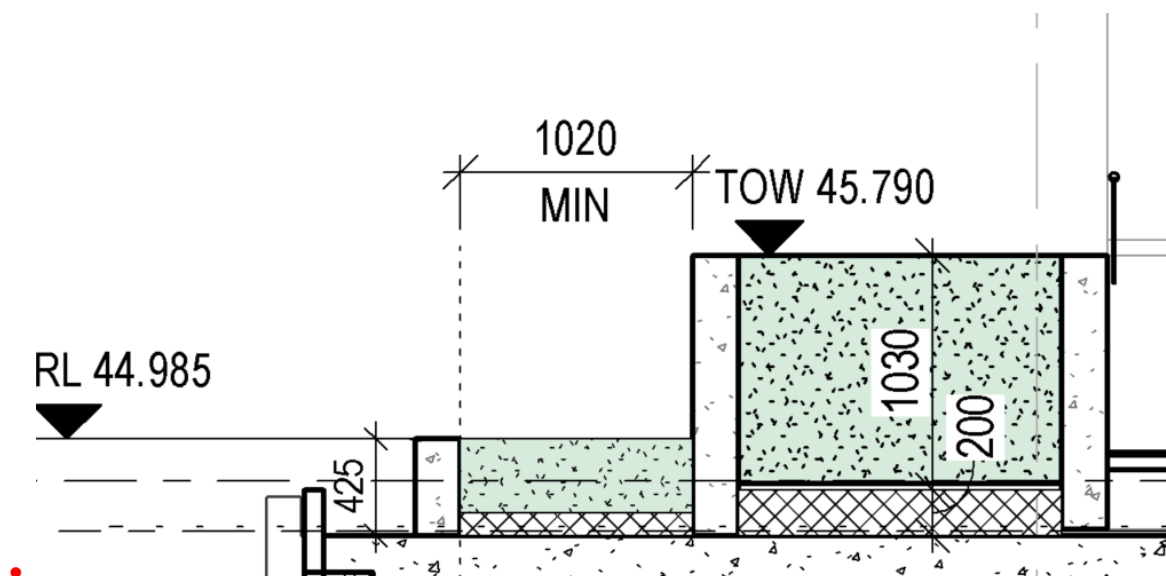
- iv) Any single garage accessing off a ~~6.2-5.8m~~ aisle must have a minimum width of 3m with a minimum door opening of ~~2.75~~3m wide x 2.2m high clear of any necessary hinges, jambs or fixtures required for the operation of garage doors or any services within the garage area.
- v) Any double garage accessing off a ~~6.25.8m~~ aisle must have a minimum width of ~~5.4-6m~~ with a minimum door opening of ~~5.15-5.4m~~ wide x 2.2m high clear of any necessary hinges, jambs or fixtures required for the operation of garage doors or any services within the garage area.

6. Insertion of the following at the beginning of Condition 23:

A. Design

The landscaping works must be executed in accordance with the approved Landscape Plan by **Scott Carver** as approved in condition 2 above except where modified by the following:

- i) Plant species and densities shall be reinstated on the Rooftop as per the ~~previously approved~~ landscape plan by Scott Carver dated 31 July 2020 Rev.5.2 LD DA303.
- ii) Amend the landscape plan in accordance with the approved architectural plans.
- iii) 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.
- iv) Provide minimum soil depths in planter boxes as follows:
 - 1200mm for large trees.
 - 900mm for small trees and tall shrubs.
 - 600mm low shrubs.
 - 350mm grass and ground covers



- v) In the Communal Open Space (COS) provide a universal toilet, all-weather cover over the entry door, a shade structure of minimum size 6m x 4m, BBQ, basic kitchen facilities, small canopy trees, understorey planting and furniture..
- vi) All landscape retaining walls and planter boxes must be constructed in masonry, stone or gabions. Timber is not acceptable.
- vii) All landscaped areas and all planter boxes on slab must be provided with a water-efficient irrigation system and taps at 25m centres, connected to a pump and the rainwater tank, to enable effective landscape maintenance.

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.

Notes:

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

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

7. Replacement of Condition 25 with the following:

25. Tree Retention and Protection

The following condition applies to all trees on the adjoining Council land that are not approved for removal under the Frontage Works application under the Roads Act 1993.

A. Before Works

Prior to the commencement of any demolition, excavation or construction works on

site the following tree protection measures must be put in place and maintained during the course of construction to prevent damage to trees.

- i) 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".
- ii) The tree protection zone within the protective fencing must be mulched with a maximum depth 75mm of suitable organic mulch (woodchips or composted leaf chip mulch) and kept regularly watered for the duration of the works subject to this consent.
- iii) No development or associated activity is permitted within the fenced tree protection zone for the duration of works subject to this consent. This includes vehicular or pedestrian access, sheds, washout areas, excavations, backfilling, installation of services (including stormwater), removal of top soil, stockpiling of soil or building materials.
- iv) Where site access/egress is required over the roots of trees identified for retention and protection, provide hardwood rumble boards over a 200mm thick layer of wood chip.

B. During Works

- i) The tree protection measures detailed in 'A' above must be maintained during construction.
- ii) The supervising Consulting Arborist must be present during any approved hand excavation or under boring works within the Tree Protection Zone (TPZ) of any tree identified for retention and protection and have the authority to direct works to ensure the trees long term preservation.
- iii) The supervising Consulting Arborist must strictly supervise that there is no disturbance or severing of roots greater than 40mm diameter and to cleanly cut those roots between 10-50mm in diameter (only where required).
- iv) If the tree/s identified for retention in 'A' above are damaged or destabilised during construction then works must cease and Council's Tree Assessment Officer (ph. 9710 0333) must be contacted to assess the tree/s and recommend action to be taken.

7. The addition of the following conditions:

11A. Management of Groundwater

A. During Works

Any groundwater encountered during works must be treated and managed in accordance with an appropriate Construction Dewatering Management Plan under the supervision of an appropriately qualified, experienced and certified environmental consultant

Management of groundwater must also be carried out in accordance with the requirements of WaterNSW and the following:

- (i) Groundwater that requires discharge to Council's stormwater drainage system must have a pH of between 6.5 and 8, and must not exceed a suspended sediment concentration of 50mg/L.
- (ii) The discharge of groundwater to Council's stormwater drainage system must also be undertaken in accordance with, but not limited to:
 - a) Sutherland Shire Council's "Environmental Specification - Environmental Site Management 2007".
 - b) Sutherland Shire Council's "Environmental Specification - Stormwater Management 2009".
 - c) Australian & New Zealand Guidelines for Fresh & Marine Water Quality, 2018.
 - d) Managing Urban Stormwater, Soils and Construction, Volume 1, 4th Edition, 2004, Landcom.

Note: Construction Dewatering

If construction dewatering is required during works; a 'works approval', 'water access licence' may be required from WaterNSW. Contact WaterNSW for more information ph 1300 662 077 or via customer.helpdesk@waterNSW.com.au .

11B. Construction Dewatering

If groundwater is unexpectedly intercepted during excavation, the method required to dewater will be determined by the geological conditions and characteristics of the soil, and the level, size and depth of excavation.

To undertake construction dewatering, the following approvals must be obtained from WaterNSW.

- Water Supply Work Approval
- Water Access Licence (WAL) - unless the works qualifies for an exemption.

For assistance regarding construction dewatering, contact WaterNSW on ph 1300 662 077 or via customer.helpdesk@waterNSW.com.au

- 8. Deletion of Conditions 24, 27 and 28.
- 9. Amend Conditions 33, 34 and 35 to refer to the updated acoustic plan prepared by ADP Consulting Pty Ltd, Project No. SYD 1488, dated 31 January 2022 Rev.05a and the recommendations contained therein.