

**MINUTES OF ORDINARY COUNCIL MEETING OF THE  
COUNCIL OF THE CITY OF RANDWICK  
HELD ON TUESDAY, 17<sup>TH</sup> SEPTEMBER, 2002 AT 6.28 P.M.**

**PRESENT:**

His Worship the Mayor, Cr D. Sullivan (North Ward) (Chairperson)

Councillor M. Daley (South Ward) (Deputy Mayor)

North Ward	-	Crs J. Greenwood and P. Tracey
South Ward	-	Crs C. Matthews (until 10.13 pm) and A. White
East Ward	-	Crs F. Backes, B. Notley-Smith and M. Matson
West Ward	-	Crs P. Schick, M. Whitehead and J.Procopiadis
Central Ward	-	Crs C. Bastic, T. Seng and A. Andrews

**OFFICERS PRESENT:**

General Manager	Mr. G. Messiter.
Manager Design	Mr. F. Rotta.
Acting Director Planning & Community Development	Ms. S. Truuvvert.
Director Governance Management & Information Services	Mr. M. Hummerston.
Public Officer	Mr. P. Smith.
Acting Manager Environmental Planning	Ms. K. Armstrong.
Senior Environmental Planner	Mr. D. Ongkili.
Manager Waste	Mr. R. Wade.
Communications Manager	Ms. D. O'Brien.
Kensington Place Manager	Ms. I. Van Galey.

**1.A COUNCIL PRAYER**

The Council Prayer was read by His Worship the Mayor, Cr D. Sullivan.

**1B. APOLOGIES.**

Nil.

**2. MINUTES**

**CONFIRMATION OF THE MINUTES OF THE ORDINARY COUNCIL MEETING  
HELD ON TUESDAY, 27<sup>TH</sup> AUGUST, 2002.**

- 213 **RESOLUTION:** *(Daley/Backes) that the Minutes of the Ordinary Council Meeting held on Tuesday, 27<sup>th</sup> August, 2002 (copies of which were circulated to all Councillors) be and are hereby confirmed as a correct record of the proceedings of that meeting.*

**CONFIRMATION OF THE MINUTES OF THE EXTRAORDINARY COUNCIL MEETING HELD ON TUESDAY, 10<sup>TH</sup> SEPTEMBER, 2002.**

- 214 **RESOLUTION:** *(Daley/White)* that the Minutes of the Extraordinary Council Meeting held on Tuesday, 10<sup>th</sup> September, 2002 (copies of which were circulated to all Councillors) be and are hereby confirmed as a correct record of the proceedings of that meeting.

**RESOLVED: (His Worship the Mayor, Cr D. Sullivan/Daley)** that the meeting be adjourned at 6.29 p.m. to permit members of the public entitled and wishing to address the assembled Councillors.

**3. ADDRESSES TO THE COUNCIL BY THE PUBLIC.**

1. Mr Scott Atkins, 3 McCauley Street, Matraville on Item 4.8, Mayor's Minute 57/2002 – McCauley Street, Matraville – Proposed B-Double Truck Route – Traffic Islands.
2. Mr John Paul Homsey, 247 Darley Road, Randwick on Item 7.1, Director Planning & Community Development Report 64/2002 - 63 Gale Road, Maroubra.
3. Ms Felicia Harris, 35 Moverley Road, Maroubra on Items, 7.4, 7.5 & 7.6, Director Planning & Community Development Reports 67, 68 and 69/2002 relating to 33-149 Bundock Street and 373A Avoca Street, Kingsford.
4. Mr Peter Tighe, 116 Bundock Street, Kingsford on Items, 7.4, 7.5 & 7.6, Director Planning & Community Development Reports 67, 68 and 69/2002 relating to 33-149 Bundock Street and 373A Avoca Street, Kingsford.
5. Mr Craig Couglan, 92 Bundock Street, South Coogee on Items, 7.4, 7.5 & 7.6, Director Planning & Community Development Reports 67, 68 and 69/2002 relating to 33-149 Bundock Street and 373A Avoca Street, Kingsford.
6. Ms Jeanti St Claire, 1/88 Beach Street, Coogee on Item 7.7, Director Planning & Community Development Report 70/2002 – 90-96 Beach Street, Coogee.
7. Mr Robert Brenac, 4 Cottenham Avenue, Kensington on Item 7.8, Director Planning & Community Development Report 71/02 – Kensington Town Centre Urban Improvement Program – Draft Local Environmental Plan and Draft Development Control Plan.
8. Mr Peter Navratil, 596 Crown Street, Surry Hills on Item 7.8, Director Planning & Community Development Report 71/02 – Kensington Town Centre Urban Improvement Program – Draft Local Environmental Plan and Draft Development Control Plan.
9. Ms Maria Alexandrou, 16 Cottenham Avenue, Kensington on Item 7.8, Director Planning & Community Development Report 71/02 – Kensington Town Centre Urban Improvement Program – Draft Local Environmental Plan and Draft Development Control Plan.
10. Ms Janene Litton, 61 Perry Street, Matraville on Item 9.3, Motion Pursuant to Notice by Cr Matthews – Problems with Weighbridge in McCauley Street, Matraville.
11. Mr Mikheil Feigin, 39 Rodman Avenue, Maroubra on Item 9.4, Odour Emissions from Amcor Factory.

**RESOLVED: (Andrews/Procopiadis)** that the meeting was further adjourned by the Mayor at 7.08 p.m. and was resumed at 8.00 p.m.

**3A. INCIDENT – DONCASTER AVENUE STORMWATER DRAIN RECONSTRUCTION. (98/S/3234)**

(At this stage of the meeting, the Mayor and General Manager provided a briefing on last week's incident which involved a worker being injured at the site of the Doncaster Avenue stormwater pipe reconstruction at Kensington.)

- 217 **RESOLUTION:** *(Daley/Procopiadis)* that Council's best wishes for a speedy recovery from his injury be conveyed to Mr Paul Wodeki from Jay Transport and that thanks be extended to the relevant Council employees for their assistance during the incident.

**MOTION:** *(Daley/Procopiadis)* SEE RESOLUTION.

**3B. DIRECTOR PLANNING & COMMUNITY DEVELOPMENT'S REPORTS  
NO's. 67, 68 & 69/2002.**

- 218 **RESOLUTION:** *(Daley/Bastic)* that Item 7.4, Director Planning & Community Development's Report 67/2002 - Erection Of Community Facility Building, Construction of a Park and Provision of Utility Services at 33-149 Bundock Street & 373A Avoca Street, Kingsford; Item 7.5, Director Planning & Community Development's Report 68/2002, Sub-Division of Land into 14 Lots for Future Residential Development and Public Roads and Associated Sub-Division Works including Constructions of Roads, Removal of Trees, Landscaping, Provision of Utility Services and Earthworks Comprising Stage 1A at 33-149 Bundock Street and 373A Avoca Street, Kingsford; and Item 7.6, Director Planning & Community Development's Report 69/2002 - Sub-Division of Land, Construction of Road and Pathway, Provision of Utility Services, and Minor Earthworks at 33-149 Bundock Street & 373A Avoca St, Kingsford be brought forward and dealt with at this stage of the meeting and that the Council be addressed by Mr Ross McFarland, Independent Site Auditor on behalf of the Department of Defence. *(See Minute No's. 232, 233 & 234 respectively.)*

**PROCEDURAL MOTION:** *(Daley/Bastic)* SEE RESOLUTION.

**4. MAYORAL MINUTES.**

**4.1 MAYOR'S MINUTE 50/2002 - 5 YEAR FOOTPATH CONSTRUCTION PROGRAMME - SOUTH WARD & CENTRAL WARD. (98/S/0185)**

- 219 **RESOLUTION:** *(His Worship the Mayor, Cr D. Sullivan)* that:

- (a) the contents of the Mayor's Minute No. 50/2002 be noted; and
- (b) the 5-Year Footpath Construction Programme for South and Central Wards be considered for inclusion in the future Capital Works Programmes commencing 2003/2004.

**MOTION:** *(His Worship the Mayor, Cr D. Sullivan)* SEE RESOLUTION.

**AMENDMENT:** *(Matson/Greenwood)* that:

- (a) the contents of the Mayor's Minute No. 50/2002 be noted;
- (b) the 5-Year Footpath Construction Programme for South and Central Wards be considered for inclusion in the future Capital Works Programmes commencing 2003/2004; and

- (c) the five (5) year Footpath Construction Programme, when considered, will be accompanied by a long term financial plan designed to bring financial stability to the Council's expenditures in the long term. **LOST.**

**4.2 MAYOR'S MINUTE 51/2002 - COOGEE FAMILY FUN DAY - 7TH DECEMBER, 2002. (98/S/1148)**

220 **RESOLUTION:** *(His Worship the Mayor, Cr D. Sullivan) that:*

- (a) *Council vote \$5,348.10 to cover the fees associated with the event and funds be charged to Councillors' Request Works Allocation.*
- (b) *The organisers of the Coogee Family Fun Day acknowledge Council's contribution to the event and co-ordinate appropriate publicity with Council's Communications Manager.*

**MOTION:** *(His Worship the Mayor, Cr D. Sullivan) SEE RESOLUTION.*

**4.3 MAYOR'S MINUTE 52/2002 - PROPOSED CHANGES TO CLEAN UP AND GREEN WASTE COLLECTION SERVICES FROM 1ST JANUARY, 2003. (98/S/0193 xr 98/S/0198)**

221 **RESOLUTION:** *(His Worship the Mayor, Cr D. Sullivan) that Council:*

- (a) *Agree to the changes in the collection of green waste and clean up; and*
- (b) *Note that there will be consultation with the community before changes are finalised.*

**MOTION:** *(His Worship the Mayor, Cr D. Sullivan) SEE RESOLUTION.*

**4.4 MAYOR'S MINUTE 53/2002 - WAIVING OF FEES - CANCER COUNCIL RELAY FOR LIFE. (98/S/3067)**

222 **RESOLUTION:** *(His Worship the Mayor, Cr D. Sullivan) that Council vote \$2,783.10 to cover the fees associated with the event and the cost be charged to Councillors' Request Works Allocation.*

**MOTION:** *(His Worship the Mayor, Cr D. Sullivan) SEE RESOLUTION.*

**4.5 MAYOR'S MINUTE 54/2002 - THE SPOT - TOWNSCAPE WORKS. (98/S/4682)**

223 **RESOLUTION:** *(His Worship the Mayor, Cr D. Sullivan) that the funding of The Spot Townscape project be approved and the source of funds be identified in the report on the Quarterly review of the Budget.*

**MOTION:** *(His Worship the Mayor, Cr D. Sullivan) SEE RESOLUTION.*

**4.6 MAYOR'S MINUTE 55/2002 - SPRINGTIME GREEK GLENDI 2002. (98/S/1255)**

224 **RESOLUTION:** *(His Worship the Mayor, Cr D. Sullivan)* that Council vote approximately \$8,530.70 from the Councillors' Requests Vote to cover the costs associated with holding the Springtime Greek Glendi on Sunday 13 October, 2002 and subsequent civic reception.

**MOTION:** *(His Worship the Mayor, Cr D. Sullivan)* SEE RESOLUTION.

**4.7 MAYOR'S MINUTE 56/2002 – BEACH CLEANING.** (98/S/1343 xr 98/S/1322 xr 98/S/1323 xr 98/S/1326 xr 98/S/1343 xr 98/S/1323 xr 98/S/1696 xr 98/S/1527)

225 **RESOLUTION:** *(His Worship the Mayor, Cr D. Sullivan )* that the contents of the Mayor's Minute No. 56/2002 be noted.

**MOTION:** *(His Worship the Mayor, Cr D. Sullivan)* SEE RESOLUTION.

**4.8 MAYOR'S MINUTE 57/2002 – MCCAULEY ST, MATRAVILLE-PROPOSED B-DOUBLE TRUCK ROUTE - TRAFFIC ISLANDS.** (R/0482/02 R/0361/02 98/S/1126 R/0641/02)

226 **RESOLUTION:** *(Daley/Matthews)* that Item 9.3 be brought forward and dealt with in conjunction with Mayor's Minute No. 57/2002 and that Councillor Matthews' motion become part of the recommendation in that Mayor's Minute.

227 **RESOLUTION (FURTHER):** *(His Worship the Mayor, Cr D. Sullivan )* that:

- (a) *The application proposing a B-Double route in McCauley Street and Raymond Avenue to access the public weighbridge be not supported;*
- (b) *Council forward a letter to Sydney Ports suggesting the provision of a weighbridge inside the Port area;*
- (c) *Council install traffic islands in Harold Street and Australia Avenue to prohibit heavy vehicle movements; and*
- (d) *with a view to alleviating problems being experienced by residents and caused by the volume and size of trucks utilising the weighbridge operated by Mr Michael Armstrong, Council write to Sydney Water to determine the tenure of the weighbridge operator over the site in McCauley Street, Matraville and also express the view to Sydney Water that such a facility is more suited to operate in the Port Botany area, rather than in that location.*

**PROCEDURAL MOTION:** *(Daley/Matthews)* SEE RESOLUTION.

**MOTION:** *(His Worship The Mayor, Cr D. Sullivan)* SEE RESOLUTION (FURTHER).

**4.9 MAYOR'S MINUTE 58/2002 - BOATSHED DEMOLITION AT MAROUBRA BEACH.** (98/S/0815)

228 **RESOLUTION:** *(His Worship the Mayor, Cr D. Sullivan)* that Council arrange for demolition of the existing boat shed at the front of Maroubra Surf Club as a matter of priority, with funds being made available from the Maroubra Beach Plan of Management vote.

**MOTION: (His Worship the Mayor, Cr D. Sullivan) SEE RESOLUTION.**

(Cr Matthews left the meeting at this stage, with the permission of the Mayor, the time being 10.13 p.m.)

**5. DIRECTOR ASSET & INFRASTRUCTURE SERVICES' REPORTS.**

**5.1 DIRECTOR ASSET & INFRASTRUCTURE SERVICES' REPORT 103/2002 - COOGEE LADIES BATHS - DRAFT IMPROVEMENTS PLAN. (98/S/1032)**

229 **RESOLUTION: (Backes/Daley) that:**

- (a) *Council complete a land survey within 3 months of the Coogee Ladies' Baths and landscape documentation, so that a status of works report can be presented to the November meeting of Council;*
- (b) *the sub lease between the Council and the Randwick Coogee Ladies' Swimming Club be finalised;*
- (c) *Council and the Randwick Coogee Ladies' Swimming Club continue to attempt to source appropriate public liability insurance for the Baths. After appropriate insurance has been sourced, that the Mayor and the General Manager be delegated the authority to approve funding of public liability insurance for the Randwick Coogee Ladies' Swimming Club; and*
- (d) *if public liability insurance cannot be sourced within 3 months, that Council Officers and the Ladies' Committee meet with Council's Solicitors to discuss any other alternatives for providing public liability insurance for the Randwick Coogee Ladies' Swimming Club.*

**MOTION: (Backes/Daley) SEE RESOLUTION.**

**6. DIRECTOR GOVERNANCE, MANAGEMENT & INFORMATION SERVICES' REPORTS.**

**6.1 DIRECTOR GOVERNANCE MANAGEMENT & INFORMATION SERVICES' REPORT 31/2002 - FIXING OF FEES AND CHARGES - DES RENFORD AQUATIC CENTRE AND COOGEE BEACH CAR PARKS. (98/S/0999)**

230 **RESOLUTION: (Andrews/White) that public notice of the proposed Fees and Charges:**

- (a) *for the Des Renford Aquatic Centre, in accordance with the fees detailed in the revised attachment to the Director Governance, Management & Information Services Report No. 31/2002; and*
- (b) *for parking fees at Coogee Beach Car Parks in the sum of \$2.00 per hour*

*be given in accordance with S612 of the Local Government Act and that the matter be referred back to Council for determination of the fees, together with any submissions made by the public.*

**MOTION: (Andrews/White) SEE RESOLUTION.**

## 7. DIRECTOR PLANNING & COMMUNITY DEVELOPMENT'S REPORTS.

### 7.1 DIRECTOR PLANNING & COMMUNITY DEVELOPMENT'S REPORT 64/2002 - 63 GALE ROAD, MAROUBRA. (D/0239/2002/GB)

231 **RESOLUTION:** (*Andrews/Procopiadis*) that:

A. Council as the responsible authority grant its development consent under Section 80 and 80A of the Environmental Planning and Assessment Act 1979 (as amended) to Development Application No 239/02 for demolishing existing storeroom and erect new storeroom and laundry at 63 Gale Rd Maroubra subject to the following conditions:

1. The development must be implemented substantially in accordance with the plans numbered 01 101/02 A3, dated 17/03/02 and received by Council on 21/03/02, the application form and on any supporting information received with the application, except as may be amended by the following conditions and as may be shown in red on the attached plans:

**The following conditions are applied to satisfy the provisions of section 79C of the Environmental Planning and Assessment Act 1979 and to maintain reasonable levels of environmental amenity:**

2. The colours, materials and finishes of the external surfaces to the building are to be compatible with the adjacent development to maintain the integrity and amenity of the building and the streetscape.

*Details of the proposed colours, materials and textures (i.e. a schedule and brochure/s or sample board) are to be submitted to and approved by Council's Director of Planning & Environment, in accordance with section 80A (2) of the Environmental Planning and Assessment Act 1979 prior to commencement of any building works.*

3. The consumption of water within the building shall be minimised by the use of triple A rated water efficient plumbing fixtures (taps and shower roses) and water efficient dual flush toilets. Details of compliance are to be provided in the construction certificate plans or specifications.

4. The proposed windows to the western elevation shall be constructed of obscure glass to ensure that overlooking into the adjoining properties recreational areas are minimised.

5. The premises is to be used as a single residential dwelling only at all times and must not be used for dual or multi-occupancy purposes without obtaining the prior written development consent from the Council.

**The following group of conditions have been applied to ensure that adequate drainage is provided from the premises and to maintain adequate levels of health and amenity in the locality:**

6. Surface water/stormwater must be drained and discharged to the street gutter and details are to be included in the **construction certificate details** for the development.

*Details of any works proposed to be carried out in or on a public road/footway are to be submitted to and approved by Council's Director of Planning and Environment prior to commencement of works.*

***The following conditions are applied to ensure that the development satisfies the provisions of the Environmental Planning and Assessment Act 1979 and Regulations:***

7. *All new building work must be carried out in accordance with the provisions of the Building Code of Australia (BCA), in accordance with Clause 98 of the Environmental Planning and Assessment Regulation 2000.*
8. *In accordance with clause 98 of the Environmental Planning and Assessment Regulation 2000, it is a prescribed condition, that in the case of residential building work, a contract of insurance must be obtained and in force, in accordance with the requirements of the Home Building Act 1989.*

*Where the work is to be done by a licensed contractor, excavation or building work must not be carried out unless the Principal Certifying Authority (PCA):*

- *has been informed in writing of the licensee's name and contractor number; and*
- *is satisfied that the licensee has complied with the insurance requirements of Part 6 of the Home Building Act 1989, or*

*Where the work to be done by any other person (i.e. an owner builder), excavation or building work must not be carried out unless the Principal Certifying Authority:*

- *has been informed of the person's name and owner-builder permit number, or*
- *has been given a declaration, signed by the owner of the land that states that the market cost of the labour and materials involved in the work does not exceed \$3,000.*

*Details of the builder and compliance with the provisions of the Home Building Act 1989 are to be submitted to Council prior to the commencement of works, on the notice of appointment of the PCA / Intention to commence building work.*

***The following conditions are applied to ensure that the development satisfies relevant standards of construction, and to maintain adequate levels of health, safety and amenity during construction:***

9. *All demolition work is to be carried out in accordance with the provisions of AS2601-1991. The Demolition of Structures, as in force at 1 July, 1993.*
10. *Prior to the commencement of any building works, a construction certificate must be obtained from the Council or an accredited certifier, in accordance with the provisions of the Environmental Planning & Assessment Act 1979 and Environmental Planning & Assessment Regulation 2000.*
11. *Prior to the commencement of any building work, a principal certifying authority must be appointed and Council is to be notified accordingly and, at least 2 days notice of the intention to commence building work must be given to Council, in accordance with*

*the provisions of the Environmental Planning & Assessment Act 1979 and Environmental Planning & Assessment Regulation 2000.*

12. *A copy of the construction certificate, the approved plans & specifications and development consent conditions must be kept on the site at all times and be available to the Council officers upon request.*
13. *The building works are to be inspected by the principal certifying authority (or other suitably qualified person on behalf of the applicant) to monitor compliance with Council's approval and the relevant standards of construction.*

*Documentary evidence of compliance with Council's approval and relevant building inspections, is to be maintained by the principal certifying authority.*

14. *A Registered Surveyor's check survey certificate or compliance certificate is to be forwarded to the principal certifying authority (and a copy is to be forwarded to the Council, if the Council is not the principal certifying authority), detailing compliance with Council's approval at the **following stage/s of construction:***

*(a) Prior to construction of the first completed floor/floor slab (prior to pouring of concrete), showing the area of land, building and boundary setbacks and verifying that the building is being construction at the approved levels.*

15. *Building and demolition works must only be carried out between the hours of 7.00am to 5.00pm on Monday to Friday inclusive, between 8.00am to 5.00pm on Saturdays and all building activities are strictly prohibited on Sundays and public holidays, except with the specific written authorisation of Council's Manager of Environmental Health and Building Services.*
16. *A sign must be erected on the site in a prominent, visible position, prior to commencing any demolition, excavation or building works, stating that 'unauthorised entry to the site is prohibited' and showing the name of the person in charge of the work site and a telephone number at which the person may be contacted outside working hours.*

*In the case of residential building work, the sign is also required to detail the licence number of the building contractor or the permit number of the owner-builder, in accordance with the Home Building Act 1989 and Regulations*

17. *Noise emissions during the construction of the building and associated site works must comply with the relevant provisions of the Protection of the Environment Operations Act 1997 & the Noise Control Manual published by the Environment Protection Authority, except as may be amended by the conditions of this approval.*
18. *Building materials, sand, soil, waste materials or construction equipment must not be placed upon the footpath, roadway or nature strip at any time and the footpath, nature strip and road must be maintained in a clean condition and free from any obstructions at all times.*
19. *Bulk bins/waste containers must not be located upon the footpath, roadway or nature strip at any time without the prior written consent of the Council, unless the waste container is located upon the road in accordance with the Roads & Traffic Authority Guidelines and Requirements, and the container is exempt from an approval under*

**SECURITY DEPOSIT CONDITIONS**

***The following conditions are applied to provide adequate security against damage to Council's infrastructure***

20. *The following vehicular crossing deposit requirement is to be complied with prior to a construction certificate being issued for the development, as security for Council or a Council approved subcontractor to construct the vehicular crossing.*
- a)     \$700.00         -         Vehicular crossing deposit

***The vehicular crossing deposit may be provided by way of cash or cheque with the Council and is refundable upon the completion of the Council vehicular crossing by Council or a Council approved subcontractor.***

**TRAFFIC CONDITIONS/CIVIL WORKS CONDITIONS**

***The following conditions are applied to provide adequate provisions for access, transport and infrastructure:***

21. *The applicant must meet the full cost for Council or a Council approved contractor to:*
22. *Remove the illegal sandstone vehicular crossing and construct a concrete vehicular crossing at the layback opposite the vehicular entrance to the site.*
23. *The applicant must meet the full cost for Council or a Council approved contractor to repair/replace any damaged sections of Council's footpath, kerb & gutter, nature strip etc which are due to building works being carried out at the above site. This includes the removal of cement slurry from Council's footpath and roadway.*
24. *The applicant shall note that all external work, carried out on Council property, shall be in accordance with Council's Policy for "Vehicular Access and Road and Drainage Works". An application for the cost of the Council civil works is to be submitted to Council at the completion of the internal building works. An application fee shall be payable to Council for the quotation of the required works. The applicant may elect to use his contractor for the required works, subject to Council approval, however a design and supervision fee based on the lowest quotation from Council's nominated contractor will be required to be paid prior to the commencement of any works.*

**ALIGNMENT LEVEL CONDITIONS**

***The following conditions are applied to provide adequate provisions for future civil works in the road reserve:***

25. *The Council's Department of Asset & Infrastructure Services has inspected the above site and have determined that the design alignment level (concrete/paved/tiled level) at the property boundary for driveways, access ramps and pathways or the like, must be as follows:*

***Match the back of the existing footpath along the full site frontage, in Gale Road.***

*Any enquiries regarding this matter should be directed to Council's Assets & Infrastructure Services Department on 9399 0923.*

*The design alignment level at the property boundary must be strictly adhered to.*

26. *The design alignment levels (concrete/paved/tiled level) issued by Council and their relationship to the footpath must be indicated on the building plans for the construction certificate.*
27. *The above alignment levels and the site inspection by Council's Department of Asset & Infrastructure Services have been issued at a prescribed fee of \$66.00 (inclusive of GST). This amount is to be paid prior to a construction certificate being issued for the development.*

***Service Authority Conditions***

***The following conditions are applied to provide adequate consideration for service authority assets:***

28. *A public utility impact assessment must be carried out on all public utility services on the site, roadway, nature strip, footpath, public reserve or any public areas associated with and/or adjacent to the development/building works and include relevant information from public utility authorities and exploratory trenching or pot-holing, if necessary, to determine the position and level of service.*
29. *The applicant must meet the full cost for Telstra, Energy Australia, Sydney Water or Natural Gas Company to adjust/repair/relocate their services as required. The applicant must make the necessary arrangements with the service authority.*

***Landscape Conditions***

***The following conditions are applied to provide adequate provisions for landscaping and to maintain reasonable levels of environmental amenity:***

30. *That part of the naturestrip upon Council's footway which is damaged during the construction of the proposed works shall be excavated to a depth of 150mm, backfilled with topsoil equivalent with 'Organic Garden Mix' as supplied by Australian Native Landscapes, and re-turfed with Kikuyu turf. Such works shall be completed at the applicants expense prior to the issue of a final Occupation Certificate.*
31. *The naturestrip upon Council's footway shall be maintained by the applicant in accordance with Council guidelines. Such maintenance shall include, but not be limited to, watering, mowing, fertilising, and the removal of weeds.*

***Tree Protection Measures***

32. *In order to ensure the retention of the Eucalyptus scoparia (Wallangarra White Gum) located within the adjoining property to the south in good health, the following measures are to be undertaken:*

- a. *All detailed architectural, building, demolition, engineering (structural, stormwater & drainage, services), and landscape documentation submitted for the construction certificate application shall show the retention of the existing tree specimen with the position of the tree trunk and full diameter of the tree canopy clearly shown on all drawings. The proposed foundations are to be shown on the plans as suspended slab or pier and beam construction within 4.8 metres of the tree trunk. Piers are to be placed so that minimum disturbance is caused to the trunk and any roots larger than 25mm in diameter.*
- b. *Any excavations required for footings, structures, services, pipes, paving etc within 5 metres of the tree trunk shall be undertaken by hand and under the direction of, and to the satisfaction of, a suitably qualified Arborist with all roots being cleanly cut.*
- c. *Watering of the tree three times a week for the duration of the construction period.*

*Advisory Conditions*

*The applicant is to advise Council in writing and/or photographs of any signs of existing damage to the Council roadway, footway, or verge prior to the commencement of any building/demolition works.*

**MOTION: (Andrews/Procopiadis) SEE RESOLUTION.**

**7.2 DIRECTOR PLANNING & COMMUNITY DEVELOPMENT'S REPORT 65/2002 - STATE ENVIRONMENTAL PLANNING POLICY NO.65- DESIGN QUALITY OF RESIDENTIAL FLAT DEVELOPMENT. (98/S/4035)**

232 **RESOLUTION: (Daley/Andrews) that:**

- (a) *the Council receive and note the contents of the Director Planning & Community Development's Report 65/2002; and*
- (b) *Council support the establishment of a Design Review Panel, pursuant to this Policy, and that a report be furnished to Council in respect to the establishment of this Panel.*

**MOTION: (Daley/Andrews) SEE RESOLUTION.**

**7.3 DIRECTOR PLANNING & COMMUNITY DEVELOPMENT'S REPORT 66/2002 - 343-355 (Shop No. 347) CLOVELLY ROAD, CLOVELLY. (D/0587/2002/GN)**

233 **RESOLUTION: (Daley/Backes) that:**

- A. *Council as the responsible authority grant its development consent under Section 80 and 80A of the Environmental Planning and Assessment Act 1979 (as amended) to Development Application No D/587/2002 to provide outdoor seating for existing Pizza Restaurant at 343 – 355 (Shop No. 347) Clovelly Road, Clovelly subject to the following conditions: -*

1. *The development must be implemented substantially in accordance with the plans*

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*unnumbered, dated 20/08/2002 and received by Council on 20th August 2002, the application form and on any supporting information received with the application, except as may be amended by the following conditions and as may be shown in red on the attached plans.*

2. *A maximum of two tables and five chairs being provided in the licensed area.*

*The following conditions are applied to satisfy the provisions of section 79C of the Environmental Planning and Assessment Act 1979 and to maintain reasonable levels of environmental amenity:*

3. *The proposed licensed area is to have a maximum width of 3.4m and a depth of 1.15m.*
4. *Prior to operation of the proposed footpath restaurant area in front of the adjoining property the applicant shall enter into a formal license agreement with Council covering the terms and conditions of the additional footpath restaurant area. The applicant is advised to contact Council's Asset Compliance Officer, (9399-0936), regarding Council's requirements for the formal license agreement.*
5. *A minimum 2.5 metre wide area of footpath is to remain unimpeded for pedestrian use. Note this will require the relocation of the Council garbage bin at the applicants cost.*
6. *The style and colour of the furniture to be used in the footpath restaurant area shall be in accordance with the Development Control Plan "Restaurants on Public Road Footways, Airspace Above Roads and Public Land". No advertising or other structures shall be installed without the prior consent of Council. Design details of the proposed furniture shall be submitted to Council for approval, and approved, prior to the execution of a formal license agreement between Council and the applicant.*
7. *The applicant shall meet all other requirements of Council's Development Control Plan "Restaurants on Public Road Footways, Airspace Above Roads and Public Land".*
8. *The applicant shall ensure that the footpath restaurant area is maintained in a clean and tidy condition at all times.*
9. *The footpath restaurant area operator shall ensure, by means of high pressure steam or water cleaning, that the pavement of the footpath restaurant area is maintained free of grease and other foodstuffs at all times.*
10. *The footpath restaurant area operator shall, during the term of the agreement with Council, abide with any current or future Council Policy, resolution or directive relative to the consumption of alcohol in public spaces.*
11. *The applicant shall abide with any directive given by any utility authority in relation to access requirement to any utility within the proposed lease area.*

***The following conditions have been applied to ensure that noise emissions from the development satisfy legislative requirements and maintain reasonable levels of amenity to the area:***

12. *The proposed use of the premises shall not give rise to an 'offensive noise' as defined in the Protection of the Environment Operations Act 1997 and Regulations.*
13. *Adequate provisions are to be made within the occupied areas for cleaning of the footpath dining area and for the disposal of waste, particularly waste associated with the activity of smoking. There are to be no emissions or discharges from the footpath dining area, which will give rise to an offence under the Protection of Environment Operations Act 1997 and Regulations.*

***The following conditions are applied to satisfy the relevant pollution control criteria and to maintain reasonable levels of health, safety and amenity to the locality:***

14. *The use and operation of the premises shall not give rise to an environmental health or public nuisance.*
15. *The hours of operation of the footpath dining area is to be restricted to 6:00pm through to 9:00pm Monday to Sunday.*

*All food services to customers shall only be provided within the abovementioned hours of operation and all patrons must vacate the footway seating area within 30 minutes of the specified hours.*

16. *The communal toilet at the rear of the premises is to be available for use by patrons at all times and a sign indicating the location is to be provided in the premises.*

**MOTION: (Daley/Backes) SEE RESOLUTION.**

**AMENDMENT: (Greenwood/Matson)** that the consent issued be for a trial period of three months. **LOST.**

**7.4 DIRECTOR PLANNING & COMMUNITY DEVELOPMENT'S REPORT  
67/2002 - ERECTION OF COMMUNITY FACILITY BUILDING,  
CONSTRUCTION OF A PARK AND PROVISION OF UTILITY SERVICES  
AT 33-149 BUNDOCK STREET & 373A AVOCA STREET, KINGSFORD.  
(D/0426/2002)**

**(Note: This item was dealt with prior to the Mayoral Minutes.)**

**(NOTE: A NOTICE OF RESCISSION MOTION WAS HANDED TO THE GENERAL MANAGER PRIOR TO THE CONCLUSION OF THE MEETING AND WILL BE CONSIDERED AT THE EXTRAORDINARY MEETING OF THE COUNCIL ON MONDAY, 23<sup>RD</sup> SEPTEMBER, 2002.)**

- 234 **RESOLUTION: (Andrews/White)** that Council as the responsible authority grant its development consent as a Deferred Commencement under Section 80(3) of the Environmental Planning and Assessment Act 1979 (as amended) to Development Application No D/0428/2002 for erection of community facility building, construction of a park and provision of utility services at 33-149 Bundock Street and 373A Avoca Street, Kingsford subject to the following conditions:-

*Deferred Commencement Conditions*

*The consent is not to operate until the following material has been submitted to and approved by the Director of Planning and Community Development:*

1. *A Site Audit Statement (SAS) together with a Summary Site Audit Report (SSAR) in the format defined by the Contaminated Land Management Regulation 1998. The site audit statement issued to Council shall be unconditional, in that it requires no further monitoring, on going review or remedial actions, and shall cover both land and groundwater. The site Audit Statement must clearly state, where no standard exists, as with asbestos, that the remediated land is at an asbestos free level or to a level where no unacceptable health risk remains as confirmed in writing by NSW Department of Health. The entire site must be remediated to not less than the National Environmental Health Forum's health based soil investigation level (NEHF A) standard, with the exception of open space, which must be remediated to not less than (NEHF E) standard (which is the remediation standard for open space).*

*The site audit statement shall be developed and prepared in accordance with the following:*

- a) *The proponent shall engage the services of a site auditor holding current accreditation in accordance with sections 49 and 50 of the Contaminated Land Management Act 1997.*
- b) *All remediation works shall be carried out in accordance with the requirements of the Contaminated Land Management Act 1997, environmental planning instruments applying to the site, guidelines made by the NSW Environment Protection Authority and Planning NSW, Randwick City Council's Contaminated Land Policy 1999 and the Protection of the Environment Operations Act 1997.*
- c) *The remediation of the site including ground water must fully comply with all relevant Commonwealth and State Legislation, Regulations and Standards.*
- d) *Any beneficial reuse of material onsite is to be monitored and classified by a suitably experienced environmental specialist, together with the site auditor. Such material must be certified by of a Site Audit Statement (SAS) together with a Summary Site Audit Report (SSAR) in the format defined by the Contaminated Land Management Regulation 1998 and shall be furnished to Council **prior to the issue of a Construction Certificate** for above ground works or works not directly ancillary to a remediation process. The site audit statement issued to Council shall be unconditional, in that it requires no further monitoring, on going review or remedial actions, and shall cover both land and groundwater.*
- e) *The Consultant and Auditor, in their assessment of appropriate soil investigation levels, must take into account all environmental concerns (for example, the potential effects on wildlife) and the protection of ground and surface water.*
- f) *Any new information which comes to light during remediation, demolition or construction works which has the potential to alter previous conclusions about site contamination shall be notified to the Council and the Principal Certifying Authority immediately.*

*Evidence required to satisfy the above conditions must be submitted to Council within 12 months of the date of this consent in accordance with Clause 95(3) of the Environmental Planning and Assessment Amendment Regulation 1998, or the consent will lapse.*

#### *Development Consent Conditions*

*Subject to compliance with the deferred commencement conditions, to the satisfaction of the Director Planning and Environment, development consent is granted under Section 80 & 80A of the Environmental Planning and Assessment Act 1979 subject to the following conditions:*

- 1. The development must be implemented substantially in accordance with the plans numbered DA1, SL03 Issue B, DA1001 dated May 2002, DA1002 dated May 2002, DA2001 dated May 2002, DA3001 dated May 2002, DA2001 dated May 2002, DA3001 dated May 2002, DA4001 dated May 2002, L-Pk-01, 4399-S9, and amended plans numbered DA2001 SL03 B dated May 2002, DA1001 dated June 2002, DA2001 dated June 2002, DA3001 dated June 2002, and received by Council on 28 June 2002, and amended plans entitled Stage 1A Buffer Zones and Stage 1A Buffer Zones - Musket St Section a-a dated 15 July 2002 and received by Council on 24 July 2002 the application form, and on any supporting information received with the application, any plans, specifications, report, study or information submitted in relation to the deferred commencement conditions and any conditions of approval of any plan specification report or study, except as may be amended by the following conditions and as may be shown in red on the attached plans:*
- 2. Any beneficial reuse of material onsite is to be monitored and classified by a suitably experienced environmental specialist, together with the site auditor. Such material must be certified by of a Site Audit Statement (SAS) together with a Summary Site Audit Report (SSAR) in the format defined by the Contaminated Land Management Regulation 1998 and shall be furnished to Council **prior to the issue of a Construction Certificate** for above ground works or works not directly ancillary to a remediation process. The Consultant and Auditor, in their assessment of appropriate soil investigation levels, must take into account all environmental concerns (for example, the potential effects on wildlife) and the protection of ground and surface water.*
- 3. Hazardous or intractable wastes arising from the demolition process being removed and disposed of in accordance with the requirements of WorkCover NSW and the Environment Protection Authority, and with the provisions of:*
  - New South Wales Occupational Health and Safety Act, 2000;*
  - The Occupational Health and Safety (Hazardous Substances) Regulation 2001;*
  - The Occupational Health and Safety (Asbestos Removal Work) Regulation 2001;*
  - Protection Of the Environment Operations Act 1997 (NSW) and*
  - Environment Protection Authority's Environmental Guidelines; Assessment, Classification and Management of Liquid and Non Liquid Wastes (1999).*
- 4. Should any underground tanks be discovered they shall be removed in accordance with:*
  - Australian Institute of Petroleum's (AIP) Code of Practice for the Design, Installation and Operation of Underground Petroleum Storage Systems (CP4-1998); and*
  - WorkCover Authority requirements (this requires writing in advance to the Chief Inspector of Dangerous Goods, WorkCover Authority, Locked Bag 10,*

*Clarence Street, Sydney 2000 and complying with conditions imposed).*

*In the event of conflict between AIP Code of Practice and WorkCover requirements the latter shall prevail.*

5. *Any odours from excavated materials shall be mitigated by the use of an odour suppressant, such as Biosolve, and shall not give rise to an offensive odour as defined in the Protection of the Environment Operations Act 1997. Stockpiles shall also be covered and dampened down to reduce odour and dust impacts.*
6. *Any fill importation to the site is to be monitored and classified by the site auditor appointed for remediation of the site or a person with his qualifications. Only 'virgin excavated natural material' is to be imported to the site, as defined within the NSW EPA 'Environmental Guidelines; Assessment, Classification and management of Liquid and Non-Liquid Wastes. 1999'.*
7. *A Site Health & Safety Plan being prepared prior to the commencement of remediation works by the site auditor appointed for remediation of the site or a person with his qualifications. All works are to be carried out in accordance with this plan. This plan shall include:*
  - *hazard identification and control*
  - *site security*
  - *personal protective equipment*
  - *work zones and decontamination procedures*
  - *contingency plans and incident reporting*
  - *environmental monitoring*
8. *Any new information which comes to light during remediation, demolition or construction works which has the potential to alter previous conclusions about site contamination shall be notified to the Council and the Principal Certifying Authority immediately.*

*The following conditions are applied to provide adequate provisions for health/safety*

9. *The proponent shall appoint a suitably qualified Environmental/Community Liaison Officer, dedicated to the site to ensure strict compliance onsite with all conditions of consent and in particular to ensure all works comply with relevant provisions of the Protection of the Environment Operations Act 1997. The Officer shall also act as a liaison link, first point of contact with the community to act on any complaints arising. A monthly summary report shall be submitted to Council, detailing any complaints and the rectification actions.*
10. *A 24 hour complaints hot line shall be set up and maintained at all times, the number of which is to be displayed on signage around the perimeter of the site and notified to the surrounding community by newsletter.*
11. *The proponent shall take out insurance policies to cover for the amount of \$10,000,000 appropriately Consumer Priced indexed, to cover any damage to property and/or human health and any obligation to cover any further remediation work, for a period of forty years, environmental liability due to former soil and groundwater contamination found on site.*
12. *All trucks and service vehicles leaving the site shall go through a suitably constructed*

*on site truck wash down area, to ensure no tracking of material occurs from the site onto roads adjoining the site. Details to be submitted to Council in the Site Management Plan.*

***The following conditions are applied to provide adequate provisions for Energy Australia services/facilities:***

13. *The applicant shall submit to Council a plan and documentation together with details that an agreement has been reached between EnergyAustralia and the Applicant detailing the location and levels of, and timetable/schedule of works for the final cable relocation route for Energy Australia's three 33 kV cables which currently cross Lots 2 and 3 DP100960, lots as shown in the adopted Master Plan. The cables are to be clear of all proposed residential allotments. These plans, documentations and details shall be submitted within twelve months of the date of this consent or prior to the issue of a sub-division certificate whichever is first.*

*The plan and documentation shall be developed and prepared in accordance, and accompanied, with the following:*

- a) *A timetable/schedule of works from EnergyAustralia detailing the network planning for the relocation and laying of the new 33KV cables within Lots 2 and 3 DP100960 and the de-commissioning and de-energising of the existing cables.*
- b) *Confirmation from EnergyAustralia that the proposed development can be provided an electricity supply without interrupting the supply to the surrounding locality.*
- c) *A forward works program prepared by EnergyAustralia and the Applicant showing the relationship between the "Commonwealth Works" with Lots 2 and 3 DP100960 and the provision of new cabling and the de-commissioning of existing cabling or a survey plan showing the location of the new cables and confirmation that the existing 33KV cables located within Lots 2 and 3 have been de-commissioned. The plan to confirm that the cables are clear of any proposed retail, commercial or residential development and the depth below finished ground level.*

*The following conditions are applied to provide adequate provisions for community facility development:*

14. *Installation of insulation with a minimum R3.0 rating shall be provided to the entire roof or ceiling of the building.*
15. *Reticulated gas infrastructure, with a separate meter for each building shall be provided.*
16. *Bathroom or kitchen taps shall be AAA rated as defined by the Australian Standard MP 64 1995 - Manual of assessment procedures for water efficient appliances.*
17. *Toilet(s) shall be dual flush as defined by the Australian Standard MP 64 1995 - Manual of assessment procedures for water efficient appliances.*
18. *Urinals shall be AAA rated.*

19. *The installation and operation of rainwater tank(s) complying with the following requirements:*
  - a. *The height of the tank and support structure not being greater than 2.1m above ground level.*
  - b. *The tank being installed to the manufacturer's specifications.*
  - c. *The tank being constructed of a non-reflective, structurally sound and non-corrosive material with a leaching resistant capacity.*
  - d. *The tank(s) being installed in a workman like manner and being fixed to structurally adequate bases or walls in accordance with manufacturer's specifications or engineer's details. Tank stands must be no higher than 450mm.*
  - e. *The rainwater tank(s) not being visible from the street or any other public place.*
  - f. *The tanks being set back at least 450 mm from any adjoining allotments.*
  - g. *Openings being suitably sealed to prevent access by children and being fitted with a fine mesh to prevent penetration of contaminants and insects such as mosquitoes.*
  - h. *An overflow device being fitted to the rainwater tank which directs water to the stormwater drainage system or an approved infiltration pit.*
  - i. *A drainage plug being fitted and positioned in a manner that facilitates flushing and cleaning.*
  - j. *Water pumps not causing an offensive noise as defined by The Protection of the Environment Operations Act 1997 (NSW).*
  - k. *All potable taps and outlets be coloured mauve and marked "non potable- not for drinking" according to Australian Standards.*
20. *Hot water systems shall be solar or five-star gas boosted solar, minimum 3.5 star Greenhouse rated.*
21. *Air conditioners shall be a minimum 4 star rating for cooling only and a minimum 4 star on one cycle and 3 star on the other cycle for reverse-cycle models.*
22. *Five star electrical appliances shall be provided where new or replacement appliances are required.*
23. *All air conditioning shall operate on a demand or room occupation basis only.*

***The following conditions have been applied to ensure that noise emissions from the development satisfy legislative requirements and maintain reasonable levels of amenity to the area:***

24. *The proposed use of the premises and the operation of all plant and equipment shall not give rise to an 'offensive noise' as defined in the Protection of the Environment Operations Act 1997 and Regulations.*

*In this regard, the use of the premises and the operation of any plant or equipment on the site shall not give rise to an L10 sound pressure level which is 5dB(A) greater than the A-weighted L90 background sound pressure level, measured at any point on a residential boundary.*

***The following conditions are applied to ensure that adequate provisions are made for the management of waste from the development:***

25. *Adequate provisions are to be made within the premises for the storage, collection and disposal of waste and recyclable materials.*

*A Waste Management Plan is to be submitted to Council and approved by Council's Manager of Waste Services, in accordance with section 80A (2) of the Environmental Planning and Assessment Act 1979, prior to a construction certificate being issued for the proposed development.*

*The plan shall detail the type and quantity of waste to be generated by the development; demolition waste; construction waste; materials to be re-used or recycled; facilities/procedures for the storage, collection recycling & disposal of waste and the on-going management of waste.*

***The following conditions are applied to ensure that the development satisfies the provisions of the Environmental Planning and Assessment Act 1979 and Regulations:***

26. *All new building work must be carried out in accordance with the provisions of the Building Code of Australia (BCA), in accordance with Clause 98 of the Environmental Planning and Assessment Regulation 2000.*

***The following conditions are applied to ensure that the development satisfies the terms of Council's approval and relevant standards of construction, and to maintain adequate levels of health, safety and amenity during construction:***

27. *A sign must be erected on the site in a prominent, visible position, prior to commencing any demolition, excavation or building works, stating that 'unauthorised entry to the site is prohibited' and showing the name of the person in charge of the work site and a telephone number at which the person may be contacted outside working hours, in accordance with clause 78H of the Environmental Planning and Assessment Regulation 1994.*
28. *Prior to the commencement of any building works, a construction certificate must be obtained from the Council or an accredited certifier, in accordance with the provisions of the Environmental Planning & Assessment Act 1979 and Environmental Planning & Assessment Regulation 2000.*
29. *Prior to the commencement of any building work, a principal certifying authority must be appointed and Council is to be notified accordingly and, at least 2 days notice of the intention to commence building work must be given to Council, in accordance with the provisions of the Environmental Planning & Assessment Act 1979 and Environmental Planning & Assessment Regulation 2000.*
30. *A copy of the construction certificate, the approved plans & specifications and development consent conditions must be kept on the site at all times and be available to the Council officers upon request.*
31. *The building works are to be inspected by the principal certifying authority (or other suitably qualified person on behalf of the applicant) to monitor compliance with Council's approval and the relevant standards of construction.*

*Documentary evidence of compliance with Council's approval and relevant building inspections, is to be maintained by the principal certifying authority.*

*Upon inspection of each stage of construction, the principal certifying authority (or other suitably qualified person on behalf of the applicant) is also required to ensure*

*that adequate provisions are made for the following measures (as applicable), to ensure compliance with the terms of Council's approval:*

- *Sediment control measures.*
  - *Provision of perimeter fences or hoardings for public safety and restricted access to building sites.*
  - *Maintenance of the public place free from unauthorised materials, waste containers or other obstructions.*
32. *All excavations and backfilling associated with the erection or demolition of a building must be executed safely in accordance with appropriate professional standards and excavations are to be properly guarded and protected to prevent them from being dangerous to life or property.*
33. *An Occupation Certificate must be obtained from the principal certifying authority prior to any occupation of the building work encompassed in this development consent in accordance with the relevant provisions of the Environmental Planning & Assessment Act 1979.*
34. *In addition to the matters contained in the Environmental Planning and Assessment Regulation 2000, the following matters are to be completed in accordance with the terms and conditions of this development consent, **prior to the occupation** of the building:*
- a) *car parking and vehicular access*
  - b) *landscaping*
  - c) *stormwater drainage*
  - d) *external finishes and materials*
35. *A coloured works-as-executed fire services plan is to be submitted to the Council **prior to occupation** of the development, detailing the location of the essential fire safety measures installed within the building premises.*
36. *Building and demolition works must only be carried out between the hours of 7.00am to 5.00pm on Monday to Friday inclusive, between 8.00am to 5.00pm on Saturdays and all building activities are strictly prohibited on Sundays and public holidays, except with the specific written authorisation of Council's Manager of Environmental Health and Building Services.*
37. *Temporary toilet facilities are to be provided, at or in the vicinity of the work site throughout the course of demolition and construction, at the rate of one toilet for every 20 persons or part of 20 persons employed at the site and the toilet facilities must be connected to a public sewer or other sewage management facility approved by Council.*
38. *Building materials, sand, soil, waste materials or construction equipment must not be placed upon the footpath, roadway or nature strip at any time and the footpath, nature strip and road must be maintained in a clean condition and free from any obstructions at all times.*
39. *Bulk bins/waste containers must not be located upon the footpath, roadway or nature strip at any time without the prior written consent of the Council, unless the waste container is located upon the road in accordance with the Roads & Traffic Authority*

*Guidelines and Requirements, and the container is exempt from an approval under Council's Local Approvals Policy.*

40. *Any building/demolition works involving asbestos cement are to be carried out in accordance with the Work Cover New South Wales "Guidelines for Practices Involving Asbestos Cement in Buildings".*
41. *A Construction Site Management Plan is to be submitted to and approved by the principal certifying authority **prior to the commencement of demolition, excavation or building works**. The site management plan must include the following measures, as applicable to the type of development:*
- *location and construction of protective fencing / hoardings to the perimeter of the site;*
  - *location of site storage areas/sheds/equipment;*
  - *location of building materials for construction;*
  - *provisions for public safety;*
  - *dust control measures;*
  - *site access location and construction*
  - *details of methods of disposal of demolition materials;*
  - *protective measures for tree preservation;*
  - *provisions for temporary sanitary facilities;*
  - *location and size of waste containers/bulk bins;*
  - *details of proposed sediment and erosion control measures;*
  - *construction noise and vibration management.*

*The site management measures are to be implemented prior to the commencement of any site works and be maintained throughout the works, to maintain adequate levels of public health and safety. A copy of the approved Construction Site Management Plan must be maintained on site and be made available to Council officers upon request.*

42. *During construction stages, sediment laden stormwater run-off shall be controlled using the sediment control measures outlined in the manual for Managing Urban Stormwater – Soils and Construction, published by the NSW Department of Housing.*

*A soil and water management plan (SWMP) must be submitted to and approved by the principal certifying authority and implemented **prior to the commencement of any site works or activities**.*

*The soil and water management plan must contain a site plan, detailing:*

- *the slope of the land*
- *site access points and access control measures*
- *location and type of all sediment control measures*
- *location of existing vegetation, to be retained*
- *material stockpile or storage areas and methods of sediment control*
- *location of existing and proposed drainage systems*
- *proposed disposal of site water*
- *location of building operations and equipment*
- *proposed re-vegetation details*

*All soil and water management measures must be maintained at all times throughout demolition, excavation, building and site works and a copy of the soil and water management plan is to be kept on-site and be made available to Council officers upon request.*

43. *Stockpiles of soil, sand, aggregate or other materials must not be located on any drainage line, natural watercourse, footpath, roadway or any public place and the stockpiles must be protected with adequate sediment control measures.*

*Building operations such as brick cutting, washing tools or equipment and mixing mortar are not permitted on public footpaths, roadways, in any public place or any location which may lead to the discharge of materials into the stormwater drainage system.*

44. *A warning sign for soil and water management must be displayed in a prominent position on the building site, visible to both the public and site workers. The sign must be displayed throughout the construction period. Copies of a suitable warning sign are available at Council's Customer Service Centre for a nominal fee.*

45. *If the work involved in the erection or demolition of a building is likely to cause pedestrian or vehicular traffic in a public place to be obstructed or rendered inconvenient or the building involves the enclosure of a public place, a hoarding or fence must be erected between the work site and the public place.*

*If necessary, an awning is to be erected sufficiently to prevent any substance from, or in connection with, the work from falling into the public place or adjoining premises.*

*The public place adjacent to the work site must be kept lit between sunset and sunrise if it is likely to be hazardous to persons in the public place and any such hoarding, fence or awning is to be removed upon completion of the work.*

*The public safety provisions and temporary fences must be in place prior to the commencement of any demolition, excavation or building works and be maintained throughout construction.*

*If it is proposed to locate any hoardings, site fencing or amenities upon a footpath or public place, the written consent from Council's Building Services section must be obtained beforehand and detailed plans are to be submitted to Council for consideration, together with payment of the weekly charge in accordance with Council's adopted fees and charges.*

46. *A temporary timber crossing is to be provided to the site entrance across the kerb and footway area, with splayed edges, unless access is via an existing concrete crossover.*

47. *The applicant/builder is required to hold Public Liability Insurance, with a minimum liability of \$5 million and a copy of the Insurance cover is to be provided to Council.*

*The following conditions are applied to provide adequate provisions for future civil works in the road reserve:*

48. *The applicant shall ensure that all final construction levels around the perimeter/outer extent of the development site, (Community Facility and Park), relate to future design levels for the road network adjacent to the site and to the Randwick*

*Environmental Park. Prior to the commencement of any site construction works the applicant shall submit sufficient survey and design information to the Certifying Authority for the Certifying Authority to accurately assess the suitability of the proposed levels.*

*The following conditions are applied to provide adequate provisions for access, transport and infrastructure:*

49. *Prior to the commencement of any site construction works on the Community Facility the applicant shall submit to Council for approval, and have approved, a technical specification and quality plan for the design, construction, performance testing and operation of the community centre facility. The architectural specification for the subject facility shall be generally in accordance with the Draft Architectural Specification prepared by Prescott Architects and dated August 2002 with the following amendments:*
- *The footings for the proposed Community Hall shall be suitably designed to accommodate a future masonry construction, second storey addition over the hall.*
  - *The proposed roofing shall be Colorbond roofing, 0.58mm base metal thickness with R 3.0 insulation to be placed on the ceiling/s.*
  - *All eaves shall be constructed from compressed fibrous cement.*
  - *Floor finishes on kitchen/s shall be fully vitrified ceramic tiles.*
  - *Toilet partitions shall be terazzo.*
  - *Hard-wired stoves are to be installed to all kitchen areas.*
  - *All areas are to be suitably designed such that they can be serviced by split system, reverse cycle air conditioning units/systems.*
50. *Prior to the commencement of any construction works within the development site the applicant shall submit to Council for approval, and have approved, engineering details and specifications for all filling/excavation works, roadworks, kerb and gutter construction, drainage works, construction of earth retaining structures, play equipment, landscaping works and site regrading, (including detailed levels, contours and cross sections that make reference to both existing and proposed surface levels). The engineering details and specifications shall include level and survey information, materials to be used, construction techniques and testing procedures and shall be prepared in consultation with Council and to the satisfaction of the Certifying Authority. The engineering details and specifications for any road construction shall be generally in accordance with the Design and Construction Specification and Council approved addenda for Stage 1A and associated civil works Contract No. MPDU 38/02.*
51. *All civil construction works within the development site shall be constructed in accordance with the approved engineering details and specifications referred to above and shall be undertaken and paid for by the applicant. The Certifying Authority shall undertake site inspections prior to backfilling of stormwater drainage lines, pouring of kerb and gutter and at suitable stages during construction of roads, as determined by the Certifying Authority. Should Council be the Certifying Authority, and prior to the commencement of any site construction works, the applicant shall meet with Council to determine guidelines for Council inspections of the site and a fee structure for payment to Council for site inspections made.*
52. *The applicant shall submit to Council an unconditional Bank Guarantee in a form*

*specified by Council in the amount of \$200,000 for the proper performance of the infrastructure transferred to Council for the full period of the defects liability period. A fifty two week defects liability period shall apply, commencing from the date of issuance of the occupation certificate and the provision of the abovementioned unconditional Bank Guarantee.*

53. *The applicant shall provide asset data to Council in a suitable form for incorporation into Council's asset management systems. The applicant is advised to contact Council's Assets Co-Ordinator to discuss Council's requirements for the asset data.*
54. *All quality tests and infrastructure certifications shall be submitted to Council for Council's acceptance prior to acceptance of the infrastructure that is to be transferred to Council's care and control.*
55. *Prior to the issuing of an occupation certificate for the Community Facility the applicant shall submit to Council for approval, and have approved, a traffic management plan showing the proposed method of vehicular ingress/egress for the development site.*
56. *Detailed designs indicating parking for the Community Facility are to be provided to Council for approval, and be approved prior to the commencement of any site construction works, (e.g. shuttle bus parking, visitor parking, staff parking, day care centre parking and community centre parking).*
57. *An occupation certificate is not to be issued for the community facilities until a temporary road extending from the western end of Xysis Street within the Stage 1A site has been constructed on proposed Lot 34, in accordance with Drawing 3298-CF-SP1 in Volume 3 of the Statement of Environmental Effects and a right of carriageway has been registered on proposed Lot 34 permitting use of the temporary road for temporary access to the community facilities.*
58. *All construction traffic is to access the site to and from Avoca Street through a signalised intersection (temporary or permanent) with an opening in the median of Avoca Street to enable only right turn movements from the site in order to access Rainbow Street (west of Avoca Street) to the Nine Ways roundabout.*

***The following conditions are applied to provide adequate consideration for service authority assets:***

59. *A public utility impact assessment must be carried out on all public utility services on the site, roadway, nature strip, footpath, public reserve or any public areas associated with and/or adjacent to the development/building works and include relevant information from public utility authorities and exploratory trenching or pot-holing, if necessary, to determine the position and level of service.*
60. *The applicant must meet the full cost for Telstra, Energy Australia, Sydney Water or Natural Gas Company to adjust/repair/relocate their services as required. The applicant must make the necessary arrangements with the service authority.*

*Suitable easements for the utility services and documentation from the associated utility service provider that all services have been installed to their requirements and satisfaction shall be submitted to The Certifying Authority prior to the release of the linen plans and prior to Council accepting dedication of any part of infrastructure in*

*which the services are located.*

*Note: there shall be no kiosks located within the future or existing Council road reserves. Any kiosk shall be located to the satisfaction and approval of Council and Energy Australia.*

61. *Documentary evidence from the relevant public utility authorities confirming that their requirements have been satisfied, must be submitted to the certifying authority prior to a construction certificate being issued for the development.*
62. *Any electricity substation required for the site is to be located within the site and is to be screened from view. The proposed location and elevation shall be shown on all detailed landscape drawings and specifications. The applicant is to liaise with Sydney Electricity prior to lodging the construction certificate to see if any electricity substation will be required for the development.*
63. *All street lighting and lighting within reserves shall be installed in accordance with the relevant Australian Standards and Roads and Traffic Authority standards for lighting of residential streets, collector roads, intersections, pedestrian and cycle ways and public reserves.*
64. *Prior to any construction works, the applicant shall submit and have approved by Council a compilation plan of all the public utilities.*

*Note that all public utilities that are parallel to the existing or proposed Council stormwater drainage pipelines shall be located a minimum of 1.5 metres from the centreline of the stormwater pipeline.*

65. *All site services shall be provided underground.*

***The following conditions are applied to provide adequate provisions for drainage and associated infrastructure:***

66. *Engineering calculations and plans with levels reduced to Australian Height Datum in relation to site drainage shall be submitted to and approved by the certifying authority prior to a construction certificate being issued for the development. A copy of the engineering calculations and plans are to be forwarded to Council, prior to a construction certificate being issue, if the Council is not the certifying authority. The drawings and details shall include the following information:*
  - a) *A detailed drainage design supported by a catchment area plan, at a scale of 1:100 or as considered acceptable to the Council or an accredited certifier, and drainage calculations prepared in accordance with the Institution of Engineers publication, Australian Rainfall and Run-off, 1987 edition.*
  - b) *A layout of the proposed drainage system including pipe sizes, type, grade, length, invert levels, etc., dimensions and types of all drainage pipes and the connection into Council's stormwater system. This may involve either connection to the Council's street gutter, or into a Council stormwater pit. Note: All proposals should indicate the location of the closest Council stormwater pit and line regardless of the point of discharge. This information can be obtained by a visual inspection of the area and perusing Council's drainage plans.*

- c) *Generally all internal pipelines must be capable of discharging a 1 in 20 year storm flow. However the minimum pipe size for pipes that accept stormwater from a surface inlet pit must be 150mm diameter. The site must be graded to direct any surplus run-off (ie. above the 1 in 20 year storm) to the proposed drainage system.*
- d) *The separate catchment areas within the site, draining to each collection point or surface pit are to be classified into the following categories:*
- i. *Roof areas*
  - ii. *Paved areas*
  - iii. *Grassed areas*
  - iv. *Garden areas*
- e) *Where buildings abut higher buildings and their roofs are "flushed in" to the higher wall, the area contributing must be taken as: the projected roof area of the lower building, plus one half of the area of the vertical wall abutting, for the purpose of determining the discharge from the lower roof.*
- f) *Proposed finished surface levels and grades of car parks, internal driveways and access aisles which are to be related to the design alignment levels.*
- g) *The details of any special features that will affect the drainage design eg. the nature of the soil in the site and/or the presence of rock etc.*
67. *All site stormwater must be discharged by gravity via a temporary pipeline to a pit located on the existing Council stormwater pipeline Line 2E (adjacent to the future Mantelet Street)*
68. *All internal stormwater drainage shall be constructed in accordance with the following conditions:-*
- a) *All proposed stormwater drainage pipelines shall be capable of discharging a minimum 1 in 20 year storm flow.*
  - b) *The proposed internal roadways, drainage easements and overland flow routes shall be designed in general to drain the 1 in 100 year storm event and to consider personal and structure safety and the hazard factor, (product of velocity and depth of flow) This safety factor shall not exceed a value of 0.4 at any location. (ie  $VD < 0.4$ ).*
  - c) *All future Council stormwater pipelines constructed within the ground shall be constructed with rubber ringed steel reinforced concrete pipeline (RRRCP). Prior to backfill, the pipeline shall be inspected and approved by the Certifying Authority.*

*Generally backfill material for the pipeline trench shall be:-*

- *Constructed with clean sand*
- *watered in*
- *compacted in 150 mm layers with a minimum 97% relative compaction*

*Note that should Council be the Certifying Authority, the applicant shall liaise with Council's Director of Asset and Infrastructure regarding payment for the required inspections (2 working days clear notice shall be given prior to the required inspection/s)*

- d) All standard extended kerb inlet pits shall be constructed in accordance with Council's standard drawing SD 3. Minimum concrete strength of 32 Mpa.*
  - e) All standard surface inlet pits shall be constructed in accordance with Council's standard drawing SD 10 with a hinged pit cover (Weldlok SPC 99 or similar). Minimum concrete strength of 32 Mpa.*
  - f) All standard junction pits shall be constructed in accordance with Council's standard drawing SD 4. Minimum concrete strength of 32 Mpa.*
- 69. The floor level of all habitable and storage areas adjacent to any overland flow paths (eg where the development is adjacent to the future Mantelet Street) must be a minimum of 300mm above the maximum water level for the 1 in 100 year storm event or alternately a permanent 300mm high water proof barrier is to be constructed.*
- 70. A work-as-executed plan, prepared and signed by a registered surveyor and a suitably qualified hydraulic engineer, must be submitted to the certifying authority for approval, and be approved, prior to issuing an occupation certificate for the Community Facility and dedication of the proposed park to Council. The work-as-executed plan shall be submitted with documentary evidence demonstrating compliance with the stormwater drainage development conditions and the plans approved by the Certifying Authority.*

*The work-as-executed plan shall detail the location and finished surface levels of all civil works within and adjacent to the site including (but not limited to)*

- the roads,*
- stormwater drainage pits (including the internal dimensions, surface and invert levels, lintel size etc)*
- pipelines (including the invert levels, pipeline diameters, pipe material).*
- overland flow paths, (including the volume, depth and width of the flow path) etc. with finished surface level contours at 0.2 metre intervals.*
- utility services locations size and depths/levels*
- levels of the resultant lot/s*

*Note A copy of all WAE civil drawings, stormwater calculations (on hard copy and on disk) are to be submitted to Council, should Council not be the Certifying Authority.*

- 71. The applicant's engineer shall carry out site inspections and certify that all civil structural works (eg all steel reinforcement, concrete works, laying of pipelines, pavements, etc.) have been constructed and inspected under his/her supervision.*

*The engineer must also certify that the civil and stormwater drainage works have been constructed:-*

- (i) in accordance with the approved plans and conditions of consent and Master*

*Plan.*

- (ii) to the requirements of the approved specification.*
- (iii) in a workman like manner.*
- (iv) to his/her requirements and satisfaction.*

72. *A temporary sediment/silt arrester pit must be provided within the site at or near the future Mantelet Street boundary prior to the site stormwater discharging by gravity to the external stormwater system. (Note that the sediment/silt arrester section of the pit will be removed once the down stream gross pollution trap pit has been constructed)*

*The sediment/silt arrester pit shall be constructed from cast in-situ concrete, precast concrete or double brick with either:-*

- An easily removable pit basket to collect medium to coarse sediments.*

*OR ALTERNATIVELY*

- The base of the pit located a minimum 300mm under the invert level of the outlet pipe.*
- The grate is to be a galvanised heavy-duty grate that has a provision for a child proof fastening system.*
- A minimum of 4 x 90 mm diameter weep holes located in the walls of the pit at the floor level with a suitable geotextile material with a high filtration rating located over the weep holes.*
- A galvanised heavy-duty screen (Lysaght RH3030 Maximesh or similar) located over the outlet pipe. (Similar to a Mascot GRC stormwater discharge control pit, product code DS3SDC).*
- A child proof and corrosion resistant fastening system for the access grate (e.g. similar to a Weldlock spring loaded jay-bolt).*
- The inlet pipeline located on the side of the pit so that the stormwater will discharge across the face of the screen.*

*Note: Sketch details of a standard sediment/silt arrester pit can be obtained from Council's Drainage Engineer.*

73. *A sign adjacent to the above pit stating that:*

*"This sediment/silt arrester pit shall be regularly inspected and cleaned."*

74. *A 'V' drain is to be constructed along the perimeter of the property, where required, to direct all stormwater to the internal stormwater system.*

75. *Prior to the final inspection or occupation, the applicant shall submit to the Certifying Authority (and to Council if Council is not the Certifying Authority) a CCTV video of the eastern Council stormwater drainage pipeline (pipeline 1E) between the outlet to the wetland to Banksia Road. Such CCTV shall inspect each length of the stormwater pipes for any damage. Should the pipeline be damaged, or show evidence of wear, the applicant shall pay all costs for the pipeline's replacement with an equivalent diameter rubber ringed reinforced concrete pipeline.*

76. *Prior to the commencement of any site construction works the applicant shall submit to, and have approved by the Certifying Authority, details of the pollution control*

*measures as in accordance with the EPA's "Managing Urban Stormwater: Construction Activities" for the construction works on this site. Such pollution control shall include (and not limited to):-*

- a. A floating boom and silt curtain over the western outlet pipeline to the Wetland.*
- b. Haybale barriers.*
- c. Means of dust suppression/control*

*Such sediment and erosion controls shall be regularly inspected and maintained by the applicant at no cost to Council.*

77. *Construction zone run-off controls (haybales, sedimentation basins etc.) are to be inspected regularly and during and after rainfall to assess performance. The applicant shall submit to the Certifying Authority weekly reports on effectiveness/maintenance of all sedimentation controls and practices.*

***The following conditions are applied to provide adequate provisions for waste management:***

78. *Any garbage storage areas are to be provided with a tap and hose and the floor is to be graded and drained to an approved floor waste to the requirements of the Sydney Water Corporation.*
79. *Prior to the issuing of a construction certificate for the proposed development the applicant is to submit to Council and have approved by Council's Manager of Waste a Waste Management Plan detailing waste and recycling storage and disposal for the development site.*

#### ***Open Space/Public Domain Conditions***

80. *Prior to the commencement of any site construction works a Public Domain Plan for the site, (generally in accordance with the Public Domain and Landscape Plan in Drawing L-Pk-01 in Volume 3 of the Statement of Environmental Effects), is to be submitted to Council for approval, and be approved. Such a plan shall demonstrate the strategies that are proposed for the urban design of the public domain (including open space reserves) and the provision of good pedestrian access, recreational diversity and environmental sustainability. These strategies shall be consistent with the Master Plan that has already been accepted by Council and Council's management requirements. The strategies will include*

- tree planting strategy,*
- water management strategies,*
- footpath strategy,*
- Park planning strategy*

*Further to this, the Public Domain Plan shall also include details of individual treatments throughout the site. These treatments shall be consistent with Council's management requirements. The details shall be a detailed design showing plans elevations, sections, the materials and finishes for the following elements, (where relevant):*

- Street tree planting*
- Design of public parks*

- *Park planting*
- *Footpath treatments*
- *Street furniture*
- *Street lighting*
- *Street signs*
- *Kerb ramps*
- *Park lighting*
- *Automatic irrigation systems*
- *Water features*
- *Playgrounds*
- *Pavements*
- *Retaining walls and balustrades*
- *Bicycle facilities*
- *Bus shelters*
- *Shade structures*

*The Public Domain Plan shall be complied with.*

81. *All landscaping works to the park within the Site shall be constructed in accordance with the approved plans prior to dedication of the park to Council.*

***The following conditions are applied to satisfy the provisions of Council's environmental plans, policies and codes for subdivision works:***

82. *Council will not accept dedication of any public reserve, road or the Community Facility until it is satisfied that all civil construction works, building works and landscape works have been carried out in accordance with the approved design plans and specifications and that all conditions of development consent relating to the area to be dedicated have been complied with.*

***The following conditions are applied to provide adequate provisions for protection of the Environmental Park***

83. *Council officers shall be allowed access to all parts of the site, including the proposed Randwick Environmental Park, on request.*
84. *All personnel employed in relation to the development shall receive a site induction prior to commencement of work, which shall include relevant information regarding the proposed Randwick Environmental Park, including, but not limited to:*
- *the exact location of the proposed Randwick Environmental Park;*
  - *the presence of nationally significant and threatened vegetation, a sensitive wetland and other native vegetation within the proposed Randwick Environmental Park;*
  - *that the proposed Randwick Environmental Park area shall not be entered without written authorisation of the Applicant's Project Manager;*
  - *that no disturbance to vegetation or soils shall occur within the proposed Randwick Environmental Park, except as in accordance with these conditions;*
  - *that no temporary or permanent placement or storage of any items of plant, materials, tools, equipment, vehicles, etc. shall occur within the proposed Randwick Environmental Park, except as in accordance with these conditions;*

- *that, in any case, access to, disturbance to vegetation and soils in, and placement or storage of items in the proposed Randwick Environmental Park, where these conditions allow, shall be minimised;*
- *that no other foreign matter, including concrete, bitumen, road base, fill, soils, mulch, water, cement wash, chemicals, paint, etc., shall be placed in or allowed to enter the proposed Randwick Environmental Park;*
- *the penalties for damaging threatened items and their habitats without authorisation;*
- *relevant contact numbers, including the Applicant's Project Manager;*
- *that contravention of any of the above shall be reported immediately to the Applicant's Project Manager by all persons involved in and witnessing such a contravention.*

*All personnel who have completed this induction shall sign an Induction Register stating that they have completed the induction and that this included all the above information. The Induction Register shall be available for inspection and reproduction at all times by Council and National Parks and Wildlife Service NSW.*

85. *No disturbance or removal shall occur to any Eastern Suburbs Banksia Scrub (the extent of which is taken to be as appears in the relevant map in the Working Draft Recovery Plan for Eastern Suburbs Banksia Scrub, prepared by National Parks and Wildlife Service NSW, September 2001) or Acacia terminalis subsp. terminalis or their habitats, without the concurrence of both National Parks and Wildlife Service NSW and Environment Australia.*

86. *No disturbance to or removal of any vegetation or soils shall occur within the proposed Randwick Environmental Park as a result of the proposed development. The only exception to this shall be installation of protective fencing, as identified elsewhere in these conditions.*

*In the case of this exception, disturbance to and removal of vegetation or soils shall be minimised. In any case, no disturbance to or removal of vegetation or soils shall occur more than 2 metres into the proposed Randwick Environmental Park from the protective fence. In locations where disturbance to or removal of soils has occurred, the area shall be immediately repaired to its state prior to commencement of development, as far as possible. The location, design and specifications of the protective fencing shall be approved by the certifying authority prior to the commencement of any construction.*

87. *No vehicular or pedestrian access relating to the proposed development shall be allowed to the proposed Randwick Environmental Park without the written authorisation of the Applicant's Project Manager and/or Council. The only exceptions to this shall be installation of protective fencing as identified elsewhere in these conditions. There shall be no access more than 2 metres into the proposed Randwick Environmental Park from the protective fence.*

88. *All persons who have received written authorisation to enter the proposed Randwick Environmental Park by the Applicant's Project Manager shall sign an Access Register. The Access Register shall include the following information for every person each day he or she enters the proposed Randwick Environmental Park:*

- *full first and last names;*
- *organisation;*

- *address;*
  - *contact telephone numbers;*
  - *signature;*
  - *date;*
  - *detailed reason for access;*
  - *description of all areas accessed, including by vehicles, machinery and plant, using management zone codes in the draft Plan of Management.*
  - *Acknowledgement that this condition has been read and understood.*
89. *The Access Register shall be available for inspection and reproduction at all times by Council and National Parks and Wildlife Service NSW. Council shall receive a full copy of the Access Register immediately after ownership of the Randwick Environmental Park is transferred to Council.*
90. *No liquids, semi-liquids or chemicals, including unset concrete, water, cement wash, paint, petroleum-based products, etc., shall be disposed of, placed in or where it may enter the proposed Randwick Environmental Park.*
91. *No temporary or permanent placement or storage of any items of plant, materials, tools, equipment, vehicles, etc. shall occur within the proposed Randwick Environmental Park in relation to the proposed development. The only exceptions to this shall be in relation to installation of protective fencing, as identified elsewhere in these conditions.*
- In the case of these exceptions, placement and storage of any items shall avoided whenever possible. In any case, no placement and storage of any items shall occur more than 2 metres into the proposed Randwick Environmental Park from the protective fence. In locations where items have been placed or stored, the area shall be immediately repaired to its state prior to commencement of development, as far as possible.*
92. *An 1800mm high cyclone wire protection fence shall be installed along the entire boundary of the proposed Randwick Environmental Park where this is adjacent to the proposed development, prior to commencement of any site construction works. Installation and removal of the protection fence shall be overseen by Council's Bushland Management Technician.*
93. *Silt fencing shall be attached along the full length of the protection fencing and shall be maintained so as to ensure that no surface flows, sediment, fill, bitumen, road base, soils, mulch or other foreign matter enters the fenced area at any time. Silt fencing shall be attached within 24 hours of any given section of the protection fence being installed.*
94. *Council approved warning signs shall be permanently attached (and immediately repaired and replaced as necessary) to the protection fence at a maximum of 50 metre intervals. A final prototype of the warning sign to be used shall be provided to Council's Bushland Management Technician for approval and shall be altered as required by the Bushland Management Technician. Warning signs shall be attached within 24 hours of any given section of the protection fence being installed. Warning signs shall include at least all the following information:*
- *the presence of nationally significant vegetation and sensitive wetland within the fenced area;*

- *that the fenced area shall not be entered without written authorisation of the Applicant's Project Manager and / or Council;*
  - *that no disturbance to vegetation or soils shall occur within the fenced area;*
  - *that no temporary or permanent placement or storage of any items of plant, materials, tools, equipment, vehicles, etc. shall occur within the proposed Randwick Environmental Park;*
  - *that no other foreign matter, including concrete, bitumen, road base, fill, soils, mulch, water, cement wash, chemicals, paint, etc., shall be placed in or allowed to enter the proposed Randwick Environmental Park;*
  - *the penalties for damaging threatened items without authorisation;*
  - *relevant contact numbers, including the Applicant's Project Manager and Council's Bushland Management Technician (Tel:9399-0683);*
  - *that contravention of any of the above shall be reported immediately to the Applicant's Project Manager or Council's Bushland Management Technician.*
95. *All overland flow of stormwater shall be permanently diverted away from the proposed Randwick Environmental Park, including from, but not limited to:*
- *the proposed Community Facility Park;*
  - *all other hard or soft surfaces adjacent to the proposed Randwick Environmental Park.*
96. *No trees or shrubs, which are expected to grow over 1 metre high at maturity, shall be planted in locations where they will overshadow, at their maturity, any part of the proposed Randwick Environmental Park between 9am and 3pm on the winter solstice. This includes, but is not limited to, the following species proposed in the Development Application:*
- *Araucaria columnaris - Musket St (eastern side) and Banksia St/Ave (southern side);*
  - *"various tree and shrub species" - Community Facility Park (eastern and southern boundaries);*
  - *Lophostemon confertus - Community Facility (northern side).*
97. *No species, which may spread from where they are planted into the local environment at any time in the future, shall be used in landscaping. This includes, but is not limited to, the following species proposed in the Development Applications:*
- *turf grasses (except Stenotaphrum spp.);*
  - *Dietes bicolor;*
  - *Dietes grandiflora;*
  - *Elvera 'Lavender Grass';*
  - *Festuca glauca;*
  - *Festuca glauca 'Golden Toupee';*
  - *Imperata cylindrica;*
  - *Lophostemon confertus;*
  - *Lyriope muscari;*
  - *Pennisetum alopecuroides;*
  - *Poa labillardiera;*
  - *Strelitzia reginae.*
98. *No species, which have been recorded as naturally occurring at the Defence land at*

*Bundock St, Kingsford, shall be used in landscape planting. This includes, but is not limited to, the following species proposed in the Development Application:*

- *Kunzea ambigua;*
  - *Xanthorrhoea spp.*
99. *The opaque/solid “custom orb fencing” part of the proposed boundary fence, between the northern side of the Community Facility and the proposed Randwick Environmental Park, shall be 1.5 metres high.*
100. *A refundable deposit, in the form of cash or cheque, for the amount of \$50,000.00, shall be lodged with Council prior to issuing of a construction certificate for this application. The refundable deposit is placed as security to ensure that no detrimental environmental effect occurs within the proposed Randwick Environmental Park. The refundable deposit will be released at the time of completion of all works, providing that no detrimental environmental effect has occurred within the proposed Randwick Environmental Park throughout the construction works. Any contravention of Council's conditions relating to the proposed Randwick Environmental Park at any time during the development will result in the Council claiming all or part of the lodged security.*
101. *The Applicant shall provide a written report of any breaches of the Randwick Environmental Park Conditions to Council’s Bushland Management Technician by the next business day after any breach has occurred. The report shall be signed and dated and information in the report shall include, but not be limited to:*
- *The date of the breach;*
  - *The nature, extent (including in time and area and a map) and degree of the breach;*
  - *The cause of the breach;*
  - *All persons involved in the breach, including: full first and last names; contact number/s; organisation/s and reason/s for being present;*
  - *All witnesses to the breach, including: full first and last names; contact number/s and organisation/s; and*
  - *All plant, equipment, machinery, vehicles, substances, etc. involved in the breach.*

*If Council becomes aware of a breach of the Randwick Environmental Park Conditions for which such a report has not been provided to Council, then Council may request such a report, which shall then be provided to Council within 24 hours.*

102. *The landscaped areas shown on the plan number L-Pk-01, Issue B, dated 09/05/02 shall be the subject of detailed landscape drawings and specifications, which are to be submitted to, and approved by, the certifying authority, prior to the issue of a construction certificate. The landscape drawings and specifications are to be prepared by a qualified Landscape Architect who is eligible for membership with the Australian Institute of Landscape Architects (AILA). The documentation is to include:*
- a. *A site plan at an appropriate scale showing existing site boundaries, existing trees within the property (clearly identified as being retained or removed), existing street trees (clearly identified as being retained or removed), features on adjoining sites within 6 metres of the common property boundary (buildings, trees, other structures etc), council’s footway, existing and*

*proposed ground levels shown as spot heights and/or contours over the site, at site boundaries, and at the base of the tree/s to be retained, proposed building envelope, proposed areas of pavement, and proposed landscaped areas.*

- b. A planting plan at a scale of 1:100 or 1:200 indicating the location of all proposed planting and existing trees to be retained. All plants are to be drawn at their mature size with a dense planting of shrubs, accent plants and ground covers within all garden beds so that a continuous planted cover is achieved. Plant spacings are to be clearly indicated for all accent and groundcovers.*

*The planting plan shall show the deletion of all ornamental grasses under the proposed Eucalyptus Grove in the south eastern corner of the site.*

*The planting plan shall also show the Eucalypts in the Grove planting in the south eastern corner of the site to be suitably spaced to allow maintenance access between trees for a ride-on mower.*

- c. A planting schedule listing all plants by botanic & common names, plant numbers, plant spacings for groundcovers and accent planting, pot sizes, the estimated size of the plant at maturity (height & spread) and proposed staking methods when applicable.*
- d. Additional notation showing soil and mulch details, irrigation details, edging, paving, site furniture details, fencing details, playground equipment details and appropriate undersurfacing, surface finishes, retaining wall details, and any other landscape elements including lighting to Energy Australia standards, in sufficient detail to fully describe the proposed landscape works.*
- e. Position of existing and proposed site services including water, gas, electricity, sewer, stormwater, etc.*
- f. All planter boxes and garden beds constructed on slab must have a minimum soil depth of 600mm and all lawn areas must have a minimum soil depth of 300mm. Planter box details shall be submitted with the detailed landscape plans.*
- g. Species selection shall be considered carefully and shall avoid species known to be toxic, poisonous or to cause skin irritations or breathing difficulties.*
- h. The landscape plan shall include suitable shade trees to be incorporated into the landscape areas.*
- i. Location of easements within the site and upon adjacent sites (if any).*

- 103. The landscaping shall be installed in accordance with the approved documentation prior to the issue of a final occupation certificate and shall be maintained in accordance with those plans.*

*Documentary evidence is to be obtained from a suitably qualified Landscape Architect and submitted to the principal certifying authority (PCA) (and the Council, if the Council is not the PCA) prior to the issuing of a final occupation certificate for the Community Facility and prior to dedication of the park which confirms that the landscaping works have been completed in accordance with the approved*

*landscaping plans and relevant conditions of development consent, to the satisfaction of the PCA.*

104. *To ensure satisfactory maintenance of the landscaped areas, an automatic irrigation system shall be installed throughout all the landscaped areas. Such system shall provide full coverage to all the landscaped areas with no overspray onto driveways and pathways.*

*Details of the automatic irrigation system shall be shown on the detailed landscape plans and specifications. The system shall comply with all Sydney Water requirements, and relevant Australian Standards.*

105. *The naturestrip upon Council's footway, (proposed/existing), shall be excavated to a depth of 150mm, backfilled with topsoil equivalent with 'Organic Garden Mix' as supplied by Australian Native Landscapes, and re-turfed. Such works shall be installed prior to the issue of a final Occupation Certificate.*

106. *The naturestrip upon Council's footway shall be maintained by the applicant in accordance with Council guidelines. Such maintenance shall include, but not be limited to, watering, mowing, fertilising, and the removal of weeds.*

107. *Any substation required shall be screened from view. The proposed location and elevation shall be shown on all detailed landscape drawings and specifications.*

108. *Any detention tanks and stormwater infiltration systems located within the landscaped areas shall have a minimum soil cover of 600mm to ensure sufficient soil depth to permit the establishment of landscaping on top of these services as stipulated by these conditions of development consent.*

*All stormwater documentation submitted for the construction certificate application shall show the top of the detention tanks and stormwater infiltration devices being 600mm below the finished ground level of the landscaped areas.*

109. *A refundable deposit in the form of cash or cheque, or bank guarantee for the amount of \$5,000.00 shall be lodged with Council prior to a construction certificate being issued for the proposed development to ensure the implementation and maintenance of the landscape works in accordance with the approved landscape documentation.*

*a. The refundable deposit will be released twelve (12) months after the issue of a final occupation certificate by the principle certifying authority providing the landscape works have been successfully implemented and maintained in accordance with the approved landscape documentation. Throughout the maintenance/bond period, the applicant shall be responsible for all routine maintenance such as grass cutting, weeding, watering, fertilising, spraying, staking and replacement of all failed plant stock. There must be no alteration to the original design, including substitution of trees and shrubs, without the prior approval of the Principal Certifying Authority.*

*b. Any contravention of Council's landscape conditions at any time during the construction period or prior to the expiration of a period of twelve (12) months from the date a final occupation certificate is issued will result in the Council claiming all or part of the lodged security.*

**A ADVISORY MATTERS:**

1. *The applicant is advised that the Construction Certificate plans and specification must comply with the provisions of the Building Code of Australia (BCA).*

*In this regard, the development consent plans do not show compliance with the deemed-to-satisfy provisions of the BCA, including:*

- a) *Clause C3.2&C3.4 - Protection of openings in external walls*
- b) *Part D3 - Access for people with disabilities*
- c) *Clause D3.5 - Car parking for people with disabilities*
- d) *Part E1 - Fire fighting equipment*
- e) *Part E2 - Smoke Hazard Management*
- f) *Part E4 - Emergency lighting, exit signs and warning systems*

*Details of compliance with the relevant provisions of the Building Code of Australia and conditions of development consent are to be provided in the plans and specifications for the construction certificate.*

2. *In order to organise for an inspection for the release of the security deposit, the applicant shall contact the Principal Certifying Authority for the development to liaise with Council's Asset & Infrastructure Department to arrange for an inspection of the landscaping to be carried out. Should the landscaping be found to be unsatisfactory, thus necessitating further inspections, the applicant is advised that each additional inspection will be charged at \$55.00 (incl.GST) and that this amount shall be paid into Account Number 41901939, Code RGJ at the Cashier on the Ground Floor of the Administrative Centre prior to any further inspection being carried out.*

*The applicant shall present the receipt at the Asset and Infrastructure Services counter on the First Floor to organise for a further inspection to be undertaken.*

**MOTION: (Andrews/White) SEE RESOLUTION.**

**PROCEDURAL MOTION: (Matson/Notley-Smith)** that this application be deferred pending the receipt of a site audit statement by the Council. **LOST.**

A division was called for by Crs Matson and Greenwood on the result of voting on the Procedural Motion. Voting was as follows:-

For	Against
Cr Greenwood	Cr Andrews
Cr Matson	Cr Backes
Cr Matthews	Cr Bastic
Cr Notley-Smith	Cr Daley
Cr Schick	Cr Procopiadis
Cr Seng	His Worship the Mayor, Cr D. Sullivan
	Cr Tracey
Cr Whitehead	Cr White

A division was called for by Crs Matson and Greenwood on the result of voting on the Resolution. Voting was as follows:-

For	Against
Cr Andrews	Cr Greenwood
Cr Backes	Cr Matson
Cr Bastic	Cr Matthews
Cr Daley	Cr Notley-Smith
Cr Procopiadis	Cr Schick
His Worship the Mayor, Cr D. Sullivan	Cr Seng
Cr Tracey	Cr Whitehead
Cr White	

**7.5 DIRECTOR PLANNING & COMMUNITY DEVELOPMENT'S REPORT 68/2002 – SUB-DIVISION OF LAND INTO 14 LOTS FOR FUTURE RESIDENTIAL DEVELOPMENT AND PUBLIC ROADS AND ASSOCIATED SUB-DIVISION WORKS INCLUDING CONSTRUCTIONS OF ROADS, REMOVAL OF TREES, LANDSCAPING, PROVISION OF UTILITY SERVICES AND EARTHWORKS COMPRISING STAGE 1A AT 33-149 BUNDOCK STREET AND 373A AVOCA STREET, KINGSFORD. (D/0427/2002)**

**(Note: This item was dealt with prior to the Mayoral Minutes.)**

**(NOTE: A NOTICE OF RESCISSION MOTION WAS HANDED TO THE GENERAL MANAGER PRIOR TO THE CONCLUSION OF THE MEETING AND WILL BE CONSIDERED AT THE EXTRAORDINARY MEETING OF THE COUNCIL ON MONDAY, 23<sup>RD</sup> SEPTEMBER, 2002.)**

235 **RESOLUTION:** *(Bastic/Andrews) that:*

- A. *Council as the responsible authority grant its development consent as a Deferred Commencement under Section 80(3) of the Environmental Planning and Assessment Act 1979 (as amended) to Development Application No D/0427/2002 for sub-division of land, construction of road and pathway, provision of utility services and minor earthworks at 33-149 Bundock Street and 373A Avoca Street, Kingsford subject to the following conditions:-*

***Deferred Commencement Conditions***

*The consent is not to operate until the following material has been submitted to and approved by the Director of Planning and Community Development:*

- 1. A Site Audit Statement (SAS) together with a Summary Site Audit Report (SSAR) in the format defined by the Contaminated Land Management Regulation 1998. The site audit statement issued to Council shall be unconditional, in that it requires no further monitoring, on going review or remedial actions, and shall cover both land and groundwater. The site Audit Statement must clearly state, where no standard exists, as with asbestos, that the remediated land is at an asbestos free level or to a level where no unacceptable health risk remains as confirmed in writing by NSW Department of Health. The entire site must be remediated to not less than the National Environmental Health Forum's health based soil investigation level (NEHF A) standard, with the exception of open space, which must be remediated to not less than (NEHF E) standard (which is the remediation standard for open space).*

*The site audit statement shall be developed and prepared in accordance with the*

following:

- a) *The proponent shall engage the services of a site auditor holding current accreditation in accordance with sections 49 and 50 of the Contaminated Land Management Act 1997.*
  - b) *All remediation works shall be carried out in accordance with the requirements of the Contaminated Land Management Act 1997, environmental planning instruments applying to the site, guidelines made by the NSW Environment Protection Authority and PlanningNSW, Randwick City Council's Contaminated Land Policy 1999 and the Protection of the Environment Operations Act 1997.*
  - c) *The remediation of the site including ground water must fully comply with all relevant Commonwealth and State Legislation, Regulations and Standards.*
  - d) *Site remediation for any part of the site must be completed prior to the issue of a subdivision certificate for that part of the site. No subdivision certificate will be issued for any part of the site until the receipt by Council of an acceptable site audit statement for that part of the site.*
  - e) *Any beneficial reuse of material onsite is to be monitored and classified by a suitably experienced environmental specialist, together with the site auditor. Such material must be certified by of a Site Audit Statement (SAS) together with a Summary Site Audit Report (SSAR) in the format defined by the Contaminated Land Management Regulation 1998 and shall be furnished to Council **prior to the issue of a Construction Certificate** for above ground works or works not directly ancillary to a remediation process. The site audit statement issued to Council shall be unconditional, in that it requires no further monitoring, on going review or remedial actions, and shall cover both land and groundwater.*
  - f) *The Consultant and Auditor, in their assessment of appropriate soil investigation levels, must take into account all environmental concerns (for example, the potential effects on wildlife) and the protection of ground and surface water.*
  - g) *Any new information which comes to light during remediation, demolition or construction works which has the potential to alter previous conclusions about site contamination shall be notified to the Council and the Principal Certifying Authority immediately.*
2. *A revised stormwater study shall be submitted to Council for approval and be approved by Council. The revised study must have a plan with stormwater drainage calculations (compiled by a suitably experienced and qualified Civil Engineer) that determines the 1 in 100 year flood event for this area using the:-*

a. *"DRAINS" Urban Drainage Simulation Model*

*OR ALTERNATIVELY*

b. *"RAFTS" computer model. The applicant is to note that should the RAFTS computer model be submitted that the applicant shall pay all costs for Council to obtain the services of an experienced civil engineer to overview the submitted information.*

*Notes:- Rainfall intensities are to be calculated following the procedure demonstrated in chapter 2 Australian Rainfall & Runoff-1987 edition.*

*The following information must be submitted to the Council for checking and record purposes:*

*a) All data files on 3 1/2" MS-DOS formatted diskettes together with a suitable index to relate data files to the various run parameters.*

*b) Plans showing:*

- Total catchment area.*
- sub-catchments and areas and nomenclature used to define the various piped reaches.*
- Overland flow paths.*
- Location and sections of all drainage lines showing:*
- Pipe sizes and grades*
- Pit/gully surface levels as well as invert levels of inlet and outlet pipe.*
- Proposed finished surface levels and 0.2m contours over the development site.*
- All levels to Australian Height Datum.*

*c) The stormwater drainage details shall include the:*

- a. Catchment area to the north of Oberon Street*
- b. Diversion of the Canberra Street stormwater pipeline to the low point in Bundock Street (adjacent to 90 Bundock Street). The construction of the associated pipeline diversion works along Bundock Street shall be carried out by the applicant with the adjacent staged subdivision works (Master Plan – Staging Plan, Stage 2.)*
- c. Low point of the Banksia Road diverted to the existing Council stormwater pipeline (line 1E located along Hendy Street)*
- d. Stormwater drainage from the proposed Community Centre redirected to a junction pit located on the existing Council stormwater pipeline Line 2E (located adjacent to Mantelet Street)*
- e. Stormwater pipeline in Mantelet Street directed to under the proposed Western Viewing Platform in the Wetland.*
- f. Lot 33 shall have a minimum 0.9 metres wide drainage easement created along the western side to service proposed lot 23.*
- g. The proposed GPT's shall be located within the road carriageways.*
- h. Details of the proposed property levels adjacent to the low point pit in Bundock Street (ie opposite 90 Bundock Street).*

*Note: to reduce the stormwater ponding depth in Bundock Street, the applicant should:*

- i. replace the existing 200mm high kerb with a 150mm kerb and gutter.*
- ii. Provide suitable transitions between the 200mm kerb and the new 150mm kerb.*

*The following guides are suggested to force the overland flow to the proposed*

*pathway (subject to the final stormwater drainage calculations):*

- iii. the property boundary adjacent to the Council stormwater low point pit (i.e opposite 90 Bundock Street) designed 50mm below the resultant top of kerb.*
- iv. The future pathway at the Bundock Street property boundary (pathway located to the west of Stage 1A) should be approximately 100mm below the resultant top of kerb at the Council stormwater low point pit.*

3. *The applicant shall submit to Council for approval, and have approved, a specification for the:*

- a. Supply, laying and backfilling of the stormwater pipelines.*
- b. Construction of stormwater pits and other associated structures.*

*The applicant shall note the following when preparing the specification:*

*a) All future Council stormwater pipelines shall be constructed with spigot and socket rubber ringed jointed, steel reinforced concrete pipeline (RRRCP). The Council stormwater pipelines shall be a minimum of 375mm diameter. Prior to backfilling, the pipeline shall be inspected and approved by the Certifying Authority.*

*Generally backfill material for the pipeline trench shall be:-*

- clean sand.*
- watered in.*
- compacted in 150 mm layers with a minimum 97% relative compaction.*

*Note that should Council be the Certifying Authority, the applicant shall liaise with Council's Director of Asset and Infrastructure regarding payment for the required inspections (2 working days clear notice shall be given prior to the required inspection/s)*

*b) All standard extended kerb inlet pits shall be constructed:-*

- (i) in "situ" (a precast pit will be acceptable only in a park or reserve).*
- (ii) in accordance with Council's drawings SD 3 or SD 8 (subject to the depth and/or the size of the pipeline).*
- (iii) with a minimum concrete strength of 32 Mpa.*

*c) All standard junction pits shall be constructed:-*

- (i) in "situ" (a precast pit will be acceptable only in a park or reserve).*
- (ii) in accordance with Council's drawing SD 4.*
- (iii) with a minimum concrete strength of 32 Mpa.*

*d) All other pits that cannot be constructed to the above details shall be designed by a structural engineer. The detail of the pit/s shall in general, be similar to SD 3 (for an inlet pit) or SD 4 (for a junction pit). Note that all pits shall be:-*

- (i) *benched with a minimum 75 mm concrete.  
constructed with a minimum concrete strength of 32 Mpa.*

*Evidence required to satisfy the above conditions must be submitted to Council within 12 months of the date of this consent in accordance with Clause 95(3) of the Environmental Planning and Assessment Amendment Regulation 1998, or the consent will lapse.*

### ***Development Consent Conditions***

*Subject to compliance with the deferred commencement conditions, to the satisfaction of the Director Planning and Environment, development consent is granted under Section 80 & 80A of the Environmental Planning and Assessment Act 1979 subject to the following conditions:*

1. *The development must be implemented substantially in accordance with the plans numbered DA1, DA2, 3298-1A-SP1, 3298-1A-SP2, 3298-1A-LS1, 3298-1A-LS2, 3298-1A-LS3, 3298-1A-XS1, 3298-1A-XS2, 3298-1A-XS3, 3298-1A-XS4, 3298-1A-XS5, 3298-1A-XS6, 3298-1A-XS7, L-1A-01, L-1A-13, and L-EP-01 received by Council on 13 May 2002, and amended plans entitled Stage 1A Buffer Zones and Stage 1A Buffer Zones - Musket St Section a-a dated 15 July 2002 and received by Council on 24 July 2002, the application form, and on any supporting information received with the application, any plans specifications report study or information submitted in relation to the deferred commencement conditions and any conditions of approval of any plan specification report or study, except as may be amended by the following conditions and as may be shown in red on the attached plans:*
2. *Any beneficial reuse of material onsite is to be monitored and classified by a suitably experienced environmental specialist, together with the site auditor. Such material must be certified by of a Site Audit Statement (SAS) together with a Summary Site Audit Report (SSAR) in the format defined by the Contaminated Land Management Regulation 1998 and shall be furnished to Council **prior to the issue of a Construction Certificate** for above ground works or works not directly ancillary to a remediation process. The Consultant and Auditor, in their assessment of appropriate soil investigation levels, must take into account all environmental concerns (for example, the potential effects on wildlife) and the protection of ground and surface water.*
3. *Hazardous or intractable wastes arising from the demolition process being removed and disposed of in accordance with the requirements of WorkCover NSW and the Environment Protection Authority, and with the provisions of:*
  - *New South Wales Occupational Health and Safety Act, 2000;*
  - *The Occupational Health and Safety (Hazardous Substances) Regulation 2001;*
  - *The Occupational Health and Safety (Asbestos Removal Work) Regulation 2001;*
  - *Protection Of the Environment Operations Act 1997 (NSW) and*
  - *Environment Protection Authority's Environmental Guidelines; Assessment, Classification and Management of Liquid and Non Liquid Wastes (1999).*
4. *Should any underground tanks be discovered they shall be removed in accordance with:*
  - *Australian Institute of Petroleum's (AIP) Code of Practice for the Design, Installation and Operation of Underground Petroleum Storage Systems (CP4-1998); and*

- *WorkCover Authority requirements (this requires writing in advance to the Chief Inspector of Dangerous Goods, WorkCover Authority, Locked Bag 10, Clarence Street, Sydney 2000 and complying with conditions imposed).*

*In the event of conflict between AIP Code of Practice and WorkCover requirements the latter shall prevail.*

5. *Any odours from excavated materials shall be mitigated by the use of an odour suppressant, such as Biosolve, and shall not give rise to an offensive odour as defined in the Protection of the Environment Operations Act 1997. Stockpiles shall also be covered and dampened down to reduce odour and dust impacts.*
6. *Any fill importation to the site is to be monitored and classified by the site auditor appointed for remediation of the site or a person with his qualifications. Only 'virgin excavated natural material' is to be imported to the site, as defined within the NSW EPA 'Environmental Guidelines; Assessment, Classification and management of Liquid and Non-Liquid Wastes. 1999'.*
7. *A Site Health & Safety Plan being prepared prior to the commencement of remediation works by the site auditor appointed for remediation of the site or a person with his qualifications. All works are to be carried out in accordance with this plan. This plan shall include:*
  - *hazard identification and control*
  - *site security*
  - *personal protective equipment*
  - *work zones and decontamination procedures*
  - *contingency plans and incident reporting*
  - *environmental monitoring*
8. *Any new information which comes to light during remediation, demolition or construction works which has the potential to alter previous conclusions about site contamination shall be notified to the Council and the Principal Certifying Authority immediately.*

***The following conditions are applied to provide adequate provisions for Energy Australia services/facilities:***

9. *The applicant shall submit to Council a plan and documentation together with details that an agreement has been reached between EnergyAustralia and the Applicant detailing the location and levels of, and timetable/schedule of works for the final cable relocation route for Energy Australia's three 33 kV cables which cross Lots 2 and 3 in DP100960, lots as shown in the adopted Master Plan. The cables are to be clear of all proposed residential allotments. These plans, documentations and details shall be submitted within twelve months of the date of this consent or prior to the issue of a sub-division certificate whichever is first.*

*The plan and documentation shall be developed and prepared in accordance, and accompanied, with the following:*

- a) *A timetable/schedule of works from EnergyAustralia detailing the network planning for the relocation and laying of the new 33KV cables within Lots 2 and 3 DP100960 and the de-commissioning and de-energising of the existing cables.*

- b) *Confirmation from EnergyAustralia that the proposed development can be provided an electricity supply without interrupting the supply to the surrounding locality.*
- c) *A forward works program prepared by EnergyAustralia and the Applicant showing the relationship between the “Commonwealth Works” with Lots 2 and 3 DP100960 and the provision of new cabling and the de-commissioning of existing cabling or a survey plan showing the location of the new cables and confirmation that the existing 33KV cables located within Lots 2 and 3 have been de-commissioned. The plan to confirm that the cables are clear of any proposed retail, commercial or residential development and the depth below finished ground level.*

***The following conditions are applied to provide adequate provisions for health/safety***

- 10. *The proponent shall appoint a suitably qualified Environmental/Community Liaison Officer, dedicated to the site to ensure strict compliance onsite with all conditions of consent and in particular to ensure all works comply with relevant provisions of the Protection of the Environment Operations Act 1997. The Officer shall also act as a liaison link, first point of contact with the community to act on any complaints arising. A monthly summary report shall be submitted to Council, detailing any complaints and the rectification actions.*
- 11. *A 24 hour complaints hot line shall be set up and maintained at all times, the number of which is to be displayed on signage around the perimeter of the site and notified to the surrounding community by newsletter.*
- 12. *The proponent shall take out insurance policies to cover for the amount of \$10,000,000 appropriately Consumer Priced indexed, to cover any damage to property and/or human health and any obligation to cover any further remediation work, for a period of forty years, environmental liability due to former soil and groundwater contamination found on site.*
- 13. *All trucks and service vehicles leaving the site shall go through a suitably constructed on site truck wash down area, to ensure no tracking of material occurs from the site onto roads adjoining the site. Details to be submitted to Council in the Site Management Plan.*

***The following conditions have been applied to ensure that noise emissions from the development satisfy legislative requirements and maintain reasonable levels of amenity to the area:***

- 14. *The proposed use of the premises and the operation of all plant and equipment shall not give rise to an ‘offensive noise’ as defined in the Protection of the Environment Operations Act 1997 and Regulations.*

*In this regard, the use of the premises and the operation of any plant or equipment on the site shall not give rise to an L10 sound pressure level which is 5dB(A) greater than the A-weighted L90 background sound pressure level, measured at any point on a residential boundary.*

***The following conditions are applied to ensure that adequate provisions are made for the***

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***management of waste from the development:***

15. *Adequate provisions are to be made within the premises for the storage, collection and disposal of waste and recyclable materials.*

*A Waste Management Plan is to be submitted to Council and approved by Council's Manager of Waste Services, in accordance with section 80A (2) of the Environmental Planning and Assessment Act 1979, prior to a construction certificate being issued for the proposed development.*

*The plan shall detail the type and quantity of waste to be generated by the development; demolition waste; construction waste; materials to be re-used or recycled; facilities/procedures for the storage, collection recycling & disposal of waste and the on-going management of waste.*

***The following conditions are applied to ensure that the development satisfies the provisions of the Environmental Planning and Assessment Act 1979 and Regulations:***

16. *All new building work must be carried out in accordance with the provisions of the Building Code of Australia (BCA), in accordance with Clause 98 of the Environmental Planning and Assessment Regulation 2000.*

***The following conditions are applied to ensure that the development satisfies the terms of Council's approval and relevant standards of construction, and to maintain adequate levels of health, safety and amenity during construction:***

17. *A sign must be erected on the site in a prominent, visible position, prior to commencing any demolition, excavation or building works, stating that 'unauthorised entry to the site is prohibited' and showing the name of the person in charge of the work site and a telephone number at which the person may be contacted outside working hours, in accordance with clause 78H of the Environmental Planning and Assessment Regulation 1994.*
18. *Prior to the commencement of any building works, a construction certificate must be obtained from the Council or an accredited certifier, in accordance with the provisions of the Environmental Planning & Assessment Act 1979 and Environmental Planning & Assessment Regulation 2000.*
19. *Prior to the commencement of any building work, a principal certifying authority must be appointed and Council is to be notified accordingly and, at least 2 days notice of the intention to commence building work must be given to Council, in accordance with the provisions of the Environmental Planning & Assessment Act 1979 and Environmental Planning & Assessment Regulation 2000.*
20. *A copy of the construction certificate, the approved plans & specifications and development consent conditions must be kept on the site at all times and be available to the Council officers upon request.*
21. *The building works are to be inspected by the principal certifying authority (or other suitably qualified person on behalf of the applicant) to monitor compliance with Council's approval and the relevant standards of construction.*

*Documentary evidence of compliance with Council's approval and relevant building*

*inspections, is to be maintained by the principal certifying authority.*

*Upon inspection of each stage of construction, the principal certifying authority (or other suitably qualified person on behalf of the applicant) is also required to ensure that adequate provisions are made for the following measures (as applicable), to ensure compliance with the terms of Council's approval:*

- *Sediment control measures.*
  - *Provision of perimeter fences or hoardings for public safety and restricted access to building sites.*
  - *Maintenance of the public place free from unauthorised materials, waste containers or other obstructions.*
22. *All excavations and backfilling associated with the erection or demolition of a building must be executed safely in accordance with appropriate professional standards and excavations are to be properly guarded and protected to prevent them from being dangerous to life or property.*
23. *An Occupation Certificate must be obtained from the principal certifying authority prior to any occupation of the building work encompassed in this development consent in accordance with the relevant provisions of the Environmental Planning & Assessment Act 1979.*
24. *Building and demolition works must only be carried out between the hours of 7.00am to 5.00pm on Monday to Friday inclusive, between 8.00am to 5.00pm on Saturdays and all building activities are strictly prohibited on Sundays and public holidays, except with the specific written authorisation of Council's Manager of Environmental Health and Building Services.*
25. *Temporary toilet facilities are to be provided, at or in the vicinity of the work site throughout the course of demolition and construction, at the rate of one toilet for every 20 persons or part of 20 persons employed at the site and the toilet facilities must be connected to a public sewer or other sewage management facility approved by Council.*
26. *Building materials, sand, soil, waste materials or construction equipment must not be placed upon the footpath, roadway or nature strip at any time and the footpath, nature strip and road must be maintained in a clean condition and free from any obstructions at all times.*
27. *Bulk bins/waste containers must not be located upon the footpath, roadway or nature strip at any time without the prior written consent of the Council, unless the waste container is located upon the road in accordance with the Roads & Traffic Authority Guidelines and Requirements, and the container is exempt from an approval under Council's Local Approvals Policy.*
28. *Any building/demolition works involving asbestos cement are to be carried out in accordance with the Work Cover New South Wales "Guidelines for Practices Involving Asbestos Cement in Buildings".*
29. *A Construction Site Management Plan is to be submitted to and approved by the principal certifying authority **prior to the commencement of demolition, excavation or building works.** The site management plan must include the following measures, as*

*applicable to the type of development:*

- *location and construction of protective fencing / hoardings to the perimeter of the site;*
- *location of site storage areas/sheds/equipment;*
- *location of building materials for construction;*
- *provisions for public safety;*
- *dust control measures;*
- *site access location and construction*
- *details of methods of disposal of demolition materials;*
- *protective measures for tree preservation;*
- *provisions for temporary sanitary facilities;*
- *location and size of waste containers/bulk bins;*
- *details of proposed sediment and erosion control measures;*
- *construction noise and vibration management.*

*The site management measures are to be implemented prior to the commencement of any site works and be maintained throughout the works, to maintain adequate levels of public health and safety. A copy of the approved Construction Site Management Plan must be maintained on site and be made available to Council officers upon request.*

30. *During construction stages, sediment laden stormwater run-off shall be controlled using the sediment control measures outlined in the manual for Managing Urban Stormwater – Soils and Construction, published by the NSW Department of Housing.*

*A soil and water management plan (SWMP) must be submitted to and approved by the principal certifying authority and implemented **prior to the commencement of any site works or activities.***

*The soil and water management plan must contain a site plan, detailing:*

- *the slope of the land*
- *site access points and access control measures*
- *location and type of all sediment control measures*
- *location of existing vegetation, to be retained*
- *material stockpile or storage areas and methods of sediment control*
- *location of existing and proposed drainage systems*
- *proposed disposal of site water*
- *location of building operations and equipment*
- *proposed re-vegetation details*

*All soil and water management measures must be maintained at all times throughout demolition, excavation, building and site works and a copy of the soil and water management plan is to be kept on-site and be made available to Council officers upon request.*

31. *Stockpiles of soil, sand, aggregate or other materials must not be located on any drainage line, natural watercourse, footpath, roadway or any public place and the stockpiles must be protected with adequate sediment control measures.*

*Building operations such as brick cutting, washing tools or equipment and mixing*

*mortar are not permitted on public footpaths, roadways, in any public place or any location which may lead to the discharge of materials into the stormwater drainage system.*

32. *A warning sign for soil and water management must be displayed in a prominent position on the building site, visible to both the public and site workers. The sign must be displayed throughout the construction period. Copies of a suitable warning sign are available at Council's Customer Service Centre for a nominal fee.*
33. *If the work involved in the erection or demolition of a building is likely to cause pedestrian or vehicular traffic in a public place to be obstructed or rendered inconvenient or the building involves the enclosure of a public place, a hoarding or fence must be erected between the work site and the public place.*

*If necessary, an awning is to be erected sufficiently to prevent any substance from, or in connection with, the work from falling into the public place or adjoining premises.*

*The public place adjacent to the work site must be kept lit between sunset and sunrise if it is likely to be hazardous to persons in the public place and any such hoarding, fence or awning is to be removed upon completion of the work.*

*The public safety provisions and temporary fences must be in place prior to the commencement of any demolition, excavation or building works and be maintained throughout construction.*

*If it is proposed to locate any hoardings, site fencing or amenities upon a footpath or public place, the written consent from Council's Building Services section must be obtained beforehand and detailed plans are to be submitted to Council for consideration, together with payment of the weekly charge in accordance with Council's adopted fees and charges.*

34. *A temporary timber crossing is to be provided to the site entrance across the kerb and footway area, with splayed edges, unless access is via an existing concrete crossover.*
35. *The applicant/builder is required to hold Public Liability Insurance, with a minimum liability of \$5 million and a copy of the Insurance cover is to be provided to Council.*

***The following conditions are applied to ensure that the development satisfies relevant standards of construction, and to maintain adequate levels of health, safety and amenity during construction:***

36. *During construction stages, sediment laden stormwater run-off shall be controlled using the sediment control measures outlined in the manual for Managing Urban Stormwater – Soils and Construction, published by the NSW Department of Housing*

*Details of the proposed sediment control measures must be submitted to and approved by the principal certifying authority **prior to the commencement of any site works.** The sediment and erosion control measures must be implemented prior to the commencement of any site works and a copy of the approved details must be made available to Council officers upon request.*

*Details of proposed sediment and erosion control measures shall include; a site plan; indicating the slope of land, access points & access control measures, location and*

*type of sediment & erosion controls, location of existing vegetation to be retained, location of material stockpiles and storage areas, location of building operations and equipment.*

***The following conditions are applied to provide adequate security against damage to Council's infrastructure:***

37. *The following security deposits requirements are to be complied with prior to a construction certificate being issued for the development, as security for making good any damage caused to the roadway, footway, verge or any public place; or as security for completing any public work; and for remedying any defect on such public works, in accordance with section 80A(6) of the Environmental Planning and Assessment Act 1979:*

a) *\$ 100,000.00 Security damage deposit*

*The damage deposit may be provided by way of a cash or cheque, or bank guarantee acceptable under Council policy 3.02.08, with the Council and is refundable upon the applicant advising Council, in writing, of the completion of all site construction works.*

*The applicant is to advise Council in writing and/or photographs of any signs of existing damage to the Council roadway, footway, or verge prior to the commencement of any building/demolition works.*

38. *Prior to a construction certificate being issued for the development, the applicant must lodge with Council a Bond (i.e. a deposit refundable in terms of the approval) in the form of cash or cheque, or bank guarantee acceptable under Council policy 3.02.08, for the amount of \$500,000. This Bond is to ensure the construction of civil works as conditioned elsewhere for Bundock Street and surrounding streets.*

*The Bond will be released upon the applicant meeting the costs and conditions for Council to carry out the infrastructure works.*

*The following conditions are applied to provide adequate provisions for future civil works in the road reserve:*

39. *The design alignment level at the Bundock Street property boundary for driveways, road pavements, access ramps and pathways or the like, must be obtained in writing from Council's Department of Asset and Infrastructure Services prior to the commencement of any site construction works.*

*Any enquiries regarding this matter should be directed to Council's Assets & Infrastructure Services Department.*

*The design alignment level at the property boundary must be strictly adhered to.*

40. *The above alignment levels have been issued by the Council's Department of Asset & Infrastructure Services at a prescribed fee of \$ 6475.00 calculated at \$17.60 (inclusive of GST) per metre of site frontage. This amount is to be paid prior to the commencement of any site construction works and/or the issuing of alignment levels for the Bundock Street site boundary.*

41. *The design alignment levels issued by Council and their relationship to the roadway/kerb/footpath must be indicated on the civil plans for the proposed development. The design alignment level at the street boundaries, as issued by the Council, must be strictly adhered to.*

*The following conditions are applied to provide adequate provisions for access, transport and infrastructure:*

42. *Prior to the commencement of any construction works within the development site the applicant shall submit to Council for approval, and have approved, engineering details, specifications, plans and quality plans for all filling/excavation works, roadworks, kerb and gutter construction, footpath construction, construction of earth retaining structures, play equipment, landscaping works and site regrading, (including detailed levels, contours and cross sections that make reference to both existing and proposed surface levels). The engineering details and specifications shall include level and survey information, materials to be used, construction techniques and testing procedures and shall be prepared in consultation with Council and to the satisfaction of the Certifying Authority. The engineering details and specifications for any road construction shall be generally in accordance with the Design and Construction Specification and Council approved addenda for Stage 1A and associated civil works Contract No. MPDU 38/02.*
43. *All civil construction works within/associated with the development site shall be constructed in accordance with the approved engineering details and specifications referred to above and shall be undertaken and paid for by the applicant. The Certifying Authority shall undertake site inspections prior to backfilling of stormwater drainage lines, pouring of kerb and gutter and at suitable stages during construction of roads, as determined by the Certifying Authority. Should Council be the Certifying Authority, and prior to the commencement of any site construction works, the applicant shall meet with Council to determine guidelines for Council inspections of the site and a fee structure for payment to Council for site inspections made.*
44. *That the applicant submit to Council an Unconditional Bank guarantee in a form specified by Council in the amount of \$500,000 for the proper performance of the infrastructure transferred to Council for the full period of the defects liability period. A fifty-two week defects liability period shall apply, commencing from the date of Councils Acceptance of the public roads and lands and the provision of the abovementioned unconditional bank Guarantee.*
45. *All Energy Australia Service turrets shall be recessed wholly into the property boundaries, so that the turrets do not cause a trip hazard and the turrets do not hinder or obstruct the movement, access and enjoyment of the road reserve.*
46. *Road intersections shall be designed so that garbage trucks with a 12.8 metre turning radius can navigate through all intersections without mounting medians and kerbs. Larger trucks such as 12.5 metre removalist trucks must be able to navigate the intersections without mounting Kerbs but may mount medians provided that the medians are reinforced to the satisfaction of Council. Plans detailing the adequacy of all intersection with respect to truck movements must be submitted to Council for approval prior to the commencement of site works.*
47. *The applicant shall provide asset data to Council in a suitable form for incorporation into Council's asset management systems. The applicant is advised to contact*

*Council's Assets Co-Ordinator to discuss Council's requirements for the asset data.*

48. *All quality tests and infrastructure certifications shall be submitted for Council's acceptance prior to Council releasing the plan of subdivision and the acceptance of infrastructure that is to be transferred to Council's care and control.*
49. *Where the approved specification requires concrete roads to have an asphaltic wearing course, the asphaltic wearing course shall be stone mastic asphalt 10mm nominal aggregate size with a wearing course depth of 30mm.*
50. *Prior to the commencement of any site construction works the applicant shall submit for approval, and have approved, a detailed traffic management plan. The traffic management plan shall be submitted to Council, for approval by the Regional Traffic Committee, the Roads and Traffic Authority and Council, and shall address the potential adverse impact of traffic generated by the future development of proposed Lots 21 to 32 inclusive, (as shown on Drawing DA2 in Volume 3 being the subject of this application), and the redevelopment of Lot 2 DP 1009660 as proposed in the Master Plan submission adopted by Council. The applicant shall meet the full cost for the construction of all traffic facilities as required to comply with the recommendations of the approved Traffic Management Plan.*

*The construction staging for installation of the traffic facilities/traffic calming devices shall be determined by Council based on increased vehicle movements in Bundock Street and surrounding streets generated by this and future developments within the Defence Master Plan site.*

51. *Details of any cutting or filling works required within the road reserve in order to gain access to the site to carry out the excavation and building works must be submitted to and approved by the Director of Asset and Infrastructure Services, in accordance with section 80A (2) of the Environmental Planning and Assessment Act 1979, prior to the commencement of construction works on the development site. The cutting and filling work must be carried out by the Council at the applicant's cost.*
52. *The existing concrete road shall be closed with suitable traffic barriers and traffic warning signs on the northern approach to Xyris Street to form 90o bend.*
53. *A Construction Traffic Management Plan must be prepared and approved by the RTA and Council prior to the commencement of any works, and include details of the temporary signalisation of Avoca Street / site access road of development. The Construction Management Traffic Plan shall be complied with.*
54. *All construction traffic must access the site to and from Avoca Street through a signalised intersection (temporary or permanent) with an opening in the median of Avoca Street to enable only right turn movements from the site in order to access Rainbow Street (west of Avoca Street) to the Nine Ways roundabout.*
55. *Drawing No.3298-1A-SPI Issue D dated 9 May 2002 shall be amended to clearly indicate priority controls at the intersections of Hendy Street / Bundock Street and Hendy Street / Xyris Street.*
56. *All kerb ramps be designed and constructed to RTA Technical Direction TDT 2002/08.*

57. *The design traffic for the flexible pavement design for all internal roads in Stage 1B of the development shall be 1,500,000 ESAs.*
58. *The applicant must meet the full cost for Council, or a Council approved contractor, to:*
  - (a) *Construct a 3.0 metre wide concrete shared footpath along the southern side of Bundock Street going from Avoca Street to Elphinstone Road.*
  - (b) *Mill and fill the central lanes of Bundock Street with 150mm of Deep Lift AC20, edge mill adjacent to the gutter lip and resheet the entire road with 50mm AC 10 from Avoca Street to the new pavement east of Henty Avenue.*
59. *The applicant must meet the full cost for Council or a Council approved contractor to repair/replace any damaged sections of Council's footpath, kerb & gutter, nature strip etc, which are due to construction works being carried out at the above site. This includes the removal of cement slurry from Council's footpath and roadway.*
60. *All external work carried out on Council property shall be in accordance with Council's Policy for "Vehicular Access and Road and Drainage Works".*

***The following conditions are applied to provide adequate provisions for temporary road:***

61. *A temporary road extending from the western end of Xysis Street within the Stage 1A Site is to be constructed on proposed Lot 34 in general accordance with Drawing DW04 in Volume 2 of the Statement of Environmental Effects, and a right of carriageway is to be registered on proposed Lot 34 permitting the use of the temporary road for temporary access to the community centre on Lot 11 in the plan in Drawing DW01 in Volume 2 of the Statement of Environmental Effects, before completion of the community centre*

***The following conditions are applied to provide adequate consideration for service authority assets:***

62. *A public utility impact assessment must be carried out on all public utility services on the site, roadway, nature strip, footpath, public reserve or any public areas associated with and/or adjacent to the development/building works and include relevant information from public utility authorities and exploratory trenching or pot-holing, if necessary, to determine the position and level of service.*
63. *All public utility services located within the development site shall be suitably located underground and in compliance with the requirements/conditions imposed by the various service authorities.*
64. *The applicant must meet the full cost for Telstra, Energy Australia, Sydney Water or Natural Gas Company to adjust/repair/relocate their services as required. The applicant must make the necessary arrangements with the service authority.*

*Suitable easements for the utility services and documentation from the associated utility service provider that all services have been installed to their requirements and satisfaction shall be submitted to The Certifying Authority prior to the release of the linen plans.*

*Note: there shall be no kiosks located within the future or existing Council road reserve. Any kiosk shall be located to the satisfaction and approval of Council and Energy Australia.*

65. *Documentary evidence from the relevant public utility authorities confirming that their requirements have been satisfied, must be submitted to the certifying authority prior to a construction certificate being issued for the development.*
66. *All street lighting and lighting within reserves shall be installed in accordance with the relevant Australian Standards and Roads and Traffic Authority standards for lighting of residential streets, collector roads, intersections, pedestrian and cycle ways and public reserves.*
67. *Prior to any construction works, the applicant shall submit and have approved by The Certifying Authority a compilation plan of all the public utilities.*

*Note that all public utilities that are parallel to the existing or proposed Council stormwater drainage pipelines shall be located a minimum of 1.5 metres from the centreline of the stormwater pipeline.*

*All site services shall be provided underground.*

68. *Any electricity substation required for the site is to be located within the site and is to be screened from view. The proposed location and elevation shall be shown on all detailed landscape drawings and specifications.*

***The following conditions are applied to provide adequate provisions for drainage and associated infrastructure:***

69. *Prior to the commencement of any site construction works the applicant shall submit to the Certifying Authority for approval, and have approved, a detailed stormwater drainage plan. The drainage plan is to generally be in accordance with the Stormwater Strategy as approved by Council for the deferred commencement approval. Details shall include, but not be limited to:*
  - a) *A detailed drainage study/analysis identifying the catchment areas upstream of the site and the stormwater flows generated from these catchments, together with the catchment areas within the site and the flows generated from it. The study/analysis shall identify the overland flow rates and depths of flow from storm events up to the 1 in 100 year annual recurrence interval within the streets of the subdivision. Information submitted shall be generally in accordance with the flood study requirements of the latest draft "FLOODPLAIN MANAGEMENT MANUAL" (ISBN 07313 0370 9).*
  - b) *Confirmation of the existing and proposed finished surface levels within the development site. Documentation of the change in surface levels is required together with volumes of material imported or exported from the site.*
  - c) *Gross pollutant trap details (GPT). Note that the GPT shall be designed in accordance Council's specification and guidelines for determining Gross Pollutant Trap/s.*
  - d) *Stormwater drainage plans, pipeline longitudinal sections and calculations in*

*general accordance with the recommendations of the Floodplain Management Manual” and “ Australian Rainfall and Runoff, 1997 Edition.*

- e) A hydraulic grade line analysis of the proposed stormwater drainage system shall be submitted for approval by the Certifying Authority.*
- f) Typical cross sections for all roads, laneways, private laneways/right of carriageways.*

*Prior to the final inspection or the release of the linen plan, a copy of the approved plans and details shall be submitted to Council, should Council not be the Certifying Authority.*

*70. The calculations, drawings, plans, longitudinal sections and details for the roads and stormwater drainage shall be submitted to and approved by the Certifying Authority. The details shall include the following information:*

- (a) A detailed drainage design at a scale of 1:200 and a catchment area plan at a scale of 1:1000 or as considered acceptable by the Certifying Authority, and drainage calculations prepared in accordance with the Institution of Engineers publication, Australian Rainfall and Run-off, 1987 edition.*
- (b) A layout of the proposed drainage system including pipe sizes, type, grade, length, invert levels, etc., dimensions and types of all drainage pipes and the connection into Council's stormwater system.*

*Note: Generally all proposed stormwater drainage pipelines that:*

- i. drain a low point and/or are located within an existing or proposed drainage easement shall be capable of discharging a minimum 1 in 20 year storm flow.*
- ii. drain an on grade road inlet pit shall be capable of discharging a minimum 1 in 10 year storm flow.*

- (c) Proposed finished surface levels and grades of roads, parks, internal driveways and access aisles, which are to be related to Council's, design alignment levels.*
- (d) Details of all stormwater overland flowpaths, (volume, depth, width and safety factor).*
- (e) The details of any special features that will affect the drainage design eg. the nature of the soil in the site and/or the presence of rock etc.*
- (f) A drainage plan and longitudinal section with all utility services accurately plotted for this stormwater pipeline must be provided. It should be noted that notwithstanding the calculations, the minimum pipe diameter acceptable within Council's street system and/or easement is 375mm.*
- (g) All public utility services, where they are to be laid parallel to the Council stormwater pipeline, shall be located a minimum of 1.5 metres from the centreline of the stormwater pipeline.*

*Prior to the final inspection or the release of the linen plan, a copy of the approved plans and details shall be submitted to Council, should Council not be the Certifying Authority.*

71. *The proposed internal roadways, drainage easements and overland flow routes shall be designed to drain the 1 in 100 year storm event and to consider personal and structure safety and the hazard factor, (product of velocity and depth of flow). This safety factor shall not exceed a value of 0.4 at any location. (ie  $VD < 0.4$ ).*
72. *A work-as-executed plan, prepared and signed by a registered surveyor and a suitably qualified hydraulic engineer, must be submitted to the certifying authority for approval, and be approved, prior to the release of the linen plans. The work-as-executed plan shall be submitted with documentary evidence demonstrating compliance with the stormwater drainage development conditions and the plans approved by the Certifying Authority.*

*The work-as-executed plan shall detail the location and finished surface levels of all civil works within and adjacent to the site including (but not limited to)*

- *the roads,*
- *stormwater drainage pits (including the internal dimensions, surface and invert levels, lintel size etc)*
- *pipelines (including the invert levels. pipeline diameters)*
- *overland flow paths, (including the volume, depth and width of the flow path) etc. with finished surface level contours at 0.2 metre intervals.*
- *utility services locations size and depths/levels*
- *levels of the resultant lot/s*

*For the overland flow paths the following details must be included:-*

- a) *cross sections showing the 1 in 100 year water level and the extent (depth and width)*
- b) *resultant gradients*

*Note: Prior to the final inspection or the release of the linen plan a copy of all WAE civil drawings, stormwater calculations (on hard copy and on disk) are to be submitted to Council, should Council not be the Certifying Authority.*

73. *The applicant's engineer shall carry out site inspections and certify that all civil structural works within Council's road reserve (eg all steel reinforcement, concrete works, laying of pipelines, pavements, etc.) have been constructed and inspected under his/her supervision.*

*The engineer must also certify that the civil and stormwater drainage works, (including GPT's), have been constructed:-*

- a) *in accordance with the approved plans and conditions of consent and Master Plan.*
- b) *to the requirements of the Council approved specification.*
- c) *in a workman like manner.*
- d) *to his/her requirements and satisfaction.*

*e) to the manufacturer's requirements and conditions (eg – GPT's).*

74. *The existing Council controlled stormwater pipelines that burden the site, shall be fully protected during all excavation and construction works. Details of how it is proposed to protect and maintain Council controlled pipelines during the construction works shall be submitted to the Certifying Authority for approval, and be approved, prior to the commencement of any site construction works.*

*Note that all exiting Council stormwater pipelines that are located under a road pavement shall be reconstructed with a new stormwater drainage pipeline (eg the existing pipeline located under the proposed extension of Hendy Street - part Line 1E).*

75. *Prior to the final Certifying Authority inspection, the applicant shall submit to the Certifying Authority CCTV videos of all existing and to be dedicated Council stormwater pipelines for the drainage of stormwater through the site. Such CCTV shall inspect all stormwater pipes for any construction damage.*

*The applicant shall note that should this pipeline be damaged, Council will require that the damaged pipeline be reconstructed with associated junction pits. All costs associated with removing and constructing the pipeline and associated works shall be met by the applicant.*

76. *The GPTs shall be regularly inspected, maintained and cleaned by the applicant, to the Certifying Authority's satisfaction, for a minimum period of 12 months from the date of completion of all civil works.*

77. *Construction zone run-off controls (haybales, sedimentation basins etc.) are to be inspected regularly and during and after rainfall to assess performance. The Certifying Authority will require weekly reports on effectiveness/maintenance of all sedimentation controls and practices.*

78. *A sediment and erosion controls plan as in accordance with the EPA's Managing Urban Stormwater: Construction Activities shall be submitted to and approved by the Certifying Authority. Note this shall include a floating boom and silt curtain and/or other equivalent sediment and erosion control measures installed over the western stormwater pipeline outlet into the wetland.*

*Such sediment and erosion controls shall to be regularly inspected and maintained.*

79. *Prior to the release of the linen plan, the applicant shall create a minimum 3.0 metre wide stormwater drainage easement/s over all Council stormwater pipelines that will burden a lot.*

***The following conditions are applied to provide adequate provisions for waste management:***

80. *Prior to the commencement of any site construction works the applicant shall submit to the Certifying Authority for approval, and have approved, the proposed method for collection of domestic waste for the development site. The applicant shall note that satisfactory collection of domestic waste may require alterations/modifications to the proposed road network and or travel lane/footpath/parking lane configuration of the road network.*

***The following conditions are applied to satisfy the provisions of Council's environmental plans, policies and codes for subdivision works:***

81. *The dedication and transfer to the Council of roads and drainage within the Stage 1A Site is to occur before the issuance of a construction certificate for any habitable building within the Stage 1A Site. The dedication and transfer is to occur at no cost to the Council.*
82. *Council will not accept dedication/care and control of any public reserve, road or other asset, (eg stormwater pipeline), until it is satisfied that all civil construction works, building works and landscape works have been carried out in accordance with the approved design plans and specifications and that all conditions of development consent relating to the area to be dedicated have been complied with.*

***The following conditions are applied to provide adequate provisions for open space/public domain***

83. *Prior to the commencement of any site construction works a Public Domain Plan for the site, (generally in accordance with the Public Domain and Landscape Plan in Drawing L-1A-01 in Volume 3 of the Statement of Environmental Effects), is to be submitted to Council for approval, and be approved. Such a plan shall demonstrate the strategies that are proposed for the urban design of the public domain (including open space reserves) and the provision of good pedestrian access, recreational diversity and environmental sustainability. These strategies shall be consistent with the Master Plan that has already been accepted by Council and Council's management requirements. The strategies will include*

- *tree planting strategy,*
- *water management strategies,*
- *footpath strategy,*
- *Park planning strategy*

*Further to this, the Public Domain Plan shall also include details of individual treatments throughout the site. These treatments shall be consistent with Council's management requirements. The details shall be a detailed design showing plans elevations, sections, the materials and finishes for the following elements, (where relevant):*

- *Street tree planting*
- *Design of public parks*
- *Park planting*
- *Footpath treatments*
- *Street furniture*
- *Street lighting*
- *Street signs*
- *Kerb ramps*
- *Park lighting*
- *Automatic irrigation systems*
- *Water features*
- *Playgrounds*
- *Pavements*

- *Retaining walls and balustrades*
- *Bicycle facilities*
- *Bus shelters*
- *Shade structures*

*The Public Domain Plan shall be complied with.*

***The following conditions are applied to provide adequate provisions for protection of the Randwick Environmental Park, landscaping and to maintain reasonable levels of environmental amenity:***

84. *The Applicant shall provide a written report of any breaches of the Randwick Environmental Park Conditions to Council's Bushland Management Technician by the next business day after any breach has occurred. The report shall be signed and dated and information in the report shall include, but not be limited to:*

- *The date of the breach;*
- *The nature, extent (including in time and area and a map) and degree of the breach;*
- *The cause of the breach;*
- *All persons involved in the breach, including: full first and last names; contact number/s; organisation/s and reason/s for being present;*
- *All witnesses to the breach, including: full first and last names; contact number/s and organisation/s; and*
- *All plant, equipment, machinery, vehicles, substances, etc. involved in the breach.*

*If Council becomes aware of a breach of the Randwick Environmental Park Conditions for which such a report has not been provided to Council, then Council may request such a report, which shall then be provided to Council within 24 hours.*

85. *Council officers shall be allowed access to all parts of the site, including the proposed Randwick Environmental Park, on request.*

86. *All personnel employed in relation to the development shall receive a site induction prior to commencement of work, which shall include relevant information regarding the proposed Randwick Environmental Park, including, but not limited to:*

- *the exact location of the proposed Randwick Environmental Park;*
- *the presence of nationally significant and threatened vegetation, a sensitive wetland and other native vegetation within the proposed Randwick Environmental Park;*
- *that the proposed Randwick Environmental Park area shall not be entered without written authorisation of the Applicant's Project Manager;*
- *that no disturbance to vegetation or soils shall occur within the proposed Randwick Environmental Park, except as in accordance with these conditions;*
- *that no temporary or permanent placement or storage of any items of plant, materials, tools, equipment, vehicles, etc. shall occur within the proposed Randwick Environmental Park, except as in accordance with these conditions;*
- *that, in any case, access to, disturbance to vegetation and soils in, and placement or storage of items in the proposed Randwick Environmental Park, where these conditions allow, shall be minimised;*

- *that no other foreign matter, including concrete, bitumen, road base, fill, soils, mulch, water, cement wash, chemicals, paint, etc., shall be placed in or allowed to enter the proposed Randwick Environmental Park;*
  - *the penalties for damaging threatened items and their habitats without authorisation;*
  - *relevant contact numbers, including the Applicant's Project Manager;*
  - *that contravention of any of the above shall be reported immediately to the Applicant's Project Manager by all persons involved in and witnessing such a contravention.*
87. *All personnel who have completed this induction shall sign an Induction Register stating that they have completed the induction and that this included all the above information. The Induction Register shall be available for inspection and reproduction at all times by Council.*
88. *No disturbance or removal shall occur to any Eastern Suburbs Banksia Scrub (the extent of which is taken to be as appears in the relevant map in the Working Draft Recovery Plan for Eastern Suburbs Banksia Scrub, prepared by National Parks and Wildlife Service NSW, September 2001) or Acacia terminalis subsp. terminalis or their habitats, without the concurrence of both National Parks and Wildlife Service NSW and Environment Australia.*
89. *No disturbance to or removal of any vegetation or soils shall occur within the proposed Randwick Environmental Park as a result of the proposed development. The only exceptions to this shall be:*
- *installation of protective fencing, as identified elsewhere in these conditions;*
  - *construction of a concrete pedestrian path from Lomandra St to Department of Housing land, at the northern-most edge of the proposed Randwick Environmental Park;*
  - *construction of a retaining wall, where necessary, adjacent to Banksia St/Ave (southern side) and Musket St (eastern side), as identified elsewhere in these conditions;*
- In the case of these exceptions, disturbance to and removal of vegetation or soils shall be minimised. In any case, no disturbance to or removal of vegetation or soils shall occur more than 2 metres into the proposed Randwick Environmental Park from the protective fence, pedestrian path or retaining wall. In locations where disturbance to or removal of soils has occurred, the area shall be immediately repaired to its state prior to commencement of development, as far as possible. The location, design and specifications of such protective fencing, pedestrian path, and retaining walls shall be approved by the certifying authority prior to the commencement of any construction.*
90. *To accommodate for any fall between the proposed development and the proposed Randwick Environmental Park, eg. adjacent to Banksia St/Ave (southern side) and Musket St (eastern side), retaining walls shall be installed. Retaining walls shall be made of concrete, (or suitable interlocking concrete blocks) and be vertical or no more than 10 degrees from vertical. The location, design, surface finish and specifications of such retaining walls shall be approved by the certifying authority prior to the commencement of any construction.*
91. *The following items, which are proposed within or partly within the proposed Randwick Environmental Park, shall not be installed anywhere within or partly within*

*the proposed Randwick Environmental Park:*

- *Stormwater lines or outlets (except as in accordance with these conditions);*
- *Batters, swales or level spreaders (referred to in Fitzsimmons, 12 July, 2002);*
- *Gross pollutant traps;*
- *Gravel pits.*

92. *No vehicular or pedestrian access relating to the proposed development shall be allowed to the proposed Randwick Environmental Park without the written authorisation of the Applicant's Project Manager and/or Council. The only exceptions to this shall be:*

- *installation of protective fencing as identified elsewhere in these conditions;*
- *construction of a concrete pedestrian path from Lomandra St to Department of Housing land, at the northern-most edge of the proposed Randwick Environmental Park;*
- *construction of a retaining wall, where necessary, adjacent to Banksia St/Ave (southern side) and Musket St (eastern side) as identified elsewhere in these conditions;*

*In the case of these exceptions, access shall be avoided whenever possible. In any case, there shall be no access more than 2 metres into the proposed Randwick Environmental Park from the protective fence, pedestrian path or retaining wall/s. All persons who have received written authorisation to enter the proposed Randwick Environmental Park by the Applicant's Project Manager shall sign an Access Register. The Access Register shall include the following information for every person each day he or she enters the proposed Randwick Environmental Park:*

- *full first and last names;*
- *organisation;*
- *address;*
- *contact telephone numbers;*
- *signature;*
- *date;*
- *detailed reason for access;*
- *description of all areas accessed, including by vehicles, machinery and plant, using management zone codes in the draft Plan of Management.*
- *Acknowledgement that this condition has been read and understood*

93. *The Access Register shall be available for inspection and reproduction at all times by Council. Council shall receive a full copy of the Access Register immediately after ownership of the Randwick Environmental Park is transferred to Council.*

94. *No liquids, semi-liquids or chemicals, including unset concrete, water, cement wash, paint, petroleum-based products, etc., shall be disposed of, placed in or where it may enter the proposed Randwick Environmental Park.*

95. *No temporary or permanent placement or storage of any items of plant, materials, tools, equipment, vehicles, etc. shall occur within the proposed Randwick Environmental Park in relation to the proposed development. The only exceptions to this shall be in relation to:*

- *installation of protective fencing, as identified elsewhere in these conditions;*

- *construction of a concrete pedestrian path from Lomandra St to Department of Housing land, at the northern-most edge of the proposed Randwick Environmental Park;*
- *construction of a retaining wall, where necessary, adjacent to Banksia St/Ave (southern side) and Musket St (eastern side), as identified elsewhere in these conditions;*

*In the case of these exceptions, placement and storage of any items shall be avoided whenever possible. In any case, no placement and storage of any items shall occur more than 2 metres into the proposed Randwick Environmental Park from the protective fence, pedestrian path or retaining wall/s. In locations where items have been placed or stored, the area shall be immediately repaired to its state prior to commencement of development, as far as possible.*

96. *An 1800mm high cyclone wire protection fence shall be installed along the entire boundary of the proposed Randwick Environmental Park where this is adjacent to the proposed development, prior to commencement of any site construction works. Installation and removal of the protection fence shall be overseen by Council's Bushland Management Technician. The only exceptions where the protection fence shall be other than along the boundary of the proposed Randwick Environmental Park shall be:*

- *Between the eastern end of Lomandra St and the Department of Housing land, where the protection fence shall be positioned no more than 4 metres south of the northern-most boundary of the proposed Randwick Environmental Park;*
- *On the southern side of Banksia St/Ave and eastern side of Musket St, where the protection fence shall be placed no more than 2 metres from the base of any retaining wall installed in accordance with these conditions.*

97. *Silt fencing shall be attached along the full length of the protection fencing and shall be maintained so as to ensure that no surface flows, sediment, fill, bitumen, road base, soils, mulch or other foreign matter enters the fenced area at any time. Silt fencing shall be attached within 24 hours of any given section of the protection fence being installed.*

98. *Council approved warning signs shall be permanently attached (and immediately repaired and replaced as necessary) to the protection fence at a maximum of 50 metre intervals. A final prototype of the warning sign to be used shall be provided to Council's Bushland Management Technician for approval and shall be altered as required by the Bushland Management Technician. Warning signs shall be attached within 24 hours of any given section of the protection fence being installed. Warning signs shall include at least all the following information:*

- *the presence of nationally significant vegetation and sensitive wetland within the fenced area;*
- *that the fenced area shall not be entered without written authorisation of the Applicant's Project Manager and / or Council;*
- *that no disturbance to vegetation or soils shall occur within the fenced area;*
- *that no temporary or permanent placement or storage of any items of plant, materials, tools, equipment, vehicles, etc. shall occur within the proposed Randwick Environmental Park;*
- *that no other foreign matter, including concrete, bitumen, road base, fill, soils, mulch, water, cement wash, chemicals, paint, etc., shall be placed in or*

- allowed to enter the proposed Randwick Environmental Park;
    - the penalties for damaging threatened items without authorisation;
    - relevant contact numbers, including the Applicant's Project Manager and Council's Bushland Management Technician (Tel:9399-0683);
    - that contravention of any of the above shall be reported immediately to the Applicant's Project Manager or Council's Bushland Management Technician.
99. *Permanent 1200mm high post and rail fencing with hinge-wire infill shall be installed along the proposed Randwick Environmental Park side of pedestrian paths on the southern side of Banksia St/Ave and eastern side of Musket St, where retaining walls have been specified in these conditions to accommodate any fall between the proposed development and the proposed Randwick Environmental Park. The location, design and specifications of such post and rail fencing shall be approved by the certifying authority prior to the commencement of any construction.*
100. *All overland flow of stormwater shall be permanently diverted away from the proposed Randwick Environmental Park, including from, but not limited to:*
- the proposed path between the eastern end of Lomandra St and Department of Housing land;
  - all other hard or soft surfaces adjacent to the proposed Randwick Environmental Park.
101. *No trees or shrubs, which are expected to grow over 1 metre high at maturity, shall be planted in locations where they will overshadow, at their maturity, any part of the proposed Randwick Environmental Park between 9am and 3pm on the winter solstice. This includes, but is not limited to, the following species proposed in the Development Application:*
- Araucaria columnaris - Musket St (eastern side) and Banksia St/Ave (southern side).*
102. *No species, which may spread from where they are planted into the local environment at any time in the future, shall be used in landscaping. This includes, but is not limited to, the following species proposed in the Development Applications:*
- turf grasses (except Stenotaphrum spp.);*
  - Dietes bicolor;*
  - Dietes grandiflora;*
  - Elvera 'Lavender Grass';*
  - Festuca glauca;*
  - Festuca glauca 'Golden Toupee';*
  - Imperata cylindrica;*
  - Lophostemon confertus;*
  - Lyriope muscari;*
  - Pennisetum alopecuroides;*
  - Poa labillardiera;*
  - Strelitzia reginae.*
103. *No species, which have been recorded as naturally occurring at the Defence land at Bundock St, Kingsford, shall be used in landscape planting. This includes, but is not limited to, the following species proposed in the Development Application:*

- *Kunzea ambigua*;
- *Xanthorrhoea* spp.

104. *A refundable deposit, in the form of cash or cheque, for the amount of \$50,000.00, shall be lodged with Council prior to issuing of a construction certificate for this application. The refundable deposit is placed as security to ensure that no detrimental environmental effect occurs within the proposed Randwick Environmental Park. The refundable deposit will be released at the time of completion of all works, providing that no detrimental environmental effect has occurred within the proposed Randwick Environmental Park throughout the construction works. Any contravention of Council's conditions relating to the proposed Randwick Environmental Park at any time during the development will result in the Council claiming all or part of the lodged security.*
105. *The applicant shall submit a detailed landscape design for all street frontages of the development in accordance with Council's Urban Design Guidelines for Randwick. The landscape design shall include trees, pavements, seat installations, bins and tree grates as required by Council's Landscape Architect – 9399 0786.*

*The Stage 1A Urban Design & Landscape Concept Plan Street Tree Layout, drawing number L-1A-01, issue B shows a number of proposed mass planting beds. These are required to be deleted from the proposed street frontage works.*

*The Landscape Design plans shall be submitted to and approved by Council's Director A & I Services in accordance with Section 80A(2) of the Environmental Planning and Assessment Act 1979, prior to the certifying authority issuing a construction certificate for the development.*

*All street furniture is required to be purchased through Council. Due to supply constraints, the applicant is required to place an order and pay for the required furniture three months prior to the estimated date for the completion of street frontage works.*

*The applicant shall note that the approved landscape works carried out on Council property, shall be in accordance with Council's requirements for Civil Works on Council property. An application for the cost of the landscape works on Council property is to be submitted to Council at the completion of the internal building works. An application fee shall be payable to Council for the quotation of the required works. The applicant may elect to use his contractor for the required works, subject to Council approval, however a design checking and supervision fee based on the lowest quotation from Council's nominated contractor will be required to be paid prior to the commencement of any works.*

*A refundable deposit in the form of cash or cheque of \$12,000.00 shall be lodged with Council prior to issue of a construction certificate for the proposed development in order to ensure the construction of the approved landscape works along the Hendy, Lomandra, Hendy (extension), Xyris, Banksia and Musket Street frontages.*

106. *In order to prevent the encroachment of motor vehicles into the landscaped areas a 150mm high concrete edge, (or equivalent treatment), shall be constructed between the landscaped areas and roadway. Such works shall be installed prior to the issue of a final Occupation Certificate.*

***The following conditions are applied to provide adequate provisions for tree management***

107. *Approval is granted for the removal of the following trees:*

- a) *All trees shown for removal on the Stage 1A Urban Design & Landscape Concept Plan Street Tree Layout, drawing number L-1A-01, issue B. A refundable deposit of \$18,000.00 is placed to ensure that the street trees shown on the Stage 1A Urban Design & Landscape Concept Plan Street Tree Layout, drawing number L-1A-01, issue B are installed in accordance with the approved landscape documentation. The refundable deposit will be released at the time of issue of a final occupation certificate by the certifying authority providing the trees are installed as per the approved Landscape Plan.*

*Any contravention of Council's landscape conditions at any time during the construction period or prior to the date a final occupation certificate is issued will result in the Council claiming all or part of the lodged security.*

***Advisory Matters***

1. *In order to organise for an inspection for the release of the security deposit, the applicant shall contact the Principal Certifying Authority for the development to liaise with Council's Asset & Infrastructure Department to arrange for an inspection of the landscaping to be carried out. Should the landscaping be found to be unsatisfactory, thus necessitating further inspections, the applicant is advised that each additional inspection will be charged at \$55.00 (incl.GST) and that this amount shall be paid into Account Number 41901939, Code RGJ at the Cashier on the Ground Floor of the Administrative Centre prior to any further inspection being carried out.*

*The applicant shall present the receipt at the Asset and Infrastructure Services counter on the First Floor to organise for a further inspection to be undertaken.*

2. *The applicant is to advise Council in writing and/or photographs of any signs of existing damage to the Council roadway, footway, or verge prior to the commencement of any building/demolition works.*

**MOTION: (Bastic/Andrews) SEE RESOLUTION.**

**AMENDMENT: (Notley-Smith/Matson)** that it be a condition of consent that a dedicated Council Environmental Officer be stationed on the site during the development phase.

**LOST.**

A division was called for by Crs Matson and Greenwood on the result of voting on the resolution. Voting was as follows:-

For	Against
Cr Andrews	Cr Greenwood
Cr Backes	Cr Matson
Cr Bastic	Cr Matthews
Cr Daley	Cr Notley-Smith
Cr Procopiadis	Cr Schick

**7.6 DIRECTOR PLANNING & COMMUNITY DEVELOPMENT'S REPORT 69/2002 - SUB-DIVISION OF LAND, CONSTRUCTION OF ROAD AND PATHWAY, PROVISION OF UTILITY SERVICES, AND MINOR EARTHWORKS AT 33-149 BUNDOCK STREET & 373A AVOCA ST, KINGSFORD. (D/0428/2002)**

**(Note: This item was dealt with prior to the Mayoral Minutes.)**

**(NOTE: A NOTICE OF RESCISSION MOTION WAS HANDED TO THE GENERAL MANAGER PRIOR TO THE CONCLUSION OF THE MEETING AND WILL BE CONSIDERED AT THE EXTRAORDINARY MEETING OF THE COUNCIL ON MONDAY, 23<sup>RD</sup> SEPTEMBER, 2002.)**

236 **RESOLUTION:** *(Andrews/Bastic) that:*

- A. *Council as the responsible authority grant its development consent as a Deferred Commencement under Section 80(3) of the Environmental Planning and Assessment Act 1979 (as amended) to Development Application No D/0428/2002 for sub-division of land, construction of road and pathway, provision of utility services and minor earthworks at 33-149 Bundock Street and 373A Avoca Street, Kingsford subject to the following conditions:-*

*Deferred Commencement Conditions*

*The consent is not to operate until the following material has been submitted to and approved by the Director of Planning and Community Development:*

1. *A Site Audit Statement (SAS) together with a Summary Site Audit Report (SSAR) in the format defined by the Contaminated Land Management Regulation 1998. The site audit statement issued to Council shall be unconditional, in that it requires no further monitoring, on going review or remedial actions, and shall cover both land and groundwater. The site Audit Statement must clearly state, where no standard exists, as with asbestos, that the remediated land is at an asbestos free level or to a level where no unacceptable health risk remains as confirmed in writing by NSW Department of Health. The entire site must be remediated to not less than the National Environmental Health Forum's health based soil investigation level (NEHF A) standard, with the exception of open space, which must be remediated to not less than (NEHF E) standard (which is the remediation standard for open space).*

*The site audit statement shall be developed and prepared in accordance with the following:*

- a) *The proponent shall engage the services of a site auditor holding current accreditation in accordance with sections 49 and 50 of the Contaminated Land Management Act 1997.*
- b) *All remediation works shall be carried out in accordance with the requirements of the Contaminated Land Management Act 1997, environmental planning instruments applying to the site, guidelines made by the NSW Environment Protection Authority*

*and PlanningNSW, Randwick City Council's Contaminated Land Policy 1999 and the Protection of the Environment Operations Act 1997.*

- c) *The remediation of the site including ground water must fully comply with all relevant Commonwealth and State Legislation, Regulations and Standards.*
  - d) *Site remediation for any part of the site must be completed prior to the issue of a subdivision certificate for that part of the site. No subdivision certificate will be issued for any part of the site until the receipt by Council of an acceptable site audit statement for that part of the site.*
  - e) *Any beneficial reuse of material onsite is to be monitored and classified by a suitably experienced environmental specialist, together with the site auditor. Such material must be certified by of a Site Audit Statement (SAS) together with a Summary Site Audit Report (SSAR) in the format defined by the Contaminated Land Management Regulation 1998 and shall be furnished to Council **prior to the issue of a Construction Certificate** for above ground works or works not directly ancillary to a remediation process. The site audit statement issued to Council shall be unconditional, in that it requires no further monitoring, on going review or remedial actions, and shall cover both land and groundwater.*
  - f) *The Consultant and Auditor, in their assessment of appropriate soil investigation levels, must take into account all environmental concerns (for example, the potential effects on wildlife) and the protection of ground and surface water.*
  - g) *Any new information which comes to light during remediation, demolition or construction works which has the potential to alter previous conclusions about site contamination shall be notified to the Council and the Principal Certifying Authority immediately.*
2. *The applicant shall submit to Council for approval, and have approved, a specification for the:*
- *Supply, laying and backfilling of the stormwater pipelines.*
  - *Construction of stormwater pits and other associated structures.*

*The applicant shall note the following when preparing the specification:*

- a) *All future Council stormwater pipelines shall be constructed with spigot and socket rubber ringed jointed, steel reinforced concrete pipeline (RRRCP). The Council stormwater pipelines shall be a minimum of 375mm diameter. Prior to backfilling, the pipeline shall be inspected and approved by the Certifying Authority.*

*Generally backfill material for the pipeline trench shall be:-*

- *clean sand.*
- *watered in.*
- *compacted in 150 mm layers with a minimum 97% relative compaction.*

*Note that should Council be the Certifying Authority, the applicant shall*

*liaise with Council's Director of Asset and Infrastructure regarding payment for the required inspections (2 working days clear notice shall be given prior to the required inspection/s)*

- b) *All standard extended kerb inlet pits shall be constructed:-*
  - (i) *in "situ" (a precast pit will be acceptable only in a park or reserve).*
  - (ii) *in accordance with Council's drawings SD 3 or SD 8 (subject to the depth and/or the size of the pipeline).*
  - (iii) *with a minimum concrete strength of 32 Mpa.*
  
- c) *All standard junction pits shall be constructed:-*
  - (i) *in "situ" (a precast pit will be acceptable only in a park or reserve).*
  - (ii) *in accordance with Council's drawing SD 4.*
  - (iii) *with a minimum concrete strength of 32 Mpa.*
  
- d) *All other pits that cannot be constructed to the above details shall be designed by a structural engineer. The detail of the pit/s shall in general, be similar to SD 3 (for an inlet pit) or SD 4 (for a junction pit). Note that all pits shall be:-*
  - (i) *benched with a minimum 75 mm concrete.*
  - (ii) *constructed with a minimum concrete strength of 32 Mpa.*

3. *Full design details for the following:*

- a) *The proposed vehicular crossings to serve the existing garages at 120 and 122A Holmes Street. The design details shall include cross sections taken at the centreline and extremities of the proposed vehicular crossings, such cross sections shall make provision for a 1.8 metre wide concrete footpath adjacent to the property alignment. The cross sections should clearly demonstrate that the potential for vehicular scraping problems is minimal and should demonstrate compliance with the relevant Australian standards with respect to changes of gradient.*
  
- b) *The proposed retaining walls along the Cooper Street frontages of 120 and 122A Holmes Street.*
  
- c) *Civil works as required in Holmes Street to maintain/provide suitable pedestrian access to 120 and 122A Holmes Street.*

*The applicant shall contact Council's Development Engineer to discuss Council's requirements with respect to vehicular and pedestrian access prior to preparation of the design details.*

*Evidence required to satisfy the above conditions must be submitted to Council within 12 months of the date of this consent in accordance with Clause 95(3) of the Environmental Planning and Assessment Amendment Regulation 1998, or the consent will lapse.*

***Development Consent Conditions***

*Subject to compliance with the deferred commencement conditions, to the satisfaction of the Director Planning and Environment, development consent is granted under Section 80 & 80A*

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of the Environmental Planning and Assessment Act 1979 subject to the following conditions:

1. *The development must be implemented substantially in accordance with the plans numbered DA1, DA2, 3298-1B-SP1, 3298-1B-LS1, 3298-1B-XS1, 3298-1B-XS2, 3298-1B-XS3, 3298-1B-XS4, L-B-1B-01, L-B-1B-02, and 4399-S7 received by Council on 13 May 2002, the application form, and on any supporting information received with the application, any plans specifications report study or information submitted in relation to the deferred commencement conditions and any conditions of approval of any plan specification report or study, except as may be amended by the following conditions and as may be shown in red on the attached plans:*
2. *Any beneficial reuse of material onsite is to be monitored and classified by a suitably experienced environmental specialist, together with the site auditor. Such material must be certified by of a Site Audit Statement (SAS) together with a Summary Site Audit Report (SSAR) in the format defined by the Contaminated Land Management Regulation 1998 and shall be furnished to Council **prior to the issue of a Construction Certificate** for above ground works or works not directly ancillary to a remediation process. The Consultant and Auditor, in their assessment of appropriate soil investigation levels, must take into account all environmental concerns (for example, the potential effects on wildlife) and the protection of ground and surface water.*
3. *Hazardous or intractable wastes arising from the demolition process being removed and disposed of in accordance with the requirements of WorkCover NSW and the Environment Protection Authority, and with the provisions of:*
  - *New South Wales Occupational Health and Safety Act, 2000;*
  - *The Occupational Health and Safety (Hazardous Substances) Regulation 2001;*
  - *The Occupational Health and Safety (Asbestos Removal Work) Regulation 2001;*
  - *Protection Of the Environment Operations Act 1997 (NSW) and*
  - *Environment Protection Authority's Environmental Guidelines; Assessment, Classification and Management of Liquid and Non Liquid Wastes (1999).*
4. *Should any underground tanks be discovered they shall be removed in accordance with:*
  - *Australian Institute of Petroleum's (AIP) Code of Practice for the Design, Installation and Operation of Underground Petroleum Storage Systems (CP4-1998); and*
  - *WorkCover Authority requirements (this requires writing in advance to the Chief Inspector of Dangerous Goods, WorkCover Authority, Locked Bag 10, Clarence Street, Sydney 2000 and complying with conditions imposed).*
  - *In the event of conflict between AIP Code of Practice and WorkCover requirements the latter shall prevail.*
5. *Any odours from excavated materials shall be mitigated by the use of an odour suppressant, such as Biosolve, and shall not give rise to an offensive odour as defined in the Protection of the Environment Operations Act 1997. Stockpiles shall also be covered and dampened down to reduce odour and dust impacts.*
6. *Any fill importation to the site is to be monitored and classified by the site auditor appointed for remediation of the site or a person with his qualifications. Only 'virgin excavated natural material' is to be imported to the site, as defined within the NSW EPA 'Environmental Guidelines; Assessment, Classification and management of*

*Liquid and Non-Liquid Wastes. 1999’.*

7. *A Site Health & Safety Plan being prepared prior to the commencement of remediation works by the site auditor appointed for remediation of the site or a person with his qualifications. All works are to be carried out in accordance with this plan. This plan shall include:*
  - *hazard identification and control*
  - *site security*
  - *personal protective equipment*
  - *work zones and decontamination procedures*
  - *contingency plans and incident reporting*
  - *environmental monitoring*
8. *Any new information which comes to light during remediation, demolition or construction works which has the potential to alter previous conclusions about site contamination shall be notified to the Council and the Principal Certifying Authority immediately.*

***The following conditions are applied to provide adequate provisions for Energy Australia services/facilities:***

9. *The applicant shall submit to Council a plan and documentation together with details that an agreement has been reached between EnergyAustralia and the Applicant detailing the location and levels of, and timetable/schedule of works for the final cable relocation route for Energy Australia’s three 33 kV cables which currently cross Lots 2 and 3 DP100960, lots as shown in the adopted Master Plan. The cables are to be clear of all proposed residential allotments. These plans, documentations and details shall be submitted within twelve months of the date of this consent or prior to the issue of a sub-division certificate whichever is first.*

*The plan and documentation shall be developed and prepared in accordance, and accompanied, with the following:*

- a) *A timetable/schedule of works from EnergyAustralia detailing the network planning for the relocation and laying of the new 33KV cables within Lots 2 and 3 DP100960 and the de-commissioning and de-energising of the existing cables.*
- b) *Confirmation from EnergyAustralia that the proposed development can be provided an electricity supply without interrupting the supply to the surrounding locality.*
- c) *A forward works program prepared by EnergyAustralia and the Applicant showing the relationship between the “Commonwealth Works” with Lots 2 and 3 DP100960 and the provision of new cabling and the de-commissioning of existing cabling or a survey plan showing the location of the new cables and confirmation that the existing 33KV cables located within Lots 2 and 3 have been de-commissioned. The plan to confirm that the cables are clear of any proposed retail, commercial or residential development and the depth below finished ground level.*

***The following conditions are applied to provide adequate provisions for health/safety***

10. *The proponent shall appoint a suitably qualified Environmental/Community Liaison*

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*Officer, dedicated to the site to ensure strict compliance onsite with all conditions of consent and in particular to ensure all works comply with relevant provisions of the Protection of the Environment Operations Act 1997. The Officer shall also act as a liaison link, first point of contact with the community to act on any complaints arising. A monthly summary report shall be submitted to Council, detailing any complaints and the rectification actions.*

11. *A 24 hour complaints hot line shall be set up and maintained at all times, the number of which is to be displayed on signage around the perimeter of the site and notified to the surrounding community by newsletter.*
12. *The proponent shall take out insurance policies to cover for the amount of \$10,000,000 appropriately Consumer Priced indexed, to cover any damage to property and/or human health and any obligation to cover any further remediation work, for a period of forty years, environmental liability due to former soil and groundwater contamination found on site.*
13. *All trucks and service vehicles leaving the site shall go through a suitably constructed on site truck wash down area, to ensure no tracking of material occurs from the site onto roads adjoining the site. Details to be submitted to Council in the Site Management Plan.*

***The following conditions have been applied to ensure that noise emissions from the development satisfy legislative requirements and maintain reasonable levels of amenity to the area:***

14. *The proposed use of the premises and the operation of all plant and equipment shall not give rise to an 'offensive noise' as defined in the Protection of the Environment Operations Act 1997 and Regulations.*

*In this regard, the use of the premises and the operation of any plant or equipment on the site shall not give rise to an L10 sound pressure level which is 5dB(A) greater than the A-weighted L90 background sound pressure level, measured at any point on a residential boundary.*

***The following conditions are applied to ensure that adequate provisions are made for the management of waste from the development:***

15. *Adequate provisions are to be made within the premises for the storage, collection and disposal of waste and recyclable materials.*

*A Waste Management Plan is to be submitted to Council and approved by Council's Manager of Waste Services, in accordance with section 80A (2) of the Environmental Planning and Assessment Act 1979, prior to a construction certificate being issued for the proposed development.*

*The plan shall detail the type and quantity of waste to be generated by the development; demolition waste; construction waste; materials to be re-used or recycled; facilities/procedures for the storage, collection recycling & disposal of waste and the on-going management of waste.*

***The following conditions are applied to ensure that the development satisfies the provisions of the Environmental Planning and Assessment Act 1979 and Regulations:***

16. *All new building work must be carried out in accordance with the provisions of the Building Code of Australia (BCA), in accordance with Clause 98 of the Environmental Planning and Assessment Regulation 2000.*

***The following conditions are applied to ensure that the development satisfies the terms of Council's approval and relevant standards of construction, and to maintain adequate levels of health, safety and amenity during construction:***

17. *A sign must be erected on the site in a prominent, visible position, prior to commencing any demolition, excavation or building works, stating that 'unauthorised entry to the site is prohibited' and showing the name of the person in charge of the work site and a telephone number at which the person may be contacted outside working hours, in accordance with clause 78H of the Environmental Planning and Assessment Regulation 1994.*

*In the case of residential building work, the sign is also required to detail the licence number of the building contractor or the permit number of the owner-builder, in accordance with the Home Building Act, 1989 and Regulations.*

18. *Prior to the commencement of any building works, a construction certificate must be obtained from the Council or an accredited certifier, in accordance with the provisions of the Environmental Planning & Assessment Act 1979 and Environmental Planning & Assessment Regulation 2000.*
19. *Prior to the commencement of any building work, a principal certifying authority must be appointed and Council is to be notified accordingly and, at least 2 days notice of the intention to commence building work must be given to Council, in accordance with the provisions of the Environmental Planning & Assessment Act 1979 and Environmental Planning & Assessment Regulation 2000.*
20. *A copy of the construction certificate, the approved plans & specifications and development consent conditions must be kept on the site at all times and be available to the Council officers upon request.*
21. *The building works are to be inspected by the principal certifying authority (or other suitably qualified person on behalf of the applicant) to monitor compliance with Council's approval and the relevant standards of construction.*

*Documentary evidence of compliance with Council's approval and relevant building inspections, is to be maintained by the principal certifying authority.*

*Upon inspection of each stage of construction, the principal certifying authority (or other suitably qualified person on behalf of the applicant) is also required to ensure that adequate provisions are made for the following measures (as applicable), to ensure compliance with the terms of Council's approval:*

- *Sediment control measures.*
- *Provision of perimeter fences or hoardings for public safety and restricted access to building sites.*
- *Maintenance of the public place free from unauthorised materials, waste containers or other obstructions.*

22. *An Occupation Certificate must be obtained from the principal certifying authority prior to any occupation of the building work encompassed in this development consent in accordance with the relevant provisions of the Environmental Planning & Assessment Act 1979.*
23. *A coloured works-as-executed fire services plan is to be submitted to the Council **prior to occupation** of the development, detailing the location of the essential fire safety measures installed within the building premises.*
24. *Building and demolition works must only be carried out between the hours of 7.00am to 5.00pm on Monday to Friday inclusive, between 8.00am to 5.00pm on Saturdays and all building activities are strictly prohibited on Sundays and public holidays, except with the specific written authorisation of Council's Manager of Environmental Health and Building Services.*
25. *Temporary toilet facilities are to be provided, at or in the vicinity of the work site throughout the course of demolition and construction, at the rate of one toilet for every 20 persons or part of 20 persons employed at the site and the toilet facilities must be connected to a public sewer or other sewage management facility approved by Council.*
26. *Building materials, sand, soil, waste materials or construction equipment must not be placed upon the footpath, roadway or nature strip at any time and the footpath, nature strip and road must be maintained in a clean condition and free from any obstructions at all times.*
27. *Bulk bins/waste containers must not be located upon the footpath, roadway or nature strip at any time without the prior written consent of the Council, unless the waste container is located upon the road in accordance with the Roads & Traffic Authority Guidelines and Requirements, and the container is exempt from an approval under Council's Local Approvals Policy.*
28. *Any building/demolition works involving asbestos cement are to be carried out in accordance with the Work Cover New South Wales "Guidelines for Practices Involving Asbestos Cement in Buildings".*
29. *A Construction Site Management Plan is to be submitted to and approved by the principal certifying authority **prior to the commencement of demolition, excavation or building works**. The site management plan must include the following measures, as applicable to the type of development:*
  - *location and construction of protective fencing / hoardings to the perimeter of the site;*
  - *location of site storage areas/sheds/equipment;*
  - *location of building materials for construction;*
  - *provisions for public safety;*
  - *dust control measures;*
  - *site access location and construction*
  - *details of methods of disposal of demolition materials;*
  - *protective measures for tree preservation;*
  - *provisions for temporary sanitary facilities;*
  - *location and size of waste containers/bulk bins;*
  - *details of proposed sediment and erosion control measures;*

- *construction noise and vibration management.*

*The site management measures are to be implemented prior to the commencement of any site works and be maintained throughout the works, to maintain adequate levels of public health and safety. A copy of the approved Construction Site Management Plan must be maintained on site and be made available to Council officers upon request.*

30. *During construction stages, sediment laden stormwater run-off shall be controlled using the sediment control measures outlined in the manual for Managing Urban Stormwater – Soils and Construction, published by the NSW Department of Housing.*

*A soil and water management plan (SWMP) must be submitted to and approved by the principal certifying authority and implemented **prior to the commencement of any site works or activities.***

*The soil and water management plan must contain a site plan, detailing:*

*the slope of the land  
site access points and access control measures  
location and type of all sediment control measures  
location of existing vegetation, to be retained  
material stockpile or storage areas and methods of sediment control  
location of existing and proposed drainage systems  
proposed disposal of site water  
location of building operations and equipment  
proposed re-vegetation details*

*All soil and water management measures must be maintained at all times throughout demolition, excavation, building and site works and a copy of the soil and water management plan is to be kept on-site and be made available to Council officers upon request.*

31. *Stockpiles of soil, sand, aggregate or other materials must not be located on any drainage line, natural watercourse, footpath, roadway or any public place and the stockpiles must be protected with adequate sediment control measures.*

*Building operations such as brick cutting, washing tools or equipment and mixing mortar are not permitted on public footpaths, roadways, in any public place or any location which may lead to the discharge of materials into the stormwater drainage system.*

32. *A warning sign for soil and water management must be displayed in a prominent position on the building site, visible to both the public and site workers. The sign must be displayed throughout the construction period. Copies of a suitable warning sign are available at Council's Customer Service Centre for a nominal fee.*

33. *If the work involved in the erection or demolition of a building is likely to cause pedestrian or vehicular traffic in a public place to be obstructed or rendered inconvenient or the building involves the enclosure of a public place, a hoarding or fence must be erected between the work site and the public place.*

*If necessary, an awning is to be erected sufficiently to prevent any substance from, or*

*in connection with, the work from falling into the public place or adjoining premises.*

*The public place adjacent to the work site must be kept lit between sunset and sunrise if it is likely to be hazardous to persons in the public place and any such hoarding, fence or awning is to be removed upon completion of the work.*

*The public safety provisions and temporary fences must be in place prior to the commencement of any demolition, excavation or building works and be maintained throughout construction.*

*If it is proposed to locate any hoardings, site fencing or amenities upon a footpath or public place, the written consent from Council's Building Services section must be obtained beforehand and detailed plans are to be submitted to Council for consideration, together with payment of the weekly charge in accordance with Council's adopted fees and charges.*

34. *A temporary timber crossing is to be provided to the site entrance across the kerb and footway area, with splayed edges, unless access is via an existing concrete crossover.*
35. *The applicant/builder is required to hold Public Liability Insurance, with a minimum liability of \$5 million and a copy of the Insurance cover is to be provided to Council.*

***The following conditions are applied to ensure that the development satisfies relevant standards of construction, and to maintain adequate levels of health, safety and amenity during construction:***

36. *Noise emissions during the construction of the building and associated site works must comply with the relevant provisions of the Protection of the Environment Operations Act 1997 & the Noise Control Manual published by the Environment Protection Authority, except as may be amended by the conditions of this approval.*
37. *During construction stages, sediment laden stormwater run-off shall be controlled using the sediment control measures outlined in the manual for Managing Urban Stormwater – Soils and Construction, published by the NSW Department of Housing*

*Details of the proposed sediment control measures must be submitted to and approved by the principal certifying authority **prior to the commencement of any site works.** The sediment and erosion control measures must be implemented prior to the commencement of any site works and a copy of the approved details must be made available to Council officers upon request.*

*Details of proposed sediment and erosion control measures shall include; a site plan; indicating the slope of land, access points & access control measures, location and type of sediment & erosion controls, location of existing vegetation to be retained, location of material stockpiles and storage areas, location of building operations and equipment.*

***The following conditions are applied to provide adequate security against damage to Council's infrastructure:***

38. *The following security deposits requirements are to be complied with prior to a construction certificate being issued for the development, as security for making good any damage caused to the roadway, footway, verge or any public place; or as security*

*for completing any public work; and for remedying any defect on such public works, in accordance with section 80A(6) of the Environmental Planning and Assessment Act 1979:*

a) \$ 50,000.00 Security damage deposit

*The damage deposit may be provided by way of a cash or cheque, or bank guarantee acceptable under Council policy 3.02.08, with the Council and is refundable upon the applicant advising Council, in writing, of the completion of all site construction works.*

*The applicant is to advise Council in writing and/or photographs of any signs of existing damage to the Council roadway, footway, or verge prior to the commencement of any building/demolition works.*

39. *Prior to a construction certificate being issued for the development, the applicant must lodge with Council a Bond (i.e. a deposit refundable in terms of the approval) in the form of cash or cheque, or bank guarantee acceptable under Council policy 3.02.08, for the amount of \$500,000. This Bond is to ensure the construction of civil works as conditioned elsewhere for Holmes and Cooper Streets.*

*The Bond will be released upon the applicant meeting the costs and conditions for Council to carry out the infrastructure works.*

*The following conditions are applied to provide adequate provisions for access, transport and infrastructure:*

40. *Prior to the commencement of any construction works within the development site the applicant shall submit to Council for approval, and have approved, engineering details, specifications, plans and quality plans for all filling/excavation works, roadworks, kerb and gutter construction, drainage works, construction of earth retaining structures, play equipment, landscaping works and site regrading, (including detailed levels, contours and cross sections that make reference to both existing and proposed surface levels). The engineering details and specifications shall include level and survey information, materials to be used, construction techniques and testing procedures and shall be prepared in consultation with Council and to the satisfaction of the Certifying Authority. The engineering details and specifications for any road construction shall be generally in accordance with the Design and Construction Specification and Council approved addenda for Stage 1A and associated civil works Contract No. MPDU 38/02.*
41. *All civil construction works within/associated with the development site shall be constructed in accordance with the approved engineering details and specifications referred to above and shall be undertaken and paid for by the applicant. The Certifying Authority shall undertake site inspections prior to backfilling of stormwater drainage lines, pouring of kerb and gutter and at suitable stages during construction of roads, as determined by the Certifying Authority. Should Council be the Certifying Authority, and prior to the commencement of any site construction works, the applicant shall meet with Council to determine guidelines for Council inspections of the site and a fee structure for payment to Council for site inspections made.*
42. *That the applicant submit to Council an Unconditional Bank guarantee in a form specified by Council in the amount of \$500,000 for the proper performance of the*

*infrastructure transferred to Council for the full period of the defects liability period. A fifty-two week defects liability period shall apply, commencing from the date of Councils Acceptance of the public roads and lands and the provision of the abovementioned unconditional bank Guarantee.*

43. *All Energy Australia Service Turretts shall be recessed wholly into the property boundaries, so that the turretts do not cause a trip hazard and the turretts do not hinder or obstruct the movement, access and enjoyment of the road reserve.*
44. *Road intersections shall be designed so that garbage trucks with a 12.8 metre turning radius can navigate through all intersections without mounting medians and kerbs. Larger trucks such as 12.5 metre removalist trucks must be able to navigate the intersections without mounting Kerbs but may mount medians provided that the medians are reinforced to the satisfaction of Council. Plans detailing the adequacy of all intersection with respect to truck movements must be submitted to Council for approval prior to the commencement of site works.*
45. *Provision of all asset data in a suitable form for incorporation into Council's asset management systems.*
46. *All quality tests and infrastructure certifications shall be submitted for Council's acceptance prior to Council releasing the plan of subdivision and the acceptance of infrastructure that is to be transferred to Council's care and control.*
47. *Where the approved specification requires concrete roads to have an asphaltic wearing course, the asphaltic wearing course shall be stone mastic asphalt 10mm nominal aggregate size with a wearing course depth of 30mm.*
48. *Prior to the commencement of any site construction works the applicant shall submit for approval, and have approved, a detailed traffic management plan. The traffic management plan shall be submitted to Council, for approval by the Regional Traffic Committee, the Roads and Traffic Authority and Council, and shall address the potential adverse impact of traffic generated by the future development of proposed Lot 18, (the subject of this application), and the redevelopment of Lot 3 DP 1009660 as proposed in the Master Plan submission adopted by Council. The applicant shall meet the full cost for the construction of all traffic facilities as required to comply with the recommendations of the approved Traffic Management Plan.*
49. *The applicant shall meet the full cost for Council, or a Council approved contractor, to construct the following:*
  - a) *Traffic calming works in Holmes Street, between Avoca Street and Henning Avenue.*
  - b) *Traffic calming works at the approach to Holmes Street from the south in Benvenue Street, Ian Street, Loch Maree Street, Garrett Street, Garden Street and Cooper Street.*
  - c) *Channelisation in Benvenue Street, on the northern approach to Holmes Street, to restrict movement to and from Benvenue Street to left turns only.*
  - d) *A one-lane roundabout at the intersection of Moverly Road and Loch Maree Street.*

*The construction staging for the above works shall be determined by Council based on increased vehicle movements in Holmes Street generated by this and future developments within the Defence Master Plan site.*

50. *The applicant shall undertake the design of all traffic related facilities referred to above and designs shall be submitted to Council for approval, and be approved, prior to their construction. The applicant shall liaise with Council to obtain Council's general design requirements for the above traffic facilities prior to undertaking design of same. The applicant shall note that a checking fee in the order of 10% of the Council approved quotation for construction of the facilities will be payable to Council by the applicant.*
51. *A Construction Traffic Management Plan for this application must be prepared and approved by the RTA and Council prior to the commencement of any site construction works, and include details of the temporary signalisation of Avoca Street / site access road of development. The Construction Traffic Management Plan shall be complied with.*
52. *All construction traffic must enter and exit the site from Avoca Street through a signalised intersection (temporary or permanent) with an opening in the median of Avoca Street to enable only right turn movements from the site in order to access Rainbow Street (west of Avoca Street) to the Nine Ways roundabout.*
53. *Drawing No.3298-1B-SP1 Issue D dated 9 May 2002 must be amended to clearly indicate priority controls at the intersections of Cooper Street (proposed & existing) / Holmes Street. The amended details are to be referred to Council's Traffic Engineer for approval, and be approved, prior to commencement of any site construction works.*
54. *All kerb ramps must be designed and constructed to RTA Technical Direction TDT 2002/08.*
55. *The design traffic for the flexible pavement design for all internal roads in Stage 1B of the development shall be 1,500,000 ESAs.*
56. *The applicant must meet the full cost for Council, or a Council approved contractor, to construct a minimum 1.8m wide concrete footpath along both sides of Cooper Street going from Holmes Street to the development site.*

*Note: Any unpaved areas on the nature strip must be turfed and landscaped, (including street tree planting), to Council's specification. The applicant shall maintain the naturestrip to Council's satisfaction for a minimum of 12 months following completion of all civil construction works.*

57. *The applicant must meet the full cost for Council, or a Council approved contractor, to construct minimum 1.8m wide concrete footpaths along the northern side of Holmes Street going from Avoca Street to Henning Avenue.*

*Note: Any unpaved areas on the nature strip must be turfed and landscaped, (including street tree planting), to Council's specification. The applicant shall maintain the naturestrip to Council's satisfaction for a minimum of 12 months following completion of all civil construction works.*

58. *The applicant must meet the full cost for Council, or a Council approved contractor, to:*
- a. *construct full width residential vehicular crossings and laybacks at kerb opposite the existing garage openings for 120 and 122 Holmes Street.*
  - b. *Construct retaining wall/s on or adjacent to the Cooper Street property boundaries of 120 and 122 Holmes Street. Note, the retaining walls are to be of a masonry construction and prior to the commencement of any site construction works the applicant shall seek, and submit to Council if obtained, the written consent of the affected property owner/s for the construction of the retaining walls within their properties. The applicant will be required to modify the proposal should the owner's consent not be forthcoming.*
59. *The applicant must meet the full cost for Council or a Council approved contractor to repair/replace any damaged sections of Council's footpath, kerb & gutter, nature strip etc, which are due to construction works being carried out at the above site. This includes the removal of cement slurry from Council's footpath and roadway.*
60. *All external work carried out on Council property shall be in accordance with Council's Policy for "Vehicular Access and Road and Drainage Works".*

*The following conditions are applied to provide adequate provisions for future civil works in the road reserve:*

61. *The design alignment level at the Cooper Street property boundaries for driveways, road pavements, access ramps and pathways or the like, must be obtained in writing from Council's Department of Asset and Infrastructure Services prior to the commencement of any site construction works.*

*Any enquiries regarding this matter should be directed to Council's Assets & Infrastructure Services Department.*

*The design alignment level at the property boundary must be strictly adhered to.*

62. *The design alignment levels issued by Council and their relationship to the roadway/kerb/footpath must be indicated on the civil plans for the proposed development. The design alignment level at the street boundaries, as issued by the Council, must be strictly adhered to.*

***The following conditions are applied to provide adequate consideration for excavating Council's footpath***

63. *Details of any cutting or filling works required within the road reserve in order to gain access to the site to carry out the excavation and building works must be submitted to and approved by the Director of Asset and Infrastructure Services, in accordance with section 80A (2) of the Environmental Planning and Assessment Act 1979, prior to the commencement of construction works on the development site. The cutting and filling work must be carried out by the Council at the applicant's cost.*

***The following conditions are applied to provide adequate consideration for service authority assets:***

64. *A public utility impact assessment must be carried out on all public utility services on the site, roadway, nature strip, footpath, public reserve or any public areas associated with and/or adjacent to the development/building works and include relevant information from public utility authorities and exploratory trenching or pot-holing, if necessary, to determine the position and level of service.*
65. *All public utility services located within the development site shall be suitably located underground and in compliance with the requirements/conditions imposed by the various service authorities.*
66. *The applicant must meet the full cost for Telstra, Energy Australia, Sydney Water or Natural Gas Company to adjust/repair/relocate their services as required. The applicant must make the necessary arrangements with the service authority.*

*Suitable easements for the utility services and documentation from the associated utility service provider that all services have been installed to their requirements and satisfaction shall be submitted to The Certifying Authority prior to the release of the linen plans and prior to Council accepting dedication of any part of infrastructure in which the services are located.*

*Note: there shall be no kiosks located within the future or existing Council road reserve. Any kiosk shall be located to the satisfaction and approval of Council and Energy Australia.*

67. *Documentary evidence from the relevant public utility authorities confirming that their requirements have been satisfied, must be submitted to The Certifying Authority prior to the commencement of construction works on the development site.*
68. *All street lighting and lighting within reserves shall be installed in accordance with the relevant Australian Standards and Roads and Traffic Authority standards for lighting of residential streets, collector roads, intersections, pedestrian and cycle ways and public reserves.*
69. *Prior to any construction works, the applicant shall submit and have approved by The Certifying Authority a compilation plan of all the public utilities.*

*Note that all public utilities that are parallel to the existing or proposed Council stormwater drainage pipelines shall be located a minimum of 1.5 metres from the centreline of the stormwater pipeline.*

70. *All site services shall be provided underground.*

***The following conditions are applied to make adequate provision for the collection of domestic waste.***

71. *Prior to the commencement of any site construction works the applicant shall submit to the Certifying Authority for approval, and have approved, the proposed method for collection of domestic waste for the development site. The applicant shall note that satisfactory collection of domestic waste may require alterations/modifications to the proposed road network and or travel lane/footpath/parking lane configuration of the road network.*

***The following conditions are applied to provide adequate provisions for drainage and***

***associated infrastructure:***

72. *Prior to the commencement of any site construction works the applicant shall submit to the Certifying Authority for approval, and have approved, a detailed stormwater drainage plan. The drainage plan is to generally be in accordance with the Stormwater Strategy as shown on Stage 1B plan 4399-S7 Issue D submitted with the development application. Details shall include, but not be limited to:*
- *A detailed drainage study/analysis identifying the catchment areas upstream of the site and the stormwater flows generated from these catchments, together with the catchment areas within the site and the flows generated from same. The study/analysis shall identify the overland flow rates and depths of flow from storm events up to the 1 in 100 year annual recurrence interval within the streets of the subdivision. Information submitted shall be generally in accordance with the flood study requirements of the latest draft “FLOODPLAIN MANAGEMENT MANUAL” (ISBN 07313 0370 9).*
  - *Confirmation of the existing and proposed finished surface levels within the development site. Documentation of the change in surface levels is required together with volumes of material imported or exported from the site.*
  - *Amendments to the Stormwater Strategy Stage 1B plan 4399-S7 Issue D that include:-*
    - o *Extended kerb inlet pits located on the southern side of Lobelia Street to drain the low point (and associated stormwater pipelines).*
    - o *Extended kerb inlet pits located on the western and eastern side of Cooper Street adjacent to Holmes Street. These pits are to be drained to the existing 1200 mm diameter pipeline by a junction pit that has been designed for traffic loading by a structural engineer. The pit shall be similar to Council SD 4 (with a Mascot manhole cover and frame product No. 20:S10:EH or similar)*
    - o *Relocation of the Wetland weir/outlet pit and associated outlet pipeline to under the future Viewing Platform.*  
*Note that the existing weir level of RL 31.00 shall be maintained and that the weir structure and viewing platform is designed and constructed with a safety and trash screen around the perimeter so that people and flotsam will not be able to be drawn into the outlet pipeline during a 1 in 100 year storm event)*
  - *Gross pollutant trap details (GPT). Note that the GPT shall be designed in accordance Council’s specification and guidelines for determining Gross Pollutant Trap/s. The GPT’s are to be located within the road carriageway.*
  - *Stormwater drainage plans, pipeline longitudinal sections and calculations in general accordance with the recommendations of the Floodplain Management Manual” and “ Australian Rainfall and Runoff, 1997 Edition).*
  - *A hydraulic grade line analysis of the outlet pipeline that will drain the Wetland is to include the:-*
    - *proposed junction pit immediately downstream of the relocated weir/outlet pit for the Wetland.*

- *the relocated weir/outlet pit*
- *the 1200 mm diameter stormwater pipeline*

*Note that the pit and weir structure shall be designed and constructed so that there is no reduction in the outlet capacity of this system that presently drains the Wetland.*

*The structural and hydraulic details of this pit and the weir structure shall be designed by a suitably qualified and experienced civil engineer.*

*The pit and the weir structure shall be constructed with full benching/streamlining to minimise possible blockage and to maximise the hydraulic efficiency.*

- *Typical cross sections for all roads, laneways, private laneways/right of carriageways.*

*Prior to the final inspection or the release of the linen plans, a copy of the above approved plans and details shall be submitted to Council, should Council not be the Certifying Authority.*

73. *The calculations, drawings, plans, longitudinal sections and details for the roads and stormwater drainage shall be submitted to and approved by the Certifying Authority. The details shall include the following information:*

- a) A detailed drainage design at a scale of 1:200 and a catchment area plan at a scale of 1:1000 or as considered acceptable by the Certifying Authority, and drainage calculations prepared in accordance with the Institution of Engineers publication, Australian Rainfall and Run-off, 1987 edition.*
- b) A layout of the proposed drainage system including pipe sizes, type, grade, length, invert levels, etc., dimensions and types of all drainage pipes and the connection into Council's stormwater system.*

*Note: Generally all proposed stormwater drainage pipelines that:*

- i. drain a low point and/or are located within an existing or proposed drainage easement shall be capable of discharging a minimum 1 in 20 year storm flow.*
  - ii. drain an on grade road inlet pit shall be capable of discharging a minimum 1 in 10 year storm flow.*
- c) Proposed finished surface levels and grades of roads, parks, internal driveways and access aisles, which are to be related to Council's design alignment levels.*
  - d) Details of all stormwater overland flowpaths, (volume, depth, width and safety factor).*
  - e) The details of any special features that will affect the drainage design eg. the nature of the soil in the site and/or the presence of rock etc.*
  - f) A drainage plan and longitudinal section with all utility services accurately plotted for this stormwater pipeline must be provided. It should be noted that notwithstanding the calculations, the minimum pipe diameter acceptable within*

*Council's street system and/or easement is 375mm.*

- g) the proposed relocation of the stormwater pipeline that drains the wetland.*
- h) All public utility services, where they are to be laid parallel to the Council stormwater pipeline, shall be located a minimum of 1.5 metres from the centreline of the stormwater pipeline.*
- i) The applicant's engineer shall also determine and describe the probable maximum flood event that would occur from the overflow of the wetland. Calculations and are to be submitted to and approved by the Certifying Authority.*

*The drainage calculations shall use the "DRAINS" Urban Drainage Simulation Models in combination with "HEC-RAS" model.*

*The engineer shall determine safety issues that may need to be addressed and recommend what works will be required to address these issues. The applicant shall include in this detail a fail-safe (ie scour protection) overland flow route for stormwater that would be generated from a Probable Maximum Flood event.*

*A copy of the approved plans and details shall be submitted to Council should Council not be the Certifying Authority.*

- 74. The proposed internal roadways, drainage easements and overland flow routes shall be designed to drain the 1 in 100 year storm event and to consider personal and structure safety and the hazard factor, (product of velocity and depth of flow) This safety factor shall not exceed a value of 0.4 at any location. (ie  $VD < 0.4$ ).*
- 75. A work-as-executed plan, prepared and signed by a registered surveyor and a suitably qualified hydraulic engineer, must be submitted to the Certifying Authority for approval, and be approved, prior to the release of the linen plans. The work-as-executed plan shall be submitted with documentary evidence demonstrating compliance with the stormwater drainage development conditions and the plans approved by the Certifying Authority.*

*The work-as-executed plan shall detail the location and finished surface levels of all civil works within and adjacent to the site including (but not limited to)*

- the roads,*
- stormwater drainage pits (including the internal dimensions, surface and invert levels, lintel size etc)*
- pipelines (including the invert levels. pipeline diameters)*
- overland flow paths, (including the volume, depth and width of the flow path) etc. with finished surface level contours at 0.2 metre intervals.*
- utility services locations size and depths/levels*
- levels of the resultant lot/s*

*For the overland flow paths the following details must be included:-*

- a) cross sections showing the 1 in 100 year water level and the extent (depth and width)*
- b) resultant gradients*

*Note A copy of all WAE civil drawings, approved civil drawings, stormwater calculations (on hard copy and on disk) are to be submitted to Council, should Council not be the Certifying Authority.*

76. *The applicant's engineer shall carry out site inspections and certify that all civil structural works within Council's road reserve (eg all steel reinforcement, concrete works, laying of pipelines, pavements, etc.) have been constructed and inspected under his/her supervision.*

*The engineer must also certify that the civil and stormwater drainage works, (including GPT's) have been constructed:-*

- (i) in accordance with the approved plans and conditions of consent and Master Plan*
  - (ii) to the requirements of the Council approved specification. in a workman like manner.*
  - (iii) to his/her requirements and satisfaction.*
  - (iv) to the manufacturer's requirements and conditions, (eg GPT's)*
77. *The existing Council controlled stormwater pipelines that burden the site, shall be fully protected during all excavation and construction works. Details of how it is proposed to protect and maintain Council controlled pipelines during the construction works shall be submitted to the Certifying Authority for approval, and be approved, prior to the commencement of any site construction works.*
78. *Prior to the final Certifying Authority inspection, the applicant shall submit to the Certifying Authority CCTV videos of all existing and to be dedicated Council stormwater pipelines for the drainage of stormwater through the site and the northern extension of Cooper Street from Holmes Street. Such CCTV shall inspect all stormwater pipes for any construction damage.*

*The applicant shall note that should this pipeline be damaged, Council will require that the damaged pipeline be reconstructed together with junction pits at each end where the pipeline reconstruction works are located. All costs associated with removing and constructing the pipeline and associated works shall be met by the applicant.*

79. *The applicant shall survey the southern and western perimeter of the wetland located within Lot 6 DP 1009660 to determine the existing surface levels. Surface levels should be above RL32.50 metres A.H.D. at all locations, however should any portion be below this level the applicant shall submit and have approved by the Certifying Authority, details of how it is proposed to suitably fill/regrade this area. The applicant is advised that any filling/regrade details will need to be designed by a suitably qualified and experienced geotechnical engineer together with a landscape architect.*
80. *The Gross Pollutant Traps (GPTs) shall be regularly inspected, maintained and cleaned by the applicant, to the Certifying Authority's satisfaction for a minimum period of 12 months from the date of completion of all civil works.*
81. *Construction zone run-off controls (haybales, sedimentation basins etc.) are to be inspected regularly and during and after rainfall to assess performance. The*

*Certifying Authority will require weekly reports on effectiveness/maintenance of all sedimentation controls and practices.*

#### *Open Space/Public Domain Conditions*

82. *Prior to the commencement of any site construction works a Public Domain Plan for the site, (generally in accordance with the Public Domain and Landscape Plan in Drawing L-1B-01 in Volume 3 of the Statement of Environmental Effects), is to be submitted to Council for approval, and be approved. Such a plan shall demonstrate the strategies that are proposed for the urban design of the public domain (including open space reserves) and the provision of good pedestrian access, recreational diversity and environmental sustainability. These strategies shall be consistent with the Master Plan that has already been accepted by Council and Council's management requirements. The strategies will include*

- *tree planting strategy,*
- *water management strategies,*
- *footpath strategy,*
- *Park planning strategy*

*Further to this, the Public Domain Plan shall also include details of individual treatments throughout the site. These treatments shall be consistent with Council's management requirements. The details shall be a detailed design showing plans elevations, sections, the materials and finishes for the following elements, (where relevant):*

- *Street tree planting*
- *Design of public parks*
- *Park planting*
- *Footpath treatments*
- *Street furniture*
- *Street lighting*
- *Street signs*
- *Kerb ramps*
- *Park lighting*
- *Automatic irrigation systems*
- *Water features*
- *Playgrounds*
- *Pavements*
- *Retaining walls and balustrades*
- *Bicycle facilities*
- *Bus shelters*
- *Shade structures*

*The Public Domain Plan shall be complied with.*

***The following conditions are applied to satisfy the provisions of Council's environmental plans, policies and codes for subdivision works:***

83. *Council will not accept dedication/care and control of any public reserve, road or other asset, (eg stormwater pipeline), until it is satisfied that all civil construction works, building works and landscape works have been carried out in accordance with*

*the approved design plans and specifications and that all conditions of development consent relating to the area to be dedicated have been complied with.*

84. *The dedication and transfer to the Council of roads and drainage within the Stage 1B Site is to occur before the issuance of a construction certificate for any habitable building within the Stage 1B Site. The dedication and transfer is to occur at no cost to the Council.*

***The following conditions are applied to provide adequate provisions for the Randwick Environment Plan:***

85. *The Applicant shall provide a written report of any breaches of the Randwick Environmental Park Conditions to Council's Bushland Management Technician by the next business day after any breach has occurred. The report shall be signed and dated and information in the report shall include, but not be limited to:*

- *The date of the breach;*
- *The nature, extent (including in time and area and a map) and degree of the breach;*
- *The cause of the breach;*
- *All persons involved in the breach, including: full first and last names; contact number/s; organisation/s and reason/s for being present;*
- *All witnesses to the breach, including: full first and last names; contact number/s and organisation/s; and*
- *All plant, equipment, machinery, vehicles, substances, etc. involved in the breach.*

*If Council becomes aware of a breach of the Randwick Environmental Park Conditions for which such a report has not been provided to Council, then Council may request such a report, which shall then be provided to Council within 24 hours.*

86. *Council officers shall be allowed access to all parts of the site, including the proposed Randwick Environmental Park, on request.*

87. *All personnel employed in relation to the development shall receive a site induction prior to commencement of work, which shall include relevant information regarding the proposed Randwick Environmental Park, including, but not limited to:*

- *the exact location of the proposed Randwick Environmental Park;*
- *the presence of nationally significant and threatened vegetation, a sensitive wetland and other native vegetation within the proposed Randwick Environmental Park;*
- *that the proposed Randwick Environmental Park area shall not be entered without written authorisation of the Applicant's Project Manager;*
- *that no disturbance to vegetation or soils shall occur within the proposed Randwick Environmental Park, except as in accordance with these conditions;*
- *that no temporary or permanent placement or storage of any items of plant, materials, tools, equipment, vehicles, etc. shall occur within the proposed Randwick Environmental Park, except as in accordance with these conditions;*
- *that, in any case, access to, disturbance to vegetation and soils in, and placement or storage of items in the proposed Randwick Environmental Park, where these conditions allow, shall be minimised;*

- *that no other foreign matter, including concrete, bitumen, road base, fill, soils, mulch, water, cement wash, chemicals, paint, etc., shall be placed in or allowed to enter the proposed Randwick Environmental Park;*
  - *the penalties for damaging threatened items and their habitats without authorisation;*
  - *relevant contact numbers, including the Applicant's Project Manager;*
  - *that contravention of any of the above shall be reported immediately to the Applicant's Project Manager by all persons involved in and witnessing such a contravention.*
88. *All personnel who have completed this induction shall sign an Induction Register stating that they have completed the induction and that this included all the above information. The Induction Register shall be available for inspection and reproduction at all times by Council.*
89. *No disturbance or removal shall occur to any Eastern Suburbs Banksia Scrub (the extent of which is taken to be as appears in the relevant map in the Working Draft Recovery Plan for Eastern Suburbs Banksia Scrub, prepared by National Parks and Wildlife Service NSW, September 2001) or Acacia terminalis subsp. terminalis or their habitats, without the concurrence of both National Parks and Wildlife Service NSW and Environment Australia.*
90. *No disturbance to or removal of any vegetation or soils shall occur within the proposed Randwick Environmental Park as a result of the proposed development. The only exception to this shall be installation of protective fencing, as identified elsewhere in these conditions.*

*In the case of this exception, disturbance to and removal of vegetation or soils shall be minimised. In any case, no disturbance to or removal of vegetation or soils shall occur more than 2 metres into the proposed Randwick Environmental Park from the protective fence. In locations where disturbance to or removal of soils has occurred, the area shall be immediately repaired to its state prior to commencement of development, as far as possible. The location, design and specifications of the protective fencing shall be approved by the certifying authority prior to the commencement of any construction.*

91. *No vehicular or pedestrian access relating to the proposed development shall be allowed to the proposed Randwick Environmental Park without the written authorisation of the Applicant's Project Manager and/or Council. The only exception to this shall be installation of protective fencing as identified elsewhere in these conditions.*

*In the case of this exception, access shall be avoided whenever possible. In any case, there shall be no access more than 2 metres into the proposed Randwick Environmental Park from the protective fence. All persons who have received written authorisation to enter the proposed Randwick Environmental Park by the Applicant's Project Manager shall sign an Access Register. The Access Register shall include the following information for every person each day he or she enters the proposed Randwick Environmental Park:*

- *full first and last names;*
- *organisation;*
- *address;*

- *contact telephone numbers;*
- *signature;*
- *date;*
- *detailed reason for access;*
- *description of all areas accessed, including by vehicles, machinery and plant, using management zone codes in the draft Plan of Management.*
- *Acknowledgement that this condition has been read and understood.*

*The Access Register shall be available for inspection and reproduction at all times by Council. Council shall receive a full copy of the Access Register immediately after ownership of the Randwick Environmental Park is transferred to Council.*

92. *No liquids, semi-liquids or chemicals, including unset concrete, water, cement wash, paint, petroleum-based products, etc., shall be disposed of, placed in or where it may enter the proposed Randwick Environmental Park.*
93. *No temporary or permanent placement or storage of any items of plant, materials, tools, equipment, vehicles, etc. shall occur within the proposed Randwick Environmental Park in relation to the proposed development. The only exception to this shall be in relation to installation of protective fencing, as identified elsewhere in these conditions.*

*In the case of this exception, placement and storage of any items shall avoided whenever possible. In any case, no placement and storage of any items shall occur more than 2 metres into the proposed Randwick Environmental Park from the protective fence. In locations where items have been placed or stored, the area shall be immediately repaired to its state prior to commencement of development, as far as possible.*

94. *An 1800mm high cyclone wire protection fence shall be installed along the entire boundary of the proposed Randwick Environmental Park, where this is adjacent to the proposed development, prior to commencement of any site construction works. Installation and removal of the protection fence shall be overseen by Council's Bushland Management Technician.*

***The following conditions are applied to provide adequate provisions for landscaping and to maintain reasonable levels of environmental amenity:***

95. *The applicant shall submit a detailed landscape design for all street frontages of the development in accordance with Council's Urban Design Guidelines for Randwick. The landscape design shall include trees, turf, pavements, seat installations, bins and tree grates as required by Council's Landscape Architect – 9399 0786.*

*The Stage 1B Urban Design & Landscape Concept Plan Street Tree Layout, drawing number L-1B-01, issue B shows a number of proposed mass planting beds. These are required to be deleted from the proposed street frontage works.*

*The Landscape Design plans shall be submitted to and approved by Council's Director A & I Services in accordance with Section 80A(2) of the Environmental Planning and Assessment Act 1979, prior to the certifying authority issuing a construction certificate for the development.*

*All street furniture is required to be purchased through Council. Due to supply*

*constraints, the applicant is required to place an order and pay for the required furniture three months prior to the estimated date for the completion of street frontage works.*

*The applicant shall note that the approved landscape works carried out on Council property, shall be in accordance with Council's requirements for Civil Works on Council property. An application for the cost of the landscape works on Council property is to be submitted to Council at the completion of the internal building works. An application fee shall be payable to Council for the quotation of the required works. The applicant may elect to use his contractor for the required works, subject to Council approval, however a design checking and supervision fee based on the lowest quotation from Council's nominated contractor will be required to be paid prior to the commencement of any works.*

*A refundable deposit in the form of cash or cheque of \$4,000.00 shall be lodged with Council prior to issue of a construction certificate for the proposed development in order to ensure the construction of the approved landscape works along the Lobellia, and Cooper Street frontages.*

96. *In order to prevent the encroachment of motor vehicles into the landscaped areas a 150mm high concrete edge, (or equivalent treatment), shall be constructed between the landscaped areas and roadway. Such works shall be installed prior to the issue of a final Occupation Certificate.*

*A refundable deposit of \$11,500.00 is placed to ensure that the street trees shown on the Stage 1B Urban Design & Landscape Concept Plan Street Tree Layout, drawing number L-1B-01, issue B are installed in accordance with the approved landscape documentation. The refundable deposit will be released at the time of issue of a final occupation certificate by the certifying authority providing the trees are installed as per the approved Landscape Plan.*

*Any contravention of Council's landscape conditions at any time during the construction period or prior the date a final occupation certificate is issued will result in the Council claiming all or part of the lodged security.*

### ***Advisory Matters***

1. *In order to organise for an inspection for the release of the security deposit, the applicant shall contact the Principal Certifying Authority for the development to liaise with Council's Asset & Infrastructure Department to arrange for an inspection of the landscaping to be carried out. Should the landscaping be found to be unsatisfactory, thus necessitating further inspections, the applicant is advised that each additional inspection will be charged at \$55.00 (incl.GST) and that this amount shall be paid into Account Number 41901939, Code RGJ at the Cashier on the Ground Floor of the Administrative Centre prior to any further inspection being carried out.*

*The applicant shall present the receipt at the Asset and Infrastructure Services counter on the First Floor to organise for a further inspection to be undertaken.*

2. *The applicant is advised that the Construction Certificate plans and specification must comply with the provisions of the Building Code of Australia (BCA).*

*In this regard, the development consent plans do not show compliance with the deemed-to-satisfy provisions of the BCA, including:*

- a) *Clause C3.2&C3.4 - Protection of openings in external walls*
- b) *Part D3 - Access for people with disabilities*
- c) *Clause D3.5 - Car parking for people with disabilities*
- d) *Part E1 - Fire fighting equipment*
- e) *Part E2 - Smoke Hazard Management*
- f) *Part E4 - Emergency lighting, exit signs and warning systems*

*Details of compliance with the relevant provisions of the Building Code of Australia and conditions of development consent are to be provided in the plans and specifications for the construction certificate.*

**MOTION: (Andrews/Bastic) SEE RESOLUTION.**

**AMENDMENT: (Whitehead/Matson)** that the words “or permanent” in Condition No. 52 of the consent be deleted. **LOST.**

A division was called for by Crs Backes and Greenwood on the result of voting on the resolution. Voting was as follows:-

For	Against
Cr Andrews	Cr Greenwood
Cr Backes	Cr Matson
Cr Bastic	Cr Matthews
Cr Daley	Cr Notley-Smith
Cr Procopiadis	Cr Schick
His Worship the Mayor, Cr D. Sullivan	Cr Seng
Cr Tracey	Cr Whitehead
Cr White	

#### **7.7 DIRECTOR PLANNING & COMMUNITY DEVELOPMENT'S REPORT 70/2002 - 90-96 BEACH STREET, COOGEE. (D/0825/2000)**

237 **RESOLUTION: (Backes/Tracey)** that Council as the consent authority, grant its consent under Section 96 of the Environmental Planning and Assessment Act 1979 (as amended) to vary conditions of Development Consent No.825/00 for permission to demolish the existing buildings and erect a multi unit housing development containing 17 three bedroom dwelling units and associated basement carparking for 39 vehicles as follows:-

1. *Condition 7 be amended to read as follows;*

“7. *No construction traffic or activity associated with the proposed development shall occur on or via Beach Lane except as required by conditions 59 c) and d) of the same approval, the removal of the materials resulting from the already approved demolition of the existing Beach Lane garages and the subsequent delivery of landscaping materials to that area.*”

2. *The following conditions be added to the consent;*

“100. *The applicant shall comply with all directions issued by Council’s Asset Co-Coordinator, for:-*

- a. the repair of the carriageway of Beach Lane*
- b. construction of a minimum 30 mm thick asphaltic resheet of Beach Lane.*

*The applicant shall bear all costs associated with these works.*

101. *The applicant shall submit dilapidation reports and an accurate detailed survey of the existing retaining wall along the western boundary of 351 Alison Road and the Beach Lane frontage to Alison Road. The dilapidation reports and survey shall be carried out: -*

- a. prior to any construction vehicles using Beach Lane.*
- b. a minimum of 12 months after the completion of all works that are associated with the construction access from Beach Lane.*

*Should any damage or subsidence to the retaining walls occur, the applicant shall bear all costs for the repair of, and if required, reconstruction of the retaining walls as instructed by Council’s Asset Co-Coordinator.*

102. *Prior to any construction vehicles using Beach Lane, the applicant shall submit an unconditional bank guarantee for a minimum amount of \$50,000 for the Council retaining wall along Alison Road and the retaining wall located on the western boundary of 351 Alison Road. The bank guarantee shall not be limited by time and shall be held by Council for a minimum of 12 months after the completion of all works that are associated with construction traffic accessing the site from Beach Lane.*

103. *Prior to any construction vehicles using Beach Lane, a pedestrian and construction traffic management plan for the access off Alison Road shall be submitted and approved by the Director of Asset and Infrastructure Services (to ensure the safe entry to and along Beach Lane, and that construction traffic will leave Beach Lane in a forward direction to Alison Road).*

*The applicant should liaise with Council’s Traffic Engineer John Stephens on 9399 0927 and the Eastern Beaches Local Area Command (contact Sergeant Thompson 9697 1099) located at Randwick Police Station.*

*This condition is required because construction traffic access from Alison Road into Beach Lane is restricted by the width of the lane and the tight turning circle. Also, there is no turning circle available in Beach Lane for construction traffic to exit in a forward direction (until such time that the site office has been demolished and removed).*

104. *The applicant shall notify the owner of 30 Arcadia Street of the proposed construction works and ensure that a temporary vehicular and pedestrian access is provided.*

105. *Prior to any construction vehicles using Beach Lane, the applicant shall construct a safety barrier adjacent to the western boundary of 351 Alison*

*Road to ensure that construction vehicles are directed on the bitumen carriageway in Beach Lane.*

106. *Construction traffic or activity using Beach Lane is limited to 10.00 a.m. to 5.00 p.m., Monday to Friday, in respect to applicable conditions in this consent.*

**MOTION: (Backes/Tracey) SEE RESOLUTION.**

**7.8 DIRECTOR PLANNING & COMMUNITY DEVELOPMENT'S REPORT 71/2002 - KENSINGTON TOWN CENTRE URBAN IMPROVEMENT PROGRAM - DRAFT LOCAL ENVIRONMENTAL PLAN AND DRAFT DEVELOPMENT CONTROL PLAN. (98/S/4398 xr 98/S/3849)**

**(NOTE: A NOTICE OF RESCISSION MOTION WAS HANDED TO THE GENERAL MANAGER PRIOR TO THE CONCLUSION OF THE MEETING AND WILL BE CONSIDERED AT THE EXTRAORDINARY MEETING OF THE COUNCIL ON MONDAY, 23<sup>RD</sup> SEPTEMBER, 2002.)**

238 **RESOLUTION: (Procopiadis/Daley) that:**

- 1a. *Council under Sections 54 and 64 of the Environmental Planning and Assessment Act 1979, prepare and exhibit a draft Local Environmental Plan for the Kensington Town Centre;*
- 1b. *Council under Section 72 of the Environmental Planning and Assessment Act 1979, exhibit the revised draft Development Control Plan for Kensington Town Centre; subject to the following alterations:*
- (i) *amendments and information contained in the Addendum submitted at the Council Meeting on 17<sup>th</sup> September;*
  - (ii) *on page 104, (Apartment Sizes, Point 2 of the Performance Criteria, Type "Studio") delete "38.5m<sup>2</sup>" and replace with "40m<sup>2</sup>";*
  - (iii) *on page 104, (Apartment Sizes, Minimum Room Dimensions) replace the word "Bedrooms" with "Main Bedrooms" and add a new clause under that sub-heading stating "Secondary and other Bedrooms: 9 sq.metres, with the shortest wall being 2.5 metres long";*
  - (iv) *on page 108, (Stairs, Lifts and Corridors, Point 2 of Performance Criteria) replace the criteria of "Twenty (20)" apartments with "forty (40)" apartments;*
  - (v) *on page 108, (Stairs, Lifts, and Corridors, **Below** Point 3 of Performance Criteria) insert the following clause "(Council may consider a variation in the maximum number of units per floor where the applicant can demonstrate that a high level of amenity of the common lobby, corridors and units is achieved)";*
  - (vi) *on page 110 (Clothes Drying, Performance Criteria Point 1), delete the existing text and replace it with the following clause "Where ever possible, provide external clothes drying areas for all apartments. However, balconies are not to be considered as preferred locations."*
- 1c. *this revised draft Development Control Plan for Kensington Town Centre replace all previous draft Development Control Plans as a basis for discussion of future developments within the town centre;*

- 1d. *in light of 1(a) to (c) of this resolution, Council agree that a public hearing under S68 of the Act is not required;*
- 2a. *Council notes that, in the event of any inconsistency with a previous Council resolution in relation to these draft plans, that this resolution takes precedence;*
- 2b. *Council notes that the draft Local Environmental Plan affects Council owned or controlled land and thus complies with the State Government's Best Practice Guidelines for Councils when preparing draft Local Environmental Plans; and*
- 2c. *Council notes that the Director, Planning and Community Development may make minor modifications to rectify any numerical, typographical and formatting errors, if required, and to include additional/alternative explanatory photographs/graphics in preparing the draft Local Environmental Plan and draft Development Control Plan documents for public exhibition.*

**MOTION:(Procopiadis/Daley) SEE RESOLUTION.**

**AMENDMENT: (Whitehead/Matson) that:**

- (a) the correspondence received as a result of consultation with various government departments, as detailed on page 222 of the report, be also placed on public exhibition;
- (b) that part1 (d) stating "in light of 1 (a) to (c) of this resolution, Council agree that a public hearing under 268 of the Act is not required" be deleted. **LOST.**

A division was called for by Crs Matson and Greenwood on the result of voting on the resolution. Voting was as follows:-

For	Against
Cr Andrews	Cr Greenwood
Cr Backes	Cr Matson
Cr Daley	Cr Notley-Smith
Cr Procopiadis	Cr Whitehead
Cr Schick	
His Worship the Mayor, Cr D. Sullivan	
Cr Tracey	
Cr White	

**8. PETITIONS.**

**8.1 SUBMITTED BY HIS WORSHIP THE MAYOR, CR D. SULLIVAN ON BEHALF OF THE OBJECTORS OPPOSING THE PROPOSED DEVELOPMENT AT 12 KURRAWA AVENUE, COOGEE. (D/0621/2002)**

239 **RESOLUTION: (Andrews/Schick) that the petition be referred to the appropriate Committee and/or the Councillors' Bulletin with a report from the relevant officer.**

**8.2 SUBMITTED BY HIS WORSHIP THE MAYOR, CR D. SULLIVAN ON BEHALF OF THE RESIDENTS PETITIONING COUNCIL TO MAINTAIN OR EMPLOY JON SHAW AS FULL-TIME SWIM SCHOOL MANAGER.**

240 **RESOLUTION: (Andrews/Schick)** that the petition be referred to the appropriate Committee and/or the Councillors' Bulletin with a report from the relevant officer.

**9. MOTIONS PURSUANT TO NOTICE.**

**9.1 By Councillor Greenwood – Adoption of Draft Malabar Headland Plan of Management. (98/S/0976 xr 98/S/0178)**

**MOTION: (Greenwood/Notley-Smith)** that in recognition of the considerable amount of expert volunteer labour involved in drafting the POM, the considerable expense incurred by FOMH in printing and distributing the plan and the benefit derived by the residents of Randwick, Council agrees to:

- i. Refund the fee for the hiring of the Vonnie Young Auditorium to launch the draft POM; and
- ii. Provide a \$500 contribution to the costs of preparing and distributing the draft Plan of Management. **LOST.**

**9.2 By Councillor Matthews – Squad Training at Des Renford Aquatic Centre. (98/S/0999 xr 98/S/0178)**

This notice of motion was ruled Out of Order by His Worship the Mayor, Cr D. Sullivan.

**9.3 By Councillor Matthews – Problems with Weighbridge in McCauley Street, Matraville. (P/016519 xr 98/S/0178)**

(Note: This motion was dealt with in conjunction with Mayor's Minute 57/2002.)

**9.4 By Councillor Matson – Odour Emissions from Amcor Factory. (P/004306 xr 98/S/0178)**

**MOTION: (Matson/Greenwood)** that the Mayoral Column will be used to advertise a public meeting at a convenient venue in South Ward to which members of the community will be invited to address Council staff and Councillors on problems associated with odour emissions from the AMCOR paper factory. **LOST.**

A division was called for by Crs Matson and Greenwood. Voting was as follows:-

For	Against
Cr Greenwood	Cr Andrews
Cr Matson	Cr Backes
Cr Whitehead	Cr Daley
	Cr Procopiadis
	Cr Schick
	His Worship the Mayor, Cr D. Sullivan
	Cr Tracey
	Cr White

**9.5 By Councillor Matson – Preservation of Light Rail Corridor. (98/S/0753 xr 98/S/0178)**

**MOTION: (Matson/Greenwood)** that, in noting the Government's renewed interest in Light Rail options, Council will:

- (a) Write to the Minister for Transport as a matter of priority:
  - i. Congratulating him on the new feasibility study into expanding light rail into the CBD, and;
  - ii. Urging that the terms of reference for the study should include assessing the long-term financial viability and ESD benefits to be gained from expanding the existing service in conjunction with an integrated link to the Eastern Suburbs.
- (b) Move to best preserve the viability of the Anzac Parade light rail corridor by ensuring that all outcomes of the Kensington Town Centre Urban Improvement program and related draft planning instruments maintain the Anzac Parade central median strip in its current position. **LOST.**

A division was called for by Crs Matson and Greenwood. Voting was as follows:-

For	Against
Cr Greenwood	Cr Andrews
Cr Matson	Cr Backes
Cr Schick	Cr Daley
Cr Whitehead	Cr Procopiadis
	His Worship the Mayor, Cr D. Sullivan
	Cr Tracey
	Cr White

**10. URGENT BUSINESS.**

Nil.

**11. CONFIDENTIAL REPORTS.**

Nil.

**12. COMMITTEE-OF-THE-WHOLE.**

Nil.

**13. REPORT OF COMMITTEE-OF-THE-WHOLE.**

Nil.

**14. NOTICE OF RESCISSION MOTIONS.**

The following notices of rescission were handed to the General Manager prior to the conclusion of the meeting and will be considered at the Extraordinary Meeting of the Council on Monday, 23<sup>rd</sup> September, 2002:

- 14.1 Notice of Rescission Motion by Councillors Matson, Greenwood and Whitehead – Ordinary Council Meeting, Tuesday, 17<sup>th</sup> September, 2002 – Item 7.4 Director

Planning & Community Development's Report 67/2002 –Erection of community facility building, construction of a park and provision of utility services at 33-149 Bundock Street & 373A Avoca Street, Kingsford. (D/0426/2002)

- 14.2 Notice of Rescission Motion by Councillors Matson, Greenwood and Whitehead – Ordinary Council Meeting, Tuesday, 17<sup>th</sup> September, 2002 – Item 7.5 Director Planning & Community Development's Report 68/2002 – Sub-division of land into 14 lots for future residential development and public roads and associated sub-division works including constructions of roads, removal of trees, landscaping, provision of utility services and earthworks comprising Stage 1A at 33-149 Bundock Street and 373A Avoca Street, Kingsford (D/0427/2002)
- 14.3 Notice of Rescission Motion by Councillors Matson, Greenwood and Whitehead – Ordinary Council Meeting, Tuesday, 17<sup>th</sup> September, 2002 – Item 7.6 Director Planning & Community Development's Report 69/2002 – Sub-division of land, construction of road and pathway, provision of utility services, and minor earthworks at 33-149 Bundock Street & 373A Avoca St, Kingsford. (D/0428/2002)
- 14.4 Notice of Rescission Motion by Councillors Matson, Greenwood and Whitehead – Ordinary Council Meeting, Tuesday, 17<sup>th</sup> September, 2002 – Item 7.8 Director Planning & Community Development's Report 71/2002 – Kensington Town Centre Urban Improvement Program – Draft Local Environmental Plan and Draft Development Control. (98/S/4398 xr 98/S/3849)

There being no further business, His Worship the Mayor, Cr D. Sullivan, declared the meeting closed at 11.38 p.m.

THE MINUTES OF THIS MEETING WERE CONFIRMED AT THE ORDINARY MEETING OF THE COUNCIL OF THE CITY OF RANDWICK HELD ON TUESDAY, 22<sup>ND</sup> OCTOBER, 2002.

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CHAIRPERSON