

Project Approval

Section 75J of the *Environmental Planning & Assessment Act 1979*

As delegate of the Minister for Planning and Infrastructure under delegation executed on 14 September 2011, the Planning Assessment Commission of New South Wales (the Commission) approve the project application referred to in Schedule 1, subject to the conditions in Schedule 2 and the Statement of Commitments provided in Schedule 3.

These conditions are required to:

- prevent, minimise, and/or offset adverse environmental impacts;
- set standards and performance measures for acceptable environmental performance;
- require regular monitoring and reporting; and
- provide for the ongoing environmental management of the project.

Member of the Commission

Sydney

Member of the Commission

2013

SCHEDULE 1

PART A: PARTICULARS

Application No.:

MP 10_0230

Proponent:

Bluestone Capital Ventures No. 1 Pty Ltd

Approval Authority:

Minister for Planning and Infrastructure

Land:

461 Captain Cook Drive, Woollooware
(Lot 11 DP 526492, Lot 21 DP 529644 and Lot 1 DP 501920)

Project:

Woollooware Bay Town Centre Stage 1, including:

- partial demolition of the existing Leagues Club and other structures within the site;
- construction of a new retail centre with a full-line supermarket, food retail, mini-major tenancies, specialty retail, dining tenancies and medical and leisure uses;
- fitout of Levels 3 and 4 of the existing building for the Leagues Club;
- public domain works;
- infrastructure works providing access to the site off Captain Cook Drive;
- provision of a shuttle bus service and new bus and taxi bays on Captain Cook Drive;
- stormwater management and site remediation works;
- loading docks and on-site car parking spaces;
- development contributions; and
- stratum subdivision.

PART B: NOTES RELATING TO THE DETERMINATION OF MP No. 10_0230

Responsibility for other approvals / agreements

The Proponent is responsible for ensuring that all additional approvals and agreements are obtained from other authorities, as relevant.

Appeals

The Proponent has the right to appeal to the Land and Environment Court in the manner set out in the Act and the Regulation.

Legal notices

Any advice or notice to the approval authority shall be served on the Director-General.

PART C: DEFINITIONS

Advisory Notes	Advisory information relating to the consent but do not form a part of this consent
Application	The development application and the accompanying drawings plans and documentation described in Condition B1.
BCA	Building Code of Australia
Construction	Any works, including earth and building works
Council	Sutherland Shire Council
Certifying Authority	Means a person who is authorised by or under section 109D of the Act to issue a construction certificate under Part 4A of the Act;
Department	Department of Planning and Infrastructure or its successors
Director-General	Director-General of the Department of Planning and Infrastructure, or nominee/delegate
Director-General's approval, agreement or satisfaction	A written approval from the Director- General (or nominee/delegate) Where the Director-General's approval, agreement or satisfaction is required under a condition of this approval, the Director-General will endeavour to provide a response within one month of receiving an approval, agreement or satisfaction request. The Director-General may ask for additional information if the approval, agreement or satisfaction request is considered incomplete. When further information is requested, the time taken for the Proponent to respond in writing will be added to the one month period.
EA	Environmental Assessment prepared by JBA Planning dated March 2013
EPA	Environment Protection Authority, or its successor
EP&A Act	<i>Environmental Planning and Assessment Act 1979 (as amended)</i>
EP&A Regulation or Regulation	<i>Environmental Planning and Assessment Regulation 2000 (as amended)</i>
Minister	Minister for Planning and Infrastructure, or nominee
OEH	Office of the Environment and Heritage, or its successor
PCA	Principal Certifying Authority, or in the case of Crown development, a person qualified to conduct a Certification of Crown Building works
Proponent	Bluestone Capital Ventures No. 1 Pty Ltd or anyone else entitled to act on this consent
PPR / RTS	Preferred Project Report and Response to Submissions prepared by JBA Planning dated May 2013
Sensitive receiver	Residence, education institution (e.g. school, university, TAFE college), health care facility (e.g. nursing home, hospital), religious facility (e.g. church) and children's day care facility.

SCHEDULE 2

PART A- ADMINISTRATIVE CONDITIONS

A1. DEVELOPMENT DESCRIPTION

Development approval is granted only to carrying out the development described in detail below:

- (a) partial demolition of the existing Leagues Club and other structures within the site;
- (b) construction of a new retail centre with a full-line supermarket, food retail, mini-major tenancies, specialty retail, dining tenancies and medical and leisure uses with a maximum gross floor area of 26,473m²;
- (c) fitout of Levels 3 and 4 of the existing building for the Leagues Club;
- (d) public domain works including new foreshore buffer to Woollooware Bay;
- (e) infrastructure works providing access to the site off Captain Cook Drive (extension and realignment of Woollooware Road, signalisation of Woollooware Road / Captain Cook Drive and two new signalised intersections along Captain Cook Drive);
- (f) provision of a shuttle bus service and new bus and taxi bays on Captain Cook Drive;
- (g) stormwater management (including flood mitigation works) and site remediation works;
- (h) loading docks and 770 on-site car parking spaces;
- (i) development contributions; and
- (j) stratum subdivision.

A2. TERMS OF APPROVAL

The Proponent shall carry out the project in accordance with the following documentation:

- (a) Environmental Assessment (EA) and supporting documents prepared by JBA Planning, dated March 2013;
- (b) Preferred Project Report and Response to Submissions and supporting documentation prepared by JBA Planning, dated May 2013; and
- (c) the following drawings, except for:
 - a. any modifications which are Exempt or Complying Development; and
 - b. otherwise provided by the conditions of this approval.

Architectural (or Design) Drawings prepared by Scott Carver Pty Ltd			
Drawing No.	Revision	Name of Plan	Date
DA003	5	Masterplan Staging Diagram	23/05/2013
DA007	6	Site – Demolition Plan	23/05/2013
DA009	3	Stage 1 Works Plan	23/05/2013
DA011	7	Level 1 Plan	23/05/2013
DA012	9	Level 2 Retail Plan	07/06/2013
DA013	7	Level 3 Plan	23/05/2013
DA014	4	Level 4 Plan	07/06/2013
DA015	5	Roof Plan	23/05/2013
DA031	4	Gross Building Areas	23/05/2013
DA032	7	Gross Floor Areas	07/06/2013
DA111	6	Level 1 Plan – Sheet 1 of 4	23/05/2013
DA112	5	Level 1 Plan – Sheet 2 of 4	23/05/2013
DA113	5	Level 1 Plan – Sheet 3 of 4	23/05/2013
DA114	5	Level 1 Plan – Sheet 4 of 4	23/05/2013
DA121	8	Level 2 Retail Plan – Sheet 1 of 4	07/06/2013

DA122	7	Level 2 Retail Plan – Sheet 2 of 4	07/06/2013
DA123	6	Level 2 Retail Plan – Sheet 3 of 4	24/05/2013
DA124	6	Level 2 Retail Plan – Sheet 4 of 4	24/05/2013
DA131	7	Level 3 Plan – Sheet 1 of 4	07/06/2013
DA132	5	Level 3 Plan – Sheet 2 of 4	23/05/2013
DA133	5	Level 3 Plan – Sheet 3 of 4	23/05/2013
DA134	5	Level 3 Plan – Sheet 4 of 4	23/05/2013
DA141	4	Level 4 Plan – Sheet 1 of 4	23/05/2013
DA142	4	Level 4 Plan – Sheet 2 of 4	23/05/2013
DA143	4	Level 4 Plan – Sheet 3 of 4	23/05/2013
DA144	4	Level 4 Plan – Sheet 4 of 4	23/05/2013
DA201	5	Site Elevations	23/05/2013
DA211	4	Elevations – Sheet 1	23/05/2013
DA212	4	Elevations – Sheet 2	23/05/2013
DA213	4	Elevations – Sheet 3	23/05/2013
DA214	4	Elevations – Sheet 4	23/05/2013
DA301	5	Site Sections	23/05/2013
DA311	5	Section – Sheet 1	23/05/2013
DA312	4	Section – Sheet 2	23/05/2013
DA313	4	Section – Sheet 3	23/05/2013
DA314	4	Section – Sheet 4	23/05/2013
DA315	5	Section – Sheet 5	23/05/2013
DA316	4	Section – Sheet 6	23/05/2013
DA317	4	Section – Sheet 7	23/05/2013
DA931	4	External Material Finishes	23/05/2013
Landscape Drawings by ASPECT Studios			
Drawing No.	Revision	Name of Plan	Date
11017 RDA – 01	B	Site context and pedestrian links	May 2013
11017 RDA – 02	B	Landscape masterplan	May 2013
11017 RDA – 03	B	Retail landscape plan	May 2013
11017 RDA – 04	B	Retail landscape sections and precedents	May 2013
11017 RDA – 05	B	Retail landscape sections and precedents	May 2013
11017 RDA – 06	B	Retail landscape sections and precedents	May 2013
11017 RDA – 07	B	Retail landscape sections and precedents	May 2013
11017 RDA – 08	B	Retail planting strategy	May 2013
Civil Infrastructure Drawings by AT&L Civil Engineers and Project Managers			
Drawing No.	Revision	Name of Plan	Date
C001	A	Cover Sheet and Locality	29/01/2013
C002	A	Notes and Legends	29/01/2013
C005	A	General Arrangement Plan	29/01/2013
C006	A	Typical Road Sections Sheet 1 of 3	29/01/2013

C007	A	Typical Road Sections Sheet 2 of 3	29/01/2013
C008	A	Typical Road Sections Sheet 3 of 3	29/01/2013
C010	A	Roadworks and Stormwater Drainage Plan Sheet 1 of 7	29/01/2013
C011	A	Roadworks and Stormwater Drainage Plan Sheet 2 of 7	29/01/2013
C012	A	Roadworks and Stormwater Drainage Plan Sheet 3 of 7	29/01/2013
C013	A	Roadworks and Stormwater Drainage Plan Sheet 4 of 7	29/01/2013
C014	A	Roadworks and Stormwater Drainage Plan Sheet 5 of 7	29/01/2013
C015	A	Roadworks and Stormwater Drainage Plan Sheet 6 of 7	29/01/2013
C016	A	Roadworks and Stormwater Drainage Plan Sheet 7 of 7	29/01/2013
C080	A	Pavement, Signage and Linemarking Plan Sheet 1 of 3	29/01/2013
C081	A	Pavement, Signage and Linemarking Plan Sheet 2 of 3	29/01/2013
C082	A	Pavement, Signage and Linemarking Plan Sheet 3 of 3	29/01/2013
C090	A	Services and Utilities Coordination Plan Sheet 1 of 7	29/01/2013
C091	A	Services and Utilities Coordination Plan Sheet 2 of 7	29/01/2013
C092	A	Services and Utilities Coordination Plan Sheet 3 of 7	29/01/2013
C093	A	Services and Utilities Coordination Plan Sheet 4 of 7	29/01/2013
C094	A	Services and Utilities Coordination Plan Sheet 5 of 7	29/01/2013
C095	A	Services and Utilities Coordination Plan Sheet 6 of 7	29/01/2013
C096	A	Services and Utilities Coordination Plan Sheet 7 of 7	29/01/2013
C100	A	Erosion and Sediment Control Plan Sheet 1 of 3	29/01/2013
C101	A	Erosion and Sediment Control Plan Sheet 2 of 3	29/01/2013
C102	A	Erosion and Sediment Control Plan Sheet 3 of 3	29/01/2013
C105	A	Erosion and Sediment Control Details	29/01/2013
C130	A	Intersection Vehicle Turn Path Plan Sheet 1 of 2	29/01/2013
C131	A	Intersection Vehicle Turn Path Plan Sheet 2 of 2	29/01/2013
Draft Plans of Stratum Subdivision by Harrison Friedmann & Associates			

A3. INCONSISTENCIES BETWEEN DOCUMENT

In the event of any inconsistency between the plans and documentation referred to above, including the Proponent's Statement of Commitments, the most recent document shall prevail to the extent of the inconsistency. However, conditions of this approval prevail to the extent of any inconsistency. Where there is an inconsistency between approved elevations and plans, the elevations prevail.

A4. PRESCRIBED CONDITIONS

The Proponent shall comply with the prescribed conditions of approval under Clause 98 of the Environmental Planning and Assessment Regulation 2000 in relation to the requirements of the Building Code of Australia (BCA).

A5. CONSTRUCTION CERTIFICATE

Prior to commencement of any construction works associated with the approved development (including excavation and building construction), it is necessary to obtain a Construction Certificate. A Construction Certificate may be issued by Council or an Accredited Certifier. Plans and documentation submitted with the Construction Certificate are to be amended to satisfy all relevant conditions of this development approval.

A6. LAPSING OF APPROVAL

This approval shall lapse 5 years after the date of approval unless the building works associated with the project have physically commenced.

A7. FURTHER APPROVALS

This approval does not permit the following, which are required to obtain separate approval (except where exempt and complying development applies):

- (a) any use or fit-out within the project as described in the EA (except for the fitout and use of Level 3 and 4 for the continued use of the Leagues Club in accordance with DA D/561/1973); and
- (b) any advertising signage.

A8. RESPONSIBILITY FOR OTHER APPROVALS / AGREEMENTS

The Proponent is responsible for ensuring that all additional approvals and agreements are obtained from other authorities, as relevant.

End of this Section

PART B - GENERAL

B1 REMEDIATION

Remediation approved as part of this approval shall be carried out in accordance with the Remediation Action Plan prepared by DLA Environmental. The RAP is to address the Enviroview Pty Ltd letter dated 4 March 2013 that requires the submission of an amended Gas Management Plan following a resolution of the design and construction methods.

A site audit must be carried out by a site auditor prior to the commencement of remediation works. A copy of the site auditor's endorsement of the amended RAP is to be forwarded to the Department, Council and relevant authorities prior to work commencing.

Upon completion of the remediation works on the Subject Site, the Proponent shall submit a site audit report and site audit statement prepared by an accredited site auditor. The site audit report and site audit statement must verify that the land is suitable for the proposed uses and be provided to the PCA prior to the issue of any Occupation Certificate.

Note: The Proponent must comply with clauses 17 and 18 of *State Environmental Planning Policy No.55—Remediation of Land*.

Note: Words and expressions used in these conditions have the same meaning as in the *Contaminated Land Management Act 1997*.

B2 APPROVALS REQUIRED UNDER THE ROADS ACT OR THE LOCAL GOVERNMENT ACT

No works, uses or activities shall not be carried out on public land (including a road) adjacent to the development site without approval under the Roads Act 1993 and/or the Local Government Act 1993. An application, together with the necessary fee, shall be submitted and approval granted by Sutherland Shire Council prior to any works, uses or activities commencing on public land.

B3 COSTS TO ROADS AND MARITIMES SERVICES

All works associated with this approval shall be at no costs to the RMS.

End of this Section

PART C – PRIOR TO ISSUE OF CONSTRUCTION CERTIFICATE

C1 CAR PARK ACCESS ARRANGEMENTS

Prior to issue of a Construction Certificate, details are to be provided by a qualified traffic engineer demonstrating a modified access arrangement onto Woollooware Road North, which incorporates exit control measures to control the number of vehicles exiting the site to manage queuing in the roadway toward the intersection of Woollooware Road North and Captain Cook Drive.

C2 S.94A CONTRIBUTIONS

A contribution of 1% of the construction cost shall be paid to Sutherland Shire Council, with the final form of the payment is to be agreed between the Proponent and Council prior to the issue of the Construction Certificate.

The amount to be paid is to be adjusted at the time of the actual payment and indexed on 1 July each year in accordance with the Contribution Plans applicable to the Sutherland Local Government Area.

C3 PUBLIC PLACE ENVIRONMENTAL, DAMAGE AND PERFORMANCE SECURITY BOND

Before the commencement of any works (including demolition) or the issue of a Construction Certificate, the Proponent shall provide security to Council against damage 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 the Council or a satisfactory guarantee. A non refundable inspection / administration fee is included in the bond value.

It is the Proponent's responsibility to notify Council of any existing damage to public areas in the vicinity of the development site through the submission of a current dilapidation report supported by photographs. This information shall be submitted to Council at least two (2) days **prior** to the commencement of works.

Should any public property and / or the environment sustain damage during the course of and as a result of construction, or if the construction 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 shall be deducted from the security.

A request for release of the security deposit may be made to Council after all works relating to this consent have been completed. Such a request shall be submitted to Council on the '*Bond Release Request Form*' signed by the owner or any person entitled to use of the consent.

The value of the bond shall be provided by Council, with the Bond amount including a non refundable administration fee. Where the bond takes the form of a Bank Guarantee, the administration fee must be paid separately and not included in the 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 would require multiply bank guarantees to be lodged.

Note: All enquiries in relation to bonds should be directed to Council's Civil Assets Manager on 9710 0134.

C4 PUBLIC LIABILITY INSURANCE

The Proponent, builder, developer or person who does the work on this development, must arrange builder's indemnity insurance and submit the certificate of insurance in accordance with the requirements of Part 6 of the Home Building Act 1989 to the Principal Certifying Authority for endorsement of the plans accompanying the Construction Certificate.

C5 CONSTRUCTION MANAGEMENT PLAN AND CONSTRUCTION TRAFFIC MANAGEMENT PLAN

A Construction Management Plan (CMP) shall be prepared for all demolition, excavation and construction works for the site for the duration all stages of the demolition and construction works.

This plan shall detail the methods by which each phase of the works is to be accomplished, methods of materials and waste delivery and removal, storage, site office and facility location, cranes, concrete pumping, site elevators, stormwater and groundwater storage, treatment and discharge, hoardings and the like, location of Work Zones together with details relative to the construction of road frontage works, provision for pedestrians during such works and the provision, adjustment, augmentation and/or relocation of public utility services and conduits or the like.

The CMP shall also address the range of construction management matters including but not limited to noise and vibration control, hazardous materials, odour control, site soil and water management. The CMP shall be submitted to the Accredited Certifier for endorsement as part of the Construction Certificate.

In preparing the CMP, the Proponent shall liaise with Sutherland Council's Director Engineering where it is proposed to use or occupy any public lands adjoining the site for any of the above purposes.

A Construction Traffic Management Plan (CTMP) shall be prepared for the development having regard to the requirements of the approved Construction Management Plan for all phases and stages of demolition, excavation and construction. The plan shall detail the routes to be employed within the Sutherland Shire, nominate the ultimate destination/s of all demolition and excavation material and identify the proposed traffic control mode for the intersections during the demolition and construction period.

The CTMP is to be provided to Transport for NSW and other stakeholders to ensure that no impacts occur to the regular public bus services and school bus services operating on roads within the vicinity of the development site from construction vehicles during construction of the works. Should any impacts be identified, the duration of the impacts and the measures proposed to mitigate these impacts must be clearly explained. Details of the discussions held are to be incorporated in the CTMP.

This plan shall be submitted to Sutherland Council's Director Engineering for approval prior to the issue of any Construction Certificate or any demolition.

In addition to the above, during the preparation of the CMP and CTMP, the Proponent is to discuss the Plans with the Department of Education and Communities, including Woollooware High School.

C6 NOMINATION OF ENGINEERING WORKS SUPERVISOR

Prior to the issue of a Construction Certificate the Proponent shall nominate an appropriately accredited certifier to supervise all public area civil and drainage works to ensure that they are constructed in compliance with Council's current "Specification for Civil Works Associated with Subdivisions and Developments".

The engineer shall:

- (a) provide an acceptance in writing to supervise sufficient of the works to ensure compliance with:
 - (i) all relevant statutory requirements;
 - (ii) all relevant conditions of development consent;
 - (iii) construction requirements detailed in the above Specification; and
 - (iv) the requirements of all legislation relating to environmental protection;
- (b) on completion of the works certify that the works have been constructed in compliance with

- the approved plans, specifications and conditions of approval; and
- (c) certify that the Works As Executed plans are a true and correct record of what has been built.

C7 SYDNEY WATER REQUIREMENTS

The Proponent is to engage a Water Servicing Coordinator to obtain a Section 73 Certificate and manage the servicing aspects of the development. The WSC will ensure that the submitted infrastructure designs are sized and configured according to the Water Supply Code Australia (Sydney Water Edition WSA 03-2002) and the Sewerage Code of Australia (Sydney Water Edition WSA 02-2002).

C8 PUBLIC UTILITY AUTHORITIES

Arrangements shall be made to the satisfaction of all utility authorities and telecommunications providers including cable television network providers in respect to the services supplied to the development by those authorities. The necessity to provide or adjust conduits/ services within the road and footway areas shall be at full cost to the Proponent.

Details are also to be provided that demonstrates all regulatory requirements of Ausgrid are satisfied and Ausgrid has provided concurrence to this effect. A copy is to be forwarded to the Department for information.

C9 STORMWATER DRAINAGE DESIGN

Prior to the issue of a Construction Certificate, the Proponent is to demonstrate compliance with the recommendations of the Retail Civil Infrastructure Report prepared by AT&L dated February 2013.

The report is to be amended as required to ensure consistency with Sutherland Development Control Plan 2006 (Chapter 8 - Ecologically 'Sustainable Development'; Section 6 - 'Stormwater Management'), "Australian Rainfall and Runoff (1987)", Council's Drainage Design Manual and Council's "On-site Stormwater Detention Policy and Technical Specification" as required.

A design certificate issued by an appropriately accredited person to the effect that these design requirements have been met shall accompany the Construction Certificate.

The Flood Response Plan is to include measures to ensure that reviews are undertaken every five years after completion of the development with the State Emergency Service and other emergency agencies on a regular basis.

C10 BUILDING VENTILATION

To ensure that adequate provision is made for ventilation of the building mechanical and / or natural ventilation systems shall be provided. These shall be designed, in accordance with the provisions of:

- a) The Building Code of Australia.
- b) AS 1668 Part 1 - 1998.
- c) AS 1668 Part 2 - 1991.
- d) The Public Health Act - 1991.
- e) The Public Health (Microbial Control) - Regulation 2000.
- f) AS 3666.1 - 2002.
- g) AS 3666.2 - 2002.
- h) AS 3666.3 - 2000.

Details of all mechanical and / or natural ventilation systems, along with specific certification provided by an appropriately qualified person verifying compliance with the abovementioned requirements, shall accompany the Construction Certificate.

C11 NOISE CONTROL - DESIGN OF PLANT AND EQUIPMENT (CONTINUAL OPERATION)

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

The Project Specific Noise level shall be the most stringent noise level of the Intrusive and Amenity criteria and be calculated in accordance with the provisions of the Department of Environment and Conservation's Industrial Noise Policy.

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

Details of the acoustic attenuation treatment required to comply with this condition, shall be prepared by a practising acoustic engineer and shall be submitted with the Construction Certificate.

C12 SUBMISSION OF FIRE SAFETY SCHEDULE

A Fire Safety Schedule shall be issued by an appropriately qualified person and provided to Council as part of the Construction Certificate in accordance with the *Environmental Planning and Assessment Regulation 2000*. This schedule shall distinguish between current, proposed and required fire safety measures, with the minimum standard of performance being indicated for each fire safety measure. The Fire Safety Schedule shall identify each fire safety measure that is a Critical Fire Safety Measures and the intervals at which supplementary fire safety statements shall be given to the Council in respect of each such measure.

C13 STRUCTURAL DETAILS

Detailed construction drawings, specifications, and other supporting documentation required for a Construction Certificate are to be submitted to the Principal Certifying Authority in accordance with the terms of this Approval and comply with the requirements of the Building Code of Australia.

C14 NOISE AND VIBRATION

Prior to the issue of a Construction Certificate, the Proponent is to demonstrate compliance with the recommendations of the Retail Noise Impact Assessment prepared by Acoustic Logic (Reference 20130058.1/2401A/R0/BW) dated 24 January 2013.

C15 ACCESS FOR PEOPLE WITH DISABILITIES

Prior to the issue of the relevant Construction Certificate, plans shall be submitted to the Principal Certifying Authority demonstrating general compliance with the recommendations of the Access Review prepared by Morris-Goding Accessibility Consulting dated 23 February 2013, as amended by detailed design resolution.

C16 COMPLIANCE REPORT

Prior to the issue of the relevant Construction Certificate, the Proponent, or any party acting upon this approval, shall submit to the Principal Certifying Authority a report addressing compliance with all relevant conditions of Part B and C of this approval.

C17 LONG SERVICE LEVY

In accordance with Section 109F(i) of the Environmental Planning and Assessment Act a Construction Certificate shall not be issued until any long service levy payable under Section 34 of the Building and Construction Industry Long Service Payments Act 1986 (or where such levy is payable by instalments, the first instalment of the levy) has been paid. Council is authorised to accept payment. Where payment has been made elsewhere, proof of payment is to be provided to Council.

C18 WASTE MANAGEMENT PLAN

Prior to the issue of a Construction Certificate for any works (including excavation), details are to be provided that demonstrate the recommendations included within the Waste Management Plan prepared by Leigh Design dated 12 February 2013 have been incorporated.

Notwithstanding the above, the Plan is amended to ensure that the following is addressed:

- (a) the amount of demolition, excavation and construction wastes likely to be generated and how these materials are to be sorted and dealt with;
- (b) the design and construction of the internal roads, driveways, turning circles and other infrastructure required for waste services in the development is in accordance with the stated document;
- (c) all waste generated by the approved development (including residents, businesses and any other activity on the site) are to be collected by a private waste contractor;
- (d) bulky waste items collected by a private waste contractor;
- (e) commitment to providing an on-site caretaker to manage the storage and removal of waste generated by the approved development; and
- (f) commitment to retain the demolition, excavation and construction waste/recycling dockets will be retained on-site to confirm which authorised waste/recycling facilities received the material for recycling or disposal.

The Waste Management Plan is to be implemented prior to commencement of works and during the course of construction.

C19 COMPLAINTS HANDLING PLAN

Prior to the issue of a Construction Certificate, a Complaints Handling Plan is to be prepared by a suitably qualified person and shall be submitted to and approved by the Certifying Authority. Details addressing, but not limited to, how to prevent or minimise any complaint from the public or government authority, how to site employees up to date with accurate information and in a caring manner, and how to manage the complaint in a thoughtful and respectful manner, by understanding the concerns or needs of the person or authority.

C20 ACTIVE STREET FRONTAGE

The retail tenancies with street frontage, where not provided with openings to the street, shall be provided with clear and transparent glazed shopfronts for at least 75% of the shopfront. Details demonstrating compliance shall be submitted to the Certifying Authority with the application for the Construction Certificate.

C21 SAFER BY DESIGN

To minimise the opportunity for crime and in accordance with CPTED principles, the development shall incorporate the following (in addition to the comments received from the NSW Police dated 2 April 2013 where relevant to the proposal):

- (i) Security of the car parking area to reduce the likely incidence of anti-social and criminal behaviour from occurring.
- (ii) Removal of potential concealment and entrapment areas.
- (iii) Use of graffiti resistant materials and shutters.
- (iv) Location of ATMs away from the street frontages to prevent 'ram raiding' or vandalism.
- (v) Implementation of security and surveillance of public toilets throughout the complex.
- (vi) Implementation of security and surveillance of the liquor store to reduce opportunity for armed robberies and opportunistic theft.
- (vii) Use of signage and security to prevent the consumption of liquor within the car parking areas.
- (viii) Position of toilet facilities to ensure availability of natural surveillance.

Details demonstrating the above are to be provided prior to issue of the Construction Certificate.

C22 ROADS AND MARITIME SERVICES REQUIREMENTS

- (a) The signalised intersections on Captain Cook Drive, being the intersection at Captain Cook Drive and Woollooware Road and the T intersection associated with the Leagues Club entrance, shall be designed and constructed to RMS's requirements. The signal phasing and geometric layout of the signalised intersections shall be as depicted in the SCATES modelling submitted in an e-mail dated 14 December 2012 to RMS from McLaren Traffic Engineering Pty Ltd and the civil design plans prepared by at&I dated 29 January 2013. Details are to be submitted demonstrating compliance to the PCA prior to the issue of a Construction Certificate.
- (b) The signalised T intersection on Captain Cook Drive associated with the Residential Precinct will require removal of the existing mid-block signalised pedestrian crossing on Captain Cook Drive due to the close proximity of these existing traffic lights to the proposed new signalised intersection at the driveway to the Residential Precinct. The full cost of the removal of the existing signalised mid-block pedestrian crossing shall be borne by the Proponent. Details are to be submitted demonstrating compliance to the PCA prior to the issue of a Construction Certificate.
- (c) An easement is to be created to allow RMS to locate traffic signal components on the site in accordance with the RMS Traffic Signal Design Guide. Details are to be submitted demonstrating compliance to the Private Certifying Authority prior to the issue of a Construction Certificate.
- (d) Whether or not a marked foot crossing is provided across the signalised entrance to a private development, there must be a level separation between the road and footpath through the construction of a barrier kerb and gutter. Kerb ramps must be provided in accordance with RMS requirements. Details are to be submitted demonstrating compliance to the PCA prior to the issue of a Construction Certificate.
- (e) The developer will be required to enter into a Major 'Works Authorisation Deed' (WAD) for the abovementioned works on Captain Cook Drive. The Proponent will be required to provide an upfront payment for the first 10 years of maintenance of the signal hardware. The WAD shall be executed prior to the issue of any Construction Certificate. Receipt of payment of the maintenance requirement is to be provided to the PCA.
- (f) The Peak Event Parking Management Plan shall be finalised in consultation with Sutherland Shire Council and relevant agencies prior to the issue of the Construction Certificate. Mechanisms are to be incorporated that enable the Plan to be monitored and reviewed to identify any necessary amendments (if required) to ensure pedestrian safety is not compromised during and post construction.
- (g) The swept paths of the longest vehicle entering and exiting the subject site, as well as manoeuvrability through the site, shall be in accordance with AUSTROADS. Details are to be submitted demonstrating compliance to the PCA prior to the issue of a Construction Certificate.
- (h) Off-street parking associated with the development shall be designed and constructed in accordance with AS 2980.1 – 2004 and AS 2980.2 – 2002. Details are to be submitted demonstrating compliance to the PCA prior to the issue of a Construction Certificate.

C23 NSW OFFICE OF ENVIRONMENT AND HERITAGE REQUIREMENTS

Prior to the issue of the Construction Certificate, the following information is to be submitted to the Director-General for approval demonstrating that the development has incorporated (including details of how they will be implemented):

- (a) the mitigation measures recommended in the Microbat Monitoring Report (prepared by Eco Logical Australia dated 25 January 2013);
- (b) the recommendations and measures in Section 3.2 and 4 of the Review of Noise, Light and Bird Strike Potential (prepared by Eco Logical Australia dated 12 February 2013); and
- (c) the recommendations and treatments proposed in the Retail Noise Impact Assessment (prepared by Acoustic Logic Consultancy Pty Ltd).

C24 NSW DEPARTMENT OF PRIMARY INDUSTRIES REQUIREMENTS

Prior to the issue of the Construction Certificate, the following information is to be submitted to the Director-General for approval:

- (a) an amended Landscape Plan providing additional planting of Swamp Oak Floodplain Forest within the riparian area, outside of the transmission line easement, to a density that would naturally occur; and
- (b) an amended Vegetation Management Plan providing detailed maintenance, monitoring and reporting measures is to be provided to ensure that the riparian areas are maintained in perpetuity.

C25 TRANSPORT FOR NSW REQUIREMENTS

- (a) The width of the proposed indented bus bay on Captain Cook Drive and Woollooware Road are to be widened to a minimum of 3.5 metres.
- (b) Bus shelters are to be provided at the proposed bus stops. Details are to be provided demonstrating discussions held with Sutherland Shire Council and Transport for NSW on the design and location of the bus shelters prior to issue of Construction Certificate.

End of this Section

PART D – PRIOR TO COMMENCEMENT OF WORKS

D1. SIGNS TO BE ERECTED ON BUILDING AND DEMOLITION SITES

Where proposed works affect the external walls of a building, a rigid and durable sign shall be erected prior to the commencement of work and maintained in a prominent position on any work site on which building work, subdivision work or demolition work is being carried out. The responsibility for this to occur is that of the principal certifying authority or the principal contractor.

The signage, which must be able to be easily read by anyone in any public road or other public place adjacent to the site, must:

- (a) show the name, address and telephone number of the principal certifying authority for the work, and
- (b) show 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) state that unauthorised entry to the work site is prohibited.

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.

D2. APPOINTMENT OF A SUPERVISING ARBORIST

Prior to the commencement of any demolition, excavation or construction works on the site, the Proponent shall engage a suitably qualified and experienced Arborist (a person with current membership of the National Arborists Association of Australia at a grade of General Member, Affiliate Member or Life Member or alternatively a person who has obtained a TAFE Certificate in Horticulture [Arboriculture] Level 5) to oversee works relating to removal of trees and retention of trees on the site.

D3. DEMOLITION

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

- (a) The demolition of the existing building shall be carried out strictly in accordance with Australian Standard 2601 - The Demolition of Structures.
- (b) It is the Proponent's responsibility to notify Council of any existing damage to public areas in the vicinity of the development site through the submission of a dilapidation report supported with suitable photographic records. This information shall be submitted to Council prior to the commencement of work. Any damage other than that noted prior to commencement of the demolition shall be the responsibility of the owner of the property for repair or reinstatement.
- (c) The Proponent shall 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.
- (d) If demolition is to commence prior to the issue of a Construction Certificate, the Proponent shall submit to Council a Site Management Plan - Demolition for assessment prior to the commencement of any demolition work. This plan shall satisfy the objectives of Council's Environmental Site Management Development Control Plan and shall consider the following:
 - (i) What actions and works are proposed to ensure safe access to and from the site and what protection will be provided to the road and footpath area from demolition activities, crossings by heavy equipment, plant and materials deliveries and the like;
 - (ii) The proposed method of loading and unloading demolition machines within the site;
 - (iii) The proposed areas within the site to be used for the storage of demolished material and waste containers during the demolition period;
 - (iv) How it is proposed to ensure that soil / demolished material is not transported on wheels or tracks of vehicles or plant and deposited on surrounding roadways;
 - (v) The requirements of any site specific Development Control Plan that may affect this development site.

- (e) Pre-Commencement Inspection - If demolition is to commence **prior** to the issue of a Construction Certificate, the Builder/principal contractor shall undertake a pre-commencement site inspection with Council's Engineering Compliance Officer and Council's Civil Asset Manager. The purpose of this inspection is to facilitate the implementation of the consent specifically with regard to the impact on the public way and to clarify any matters of concern.

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

D4. EXCAVATION WORKS

The PCA and Council shall be given written notice, at least 48 hours prior to the commencement of excavation, shoring or underpinning works on the site.

D5. STRUCTURAL DETAILS

Prior to the commencement of construction, the Proponent shall submit to the satisfaction of the PCA structural drawings prepared and signed by a suitably qualified practising Structural Engineer that satisfy:

- (a) the relevant clauses of the BCA,
- (b) the development consent, and
- (c) drawings and specifications comprising the Construction Certificate.

D6. WASTE MANAGEMENT PLAN DURING CONSTRUCTION

- (a) Prior to the commencement of any works on the site, a Construction Waste Management Plan prepared by a suitably qualified person in consultation with the Council, shall be submitted to the PCA. The Plan shall address, but not be limited to, the following matters:
 - (i) recycling of demolition materials including concrete; and
 - (ii) removal of hazardous materials and disposal at an approved waste disposal facility in accordance with the requirements of the relevant legislation, codes, standards and guidelines, prior to the commencement of any building works.
- (b) Details demonstrating compliance with the relevant legislative requirements, associated with the removal of hazardous waste, particularly the method of containment and control of emission of fibres to the air, are to be submitted to the satisfaction of the PCA prior to the removal of any hazardous materials.
- (c) The Proponent shall submit a copy of the Plan to the Department and to the Council, prior to commencement of work.

D7. CONSTRUCTION TRAFFIC & PEDESTRIAN MANAGEMENT PLAN

- (a) Prior to the commencement of any works on the site, a Construction Traffic and Pedestrian Management Plan prepared by a suitably qualified person shall be submitted to the PCA. The Plan must be prepared in consultation with the Council, and where required, the approval of the council's traffic committee obtained.
- (b) The Plan shall address, but not be limited to, the following matters:
 - (i) ingress and egress of vehicles to the site,
 - (ii) loading and unloading, including construction zones,
 - (iii) predicted traffic volumes, types and routes,
 - (iv) pedestrian and traffic management methods, and
 - (v) consideration of impacts during peak events.
- (c) The Proponent shall submit a copy of the final Plan to the Council, prior to the commencement of work.

D8. UTILITY SERVICES

All services associated with the development are to be located underground and works associated with this are to be fully borne by the Proponent, within the development and along all street frontages for the length of the development.

D9. RELOCATION OF BUS ZONES AND CHANGES TO SIGNPOSTING

Approval shall be sought from Council's Traffic Committee / RMS to approve relocation of bus and taxi zones and changes to any signposting. Compliance with any conditions of this approval must be presented to the satisfaction of the Certifying Authority prior to commencement of work on the site.

D10. ROADS AND MARITIME SERVICES REQUIREMENTS

The provision of the proposed traffic signals on Captain Cook Drive will require the provision of full time 'No Stopping' parking restrictions along Captain Cook Drive and Woollooware Road. The length of these restrictions shall be to RMS satisfaction and determined during the detailed design review, prior to construction.

End of this Section

PART E – DURING CONSTRUCTION

E1 ENVIRONMENTAL SITE MANAGEMENT DCP

All construction work approved by this development consent shall be undertaken in accordance with the objectives and controls in Part 3 of Chapter 8 of Sutherland Shire Development Control Plan 2006 and the Sutherland Shire Environmental Specification 2007 - Environmental Site Management.

E2 PERMITTED HOURS FOR BUILDING AND DEMOLITION WORK

To minimise the noise impact on the surrounding environment all building and demolition work shall be carried out as follows:

- (a) between the hours of 7.00am and 6.00pm Monday to Friday inclusive;
- (b) between 8.00am and 3.00pm Saturdays;
- (c) no work shall be carried out on Sundays and public holidays; and
- (d) works may be undertaken outside these hours where:
 - (i) the delivery of materials is required outside these hours by the Police or other authorities;
 - (ii) it is required in an emergency to avoid the loss of life, damage to property and/or to prevent environmental harm;
 - (iii) Variation is approved in advance in writing by the Director General or his nominee.

E3 TOILET FACILITIES

Toilet facilities shall to be provided, at or in the vicinity of the work site on which work involved in the erection or demolition of a building is being carried out, at the rate of one toilet for every 20 persons or part of 20 persons employed at the site.

Each toilet provided:

- (a) shall be a standard flushing toilet, and
- (b) shall be connected:
 - (i) to a public sewer, or
 - (ii) if connection to a public sewer is not practicable, to an accredited sewage management facility approved by the Council, or
 - (iii) if connection to a public sewer or an accredited sewage management facility is not practicable, to some other sewage management facility approved by the Council.

The provision of toilet facilities in accordance with this clause shall be completed before any other work is commenced.

E4 PROTECTION OF PUBLIC PLACES

To protect public safety and convenience during the course of constructing the works covered by this consent, the following matters shall be complied with:

- (a) If the work involved in the erection or demolition of a building:
 - (i) is likely to cause pedestrian or vehicular traffic in a public place to be obstructed, inconvenienced, or rendered unsafe; or
 - (ii) building involves the enclosure of a public place, a hoarding or fence shall be erected between the work site and the public place.
- (b) If necessary, an awning is to be erected, sufficient to prevent any substance from, or in connection with, the work falling into the public place.
- (c) The work site must be kept lit between sunset and sunrise if it is likely to be hazardous to persons in the public place.

The hoarding, fence or awning shall be removed and any damage to any public place reinstated to Council's satisfaction when the work has been completed.

E5 EROSION AND SEDIMENT CONTROL

All erosion and sediment control measures, are to be effectively implemented and maintained at or above design capacity for the duration of the construction works and until such time as all ground disturbed by the works has been stabilised and rehabilitated so that it no longer acts as a source of sediment.

E6 DISPOSAL OF SEEPAGE AND STORMWATER

Any seepage or rainwater collected on-site during construction shall not be pumped to the street stormwater system unless separate prior approval is given in writing by Council.

E7 APPROVED PLANS TO BE ON-SITE

A copy of the approved and certified plans, specifications and documents incorporating conditions of approval and certification shall be kept on the site at all times and shall be readily available for perusal by any officer of the Department, Council or the PCA.

E8 SITE NOTICE

- (a) A site notice(s) shall be prominently displayed at the boundaries of the site for the purposes of informing the public of project details including, but not limited to the details of the Builder, PCA and Structural Engineer.
- (b) The notice(s) is to satisfy all but not be limited to, the following requirements:
 - (i) minimum dimensions of the notice are to measure 841mm x 594mm (A1) with any text on the notice to be a minimum of 30 point type size;
 - (ii) the notice is to be durable and weatherproof and is to be displayed throughout the works period;
 - (iii) the approved hours of work, the name of the site/project manager, the responsible managing company (if any), its address and 24 hour contact phone number for any inquiries, including construction/noise complaint are to be displayed on the site notice; and
 - (iv) the notice(s) is to be mounted at eye level on the perimeter hoardings/fencing and is to state that unauthorised entry to the site is not permitted.

E9 PROTECTION OF TREES

- (a) All street trees shall be protected at all times during construction. Any tree on the footpath, which is damaged or removed during construction, shall be replaced, to the satisfaction of Council.
- (b) All trees on the site that are not approved for removal are to be suitably protected by way of tree guards, barriers or other measures as necessary are to be provided to protect root system, trunk and branches, during construction.

E10 CONSTRUCTION NOISE MANAGEMENT

- (a) The construction noise objective for the Project is to manage noise from construction activities (as measured by a LA10 (15minute) descriptor) so it does not exceed the background LA90 noise level by:
 - (i) For the first four weeks of the construction period, not more than 20dB(A);
 - (ii) From the 5th week to the 26th week (inclusive) of the construction period, not more than 10dB(A); and
 - (iii) For construction periods greater than 26 weeks, not more than 5dB(A).
- (b) Background noise levels are those identified in Environmental Impact Statement or otherwise identified. The Proponent shall implement all feasible noise mitigation and management measures with the aim of achieving the construction noise objective.
- (c) Any activities that have the potential for noise emissions that exceed the objective must be identified and managed in accordance with a Construction Noise and Vibration Management Plan, approved by the Director-General.
- (d) If the noise from a construction activity is substantially tonal or impulsive in nature (as described in Chapter 4 of the NSW Industrial Noise Policy), 5dB(A) must be added to the

measured construction noise level when comparing the measured noise with the construction noise objective.

- (e) The Proponent shall schedule rock breaking, rock hammering, sheet piling, pile driving and any similar activity only between the following hours unless otherwise approved in the Construction Noise and Vibration Management Plan.
 - (i) 9.00 am to 12.00 pm, Monday to Friday;
 - (ii) 2.00 pm to 5.00 pm Monday to Friday; and
 - (iii) 9.00 am to 12.00 pm, Saturday
- (f) Wherever practical, and where sensitive receivers may be affected, piling activities are completed using bored piles. If driven piles are required they must only be installed where outlined in a Construction Noise and Vibration Management Plan approved by the Director-General.
- (g) Any noise generated during the construction of the development must not be offensive noise within the meaning of the *Protection of the Environment Operations Act, 1997* or exceed approved noise limits for the Subject Site.

E11 VIBRATION CRITERIA

Vibration caused by construction at any residence or structure outside the site must be limited to:

- (b) for structural damage vibration, German Standard DIN 4150 Part 3 Structural Vibration in Buildings. Effects on Structures;
- (c) for human exposure to vibration, the evaluation criteria presented in British Standard BS 6472- Guide to Evaluate Human Exposure to Vibration in Buildings (1Hz to 80 Hz) for low probability of adverse comment; and
- (d) these limits apply unless otherwise outlined in a Construction Noise and Vibration Management Plan, approved by the Director-General.

E12 ENVIRONMENT PROTECTION AND MANAGEMENT

The environment protection and management measures described in the required Environmental Site Management Plan (including sediment controls and tree protection) shall be installed or implemented prior to commencement of any site works and continuously maintained during the period of construction or demolition. These measures shall generally be in accordance with the requirements of Part 3 of Chapter 8 of Sutherland Shire Development Control Plan 2006 and the Sutherland Shire Environmental Specification 2007 - Environmental Site Management.

E13 ROADS AND MARITIME SERVICES REQUIREMENTS

- (a) In accordance with AUSTROADS, splays (clear of obstruction) are required at the property line to ensure adequate visibility between vehicles on a driveway and pedestrians on the footpath.
- (b) In accordance with RMS Technical Direction for new traffic signals, signalised pedestrian crossings shall be provided on all legs of the proposed signalised intersections.
- (c) All utility relocation required as a result of the proposed signalised intersection shall be at the full cost the Proponent.

End of this Section

PART F – PRIOR TO OCCUPATION OR COMMENCEMENT OF USE

F1 PRIOR TO OCCUPATION OR USE OF THE DEVELOPMENT

The Development shall not be occupied or used until:

- (a) a Final Occupation Certificate is issued and provided to Council for the development; or
- (b) an Interim Occupation Certificate is issued and provided to Council for the development. This shall clearly identify the part of the development to which the Interim Occupation Certificate relates.

F2 SHUTTLE BUS SERVICE

Prior to occupation of the development, a Shuttle Bus Service Plan is to be prepared and submitted to the Department and Transport for NSW providing details of the operation of the shuttle bus service including a schedule of the shuttle bus service, hours of operation, type of buses to be used, pick-up and drop-off locations and monitoring mechanisms. Following the commencement of the shuttle bus service, details of the usage are to be provided on a 6 monthly basis until a regular bus service is provided to the site.

F3 TRAVEL ACCESS GUIDES

Prior to the issue of an Occupation Certificate, the Proponent shall prepare for implementation a location specific detail sustainable work place travel plan for employees and visitors to the site to support the use of non-car modes of transport. The plan shall:

- (a) encouraging use of public transport and the shuttle bus service by employees and visitors;
- (b) encouraging car pooling;
- (c) raising awareness of health benefits of walking and cycling; and
- (d) encouraging cycling by providing secure bicycle parking including provision of lockers and changing facilities for staff on site.

Notices of the travel access guide are to be installed in entrances and key locations within the development.

F4 WORKS AS EXECUTED INFORMATION

Certification shall be provided from a registered surveyor to the effect that:

- (a) All civil engineering works required by this development consent have been carried out in accordance with the terms of the development consent and the approved engineering drawings with regard to location and level.
- (b) All pipes, pits and detention facilities lay within their relevant existing or proposed easements.
- (c) All rights-of-way or positive covenants required by conditions of this development consent have been provided.

F5 WORKS AS EXECUTED DRAWINGS

Certification shall be provided from the supervising engineer acting as an Accredited Certifier, to the effect that:

- (a) All civil engineering and stormwater works associated with development have been carried out in accordance with the terms of the development consent, the approved engineering drawings and in the case of public works Council's "Specifications for Civil Works associated with Subdivisions and Developments".
- (b) The construction of the drainage system for the proposed development has been carried out generally in accordance with the requirements of the approved stormwater drainage plans, Council's stormwater management policy and guidelines and Council's On-site Detention Policy and has been carried out in order that stormwater runoff downstream is not increased as a result of the development and that all assumptions made during the design remain valid. Works-as-Executed drawings certified in the above manner and containing all relevant information as required by Council's "Specification for Civil Works Associated with Subdivisions and Developments" shall accompany the Subdivision / Occupation Certificate.

F6 SURVEY FOR BUILDING LEVELS AND LOCATION

The Occupation Certificate shall be accompanied by a Certificate from a Registered Surveyor certifying that the building has been built to the reduced levels and boundary setbacks shown on the approved plans.

F7 WORKS IN ROADWAY

A completion certificate from the supervising civil engineer shall be submitted with the Occupation Certificate. This shall certify that all works undertaken in the road reserve have been completed in accordance with the conditions of the required Roads Act approval/s and the conditions of this approval.

F8 SECTION 73 COMPLIANCE CERTIFICATE

A Compliance Certificate under Section 73 of the *Sydney Water Act, 1994*, must be obtained prior to the issue of an Occupation Certificate or before the issue of a Subdivision Certificate. Sydney Water may require the construction of works and/or the payment of developer charges.

F9 POST CONSTRUCTION DILAPIDATION REPORT

The Proponent shall engage a suitably qualified person to prepare a post construction dilapidation report at the completion of the construction works. This report is to ascertain whether the construction works created any structural damage to adjoining buildings, infrastructure and roads. The report is to be submitted to the Principal Certifying Authority. In ascertaining whether adverse structural damage has occurred to adjoining buildings, infrastructure and roads, the Principal Certifying Authority must:

- (a) compare the post-construction dilapidation report with the pre-construction dilapidation report; and
- (b) have written confirmation from the relevant authority that there is no adverse structural damage to their infrastructure and roads.

A copy of this report is to be forwarded to the Department and Council.

F10 STRUCTURAL INSPECTION CERTIFICATE

A Structural Inspection Certificate or a Compliance Certificate must be submitted to the satisfaction of the Principal Certifying Authority prior to the issue of any Occupation Certificate and/or use of the premises. A copy of the Certificate with an electronic set of final drawings (contact approval authority for specific electronic format) shall be submitted to the approval authority and the Council after:

- (a) The site has been periodically inspected and the Certifier is satisfied that the Structural Works is deemed to comply with the final Design Drawings.
- (b) The drawings listed on the Inspection Certificate have been checked with those listed on the final Design Certificate/s.

F11 WASTE AND RECYCLING COLLECTION CONTRACT

Prior to an Occupation Certificate being issued and/or commencement of the use, whichever is earlier, of the building the owner must ensure that there is a contract with a licensed contractor for the removal of **all trade waste** pertaining to the relevant stage of construction. No garbage is to be placed on the public way e.g. footpaths, roadways, plazas, and reserves at any time.

F12 ROADS AND MARITIME SERVICES REQUIREMENTS

Prior to the issue of an Occupation Certificate, the construction of the intersection at Captain Cook Drive and Woollooware Road and the T intersection associated with the Leagues Club entrance are to be completed and operational. The Residential Precinct intersection is to be completed and operational prior to the occupation of the first residential dwelling on the Concept Plan site.

F13 LOADING DOCK MANAGEMENT PLAN

Prior to the issue of an Occupation Certificate, a Loading Dock Management is to be submitted to the Director-General for approval which is to outline:

- (a) the management procedures for the loading docks;
- (b) signage;
- (c) delivery times;
- (d) frequencies of vehicles;
- (e) truck sizes;
- (f) waste collection procedures; and
- (g) vehicle movements.

The Loading Dock Management Plan is to ensure that delivery vehicles are predominantly contained outside of peak shopping times and during peak events such as those identified in the Peak Event Parking Management Plan.

F14 CAR PARKING PROVISION

The 770 car spaces provided as part of the approval are to contain a minimum of 50 spaces allocated to Leagues Club Staff.

F15 IMPLEMENTATION OF AUTHORITY REQUIREMENTS

Prior to the issue of an Occupation Certificate, details are to be provided to the Department that demonstrates the implementation of the requirements as outlined in Condition C24 and C25.

End of this Section

PART G - PRIOR TO STRATUM SUBDIVISION

G1. ACCESS

Documentary easements for access must be created over the appropriate lots in the subdivision to provide for public access and access to lifts, lobbies, fire stairs, service areas, loading areas and car parking areas, and created pursuant to Section 88B of the *Conveyancing Act 1919*.

G2. SERVICES

Documentary easements for services, drainage, support and shelter, use of plant, equipment, loading areas and service rooms, repairs, maintenance and any other encumbrances and indemnities required for joint or reciprocal use of part or all of the proposed lots as a consequence of the subdivision, must be created over the appropriate lots in the subdivision pursuant to Section 88B of the *Conveyancing Act 1919*.

G3. RIGHTS OF WAY

Documentary rights of footway and carriageway must be created over the appropriate lots in the subdivision to provide the necessary access to areas within the site including fire stairs, fire control rooms, parking, loading and service areas, and created pursuant to Section 88B of the *Conveyancing Act 1919*.

G4. SURVEYS / CERTIFICATES / WORKS AS EXECUTED PLANS

The following items must be lodged with Council either (i) when the engineering works are completed or (ii) prior to issue of any Subdivision or Occupation Certificate:

- (a) All works-as-executed plans (to a standard suitable for microfilming) under the hand of a Chartered Professional Engineer or a Registered Surveyor.
- (b) A certificate from a Chartered Professional Engineer Certifying that all Works are constructed generally in accordance with the Construction Certificate.
- (c) A certificate from a Registered Engineer (NPER) verifying that any structural elements within the development have been constructed to withstand all loads likely to be imposed on them during their lifetime.
- (d) Where drainage lines are covered by easements a certificate shall be submitted by a Registered Surveyor indicating that all drainage lines and associated structures lie wholly within any easements required by this approval.

G5. WATER AUTHORITY COMPLIANCE CERTIFICATE

Prior to issuing a subdivision certificate, a Compliance Certificate shall be provided to the certifying authority showing that the development has met with the detailed requirements of the relevant water supply authority.

G6. CAR PARKING RESTRICTIONS

- (a) Except as otherwise allocated in this development consent, the car parking spaces, exclusive of service spaces, are not to be used by those other than persons attending the site.
- (b) These requirements are to be enforced through the following:
 - (i) restrictive covenant placed on title pursuant to Section 88B of the *Conveyancing Act, 1919*, and
 - (ii) a sign visible at exits (excluding fire stairs and individual unit entries) from car parking areas.
- (c) All costs associated with the above requirements are to be borne solely by the Proponent.

End of this Section

PART H – DURING OCCUPATION

G1 BICYCLE FACILITIES

Bicycle parking and lockers facilities for staff shall be provided in accordance with the approved Construction Certificate Plans.

G2 LOADING AND UNLOADING

In the interests of public safety and amenity, all delivery vehicles servicing the property shall stand within the curtilage of the site and shall be able to be driven in a forward direction when leaving the site. Loading and unloading of vehicles from the roadway is not permitted.

G3 UNOBSTRUCTED DRIVEWAYS AND PARKING AREAS

All driveways and parking areas shall be unobstructed at all times. Driveways and car spaces shall not be used for the storage or display of goods, materials or any other equipment and shall be used solely for vehicular access and for the parking of vehicles associated with the use of the premises. The public way must not be obstructed by any materials, vehicles, refuse, skips or the like, under any circumstances.

G4 ANNUAL FIRE SAFETY STATEMENT

An Annual Fire Safety Statement must be provided to Council and the NSW Fire Brigade commencing within 12 months after the date on which the approval authority initial Fire Safety Certificate is received.

G5 ROAD SIGNAGE

All works / regulatory signposting associated with the development shall be carried out at no cost to Council or the Roads and Maritime Services.

G6 EXTERNAL LIGHTING

All external lights shall be operated and maintained in accordance with the Australian Standard AS4282 - Control of the Obtrusive Effects of Outdoor Lighting so as not to cause a nuisance or adverse impact on the amenity of residents of the surrounding area nor to motorists on nearby roads.

G7 NOISE CONTROL - PLANT & EQUIPMENT (GENERAL)

To minimise the impact of noise from the development, all sound producing plant, equipment, machinery, mechanical ventilation or refrigeration systems, shall be operated and maintained in such a manner so that the noise emitted does not exceed a LAeq sound pressure level of 5 dB 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 shall be carried out in accordance with Australian Standard 1055.1.

G8 VENTILATION - OPERATION

To ensure that adequate ventilation within the building, all mechanical and / or natural ventilation systems shall be operated and maintained in accordance with the provisions of:

- (a) The Building Code of Australia.
- (b) AS 1668 Part 1 - 1998.
- (c) AS 1668 Part 2 - 1991.
- (d) The Public Health Act - 1991.
- (e) The Public Health (Microbial Control) - Regulation 2000.
- (f) AS 3666 - 2002.

- (g) AS 3666.2 - 2002.
- (h) AS 3666.3 - 2000.

G9 ANTI GRAFFITI

All ground level surfaces are to be treated with anti-graffiti coating to minimise the potential of defacement. In addition, any graffiti evident on the exterior facades and visible from a public place is to be removed within 24 hours.

End of this Section

ADVISORY NOTES

AN1. REQUIREMENTS OF PUBLIC AUTHORITIES FOR CONNECTION TO SERVICES

The Proponent shall comply with the requirements of any public authorities (e.g. Energy Australia, Sydney Water, Telstra Australia, AGL, etc) in regard to the connection to, relocation and/or adjustment of the services affected by the construction of the proposed structure. Any costs in the relocation, adjustment or support of services shall be the responsibility of the Proponent. Details of compliance with the requirements of any relevant public authorities are to be submitted to the satisfaction of the Principal Certifying Authority prior to the issue of the Construction Certificate.

AN2. APPLICATION FOR HOARDINGS AND SCAFFOLDING

A separate application shall be made to Council for approval under *State Environmental Planning Policy (Temporary Structures and Places of Public Entertainment) 2007*, to erect a hoarding or scaffolding in a public place. Such an application shall include:

- (a) Architectural, construction and structural details of the design.
- (b) Structural certification prepared and signed by a suitably qualified practicing structural engineer.

The Proponent shall provide evidence of the issue of a Structural Works Inspection Certificate and structural certification shall be submitted to the satisfaction of the Principal Certifying Authority prior to the commencement of works.

AN3. USE OF MOBILE CRANES

The Proponent shall obtain all necessary permits required for the use of mobile cranes on or surrounding the site, prior to the commencement of works. In particular, the following matters shall be complied with to the satisfaction of the Principal Certifying Authority:

- (a) For special operations including the delivery of materials, hoisting of plant and equipment and erection and dismantling of on site tower cranes which warrant the on street use of mobile cranes, permits must be obtained from Council:
 - i. at least 48 hours prior to the works for partial road closures which, in the opinion of Council will create minimal traffic disruptions, and
 - ii. at least 4 weeks prior to the works for full road closures and partial road closures which, in the opinion of Council, will create significant traffic disruptions.
- (b) The use of mobile cranes must comply with the approved hours of construction and shall not be delivered to the site prior to 7.30am without the prior approval of Council.

AN4. CONSTRUCTION INSPECTIONS

Compliance certificate/s shall be issued by the Principal Certifying Authority and submitted to Council in accordance with the mandatory inspection requirements of the *Building Legislation Amendment - Quality of Construction Act, 2002* for each stage of construction, such as the following:

- (a) Foundations,
- (b) Footings,
- (c) Damp proof courses and waterproofing installation,
- (d) Structural concrete, including placing of reinforcement and formwork prior to pouring,
- (e) Structural beam and column framing,
- (f) Timber wall and roof framing, and
- (g) Stormwater disposal.

Any Compliance Certificate issued for the above stages of construction shall certify that all relevant ancillary or dependent work has been undertaken in accordance with the Building Code of Australia and any other conditions of approval.

AN5. NOISE GENERATION

Any noise generated during the construction of the development shall not exceed the limits specified in any relevant noise management policy prepared pursuant to the *Protection of the Environment Operations Act 1997*, or exceed approved noise limits for the site.

AN6. TEMPORARY STRUCTURES

An approval under *State Environmental Planning Policy (Temporary Structures and Places of Public Entertainment) 2007* must be obtained from the Council for the erection of the temporary structures. The application must be supported by a report detailing compliance with the provisions of the Building Code of Australia.

Structural certification from an appropriately qualified practicing structural engineer must be submitted to the Council with the application under *State Environmental Planning Policy (Temporary Structures and Places of Public Entertainment) 2007* to certify the structural adequacy of the design of the temporary structures.

AN7. DISABILITY DISCRIMINATION ACT

This application has been assessed in accordance with the *Environmental Planning and Assessment Act 1979*. No guarantee is given that the proposal complies with the *Disability Discrimination Act 1992*. The Proponent/owner is responsible to ensure compliance with this and other anti-discrimination legislation. The *Disability Discrimination Act 1992* covers disabilities not catered for in the minimum standards called up in the Building Code of Australia which references AS 1428.1 - Design for Access and Mobility. AS1428 Parts 2, 3 & 4 provides the most comprehensive technical guidance under the *Disability Discrimination Act 1992* currently available in Australia.

AN8. COMMONWEALTH ENVIRONMENT PROTECTION AND BIODIVERSITY CONSERVATION ACT 1999

The Commonwealth *Environment Protection and Biodiversity Conservation Act 1999* provides that a person must not take an action which has, will have, or is likely to have a significant impact on a matter of national environmental significance (NES) matter; or Commonwealth land, without an approval from the Commonwealth Environment Minister.

This application has been assessed in accordance with the New South Wales *Environmental Planning & Assessment Act, 1979*. The determination of this assessment has not involved any assessment of the application of the Commonwealth legislation. It is the Proponent's responsibility to consult Environment Australia to determine the need or otherwise for Commonwealth approval and you should not construe this grant of approval as notification to you that the Commonwealth Act does not have application. The Commonwealth Act may have application and you should obtain advice about this matter. There are severe penalties for non-compliance with the Commonwealth legislation.

AN9. STREET NUMBERING

Street numbers and the building name(s), if any, will need to be clearly displayed at either end of the ground level frontages in accordance with Council's Policy, prior to the occupation of the building(s) or commencement of the use. If street numbers or a change to street numbers is required, a separate application shall be made to Council.

AN10. ASBESTOS REMOVAL

All excavation works involving the removal and disposal of asbestos must only be undertaken by contractors who hold a current WorkCover Asbestos or "Demolition Licence" and a current WorkCover "Class 2 (Restricted) Asbestos Licence and removal must be carried out in accordance with NOHSC: "Code of Practice for the Safe Removal of Asbestos"

AN11. SITE CONTAMINATION ISSUES DURING CONSTRUCTION

Should any new information come to light during demolition or construction works which has the potential to alter previous conclusions about site contamination then the Proponent must be immediately notified and works must cease. Works must not recommence on site until the consultation is made with the Department.

AN12. IMPACT OF BELOW GROUND (SUB-SURFACE) WORKS – NON-ABORIGINAL RELICS

If any archaeological relics are uncovered during the course of the work, then all works shall cease immediately in that area and the OEH Heritage Branch contacted. Depending on the possible significance of the relics, an archaeological assessment and an excavation permit under the *NSW Heritage Act 1977* may be required before further works can continue in that area.

AN13. DISCOVERY OF ABORIGINAL HERITAGE

If Aboriginal objects are uncovered during work, excavation or disturbance of the area, work must stop immediately. The Environmental Protection and Regulation Group of the OEH is to be contacted. Aboriginal archaeological excavation must be co-ordinated with any proposed investigation of non-indigenous material.

End of this Section

SCHEDULE 3 – Statement of Commitments

4.0 Final Statement of Commitments

In accordance with Part 3A of the EP&A Act, the following are the commitments made by Bluestone Capital Ventures No.1 to manage and minimise potential impacts arising from the proposal. These commitments replace the draft commitments within the EAR.

Key changes from the initial draft Statement of Commitments are provided in **bold underline** below. The Statement of Commitments has been simplified to refer to compliance with relevant specialist reports submitted with the Project Application.

Table 2 – Final Statement of Commitments

Subject	Commitments	Approved by Whom	Timing
1. Accessibility	The recommendations of the Access Review prepared by Morris Goding Accessibility Consultants dated 23 February 2013 shall be incorporated into the design and be provided in the final development.	Private Certifying Authority	Prior to issue of Construction Certificate/ Prior to Issue of Occupation Certificate
2. Bird Strike	Where there are direct sight lines through glazed areas from external areas through the building to other external areas, glazing will include appropriate treatment of glass to ensure that it is visible to birds.	Private Certifying Authority	Prior to issue of Construction Certificate
3. Contamination	The Remediation Action Plan (including the Methane Gas Management Plan, Asbestos Management Plan and Acid Sulphate Soils Management Plan) prepared by DLA Environmental Revision 6.0 dated March 2013 shall be implemented to the satisfaction of an OEH licensed independent site auditor.	Private Certifying Authority	Prior to issue of Occupation Certificate
	<u>The Unexpected Finds Protocol prepared by DLA Environmental dated May 2013 shall form part of any Construction Management Plan.</u>		Prior to the issue of Construction Certificate
	Any condition included on the Site Audit Statement shall become a condition of consent.		Ongoing
	Groundwater shall not be extracted for use in the development.		Ongoing

Subject	Commitments	Approved by Whom	Timing
4. Crime Prevention through Environmental Design	The recommendations of the Crime Prevention through Environmental Design Assessment prepared by JBA dated 15 February 2013 shall be incorporated into the design and be provided in the final development.	Private Certifying Authority	Prior to issue of Construction Certificate
5. Construction Management	The development will be carried out in compliance with the Construction Management Plan (CMP) prepared by Parkview Constructions.	Private Certifying Authority	Prior to issue of Construction Certificate
6. Travel Access Guide	A Travel Access Guide shall be prepared and distributed to staff and visitors to the site by centre management which details public transport services and connections, pedestrian and cycle facilities and parking arrangements for the centre.	Private Certifying Authority	Prior to issue of Occupation Certificate
7. Floor Space Allocation	Any Development Application for first fit-out and uses of tenancies within the Retail/Club precinct which varies from the approved use detailed in Architectural Drawings DA041, DA042, DA043 and DA044 will be accompanied by a Traffic Statement which confirms that adequate parking is provided within the precinct to support the alternate use.	Relevant Consent Authority	Ongoing
8. Lighting	Design of all lighting within 40m of the MHHM of Woollooware Bay will be in accordance with the recommendations contained in Section 3.2 of the <i>Review of Noise, Light and Bird Strike Potential</i> prepared by EcoLogical Australia dated 12 February 2013.	Private Certifying Authority	Prior to issue of Construction Certificate
9. Loading Dock	A Loading Dock Management Plan shall be prepared by an appropriately qualified traffic engineer to address supervision, signage and management procedures for both the main retail loading dock and the Leagues Club loading dock in consultation with key tenants.	Private Certifying Authority	Prior to issue of Occupation Certificate
10. Noise	A Construction Noise Management Plan will be prepared and implemented in accordance with the recommendations of the Noise Impact Assessment prepared by Acoustic Logic dated 24 January 2013.	Private Certifying Authority	Prior to issue of Construction Certificate
	Acoustic treatment of mechanical ventilation and plant equipment will be provided in accordance with the recommendations of the Noise Impact Assessment prepared by Acoustic Logic dated 24 January 2013.	Private Certifying Authority	Prior to issue of Construction Certificate

Subject	Commitments	Approved by Whom	Timing
11. Sea Wall	Detailed design of the proposed seawall shall be in accordance with the principles in the 'Environmentally Friendly Seawall Guidelines' produced by the former Department of Environment and Climate Change and Sydney Metropolitan Catchment Management Authority.	Private Certifying Authority	Prior to issue of Construction Certificate
12. Shuttle Bus	The land owner shall be responsible for the provision of a shuttle bus service as detailed in Section 4.9 of the Environmental Assessment Report.	Private Certifying Authority	Commence upon issue of Occupation Certificate. Conclude upon commencement of first timetable public bus service via the site
13. Vegetation Management	Management principles established under the Vegetation Management Plan prepared by Eco Logical Australia dated 12 January 2013 shall be adopted in the detailed design and establishment of foreshore landscaping	Private Certifying Authority	Prior to issue of Construction Certificate/ Prior to issue of Occupation Certificate
14. Staff Car Parking	<u>50 staff car parking spaces will be provided within the Level 4 parking area with control measures to ensure that designated spaces are available for staff use only.</u>	<u>Private Certifying Authority</u>	<u>Prior to issue of Occupation Certificate</u>
15. Development Contributions	<p>The proponent shall provide development contributions in the form of a cash payment, works-in-kind or a mix of the two subject to agreement with Sutherland Shire Council.</p> <p><u>The total value of development contributions required should not exceed 1% of the total construction cost of the development.</u></p> <p><u>The delivery of development contributions may be staged subject to the agreement of Sutherland Shire Council.</u></p>	<u>Private Certifying Authority</u>	<p>Form of contributions to be agreed prior to issue of Construction Certificate.</p> <p><u>Contributions to be delivered prior to issue of Final Occupation Certificate</u></p>