

Annexure B

CONSOLIDATED CONDITION SET FOR DEVELOPMENT CONSENT NO. DA20/0737 AS AMENDED BY MODIFICATION MA21/0333

Development Application No: DA20/0737

Modification Application Number: MA21/0333

Development: Construction of a new mixed use development consisting of 37 seniors living units and 4 commercial tenancies

Site: SP 88548
37 Gerrale Street, Cronulla

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

Date of determination: 08 March 2022

Date from which consent takes effect: Date of Determination

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

~~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:~~

~~For Deferred Commencement consents issued between 25 March 2020 and 25 March 2022 the required information must be submitted within 5 years of the date of issue of this development consent (Environmental Planning and Assessment Act Section 4.53(6)).~~

~~Note: Under the provisions of Clause 95(5) of the Environmental Planning and Assessment Regulation 2000 upon submission of the required information, Council must advise in writing whether or not it is satisfied as to the relevant matters.~~

1. Property Alignment/Boundary Levels

~~The applicant must obtain property alignment and boundary levels from Sutherland Shire Council. This must result in:~~

- ~~i) level access between the public domain to the ground floor of the development,~~
- ~~ii) basement driveway grades and other vehicle access points being compliant with AS2890.1, and~~
- ~~iii) no changes to building height or floor to floor heights.~~

2. Updating Architectural Plans

~~The architectural plans must be amended to show the following:~~

~~Level 9~~

- ~~1. The planter bed extending around the communal terrace area on level 9 is to be a minimum 2m in width when measured from any building edge.~~
- ~~2. The balustrade extending around the edge of level 9 is to be setback and installed on the inside of the planter bed (the planter is to be on the outside of the balustrade).~~

~~Mechanical Plant Room - Level 1~~

- ~~1. The mechanical plant room is to be setback a minimum of 2m from the northern side boundary.~~
- ~~2. The northern wall of the mechanical plant room is to be finished as a green vegetated wall.~~
- ~~3. The pebble roof to the mechanical plant room on level 1 is to be modified to a green roof.~~
- ~~4. Any additional mechanical plant is not to be located on the roof and is to be located elsewhere in the building without increasing height or reducing setbacks of the building.~~

3. Landscaping Works

A. Design

~~A complete working set of drawings is to be provided to Council for approval. The plans are to include:~~

- i) ~~Amend the landscape plans in accordance with the architectural plans and condition 2.~~
- ii) ~~The northern wall of the mechanical plant room on Level 1 is to be a green vegetated wall.~~
- iii) ~~The pebble roof to the mechanical plant room on level 1 is to be modified to a green roof.~~
- iv) ~~Planter bed details, complete planting schedules and species lists, maintenance and irrigation details, landscape furniture and the roof top COS and the street frontages, material specifications to the various finishes to be used on pavements, decking and pergola structures.~~
- iv) ~~The communal open space areas/ all landscaped areas and all planter boxes on slab including the six isolated lobby planters to the southern façade of the building must be provided with a water-efficient irrigation systems, controllers and taps to individual beds, connected to a pump and the rainwater tank, to enable effective landscape maintenance.~~
- v) ~~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.~~
- (vii) ~~To improve coverage and reduce weeds and maintenance, planting densities in all planting areas including planter boxes must achieve a minimum of 4 plants per square metre.~~
- viii) ~~All landscape retaining walls and planter boxes must be constructed in masonry, stone or gabions. Timber is not acceptable.~~

~~The applicant must engage a suitably qualified Landscape Designer or Landscape Architect to oversee any design changes to the approved Concept 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.~~

4. Noise Control - Mechanical Plant Room on Level 1 and air conditioning units

~~To minimise the noise impacts on the northern adjoining property and nearby units within the proposed building, the acoustic report prepared by ADP Consulting Pty Ltd, Project No. SYD 1488, dated 22 January 2021 is to be updated to include the mechanical plant room on Level 1 and air conditioning units. The recommendations within the report are to ensure noise emitted does not exceed a sound pressure level of 5dB LAeq (15 minute) above the ambient background level when measured on or within any other residential property boundary.~~

A. ~~Design~~

~~The equipment must be located, designed and/or acoustically attenuated so that noise emitted does not exceed a sound pressure level of 5dB LAeq (15 minute) above the ambient background level when measured on or within any other residential property boundary.~~

~~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

5. ~~Deferred Commencement~~ Plans and Documents

The development must be undertaken substantially in accordance with the details and specifications set out on the following plans except where they are the subject of the deferred commencement conditions:

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

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

Note 1: The following must be submitted to Sutherland Shire Council prior to the commencement of any building work.

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

Note 2: Construction Dewatering - Management of Groundwater

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 customer.helpdesk@waterNSW.com.au <mailto:customer.helpdesk@waterNSW.com.au>

6. Surf Lane Road Widening

Prior to the issue of any construction occupation certificate, a 3m wide strip of land running parallel with Surf Lane for the entire length of the subject property must be dedicated to Council as public road.

7. Compliance with Schedule 3 of the State Environmental Planning Policy (Housing for Seniors or People with a Disability) 2004

A. Design

The building design must comply Schedule 3 of the *State Environmental Planning Policy (Housing for Seniors or People with a Disability) 2004*

B. Before Construction

Details of compliance must accompany the documentation forming part of the Construction Certificate.

8. Public Place Environmental, Damage & Performance Security Bond

A. Before Issuing of any Construction Certificate

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

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

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

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

The value of the bond is \$25,200.00.

Note: Bond amount includes a non-refundable administration fee, specified in Council's Schedule of Fees and Charges, which must be paid separately if security is provided by way of a deposit with Council or a bank guarantee.

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

A Bank Guarantee may only be used where the minimum bond amount is \$50,000.

The Bank Guarantee must also:

- Note Council as the interested party
- Have NO expiry date
- Describe the type of development using the description on the consent
- Include both the address of the development site and the application number
- NOT include the non-refundable administration fee; this must be paid separately.

B. After Occupation

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

the consent and must be accompanied by a current dilapidation report including photographs.

9. Section 7.11 Contributions - Section 7.11 Development Contribution Plan 2016 - Cronulla Centre Precinct

A. Before Construction

Pursuant to Section 7.11 of the Environmental Planning and Assessment Act 1979 and Sutherland Shire Council Section 7.11 Development Contribution Plan 2016, a total monetary contribution of \$140,000.00 must be paid to Sutherland Shire Council toward the cost of regional and local public domain works contained in the Works Programme of the Development Contribution Plan.

This contribution has been assessed and calculated in accordance with the Development Contribution Plan on the basis of 37 proposed Residential Flat Units, Apartments etc, with a concession for 30 existing Residential Flat Units, Apartments etc .

Infrastructure & Facilities	Contribution Required
Local open space and public domain works	\$86,100.00
Regional open space	\$53,900.00

The contribution will be indexed on 1 July in each year in accordance with the Consumer Price Index (All Groups Index) for Sydney.

The formula to index a contribution rate is:

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

As the cost of development is \$10 million or more, payment must be made prior to the issue of the first Occupation Certificate in respect of any building to which this Consent relates.

If no Construction Certificate has been issued before or on 25 September 2022, the monetary contribution must be paid before the issue of the first Construction Certificate.

10. Approvals Required under Roads Act or Local Government Act

A. Before Construction

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

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

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

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

B. During Works

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.

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

A. Design

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

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

- i) Property alignment/ boundary levels - establish the property alignment/ boundary levels and crossing profiles.
- ii) Grades - regrade footpath pavements on Surf Road & Gerrale Street to match final design levels issued. Regrade Surf Lane as required to facilitate the "Shared Zone".
- iii) Vehicle Crossings - construct a combined vehicle crossing to Surf Lane servicing the basement car park and loading dock.
- iv) Redundant Laybacks and Crossings - remove redundant laybacks and vehicle crossings and replace with kerb and gutter (including associated road reconstruction works).
- v) Stormwater Connection - construct new stormwater infrastructure as required to facilitate drainage for the proposed development. This includes a connection to and the extension of Council's piped system as required as well as the construction of any required pits.
- vi) Footpath - construct new footpath pavement along the full frontages of the site in accordance with the PDDM.
- vii) Shared Zone - Reconstruct Surf Lane from the western boundary of 37 Gerrale Street to the lip of existing kerb on the western side of Surf Lane to accommodate a "Shared Zone". This shall be with appropriate treatment consistent with that of Surf Lane (northern end) adjacent to Ocean Grove.

Note: This includes a raised threshold and associated drainage connecting the two kerb returns at the corner of Surf Lane & Surf Road which will be completed in conjunction with the development by Sutherland Shire Council.

- viii) Bus Shelter - adjust bus shelter and associated signage as required by Council due to any impacts caused by the development.
- ix) Infrastructure Transitions - ensure there are adequate transitions between newly constructed and existing infrastructure as required.
- ix) Road Pavement - reconstruct road pavement as required by Council.
- x) Kerb and Gutter - construct / reconstruct / realign kerb and gutter as required including associated road reconstruction.
- xi) Street Signage - alter existing and/or install new street signage as required.
- xii) Trees - remove and replace street trees as required by Council.
- xiii) Undergrounding - provide replacement of existing local distribution power lines and other overhead utilities with subsurface utilities.
- xiv) Street Lighting - install new street lighting as required to achieve the appropriate illumination category for the development.
- xv) Utility Services - adjust public services infrastructure as required.
- xvi) NBN - the Australian Government has issued a new policy on the provision of telecommunication infrastructure in new developments. The policy is effective from 1 March 2015. Developers are responsible for providing telecommunications infrastructure in their developments. To provide this infrastructure, developers need to contract a carrier to install and operate a telecommunications network.

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

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

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

B. Before Construction

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

C. Before Occupation

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

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

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 in 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

12. Site Management Plan

A. Before Commencement of Works including Demolition

An Environmental Site Management Plan must accompany the Construction Certificate. If demolition is to commence prior to the issue of a Construction Certificate the applicant must submit to Sutherland Shire Council a separate Demolition Site Management Plan. These plans must satisfy the Objectives and Controls of Sutherland Shire Development Control Plan 2015 relating to environmental site management and must incorporate the following throughout demolition and construction:

- i) Safe access to and from the site during construction and demolition.
- ii) Safety and security of the site, road and footpath area including details of proposed fencing, hoarding and lighting.

- iii) Method of loading and unloading excavation machines, building materials.
- iv) How and where, construction materials, excavated and waste materials will be stored.
- v) Methods to prevent material being tracked off the site onto surrounding roadways.
- vi) Erosion and sediment control measures.
- vii) All trees and their protection zones on and around the site identified for retention are to be protected according to Australian Standard AS 4970 - 2009 Protection of Trees on Development Sites using the methods outlined in that Standard.

B. During Works

The site management measures set out in the above plan must remain in place and be maintained throughout the period of works and until the site has been stabilised and landscaped.

13. Pre-commencement Inspection

A. Before Works

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

The purpose of the meeting is to:

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

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

14. Supervising Engineer

A. Before Construction

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

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

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

B. During Construction

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

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

C. Before Occupation

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

15. Internal Driveway, Parking and Manoeuvring

A. Design

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

- i) Align with Access and Alignment levels issued by Council's Public Domain Unit.
- ii) The blade wall within Surf Lane adjoining the loading dock on the northern boundary must be reduced in length to finish at the panel lift door.
- iii) All "one way" traffic aisles in the car parking area must be clearly identified by signposting and pavement marking.
- iv) The ingress and egress crossing must be clearly identified by signage.
- v) The car park must be line marked to accommodate 58 vehicles.
- vi) 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.
- vii) Provide adequate sight distance for the safety of pedestrians using the footpath area.
- viii) Provide a maximum grade of 5% for the first 3 metres inside the property boundary.
- ix) Comply with AS2890.1(2004) user class 1A, in relation to the design of vehicular access, parking and general manoeuvring for the B85 vehicle.
- x) Comply with AS2890.2(2002) in relation to the design of vehicular access, parking and general manoeuvring for the HRV vehicle.
- xi) The maximum longitudinal grade of the driveway must not exceed 25%.
- 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.

B. Construction

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

C. Occupation

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

D. On-going

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

16. Basement Car Park Design and Construction

A. Design

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

- i) A minimum headroom of 2.2m measured from the parking floor to the underside of any beam, ventilation duct or service conduit, or to the underside of any door including a security door and fittings when those doors are in an open position in accordance with clause 5.3 of AS2890.1.
- ~~ii) Parking bays must not be enclosed, caged or a door provided.~~
- iii) All parking bays must provide a minimum clear parking envelop in accordance with figure 5.2 of AS2890.1.
- 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 ~~2.753m~~ 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 ~~6.2-5.8m~~ 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.
- vi) A parking bay within each adaptable garage must have a clear width of 3.8m, a clear length of 5.4m and a head height clearance of 2.5m, except where this space is occupied by a remote controlled roller door.
- vii) Parking bays provided for adaptable units must have the minimum clear dimensions of 3.8m wide by 5.4m long or comply with AS2890.6.
- viii) The security door fitted to the car parking area entrance must be independently mounted on rubber pads to prevent vibration noise transmission through the concrete walls and / or columns.

B. Prior to Construction

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

C. Occupation

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

D. On-going

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

17. Stormwater Drainage

A. Design

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

- i) Water from pathways and access driveways shall be prevented from entering the road reserve as surface flow. This can be achieved by constructing a box drain at the boundary equipped with a 300mm wide grate and frame to collect the flow or directing the flow to a sag pit within the property.
- ii) The rate of discharge of stormwater from the site to a drainage system under Council's control must be controlled so that it does not exceed the pre-development rate of discharge. Any required on-site detention facility must be designed to cater for all storm events up to the Recurrence Interval of 1 in 100 years.
- iii) A rainwater tank must be provided within the OSD tank to have a minimum capacity of 5m³. The OSD is to be reduced in volume to facilitate this tank.
- iv) The OSD tank must have a minimum capacity of 35m³.
- v) All levels reduced to Australian Height Datum.
- vi) Harvested rainwater must be used for irrigation of garden and planter beds
- vii) The pipeline within the footpath verge must be a hot dipped galvanised steel hollow section with a minimum wall thickness of 4.0 millimetres or reinforced concrete
- viii) 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.
- ix) A new kerb inlet pit and pipeline within Surf Road to facilitate the private connection.

B. Before Construction

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

C. Before Occupation

Prior to the issue of an Occupation Certificate:

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

D. Ongoing

- i) The operation of all devices or appliances installed within the development approved by this consent as required by conditions pertinent to rainwater harvesting and

- rainwater reuse must be maintained in good operating order at all times.
- ii) The stormwater detention facility must be:
- Kept clean and free from silt, rubbish and debris.
 - Be maintained so that it functions in a safe and efficient manner.
 - Not be altered without prior consent in writing of the Council.

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

18. Stormwater Treatment

A. Before Construction

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

B. Before Occupation

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

C. Ongoing

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

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

19. Waste Collection

A. Design

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

- i) A loading bay to accommodate Council's Waste Collection vehicle must be provided in accordance with AS2890.2 within the subject property for waste collection use.
- ii) The maximum long and cross section grade of the loading bay and temporary bin holding area must be $\pm 5\%$.
- iii) The driveway and loading bay pavement must be designed to withstand the loads generated by a fully laden 30 tonne waste collection vehicle.
- iv) Clear and direct access must be provided from the bin holding areas to the loading bay.
- v) The permanent communal garbage and/or recycling storage area must have a smooth impervious floor that is graded to a floor waste. A tap and hose must be provided to facilitate regular cleaning of the bins and all waste water must be discharged to the sewer in accordance with the requirements of Sydney Water.

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

B. Before Construction

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

C. Before Occupation

Prior to the occupation of the site or the issue of any Occupation Certificate a suitable qualified civil engineer must certify that the waste collection point has been constructed to their satisfaction and in accordance with part A. above. A copy of this certification must accompany the Occupation Certificate.

D. On-going

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

20. Damage to Adjoining Properties

A. Before Works

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 Certifying Authority.

B. During Works

The constraints and recommendations of the Geotechnical Engineers Report must be implemented.

21. Public Utilities

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

A. Before Construction

Suitable arrangements must be made with all relevant utility service providers to ensure the development is appropriately serviced by electricity, gas, telecommunications (including NBN) and the like, and any necessary underground conduits are provided. The Australian Government has issued a new policy on the provision of telecommunications infrastructure in new development. This policy is effective from 1 March 2015. Developers are responsible

for providing telecommunications infrastructure in their developments. To provide this infrastructure, developers need to contract a carrier to install and operate a telecommunications network. NBN is the IPOLR (infrastructure provider of last resort). NBN require 6 months' notice in order to make the network available.

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

B. Before Occupation/Subdivision

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

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

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

22. Potential Acid Sulfate Soils - Unexpected Finds

A. During Works

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

Note: An appropriately qualified and experienced environmental consultant must be certified by one of the following certification schemes, or demonstrate an equivalent standard acceptable to Sutherland Shire Council, Manager Environmental Science:

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

B. Prior to the recommencement of works

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

This certification must be provided to the satisfaction of the Principal Certifier and a copy supplied to Sutherland Shire Council, Manager Environmental Science, prior to the recommencement of works.

23. Landscaping Works

A. Design

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

- i) Plant species and densities shall be reinstated on the Rooftop as per the previous plan by Scott Carver dated 31.07.2020 Rev.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.

B. Prior to Occupation/Occupation Certificate

The landscape works must be completed in accordance with the approved Landscape Plan by persons with a minimum AQF Level III certification in Horticulture or Landscape Construction.

A Final Landscape Inspection must be carried out and a certificate issued by Council's landscape officer prior to occupation or the issue of an Occupation Certificate. This certificate is required to ensure that all tree protection measures, landscaping works, replacement tree planting and the deep soil percentage requirements have been carried out in accordance with 'A' above and other conditions within this consent, that all new indigenous plants on the site and within the road reserve are the correct species and that all trees planted within the road reserve are in accordance with the detailed road frontage design where it forms part of the Roads Act Consent.

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

B. Ongoing

All landscaping works required by the approved Landscape Plan above must be maintained for 12 months following the final landscape inspection date. Trees required by this condition must be maintained and protected until they are covered by Council's Controls for Preservation of Trees and Bushland Vegetation (SSCDP 2015 Chapter 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 Boulevarde, Gympie
Ph: 02 9524 5672

24. Green Roof Requirements

~~A. Design~~

~~The following design requirements must form part of the Construction Certificate:~~

- ~~a) A detailed plan of the green roof on level 1 and the mechanical plant room, drawn to scale, by a qualified landscape architect or landscape designer specialising in green roof design. The plan must include:~~
 - ~~i) A statement that includes details of proposed use of the green roof, general accessibility, as well as noise and privacy treatments.~~
 - ~~ii) Location of existing and proposed structures, services and hard landscaping on the rooftop, roof fixings and other structural elements that may interrupt waterproofing, including cross-sectional details of all components.~~

- iii) ~~Where applicable, details of earthworks including mounding and retaining walls and planter boxes. Planter beds must have a "lip" of 75mm min so water does not flow over.~~
- iv) ~~Details of the location, sizes and numbers of plants used with preference for native, drought resistant species. Mulch is to be via 50mm depth pebble mulch.~~
- v) ~~Details of the soil media/substrate type and depth.~~
- vi) ~~Details of installation methodology e.g. safety considerations for working at height, location of maintenance hooks (if applicable) transport materials etc.~~
- vii) ~~Details of drainage and irrigation systems, including provisions for overflow and water retention. Irrigation system to be managed via a timer that is hardwired – no battery system. Overflow points must be shown on the CC plans.~~
- viii) ~~Proposed maintenance schedule to cover a 12 month period to account for all seasons and information regarding safety.~~
- ix) ~~General access details and location of clip in harness points for maintenance safety. Access is to be by way of ladder, whether fixed or mobile, but not stairs.~~

~~B. Prior to Occupation~~

~~The following details are to be submitted to the Principal Certifier and are to be attached to the Occupation Certificate when registered with Council;~~

~~The green roof as specified in "A" above:~~

- i) ~~has been assessed as part of the structural certification provided for the development~~
- ii) ~~has been assessed as part of the waterproofing certification provided for the development~~
- iii) ~~all landscaping and planting in the green roof design plan is completed~~
- iv) ~~a Maintenance Plan / Manual for the green roof must accompany the Occupation Certificate and must include:~~
 - ~~frequency and methodology of different maintenance requirements including the removal of green waste;~~
 - ~~details of safety procedures;~~
 - ~~manufacturer's contact details and copies of manufacturers' typical details and specification;~~
 - ~~copies of warranties and guarantees relating to all materials and plant used in construction; and~~
 - ~~decommissioning procedures, which also specify that the decommissioning of the roof requires an application for modification to Council.~~

~~Note: The green roof as approved is not to be used for habitable/entertainment purposes, and access is only for maintenance.~~

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 applicant must engage a suitably qualified and experienced Supervising Consulting Arborist to oversee the measures for the protection of existing trees as listed below. following tree protection measures must be put in place and maintained during the course of construction to prevent damage to trees.

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 the trees numbered 1, 2, 3, 4 and 5, within the road reserve, any services that are to be altered, connected to or re-installed for the development must be hand dug within 3mts of the trees trunks, and, located such that no roots of a diameter greater than 40mm are severed or injured in the process of any site works during the construction period.~~
- 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.
- ~~vi) Where it is impossible to install protection fencing to the full extent of the specified Tree Protection Zone install trunk and branch boarding protection as shown in Figure 4 of the Australian Standards AS4970 Protection of Trees on Development Sites (Page 17).~~

B. During Works

- i) The tree protection measures detailed in 'A' above must be maintained during construction.
- ii) The supervising Consulting Arborist must be present during any approved hand excavation or under boring works within the Tree Protection Zone (TPZ) of any tree identified for retention and protection and have the authority to direct works to ensure the trees long term preservation.
- iii) The supervising Consulting Arborist must strictly supervise that there is no disturbance or severing of roots greater than 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.
- v) Ensure each hold point outlined below within the Tree Protection Schedule is signed off and dated progressively by the Consulting Arborist throughout the various

development stages, including preconstruction, construction and post construction. Photographic evidence must also be provided.

Hold Point	Task	Responsibility	Certification	Timing of Inspection	Sign/ Date
1.	Indicate clearly with spray paint trees approval for removal only	Principal Contractor	Supervising Arborist	Prior to demolition and site establishment	
2.	Establishment of tree protection fencing	Principal Contractor	Supervising Arborist	Prior to demolition and site establishment	
3.	Supervise all excavation works proposed within the TPZ	Principal Contractor	Supervising Arborist	As required prior to the works proceeding adjacent to the tree	
4.	Inspection of trees by Project Arborist	Principal Contractor	Supervising Arborist	Bi-monthly during construction period	
5.	Final inspection of trees by project Arborist	Principal Contractor	Supervising Arborist	Prior to issue of interim/final Occupation Certificate	

C. Before Occupation

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

26. Protection for a Potential Item of Aboriginal Heritage

A. During Construction

Development consent from Council does not imply consent to destroy an Aboriginal site or Aboriginal object as defined under the National Parks and Wildlife Act.

Should any Aboriginal objects be unearthed/exposed during the project, works must temporarily cease within the immediate vicinity and the Department of Planning, Infrastructure and Environment be contacted to advise on the appropriate course of action.

Requirements of National Parks and Wildlife Act 1974

The National Parks and Wildlife Act is the primary legislation for the protection of Aboriginal cultural heritage in NSW. Under the National Parks and Wildlife Act 1974 it is an offence to desecrate or harm an Aboriginal object without having obtained an Aboriginal Heritage Impact Permit (AHIP) under section 90 or without having exercised due diligence in accordance with the Due Diligence Code of Practice for the Protection of Aboriginal Objects in NSW (NSW Department of Environment, Climate Change & Water (DECCW)).

27. Green Wall Design - Deleted

~~A. Design~~

~~The design of the green wall on the northern elevation of the Mechanical Plant room on Level 1 must demonstrate the response to site conditions, including in particular light availability, sun, salt tolerance and wind impacts.~~

~~B. Before Construction~~

~~i) Detailed drawings demonstrating how the green wall is constructed, including proposed~~

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

Note:

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

28. Green Wall Maintenance Plan - Deleted

A. Before Construction

~~Prior to the issue of a Construction Certificate, a "Green Wall Maintenance Plan" is to be prepared by a suitably qualified Landscape Designer or Landscape Architect, relating to all green walls. The maintenance plan must include information on:~~

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

Note:

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

29. External Lighting - (Amenity)

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

A. Design

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

B. Ongoing

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

30. Building Ventilation

To ensure adequate ventilation for the building:

A. Design

The building mechanical and / or natural ventilation systems must be designed, in accordance with the provisions of:

- i) The Building Code of Australia;
- ii) AS 1668.1 2015;
- iii) AS 1668.2 2012;
- iv) The Public Health Act - 2010;
- v) The Public Health Regulation 2012;
- vi) AS 3666.1 -2011;
- vii) AS 3666.2 -2011; and
- viii) AS 3666.3 -2011.

B. Before Construction

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

C. Before Occupation

- i) Prior to the occupation of the building or the issue of any Occupation Certificate certification must be provided by a qualified mechanical ventilation engineer that the installation of the ventilation system has been carried out in accordance with ‘A’ above.
- ii) Occupation of the premises must not occur until a registration application has been submitted to Council's Environment and Health Regulation Department for any cooling tower / warm water system

D. Ongoing

The ventilation system must be operated and maintained in accordance with ‘A’ above.

31. Car Park Ventilation - Alternate System

To ensure adequate ventilation for the car park:

A. Design

As the basement car-park does not appear to comply with the natural ventilation requirements of Section 4 of Australian Standards AS1668.2 -2012, the car-park must be either mechanically ventilated by a system complying with AS1668.2 -2012 or alternatively, the natural ventilation system must be certified by a qualified mechanical ventilation engineer to the effect that the system is adequate. The certification shall confirm that the system will protect the health of occupants of the car park at any time it is used and satisfies the atmospheric contaminate exposure rates specified in the Worksafe Australia document: Workplace Exposure Standards for Airborne Contaminants.

B. Before Construction

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

C. Before Occupation

Prior to the occupation of the building or the issue of any Occupation Certificate certification must be provided by a qualified mechanical ventilation engineer that the installation of the ventilation system has been carried out in accordance with ‘A’ above.

D. Ongoing

The ventilation system must be operated and maintained in accordance with 'A' above.

32. Demolition Work

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

A. Before Commencement

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

B. During Works

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

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

- a) Work Health and Safety Act 2011;
- b) Work Health and Safety Regulation 2017;
- c) Safe Work Australia Code of Practice - How to Manage and Control Asbestos in the Workplace;
- d) Safe Work Australia Code of Practice - How to Safely Remove Asbestos;
- e) Protection of the Environment Operations Act 1997; and
- f) Protection of the Environment Operations (Waste) Regulation 2014.

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

33. Noise Control- Design of Plant and Equipment - Commercial Tenancies

To minimise the impact of the commercial tenancies on the surrounding residential receivers and residents of the sole occupancy units within the development, all sound producing plant, equipment, machinery, mechanical ventilation systems and/or refrigeration systems from the commercial tenancies:

A. Design

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 and must comply with the recommendations made in Section 5.0 of the submitted acoustic report, prepared by ADP Consulting Pty Ltd, Project

No. SYD 1488, dated 31 January 2022 Rev. 05a.

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.

B. Before Construction

Details of the acoustic attenuation treatment required to comply with 'A' above, must be prepared by a qualified acoustic engineer. These details must accompany the application for a Construction Certificate.

C. Before Occupation

Prior to the occupation of the development or the issue of any Occupation Certificate must be provided by a qualified acoustic engineer that all work associated with the installation of the acoustic measures has been carried out in accordance with 'A' above.

D. Ongoing

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

34. Mechanical Noise and Equipment - Sole Occupancy Units

A. Design

To minimise the impact on surrounding residential receivers and residents of sole occupancy units within the development, the design and selection of mechanical services and equipment for the residential units must comply with the recommendations made in Section 5.0 of the submitted acoustic report, prepared by ADP Consulting Pty Ltd, Project No. SYD 1488, dated ~~22 January 2021~~ 31 January 2022 Rev.05a.

Attenuation measures outlined in the report must be followed to ensure that the noise emitted does not exceed an LAeq sound pressure level of 5dB above the ambient background level when measured at the most affected point on or within any residential property boundary.

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

35. Internal Noise and Vibration - Sole Occupancy Units

A. Design

To minimise the noise transmission between sole occupancy premises and between common spaces into sole occupancy premise, the building must be designed and constructed in accordance with the construction and material recommendations outlined in Section 4.0 of the submitted acoustic report, prepared by ADP Consulting Pty Ltd, Project No. SYD 1488, dated ~~22 January 2021~~ 31 January 2022 Rev.05a.

B. Before Construction

Prior to the occupation of the development or the issue of any Occupation Certificate certification must be provided by a qualified acoustic engineer that all work associated with the installation of the acoustic measures has been carried out in accordance with 'A' above.

36. 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 Certify must be satisfied that 'A' above has been complied with.

37. Dilapidation Report - Adjoining Properties

To assist in the resolution of any future disputes about damage to properties adjoining the development site.

A. Design

The equipment must be located, designed and/or acoustically attenuated so that noise emitted does not exceed a sound pressure level of 5dB LAeq (15 minute) above the ambient background level when measured on or within any other residential property boundary and complies with the Acoustic Report provided to satisfy condition 4.

B. Before Occupation

The equipment must be installed in accordance with the manufacturer's specification and all required noise attenuation measures implemented to ensure that the equipment complies with 'A' above.

C. Ongoing

- i) All equipment must be operated in accordance with 'A' above.
- ii) For air conditioning units / heat pump water heaters:
Between the hours of 10.00pm and 8.00am on weekends and public holidays and 10.00pm and 7.00am any other day, noise emitted must not be heard within any residence with its windows and/or doors open or closed.
- iii) For any other pump:
Between the hours of 8.00pm and 8.00am on weekends and public holidays and 8.00pm and 7.00am any other day, noise emitted must not be heard within any residence with its windows and/or doors open or closed.
- iv) Receipt of a noise complaint from the operation of this equipment will result in the requirement for certification from an acoustic engineer that the equipment is operating in accordance with the requirements of this condition. If the acoustic assessment reveals that the equipment is not operating in accordance with the consent it must make recommendations on what remediation measures are required to bring the equipment into compliance.

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

38. Dilapidation Report - Adjoining Properties

To assist in the resolution of any future disputes about damage to properties adjoining the development site.

A. Before Works

Prior to commencement of any work on site the Applicant or principal contractor must provide dilapidation reports on the adjacent buildings at Nos 31-33 Gerrale Street, 94 Cronulla Street and 15 Surf Road, including any basements and ancillary structures. The reports must be provided to the Principal Certifier and to the owners of the properties that are the subject of the report.

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

39. Swimming Pools (including Spas)

To minimise the impact of the swimming pool on the amenity of adjoining properties and to ensure safety:

A. Design

The design of the swimming pool and associated equipment must comply with the following requirements:

- i) The Swimming Pools Act & Regulations.
- ii) Australian Standard 1926 Swimming Pool Safety as prescribed under the Building Code of Australia.
- iii) The pump and associated equipment must be sound insulated and/or isolated so that the noise emitted does not exceed an LAeq (15min) of not more than 5 dB(A) above the background level in any octave band from 31.5Hz to 8KHz centre frequencies inclusive at the boundary of the site.

Note:

- The measurement of sound must be carried out in accordance with Australian Standard 1055.1.
- Landscaping and ancillary structures must not intrude into the child-resistant barrier Non-Climbable Zone.
- Only structures associated with the pool may be located within the pool area. Clothes lines, barbeque, sheds, entertainment structure, outside toilets or any other non pool-related structures are not permitted within the pool area.

B. Before Construction

Details of all child-resistant barriers (existing and proposed) to be utilised to comply with the requirements of the Swimming Pools Act and Regulations applicable at the time must be shown on the Construction Certificate plans.

C. During Works

The swimming pool excavation and/or swimming pool must be provided with a suitable barrier to prevent a risk of falling into the excavation or pool at all times throughout the construction phase.

D. Before Occupation

Before the issue of any Occupation Certificate the child resistant barrier must be installed in accordance with A above.

E. Ongoing

- i) The pump and associated equipment must be maintained and operated in accordance with the noise levels described above.
- ii) The child resistant barrier must be maintained in accordance with the Australian Standard as described above.

40. Design Requirements for Adaptable Housing

A. Design

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

B. Before Occupation

Prior to the occupation of the development, or this issue of any Occupation Certificate, a suitably qualified Adaptable Housing Specialist must certify that the development has been constructed in accordance with the requirements of "A" above. A copy of this certification must accompany the Occupation Certificate.

41. Verification of Design for Construction - SEPP 65

A. Design

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

B. Before Occupation

Prior to the issue of any Occupation Certificate design verification must be provided by a registered Architect in detailing that the development has been completed in accordance with SEPP 65.

42. External Walls and Cladding Flammability

A. Design

The external walls of the building, including attachments, must comply with the relevant requirements of the *National Construction Code (NCC)*. This includes the products and

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

B. Before Construction

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

C. Before Occupation

Prior to the occupation of the development, or the issue of any Occupation Certificate, certification, including an appropriate level of detail to demonstrate compliance with the NCC as built, must be provided to the PC by an appropriately accredited professional that external finishes of the building complies with “A” above.

43. Certification Requirement of Levels

A. During Construction

At the following stages of construction:

- i) Prior to the pouring of each floor or roof slab,
- ii) Upon completion of the roof frame.

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

B. Before Occupation

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

44. Sydney Water Requirements & Section 73 Compliance Certificate

A. Before Any Works

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

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

B. Before Occupation / Subdivision Certificate

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

Sydney Water Advice on Compliance Certificates:

Sydney Water will assess the development and if required will issue a Notice of

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

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

45. Dial Before You Dig

A. Before Construction

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

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

Ausgrid note: Underground Cables Special care should also be taken to ensure that driveways and any other construction activities within the footpath area do not interfere with the existing cables in the footpath. Ausgrid cannot guarantee the depth of cables due to possible changes in ground levels from previous activities after the cables were installed. Hence it is recommended that the developer locate and record the depth of all known underground services prior to any excavation in the area.

Safework Australia – Excavation Code of Practice, and Ausgrid's Network Standard NS156 outlines the minimum requirements for working around Ausgrid's underground cables. Should ground anchors be required in the vicinity of the underground cables, the anchors must not be installed within 300mm of any cable, and the anchors must not pass over the top of any cable.

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

A. General

To manage noise impacts to the surrounding properties, demolition, excavation, or construction activities should be managed in accordance with the NSW Department of Environment and Climate Change (now Environment Protection Authority). Interim Construction Noise Guideline (ICNG) 2009 and Australian Standard 2436 - 2010 Guide to Noise Control on Construction, Maintenance and Demolition Sites.

Dilapidation reports

Subject to the receipt of permission of the affected landowner, dilapidation report/s of adjoining buildings are to be prepared by an appropriately qualified practising structural engineer and submitted for the approval of the Principal Certifier -

- a) prior to the commencement of demolition/excavation works; and
- b) on completion of construction demolition/excavation works.

Copies are to be provided to affected land owners of adjoining properties.

Demolition, Excavation and Construction Noise and Vibration Management Plan

A site specific noise management plan must be submitted to the Private Certifier and Council prior to issue of any Construction Certificate relevant to that stage of the development.

The Plan must be prepared by a suitably qualified person who is a member, at Member Level, of -

- the Institution of Engineers Australia and the Australian Acoustic Society;
- or working for, and under the supervision of, a firm that is a member of the Australasian Association of Acoustic Consultants.

The plan must include but not be limited to the following -

- a) Identification of noise sensitive receivers near to the site.
- b) A prediction as to the level of noise impact likely to affect the nearest noise sensitive receivers from the use and proposed number of high noise intrusive appliances intended to be operated onsite.
- c) A statement should also be submitted outlining whether or not predicted noise levels will comply with the noise criteria stated Tables 3 and 4 of the Interim Construction Noise Guideline (ICNG) 2009 Section 4 Quantitative Assessment method.
Where resultant site noise levels are likely to be in exceedance of this noise criteria then a suitable proposal must be given as to the duration and frequency of respite periods that will be afforded to the occupiers of neighbouring property.
- d) A representative background noise measurement (LA90, 15 minute) should be submitted, assessed in the vicinity of any potentially affected receiver locations and measured in accordance with AS 1055:1.2.1997.
- e) Confirmation of the level of community consultation that has/is and will be undertaken with Building Managers/ occupiers of the main adjoining noise sensitive properties likely to be most affected by site works and the operation of plant/machinery particularly during the demolition and excavation phases.
- f) Confirmation of noise monitoring methodology that is to be undertaken during the main stages of work at neighbouring noise sensitive properties in order to keep complaints to a minimum and to ensure that noise from site works complies with the noise criteria Tables 3 and 4 of the Interim Construction Noise Guideline (ICNG) 2009.
- g) What course of action will be undertaken following receipt of a complaint concerning offensive noise.
- h) Details of any noise mitigation measures that have been outlined by an acoustic consultant or otherwise that will be deployed on site to reduce noise impacts on the occupiers of neighbouring noise sensitive property to a minimum.
- i) What plant and equipment is to be used on site, the level of sound mitigation measures to be undertaken in each case and the criteria adopted in their selection taking into account the likely noise impacts on the occupiers of neighbouring property and other less intrusive technologies available.

Compliance with Demolition, Excavation and Construction Noise and Vibration Management Plan

All works conducted on site which form part of this development must be carried out in accordance with the submitted Demolition, Excavation, and Construction Noise and Vibration Management Plan.

The contractor must provide regular, appropriate, and sustained periods of respite in consultation with Council's Environmental Health and Building Unit:

- Where all control measures detailed in the Demolition, Excavation and Construction Noise and Vibration Management Plan have been implemented and the resultant noise and/or vibration levels at any sensitive receiver still exceed the applicable criteria and
- The development is giving rise to sustained complaints.

Hours of Operation

All demolition, excavation and building, work must be carried out only between the hours of:

- 7.00am and 6.00pm Monday to Friday inclusive,
- 8.00am and 3.00pm Saturdays.

No work is to be carried out on Sundays and Public Holidays.

On a maximum of 12 occasions extended hours may be carried out on the site:

- from 7.00am to 8.00pm Monday to Friday, excluding Public Holidays on a week day.

The purpose of the extended hours note reference ICNG 2009 for example, pouring large slab.

In order to activate the extended hours of operation both Council and affected neighbours must be notified a minimum of 48 hours prior to commencement.

Affected neighbours include those in the immediate vicinity, adjacent or adjoining the development site. Notification must be by way of written advice including:

- Date/s the extended hours will be utilised.
- The purpose of the extended hours note reference ICNG 2009 for example, pouring large slab.
- Address of the development works / site.
- Contact name and number of appropriate site officer (supervisor or manager) for enquiries.
- Include a copy of the letter and a map or list identifying those affected neighbours who have been notified.

47. Toilet Facilities

A. During Works

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

Each toilet must:

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

- iii) be a temporary chemical closet approved under the Local Government Act 1993.

48. Street Numbering and Provision of Letter Box Facilities

A. Before Occupation

- i) Street / unit / shop numbers must be clearly displayed.
- ii) Suitable letterbox facilities must be provided in accordance with Australia Post specifications and AS4253.
- iii) The dwellings must have the following street address format:
 - The site must be known as 1 Surf Road, Cronulla
 - The units must be numbered in a hotel style format e.g 101, 201, 301/1 Surf Road, Cronulla
 - The retail tenancies must be known as Shop 1, 2, 3 or 4/1 Surf Road, Cronulla

49. Car parking Areas

A. Ongoing

To ensure that the car parking area satisfies the demands of the development:

- i) The retail parking spaces must be made available on an unrestricted basis and free of charge at all times for employees' and visitors' vehicles

50. Car Parking Allocation

A. Before Subdivision

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

Visitor parking facilities and/or car wash bays must be designated as common property on any strata plan.

Parking must be allocated on the following basis:

- Residential dwellings: 44 spaces
- Retail/commercial: 11 spaces
- Loading/servicing: 1 HRV space

B. Ongoing

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

51. Loading and Unloading

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

A. Ongoing

All loading and unloading of vehicles must be carried out within the site and not from the public roadway. All service/delivery vehicles must leave the site in a forward direction.

52. Housing for Seniors or People with a Disability - Restriction as to User

A. Before Occupation

A Restriction as to User must be registered against the title of the property in accordance with section 88E of the Conveyancing Act 1919. This restriction must limit the use of the approved accommodation to the kinds of people referred to under State Environmental Planning Policy (Housing for Seniors or People with a Disability) 2004.

B. Ongoing

Specifically, only those people who meet the following criteria may occupy this accommodation:

- i) seniors or people who have a disability,
- ii) people who live within the same household with seniors or people who have a disability,
- iii) staff employed to assist in the administration of and provision of services to housing provided under this Policy.

“Seniors” are any of the following:

- a) people aged 55 or more years,
- b) people who are resident at a facility at which residential care (within the meaning of the Aged Care Act 1997 of the Commonwealth) is provided,
- c) people who have been assessed as being eligible to occupy housing for aged persons provided by a social housing provider.

“People with a disability” are people of any age who have, either permanently or for an extended period, one or more impairments, limitations or activity restrictions that substantially affect their capacity to participate in everyday life.

53. Consent of Non-Residential Tenancies

A. Occupation

Consent must be obtained prior to the first use of any of the non-residential tenancies.

54. Basement Car Park Security Requirements

A. Design

The following design requirements must be satisfied:

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

55. Closed Circuit Television (CCTV)

A. Before Occupation

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

Attached are the prescribed conditions that must be complied with under the Environmental Planning and Assessment Regulations 2000.

PRESCRIBED CONDITIONS

Division 8A Prescribed conditions of development consent

Clause 98 Compliance with Building Code of Australia and insurance requirements under the [Home Building Act 1989](#)

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

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

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

Clause 98A Erection of signs

- (1) For the purposes of Section 4.17(11) of the Act, the requirements of subclauses (2) and (3) are prescribed as conditions of a development consent for development that involves any building work, subdivision work or demolition work.
- (2) A sign must be erected in a prominent position on any site on which building work, subdivision work or demolition work is being carried out:
 - (a) showing the name, address and telephone number of the principal certifier for the work, and

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

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

Clause 98B Notification of Home Building Act 1989 requirements

- (1) For the purposes of Section 4.17(11) of the Act, the requirements of this clause are prescribed as conditions of a development consent for development that involves any residential building work within the meaning of the Home Building Act 1989.
- (2) Residential building work within the meaning of the Home Building Act 1989 must not be carried out unless the principal certifier for the development to which the work relates (not being the council) has given the council written notice of the following information:
 - (a) in the case of work for which a principal contractor is required to be appointed:
 - (i) the name and licence number of the principal contractor, and
 - (ii) the name of the insurer by which the work is insured under Part 6 of that Act,
 - (b) in the case of work to be done by an owner-builder:
 - (i) the name of the owner-builder, and
 - (ii) if the owner-builder is required to hold an owner-builder permit under that Act, the number of the owner-builder permit.
- (3) If arrangements for doing the residential building work are changed while the work is in progress so that the information notified under subclause (2) becomes out of date, further work must not be carried out unless the principal certifier for the development to which the work relates (not being the council) has given the council written notice of the updated information.
- (4) This clause does not apply in relation to Crown building work that is certified, in accordance with Section 6.28 of the Act, to comply with the technical provisions of the State's building laws.

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

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

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

NOTES

1. The cutting down, lopping, injury and destruction of trees is regulated by Sutherland Shire Local Environmental Plan 2015 and Sutherland Shire Development Control Plan 2015. A person who contravenes, causes or permits the controls in relation to trees to be contravened is guilty of an offence. Trees designated to be removed on the approved plans under this consent may be removed unless specified otherwise in the conditions in this consent. All other trees on the site covered by Council's controls referred to above must be retained.
2. Division 8.2 of the Environmental Planning and Assessment Act confers on an applicant who is dissatisfied with the determination of the application the right to lodge an application with Council for a review of such determination. Any such review must however be completed within 6 months from this determination. Should a review be contemplated sufficient time should be allowed for Council to undertake public notification and other processes involved in the review of the determination.

Note: Review provisions do not apply to Complying Development, Designated Development, State Significant Development Integrated Development or any applications determined by the Sydney South Planning Panel or the Land and Environment Court.

3. Part 8 (Appeals and Related Matters) of the Environmental Planning and Assessment Act 1979 confers on an applicant who is dissatisfied with the determination of the application a right of appeal to the Land and Environment Court of New South Wales.
4. This consent will lapse unless the development is physically commenced within 5 years from the Date of Operation of this consent (i.e. the date on which the Deferred Commencement condition is deemed to have been satisfied by Council), in accordance with Section 4.53 of the Environmental Planning and Assessment Act 1979 as amended.