

**MINUTES OF EXTRAORDINARY COUNCIL MEETING
OF THE COUNCIL OF THE CITY OF RANDWICK
HELD ON TUESDAY, 16 DECEMBER, 2003 AT 6:04 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 and A. White
East Ward	-	Cr B. Notley-Smith and M. Matson
West Ward	-	Crs P. Schick, M. Whitehead and J.Procopiadis
Central Ward	-	Crs C. Bastic (from 7.55 p.m.) , T. Seng and A. Andrews

OFFICERS PRESENT:

General Manager	Mr. G. Messiter.
Director Asset & Infrastructure Services	Mr. M. Savage.
Director Planning & Community Development	Ms. S. Truuvert.
Director Governance, Management & Information Services	Mr. M. Hummerston.
Public Officer	Mr. P. Smith.
Communications Manager	Ms. D. Brien.
Manager Development Assessment	Mr. K. Kyriacou.
Manager Policy, Planning & Performance	Ms. K. Walshaw.
Acting Manager Environmental Planning	Ms. K. Armstrong.

1. COUNCIL PRAYER.

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

2. APOLOGY.

An apology was received from Cr Backes.

RESOLVED: (White/Daley) that the apology be received and accepted and leave of absence be granted to Cr Backes from the Extraordinary Council Meeting held on Tuesday, 16th December, 2003.

RESOLVED: (His Worship the Mayor, Cr D. Sullivan/Daley) that the meeting be adjourned at 6.06 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. Dr Terry Lusting, (Convenor Kensington-Kingsford Precinct Traffic Sub-Committee), 15 Cottenham Avenue, Kensington on Item 6.5 – Director Asset & Infrastructure Services’ Report No. 82/2003 - Kensington/West Kingsford Local Area Traffic Management Scheme.
2. Mr Andrew Tosti (The Spot Precinct Committee), PO Box 72, St Pauls on Item 8.1 – Director Planning & Community Development’s Report No. 105/2003 – 39-47 St Pauls Street, Randwick.
3. Mr Jack Ziade, 50 St Pauls Street, Randwick, on Item 8.1 - Director Planning & Community Development’s Report No. 105/2003 – 39-47 St Pauls Street, Randwick.
4. Mr David Anderson, 28 Goorawahal Avenue, La Perouse, on Item 8.2 – Director Planning & Community Development’s Report No. 106/2003 – 1599-1601 Anzac Parade, La Perouse.
5. Mr Lindsay Clare, 41 McLaren Street, North Sydney, on Item 8.2 – Director Planning & Community Development’s Report No. 106/2003 – 1599-1601 Anzac Parade, La Perouse.
6. Mr Cesare Di Veroli, 11 Dudley Street, Randwick, on Item 8.3 – Director Planning & Community Development’s Report No. 107/2003 – 14-16 Daintrey Crescent & 4 Dudley Street, Randwick.
7. Mr Brian Asplund, 10 Pillars Place, Matraville, on Item 8.9 – Director Planning & Community Development’s Report No. 114/2003 – 495-503 Bunnerong Road, Matraville.
8. Mr Tony Pizzolato, 2 Cunningham Street, Moorebank, on Item 8.9 - Director Planning & Community Development’s Report No. 114/2003 – 495-503 Bunnerong Road, Matraville.
9. Mr Frank Tong, 99/336 Sussex Street, Sydney, on Item 8.10 – Director Planning & Community Development’s Report No. 115/2003 – 1430 Anzac Parade, Little Bay – Prince Henry Hospital Site.

RESOLVED: (Andrews/Daley) that the meeting was adjourned at 7.05 p.m.

RESOLVED: (His Worship the Mayor, Cr D. Sullivan/Daley) that the meeting be resumed at 7.30 p.m.

4. MAYORAL MINUTES.

4.1 MAYORAL MINUTE 80/2003 - WAIVING OF FILMING FEE - WALSH AVENUE & NAGLE PARK, MAROUBRA. (99/S/0636)

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

- a) Council vote \$390.50 to cover the fees associated with the filming application and funds be allocated from the Councillors’ Donations Allocation; and
- b) AHT Productions undertake to appropriately and prominently acknowledge and promote Council’s contribution.

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

4.2 MAYORAL MINUTE 81/2003 - WAIVING OF FEE FOR COUNCIL'S BUS. (98/S/0932)

312 **RESOLUTION: (His Worship the Mayor, Cr D. Sullivan)** that Council vote \$88.00 (GST incl.) to cover the fees associated with the hire of the Council's bus and the funds be allocated from the Councillors' Donations vote (1-1-107-181).

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

4.3 MAYORAL MINUTE 82/2003 - COAST CARE WEEK EVENTS AND POCKET GUIDE TO THE MARINE LIFE OF SYDNEY'S EAST. (98/S/5274)

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

- a) *The event organisers be congratulated on a highly successful program; and*
- b) *The Pocket Guide to the Marine Life of Sydney's East be distributed to the community, relevant businesses and educational organisations.*

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

4.4 MAYORAL MINUTE 83/2003 - CALL CENTRE. (98/S/4810)

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

- a) *The Mayor's Minute No. 83/2003 be noted;*
- b) *The Call Centre staff be congratulated for the excellent service that they are providing to the Randwick City residents; and*
- c) *The Mayor be delegated to oversee a publicity campaign to ensure that all residents are aware of the Call Centre and are able to access its services.*

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

4.5 MAYORAL MINUTE 84/2003 - COUNCIL'S POLICY ON THE REMOVAL OF AGGRESSIVE ROOTED STREET TREES. (98/S/4689)

315 **RESOLUTION: (His Worship the Mayor, Cr D. Sullivan)** that Council review the recently adopted policy regarding the removal of Council owned Aggressive Rooted Street Trees to include the following points.

- *Costs of retention of some/all this particular species of tree.*
- *Costs of alternative root and damage control measures.*
- *Costs of replanting with similar sized species.*
- *Whether residents or ratepayers could indemnify Council against damage costs.*
- *The possibility of retaining some trees in significant plantings until partial replacements matured.*

- *The impact of recent court decisions affecting/limiting Council's liability for footpath related injuries.*
- *A proposal to seek indemnity from residents for the retention of aggressive rooted street trees.*

and pending this review a moratorium be implemented on their removal.

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

4.6 MAYORAL MINUTE 85/2003 - TENDER T04/2003 MANAGEMENT & OPERATION OF LATHAM PARK TENNIS CENTRE. (98/S/5088)

316 **RESOLUTION: (His Worship the Mayor, Cr D. Sullivan) that in accordance with Section 19 of the Local Government (Tendering) Regulation 1999:**

- The withdrawal of D&M Toomey from the tender be accepted;*
- The tender from Tenserv Management and Coaching Pty Ltd for the operation of Latham Park Tennis Centre be accepted and that Council as the trustee enter into a lease for five years under s19(1)(a) of the Local Government (Tendering) Regulation 1999; and*
- Authority be granted for Council's Common Seal to be affixed to the Lease Agreement for the property known as the Latham Park Tennis Centre between the Latham Park (R72933) Reserve Trust, dedicated on 26 June 1959 for public recreation and Council as the trustee, and Tenserv Management and Coaching Pty Ltd (CAN 105 991 866) for a period of five years.*

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

5. GENERAL MANAGERS' REPORTS.

5.1 GENERAL MANAGER'S REPORT 35/2003 - TENDER 04/03 MANAGEMENT & OPERATION OF SNAPE PARK TENNIS CENTRE (98/S/5088)

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

- The Snape Park Tennis Centre Tender (T04/03) be finalised with no contract being entered into; and*
- Consideration be given to the allocation of funding in the 2004/05 Budget to undertake the capital programme.*

MOTION: (Andrews/Daley) SEE RESOLUTION.

5.2 GENERAL MANAGER'S REPORT 36/2003 - MAROUBRA SWIMMING CLUB - MEMORANDUM OF UNDERSTANDING. (98/S/0999)

318 **RESOLUTION: (Andrews/Daley) that the Council Seal be affixed to the Memorandum of Understanding with Maroubra Swimming Club.**

MOTION: (Andrews/Daley) SEE RESOLUTION.

6. DIRECTOR ASSET & INFRASTRUCTURE SERVICES' REPORTS.

This is Page No. 4 of the Minutes of the Extraordinary Council Meeting held on Tuesday, 16th December, 2003.

6.1 DIRECTOR ASSET & INFRASTRUCTURE SERVICES' REPORT 78/2003 - SALE OF LAND ADJACENT 276 DONCASTER AVENUE, KINGSFORD. (R/0240/00)

319 **RESOLUTION:** *(Andrews/Daley)* that the owner of 276 Doncaster Avenue, Kensington be advised:

- a) *The estimated sale price of the land known as Lot 7074 DP 1028719, based on an indicative market rate, is \$40,000, and a formal valuation at the owner's expense can be arranged to confirm this estimate;*
- b) *Should the owner wish to proceed, Council will initiate the reclassification of portion of the land as operational, subject to the consent of the Minister for the Department of Lands, and the land would be offered for sale with consideration of the market rate based on a formal valuation; and*
- c) *All legal, survey, valuation, application and other costs associated with the reclassification, closure, sale and transfer of land, be borne by the purchaser.*

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

(Crs Matson, Whitehead, Greenwood & Notley-Smith requested that their names be recorded as opposed to the resolution.)

6.2 DIRECTOR ASSET & INFRASTRUCTURE SERVICES' REPORT 79/2003 - TENDER T13/03 WEED CONTROL AND MAINTENANCE OF SELECTED PARKS (98/S/5119)

320 **RESOLUTION:** *(Andrews/Daley)* that Council accept the tender submitted by Green Horticultural Group Pty Ltd of Box Hill for weed control and maintenance of selected parks Tender No. T13/03 for a period of 2 years with the option to extend a further 12 month period for the annual tender amount of \$123,060 (incl. GST) and

- a) *That the commencement date for the project be in January 2004.*
- b) *The unsuccessful tenderers be notified of the tender result.*

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

6.3 DIRECTOR ASSET & INFRASTRUCTURE SERVICES' REPORT 80/2003 - DENISON STREET, MATRAVILLE - TRANSFER OF ROAD TO COUNCIL OWNERSHIP (D/0867/2003)

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

- a) *As part of any development consent for Development Application 867/2003 the applicant be conditioned to meet the full cost for reconstruction of that section of Denison Street between Perry Street and a suitable point to the north of the development site to Council's standards and specification;*
- b) *Council agree in principle to the transfer of the affected section of Denison Street into Council ownership provided that this transfer occurs at no cost to Council;*

- c) *Subject to there being no cost to Council resulting from the subject transfer of ownership and, following agreement to the transfer from the applicant for DA 867/2003, the Department of Asset and Infrastructure Services initiate the transfer process;*
- d) *The applicant for DA 867/2003 meet any process costs associated with the transfer of ownership; and*
- e) *The applicant be granted conditional temporary site access over Denison Street, as it currently exists, pending completion of the transfer.*

MOTION: (Andrews/Daley) SEE RESOLUTION.

6.4 DIRECTOR ASSET & INFRASTRUCTURE SERVICES' REPORT 81/2003 - UNDERGROUND CABLING MARINE PARADE BETWEEN UNDINE STREET AND WILSON STREET, MAROUBRA. (98/S/1719 XR R/0500/01)

322 **RESOLUTION: (Andrews/Daley)** *that the Director of Asset and Infrastructure Services Report No. 81/2003, dated 8th December 2003, concerning underground cabling in Marine Parade between Undine Street and Wilson Street, Maroubra, be noted.*

MOTION: (Andrews/Daley) SEE RESOLUTION.

6.5 DIRECTOR ASSET & INFRASTRUCTURE SERVICES' REPORT 82/2003 - KENSINGTON / WEST KINGSFORD LOCAL AREA TRAFFIC MANAGEMENT SCHEME (98/S/4405)

323 **RESOLUTION: (Procopiadis/Schick)** *that:*

- a) *The Kensington / West Kingsford Local Area Traffic Management Plan incorporating the partial closure of Boronia Street at Anzac Parade, and the introduction of traffic calming measures at various locations within the area, as shown on the plan attached to the Director Asset & Infrastructure Services' report, be adopted as Council's Concept Plan for public exhibition;*
- b) *Residents of Kensington / West Kingsford within the area bounded by South Dowling Street, Southern Cross Drive, Gardeners Road, Anzac Parade, Doncaster Avenue, Alison Road and Dacey Avenue be notified by letter box drop, to be carried out at the end of January 2004, seeking comments on the proposed measures within 28 days from the date of notice;*
- c) *An advertisement be placed in the Southern Courier outlining Council's actions;*
- d) *The Director Asset & Infrastructure Services report back to Council's meeting in April 2004 recommending a final plan of proposed measures for implementation as part of the 2004/2005 Capital Works Programme;*
- e) *Six months after the completion of works detailed in this resolution, a report be prepared for Council regarding the effectiveness of the implemented Traffic Management Plan;*

- f) *The following traffic management devices be introduced on a 3 month trial basis commencing in January, 2004 in West Kensington to prevent the use of residential streets by through traffic:*
- i) *A speed control device (angled slow point, squeeze point or similar treatment) in Virginia Street, Kensington at a mid block location between Ingram Street and Myrtle Street;*
 - ii) *The introduction of a “NO RIGHT TURN BUSES EXCEPTED” restriction facing the northbound traffic in Virginia Street at the Baker Street intersection;*
 - iii) *A kerb blister to prohibit left turning supplemented by a “NO LEFT TURN” sign facing the eastbound traffic in Lenthall Street at its intersection with McDougall Street; and*
 - iv) *A kerb blister to prohibit left turning, supplemented by a “NO LEFT TURN” sign facing the eastbound traffic in Lenthall Street at its intersection with Milroy Avenue.*
- g) *During the exhibition period, consideration be given to signs being erected adjacent to the intersection of Boronia Street & Anzac Parade indicating the proposed closure at this location, with a view to informing residents, motorists and interested parties of the proposed closure and that the signs bear relevant contact details which indicate where submissions on this issue may be lodged.*

MOTION: (Procopiadis/Schick) SEE RESOLUTION.

(Cr Bastic attended the meeting at this stage, the time being 7.55 p.m.)

6.6 DIRECTOR ASSET & INFRASTRUCTURE SERVICES' REPORT 83/2003 - LIFT SERVICE UPGRADE AND MAINTENANCE. (PROJ/0047/03)

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

- a) *Council accept the tender submitted by Link Elevator Company Pty Ltd for the completion of the Lift Service Upgrade and Maintenance Tender No.T06/03 for the lump sum amount of \$332,741.20 (lift upgrade) including GST and \$29,700.00 (3 year maintenance agreement) including GST;*
- b) *The commencement date for the project be January 2004;*
- c) *Unsuccessful tenderers be notified of the tender results; and*
- d) *The General Manager in consultation with the Mayor be authorised to sign the contract and other documents pertaining to the scope of works and that Council's Seal be affixed to contract documentation, if required.*

MOTION: (Andrews/Daley) SEE RESOLUTION.

7. DIRECTOR GOVERNANCE, MANAGEMENT & INFORMATION SERVICES' REPORT.

7.1 DIRECTOR GOVERNANCE, MANAGEMENT & INFORMATION SERVICES' REPORT 34/2003 - COUNCILS ONLINE - PROGRESS REPORT. (98/S/3323)

325 **RESOLUTION:** (Andrews/Daley) that the Director Governance, Management and Information Services No. 34/2003 be received and noted.

MOTION: (Andrews/Daley) SEE RESOLUTION.

8. DIRECTOR PLANNING & COMMUNITY DEVELOPMENT'S REPORTS.

8.1 DIRECTOR PLANNING & COMMUNITY DEVELOPMENT'S REPORT 105/2003 - 39-47 ST PAUL'S STREET, RANDWICK. (D/0615/2003)

326 **RESOLUTION:** (Daley/Whitehead) 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 615/2003 to increase the allowable number of patrons in the Ritz Cinema from 1,253 to 1,815 and increase available parking for patrons and staff to a total of 18 spaces at 39-47 St Paul's Street, Randwick 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 Planning and Community Development:

1. The applicant shall demonstrate that 5 parking spaces at No. 50 St Pauls Street, Randwick (Lot 1, DP 605406) will always be available for use by the cinema after 5:00pm on Fridays and on Saturday and Sunday, and that the 2 spaces at No. 25-31 Perouse Road (strata approved currently Lot 100, DP 1046616) will be available for use by the cinema at all times, even if the ownership of either development changes. It is noted that this shall include, but not be limited to, creating formal lease agreements for the use of the parking spaces.
2. A car parking management plan supported by appropriate quantification and prepared by a qualified traffic or parking consultant shall be submitted to and approved by Council. The management plan shall demonstrate that the valet system will be managed in a safe and efficient manner and at minimum, cover the following issues:
 - a. Method of drop off and car retrieval (It is noted that the valet parking system must not result in queuing in any public streets and must not disrupt traffic flows on surrounding streets, nor decrease the number of on-street parking spaces).
 - b. Method of payment and proposed parking rates (if applicable).
 - c. Method of ensuring that the valet system gets used by patrons (i.e making the system 'user friendly' so as to not deter patrons.)
 - d. Arrangements to indicate when the valet carparks are full.
 - e. Staffing levels required for each period of the week to ensure satisfactory operation of the valet system.

- f. *Provision for ongoing monitoring of the carparking performance.*

Evidence required to satisfy the above conditions must be submitted to Council within 12 months of the date of this consent.

Development Consent Conditions

Subject to compliance with the deferred commencement conditions, to the satisfaction of the Director Planning and Community Development, 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 Heritage Impact Report prepared by David Scobie Architects Pty Ltd, revised September 25, 2003 and the Activity and Parking Assessment prepared by Urban Research and Planning Pty Ltd dated September 2003 and the Statement of Environmental Effects prepared by SPD Town Planners dated 3 October 2003, all stamped received by Council on 9 October 2003, 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. *Conservation and maintenance works must be carried out in accordance with The Conservation Management Plan, 1996 prepared by Architectural Projects Pty Ltd and the recommendations of any future studies or conservation plans for the site.*

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

3. *The requirements and provisions of the Environmental Planning & Assessment Act 1979 and Environmental Planning & Assessment Regulation 2000, must be fully complied with at all times.*

Failure to comply with these legislative requirements is an offence and may result in the commencement of legal proceedings, issuing of `on-the-spot` penalty infringements or service of a notice and order by Council.

The following conditions are applied to ensure that reasonable levels of fire safety are provided in the building:

4. *Prior to implementation of the development and increase in number of patrons, a report is to be provided to Council's Manager Environmental Health and Building, from an accredited building certifier, which demonstrates and confirms that the existing design and configuration of the building (including exit systems) satisfies the relevant provisions of the Building Code of Australia for the increased, maximum number of patrons.*
5. *In accordance with the provisions of the Local Government Act 1993 an application to amend your current approval to operate as a Place of Public Entertainment (dated 18 October 2001) is required to be submitted to and approved by Council, prior to increasing the number of patrons above 1,253.*

6. *The valet parking system shall be operated in accordance with the carpark management plan approved in conjunction with deferred commencement condition 2.*
7. *The car parking spaces must be available for use by Cinema patrons in perpetuity, in accordance with the requirements of deferred commencement condition 1.*

MOTION: (Matson/Greenwood) that the application be refused for the following reasons:

- 1) The proposal, if consented to, would increase parking demands in authorised parking spots in the area;
- 2) That it will likely encourage unauthorised parking by cinema patrons in unauthorised parking areas; and
- 3) It is not in the community interest. **LOST.**

FURTHER MOTION: (Daley/Whitehead) SEE RESOLUTION.

AMENDMENT: (Notley-Smith/Matson) that Council grant approval, subject to a review of the situation in 6 months time. **LOST.**

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

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

8.2 DIRECTOR PLANNING & COMMUNITY DEVELOPMENT'S REPORT 106/2003 - 1599-1601 ANZAC PARADE, LA PEROUSE. (D/0891/2003)

327 **RESOLUTION: (Daley/White)** that Council, as the responsible authority, refuse its development consent under Section 80 of the Environmental Planning and Assessment Act 1979 (as amended) to Development Application for demolition of existing structures and the construction of a mixed use commercial and residential development containing 12 residential apartments, commercial/retail space and basement car parking at 1599-1601 Anzac Parade, La Perouse for the following reasons:

- a) *The bulk, form, scale, design and aesthetics of the proposed building would detrimentally affect the character and amenity of the surrounding locality and streetscape, pursuant to Section 79C(1)(b) of the Environmental Planning and Assessment Act, 1979 (as amended).*
- b) *Pursuant to Section 79C(1)(a)(i) of the Environmental Planning and Assessment Act, 1979 (as amended), the proposal fails to comply with the maximum building height*

for the site as contained in Clause 33 (5) of the Randwick Local Environmental Plan 1998.

- c) Pursuant to Section 79C(1)(a)(i) of the Environmental Planning and Assessment Act, 1979 (as amended), the proposal fails to comply with the maximum floor space ratio for the site as contained in Clause 32 (3) of the Randwick Local Environmental Plan 1998.*
- d) Pursuant to Section 79C(1)(a)(i) of the Environmental Planning and Assessment Act, 1979 (as amended), the proposal is considered unsatisfactory in relation to the provisions of Clause 46 of the Randwick Local Environmental Plan 1998 – Development in the vicinity of heritage items, heritage conservation areas and potential archaeological sites.*
- e) Pursuant to Section 79C(1)(b) of the Environmental Planning and Assessment Act, 1979 (as amended), the proposal would cause detrimental overshadowing of public places.*
- f) Pursuant to Section 79C(1)(b) of the Environmental Planning and Assessment Act, 1979 (as amended), the proposal would increase traffic to the detriment of the residential amenity of Goorawahl Avenue.*
- g) Pursuant to Section 79C(1)(c) of the Environmental Planning and Assessment Act, 1979 (as amended), the proposal represents an overdevelopment of the site.*

MOTION: (Daley/White) SEE RESOLUTION.

**8.3 DIRECTOR PLANNING & COMMUNITY DEVELOPMENT'S REPORT
107/2003 - 14 - 16 DAINTREY CRESCENT AND 4 DUDLEY STREET,
RANDWICK. (D/0197/2003/)**

328 **RESOLUTION: (Tracey/Andrews) that:**

- A. Council assume the concurrence of the Director of the Department of Infrastructure Planning and Natural Resources to vary the provisions of Clause 32 of the Randwick Local Environmental Plan 1998 (as amended) relating to Floor Space Ratio under State Environmental Planning Policy No. 1.*
- B. 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 03/00197/GE for demolition of existing buildings on site and erection of a multi unit residential development containing 18 units and 34 carparking spaces at 14-16 Daintrey Crescent and 4 Dudley Street, Randwick subject to the following deferred commencement condition:-*

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. The height of the proposed building fronting Daintrey Crescent (Daintrey Block proposed at RL 70.75 and RL 70) shall be lowered such that the maximum RL shall be 68.75m. This may be achieved by one or more of the*

following options:- excavating the development further into the ground, Amended plans detailing compliance with this condition shall be submitted for approval by the Director Planning and Community Development.changing the roof pitch and/or having a flat roof.

C. Subject to compliance with the deferred commencement condition , to the satisfaction of the Director of Planning and Community Development, development consent is granted under Section 80 and 80A of the Environmental Planning and Assessment Act 1979 (as amended) to Development Application No 03/00197/GE for demolition of existing buildings on site and erection of a multi unit residential development containing 18 units and 34 carparking spaces at 14 - 16 Daintrey Crescent and 4 Dudley Street, Randwick subject to the following conditions:-

1. The development must be implemented substantially in accordance with the plans numbered DA-01 issue A, DA-03 issue A, DA-05 issue A, DA-06 issue A, and DA-08 issue A to DA 11 issue A, dated 23.04.2002 and received by Council on 12 March 2003, DA-00 issue B, dated 02.09.2003 and received by Council on 10 September 2003, DA-02 issue B dated 02.09.2003 and received by Council on 10 September 2003, DA-04 issue C dated 09.09.2003 and received by Council on 10 September 2003, and DA-07 issue B dated 02.09.2003 and received by Council on 10 September 2003, LA01 issue B received by Council 12 March 2003, the application form and on any supporting information received with the application, except as may be amended by details approved with the deferred commencement condition and 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 shall be in accordance with the external finishes board prepared by Allen Jack & Cottier and dated April 2002.*
- 3. A single common television aerial, and/or satellite dish (having a maximum diameter of 700mm and not located on the front or street elevation of the building) is to be installed to serve the development.*
- 4. All existing outbuildings on the site must be demolished and removed in conjunction with the development.*
- 5. The balcony to the disabled unit no. 8.1 is to be expanded to have a minimum area of at least 8 sq.m.*
- 6. Public access to the visitor's carparking spaces is to be maintained at all times and an intercom system is to be provided adjacent to the vehicular entrance to the carpark, together with appropriate signage providing instructions for use.*
- 7. Internal or external clothes drying facilities are to be provided in accordance with the provisions of the Building Code of Australia.*

Should external clothes drying facilities be provided, the facilities must be adequately screened by vegetation and details are to be incorporated into the landscaping plans, to the satisfaction of the certifying authority.

The following conditions are imposed to promote ecologically sustainable development and energy efficiency.

8. *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 noted in the **construction certificate** plans or specifications.*
9. *External timber or metal framed and brick veneer walls and roofs are to be provided with insulation (i.e. bulk insulation and a reflective building membrane/reflective sarking/foil insulation), having a minimum total thermal resistance R-value of 3.0 in roofs and 1.5 in external walls. The insulation and reflective building membrane is to be installed in accordance with the relevant requirements of the Building Code of Australia and the manufacturers details.*

*Details of compliance with the requirements for insulation are to be included in the **construction certificate** application.*

10. *Hot water service pipes are to be provided with insulation, in accordance with the relevant requirements of Building Code of Australia and AS 3500.*
11. *The hot water system installed in the development must achieve a minimum greenhouse score of 3.5 as detailed SEDA's Energy Smart Homes Policy. Any electric clothes dryers to be provided in the development must also have a minimum 2 star energy rating.*

The following condition/s are applied to satisfy the increased demand for public amenities and public services:

12. *In accordance with Council's Section 94 Contributions Plan effective from 2 September 1999, the following monetary contribution is to be paid to Council.*

a) <i>for the provision or improvement of open space</i>	<i>\$ 37,138.16</i>
b) <i>for the provision or improvement of community facilities</i>	<i>\$ 16,421.00</i>
c) <i>Administration fee</i>	<i>\$ 425.00</i>

*The contribution must be paid in cash or by bank cheque **prior to a construction certificate being issued** for the proposed development, together with payment of the required **Section 94 Administration Fee of \$425.00**. Council's Section 94 Contribution Plans may be inspected at the Customer Service Centre, Administrative Centre, 30 Frances Street, Randwick.*

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:

13. *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.*

In this regard, the operation of any plant or equipment on the site shall not give rise to an L_{10} sound pressure level which is 5dB(A) greater than the A-weighted L_{90} background sound pressure level, measured at any point on a residential boundary or within any residential dwelling.

14. *The use of the premises and the operation of plant and equipment shall not give rise to the transmission of a vibration nuisance.*
15. *A report prepared by a suitably qualified and experienced consultant in acoustics shall be submitted to Council **prior to a construction certificate being issued for the development**, certifying that noise and vibration emissions from the development will comply with the provisions of the Protection of the Environment Operations Act 1997 and relevant conditions of approval.*
16. *A report, prepared by a suitably qualified and experienced consultant in acoustics, shall be submitted to the Council **prior to an occupation certificate being issued** for the development, certifying that noise and vibration emissions from the development comply with the provisions of the Protection of the Environment Operations Act 1997 and conditions of Council's approval.*

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:

17. *The use and operation of the premises shall not give rise to an environmental health or public nuisance.*
18. *There are to be no emissions or discharges from the premises which will give rise to an offence under the Protection of the Environment Operations Act 1997 and Regulations.*
19. *The location of the discharge point serving the car park mechanical ventilation system is to be not less than 6m from a property boundary and it must discharge vertically and satisfy the relevant provisions of the Building Code of Australia and AS 1668.*

Details of compliance are to be provided in the plans and specifications for the construction certificate.

20. *The location and height of the discharge of mechanical ventilation systems are required to satisfy the relevant provisions of the Building Code of Australia and AS 1668 and details are to be provided in the relevant plans / specifications for the **construction certificate**.*
21. *Pollution control devices shall be installed and maintained to ensure there will be no water borne pollutants discharging or are likely to discharge into any natural water course or the stormwater or sewerage drainage systems.*

Full details of the proposed pollution control devices to be installed are to be submitted to and approved by Council's Director of Planning and Environment in accordance with Section 80 A(2) of the Environmental Planning and Assessment Act 1979, prior to a construction certificate being issued for the development.

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

22. *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.*
23. *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 \$5,000.*

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 group of conditions have been applied to ensure the structural adequacy and integrity of the proposed building and adjacent premises:

24. *Documentary evidence prepared by a suitably qualified professional geotechnical engineer shall be submitted to the certifying authority **prior to the issuing of a construction certificate**, certifying the suitability and stability of the site for the proposed building and certifying the suitability and adequacy of the proposed design and construction of the building for the site.*
25. *A report shall be prepared by a professional engineer and submitted to the certifying authority **prior to the issuing of a construction certificate**, detailing the proposed methods of excavation, shoring or pile construction, including details of vibration emissions and detailing any possible damage which may occur to adjoining or nearby premises that may be caused by the proposed building, excavation and shoring works.*

*Any practices or procedures specified in the engineer's report in relation to the avoidance or minimisation of structural damage to nearby premises, are to be fully complied with and incorporated into the plans and specifications for the **construction certificate**.*

A copy of the engineers report is to be submitted to the Council, if the Council is not the certifying authority.

26. *Driven type piles/shoring must not be provided unless a geotechnical engineer's report is submitted to the certifying authority, **prior to the issuing of a construction certificate**, which states that damage should not occur to any adjoining premises and public place as a result of the works.*
27. *A dilapidation report prepared by a professional engineer or suitably qualified and experienced building surveyor shall be submitted to the certifying authority **prior to the commencement of demolition, excavation or building works** detailing the current condition and status of all buildings, including ancillary structures (i.e. including dwellings, residential flat buildings, commercial/industrial building, garages, carports, veranda's, fences, retaining walls, swimming pools and driveways etc.) located upon:
 - a. *all of the premises adjoining the subject site**

*The report is to be supported with photographic evidence of the status of the buildings and a copy of the report must also be forwarded to the Council and to the owners of each of the abovestated premises, **prior to the commencement of any works**.*

28. *A Certificate of Adequacy prepared by a professional engineer shall be submitted to the certifying authority (and the Council, if the Council is not the certifying authority) **prior to occupation of the building**, certifying the structural adequacy of the building and that the building works satisfy the relevant structural design requirements of the Building Code of Australia.*

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:

29. *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 and details of compliance are to be prepared by a suitably qualified person and be submitted to the principal certifying authority, **prior to the commencement of any demolition works**.*
30. *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.*
31. *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.*
32. *The building works are to be inspected by the Principal Certifying Authority (or other suitably qualified person, to the satisfaction of the Principal Certifying Authority), to monitor compliance with the relevant standards of construction and Council's development consent.*

The Principal Certifying Authority shall specify the relevant stages of construction to be inspected and a satisfactory inspection must be carried out, to the satisfaction of the Principal Certifying Authority, prior to proceeding to the subsequent stages of construction or finalisation of the works (as applicable).

Documentary evidence of the building inspections carried out and compliance with Council's approval 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, to the satisfaction of the Principal Certifying Authority) 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 consent:

- *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, sand, soil, debris, waste containers or other obstructions.*
33. *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.*
34. *Retaining walls or shoring must be provided to support land which is excavated in association with the erection or demolition of a building, to prevent the movement of soil and to support the adjacent land, if the soil conditions require it, and adequate provisions are to be made for drainage.*

Retaining walls and shoring are to be designed and installed in accordance with the relevant requirements of the Building Code of Australia and Australian Standards and details of any proposed retaining walls are to be submitted to the Principal Certifying Authority for consideration prior to installation.

35. *If an excavation associated with the erection or demolition of a building extends below the level of the base of the footings of a building on an adjoining allotment of land, the person causing the excavation must:*
- *preserve and protect the building /s on the adjoining land from damage; and*
 - *if necessary, underpin and support the building in an approved manner; and*
 - *at least seven (7) days before excavating below the level of the base of the footings of a building on an adjoining allotment of land (including a public road or public place), give notice of the intention to do so to the owner of the adjoining land. Particulars of the excavation are to be provided to the owner of the adjoining land and also the owner of the land where the building is being erected or demolished.*
36. *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 &*

37. *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.*
38. *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*
39. *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.*
40. *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 footings or first completed floor slab (prior to the pouring of concrete), showing the area of the land, building and boundary setbacks.*
 - (b) *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.*
 - (c) *On completion of the erection of the building showing the area of the land, the position of the building and boundary setbacks and verifying the building has been constructed at the approved levels.*
41. *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.*
42. *The use of any rock excavation machinery or any mechanical pile drivers is restricted to the hours of 8.00am to 5.00pm (maximum), Monday to Friday inclusive and from 8.00am to 1.00pm on Saturday, to minimise the noise levels during construction and loss of amenity to nearby residents.*

*A report prepared by a suitably qualified and experienced consultant in acoustics shall be submitted to Council **prior to the commencement of any excavation or***

building works, certifying that noise and vibration emissions from the construction of the development will comply with the provisions of the Protection of the Environment Operations Act 1997, the Noise Control Manual published by the Environment Protection Authority and relevant conditions of this approval.

43. *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.

44. *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.*

45. *A report prepared by a suitably qualified and experienced consultant in acoustics shall be submitted to Council **upon commencement of works**, certifying that noise and vibration emissions from the construction of the development complies with the provisions of the Protection of the Environment Operations Act 1997, the Noise Control Manual published by the Environment Protection Authority and relevant conditions of approval. In support of the above it is necessary to submit all relevant readings and calculations made.*

Should noise and vibration emissions not comply with the terms and conditions of consent, work must cease forthwith and is not to recommence until details of compliance are submitted to Council.

46. *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.*

47. *Public safety and convenience must be maintained at all times during demolition, excavation and construction works.*

A Road Opening Permit must be obtained from the Council and other relevant Authorities prior to excavating or opening-up the road or footway for services or the like.

Any damage caused to the road or footway must be repaired immediately, to the satisfaction of Council.

48. *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 and debris at all times.*

49. *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.*
50. *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".*
51. *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.

52. *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.

53. *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.

54. *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.

55. *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.*
56. *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.

57. *Public access to the site and building works, materials and equipment on the site is to be restricted, when work is not in progress or the site is unoccupied.*

A temporary safety fence is to be provided to protect the public, located to the perimeter of the site (unless the site is separated from the adjoining land by an existing structurally adequate fence, having a minimum height of 1.5 metres). Temporary fences are to have a minimum height of 1.8 metres and be constructed of cyclone wire fencing with geotextile fabric attached to the inside of the fence to provide dust control, or other material approved by Council.

Hoarding or fences are to be structurally adequate and be constructed in a good and workmanlike manner and the use of poor quality materials or steel reinforcement mesh as fencing is not permissible.

*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.*

58. *Public access to the site and building works, materials and equipment on the site is to be restricted, when work is not in progress or the site is unoccupied.*

A temporary safety fence is to be provided to protect the public, located to the perimeter of the site (unless the site is separated from the adjoining land by an existing structurally adequate fence, having a minimum height of 1.5 metres). Temporary fences are to have a minimum height of 1.8 metres and be constructed of cyclone wire fencing, with geotextile fabric attached to the inside of the fence to provide dust control, or other material approved by Council.

Fences or hoardings are to be structurally adequate and be constructed in a good and workmanlike manner and the use of poor quality materials or steel reinforcement mesh as fencing is not permissible.

Details of the proposed temporary fences located upon the site are to be submitted to the principal certifying authority and 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.

59. *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.*
60. *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 access and facilities for people with disabilities:

61. *Access, facilities and car parking for people with disabilities must be provided in accordance with Council's development control plan for multi-unit housing and in accordance with the relevant provisions of Part D3 of the Building Code of Australia and AS1428.1, AS4299 and 2890.1. Details of the proposed access, facilities and carparking for people with disabilities are to be included in the plans / specifications for the **construction certificate**.*

The following conditions are applied to ensure that reasonable levels of fire safety are provided in the building:

62. *The building is required to be provided with a smoke alarm system complying with Clause 3 of Specification E2.2a of the B.C.A. or a smoke detection system complying with Clause 4 of Specification E2.2a of the B.C.A. or a combination of a smoke alarm system within the sole-occupancy units and a smoke detection system in areas not within the sole-occupancy units.*

The following conditions are applied to ensure adequate environmental protection.

63. *All hazardous or intractable wastes (including asbestos) shall be removed and disposed of in accordance with the requirements of WorkCover and the Environmental Protection Authority, and with the provisions of:*
 - *Occupational health and Safety Act 1983 (NSW)*
 - *Construction Safety Act 1912; Regulation 84A-J Construction Work Involving Asbestos or Asbestos Cement 1983 (NSW)*
 - *Occupational Health and Safety (Hazardous Substances) Regulation 1996 (NSW).*
 - *Occupational Health and Safety (Asbestos Removal Work) Regulation 1996 (NSW); and*
 - *Waste Minimisation and Management Act 1995 and Regulations (NSW).*
64. *All site works shall comply with the occupational health and safety requirements of the NSW WorkCover Authority. In this regard all contractors and employees shall adopt work practices in accordance with the requirements of WorkSafe's Control of Inorganic Lead at Work (NOHSC:102(1994) and NOHSC:2015(1994).*

65. *Hazardous dust must not be allowed to escape from the site. The use of fine mesh dust proof screens or other relevant measures is recommended. Any existing accumulations of dust (eg, ceiling voids and wall cavities) must be removed by the use of an industrial vacuum fitted with a high efficiency particulate air (HEPA) filter. All dusty surfaces and dust created from work is to be suppressed by a fine water spray. Water must not be allowed to enter the street and stormwater systems. Demolition is not to be performed during high winds, which may cause dust to spread beyond site boundaries.*
66. *Following demolition activities, soil must be tested by a person of suitable expertise, to ensure the soil lead levels are below acceptable health criteria for residential areas. Full certification is to be furnished to Council and the Principal Certifying Authority **prior to final inspection.***

SECURITY DEPOSIT CONDITIONS

- 67 *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) \$5000.00 - 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:

- 68 *The applicant must meet the full cost for Council or a Council approved contractor to:*
- a) *Construct a heavy-duty concrete vehicular crossing and layback at kerb opposite the vehicular entrance to the site.*
 - b) *Remove any redundant concrete vehicular crossings and laybacks and to reinstate the area with concrete footpath, turf and integral kerb and gutter to Council's specification.*
 - c) *Re-construct kerb and gutter for the Dudley Street frontage except opposite the vehicular entrance and exit points.*
 - d) *Carry out a full depth, minimum 1.00 metre wide, road construction in front of the kerb and gutter along the full site frontage.*
 - e) *Reconstruct a concrete footpath along the Dudley Street frontage. Any unpaved areas on the nature strip must be turfed and landscaped to Council's specification.*
 - f) *Re-construct kerb and gutter with associated roadworks for the Daintrey Crescent frontage as well as footpath and step reconstruction*

and possible retaining walls and landscaping to Asset and Infrastructure Dept's requirements.

- 69 *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.*
- 70 *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.*
- 71 *All new walls adjacent to vehicular crossings must be lowered to a height of 600mm above the internal driveway level or splayed 1.5 metre by 1.5 metre so that a driver of a stopped vehicle 2 metres behind the street boundary line can observe pedestrians up to 2 metres from the crossings. Details are to be submitted to the Certifying Authority prior to the release of the construction certificate showing compliance with this condition.*
- 72 *The driveway opening at the Dudley Street frontage must be located at least 1.2 metres clear of the side property.*
- 73 *A work zone is to be provided in Dudley St for the duration of the construction works. The 'workzone' shall have a minimum length of 12 metres and the prescribed fee for the work zone must be paid to Council at least four (4) weeks prior to the commencement of building works.*

ALIGNMENT LEVEL CONDITIONS

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

- 74 *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, shall be:*

Dudley Street Frontage – Match the existing Council footpath levels at all points along the full site frontage.

Daintrey Crescent Frontage – The pedestrian gate entrance is to be 150mm above the existing asphalt footpath/driveway at this location.

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

- 75 *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. The design alignment level at the street boundary, as issued by the Council, must be strictly adhered to.*
- 76 *The above alignment levels and the site inspection by Council's Department of Asset & Infrastructure Services have been issued at a prescribed fee of \$1,485.00 calculated at \$27.50 (inclusive of GST) per metre of site frontage. 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:

- 77 *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.*
- 78 *The applicant must meet the full cost for telecommunication companies, gas providers, Energy Australia and Sydney Water to adjust/repair/relocate their services as required. The applicant must make the necessary arrangements with the service authority.*
- 79 *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.*
- 80 *Any electricity substation required for the site as a consequence of this development shall be located within the site and shall be screened from view. The proposed location and elevation shall be shown on all detailed landscape drawings and specifications. The applicant must liaise with Sydney Electricity prior to lodging the construction certificate whether or not an electricity substation is required for the development.*
- 81 *A Section 73 Compliance Certificate under the Sydney water Act 1994 must be obtained. Application must be made through an authorised Water Servicing Coordinator. Please refer to "Your Business" section of Sydney Water's web site at www.sydneywater.com.au then the "e-developer" icon or telephone 13 20 92.*

Following application a "Notice of Requirements" will detail water and sewer extensions to be built and charges paid. Please make early contact with the Coordinator, since building of water/sewer extensions can be time consuming and may impact on other services and building, driveway or landscape design.

The Section 73 Certificate must be submitted to the Principal Certifying Authority prior to the issuing of an occupation certificate or prior to receiving strata subdivision approval.

Drainage Conditions

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

- 82 *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 issued, 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 Council's 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.*

- h) *All stormwater run-off naturally draining to the site must be collected and discharged through this property's stormwater system. Such drainage must, if necessary, be constructed prior to the commencement of building work.*
- 83 *On-site detention must be provided to ensure that the maximum discharge from the above site is not to exceed that which would occur during a 1 in 5 year storm of 1-hour duration for the existing site conditions. All other stormwater run-off from the above site for all storms up to the 1 in 20 year storm is to be retained on the site for gradual release to the kerb and gutter or drainage system as required by the Director of Assets and Infrastructure Services. Provision is to be made for satisfactory overland flow should a storm in excess of the above parameters occur.*

For small areas up to 0.5 hectares, determination of the required cumulative storage must be calculated by the mass curve technique as detailed in Technical Note 1, Chapter 14 of the Australian Rainfall and Run-off Volume 1, 1987 Edition.

Where possible the detention tank must have an open base to infiltrate stormwater to the groundwater. Note that the ground water and any rock stratum has to be a minimum of 2.0 metres below the base of the tank.

- 84 *All site stormwater leaving the site must be discharged by gravity to the kerb and gutter or drainage system at the front of the property.*
- 85 *The applicant must provide for a detention volume of up to the 1 in 100 year, plus an additional 50% of storage volume should no overland escape route be provided for storms greater than the design storm.*
- 86 *A "restriction as to user and positive covenant" shall be placed on the title of the subject property prior to the issuing of a final occupation certificate. Such restriction and positive covenant shall relate to the onsite stormwater detention system and shall not be released, varied or modified without the consent of the Council.*

Notes:

- a. *The "restriction as to user and positive covenant" are to be to the satisfaction of Council. A copy of Council's standard wording/layout for the restriction and positive covenant may be obtained from Council's Asset and Infrastructure Services Department.*
- b. *The linen plans shall indicate the location and dimensions of the detention/infiltration areas.*

This condition is to ensure that no works which could affect the design function of the detention system are undertaken without the prior consent (in writing) from Council.

87. *The detention area must be regularly cleaned and maintained to ensure it functions as required by the design.*
88. *The stormwater detention area must be suitably signposted where required, warning people of the maximum flood level.*

89. *The floor level of all habitable and storage areas adjacent to the detention area must be a minimum of 300mm above the maximum water level for the design storm or alternately a permanent 300mm high water proof barrier is to be constructed.*

(In this regard, it must be noted that this condition must not result in any increase in the heights or levels of the building. Any variations to the heights or levels of the building will require a new or amended development consent from the Council prior to a construction certificate being issued for the development).

90. *A childproof and corrosion resistant fastening system shall be installed on access grates over pits/trenches where water is permitted to be temporarily stored.*
91. *Should a pump system be required to drain any portion of the site the system must be designed with a minimum of two pumps being installed, connected in parallel (with each pump capable of discharging at the permissible discharge rate) and connected to a control board so that each pump will operate alternatively. The pump wet well shall be sized for the 1 in 100 year, 2-hour storm assuming both pumps are not working.*

The pump system must also be designed and installed strictly in accordance with "Section 8.4 PUMP SYSTEMS" as stipulated in Randwick City Council's Private Stormwater Code.

92. *A work-as-executed plan prepared and signed by the hydraulic engineer or a registered surveyor, and approved by an accredited certifier, must be submitted to Council's Director of Asset and Infrastructure Services prior to the issuing of an occupation certificate, detailing the location of the detention basin with finished surface levels, contours at 0.2 metre intervals and volume of storage available. The outlet pipe from the detention basin to its connection with Council's drainage system, must be indicated on this plan in conjunction with the following information:*

- a) location*
- b) pipe diameter*
- c) gradient*
- d) pipe material ie PVC or EW etc*
- e) orifice size (if applicable)*

93. *A sediment/silt arrester pit must be provided within the site at or near the street boundary prior to the site stormwater discharging by gravity to the kerb/street drainage system*

The sediment/silt arrester pit shall be constructed with:-

- The base of the pit located a minimum 300mm under the invert level of the outlet pipe.*
- The pit must be constructed from cast in-situ concrete, precast concrete or double brick.*

- *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.*
- *A sign adjacent to this pit stating that:*

“This sediment/silt arrester pit shall be regularly inspected and cleaned.”

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

94. *A ‘V’ drain is to be constructed along the perimeter of the property, where required, to direct all stormwater to the detention area.*
95. *Any Absorption Trenches/Pits must be designed in accordance with "Section 8.5 ABSORPTION TRENCHES" as stipulated in Randwick City Council's Private Stormwater Code.*
96. **Two** *covered car washing bays shall be provided for this development.*
 - a) *The car washing bays must be drained to sewer to the requirements of Sydney Water and proof of compliance is to be submitted to the certifying authority, prior to a construction certificate being issued for the proposed development.*
 - b) *The car washing bays must be located outside any required/approved stormwater detention system and must be suitably signposted.*
 - c) *The car washing bays must be constructed with a minimum 20mm bund around the perimeter of the car washing bay/s (or equivalent)*

A water tap shall be located adjacent to the car washing bays.

97. *All drainage details for the site shall be prepared by a suitably qualified hydraulic consultant who shall, at the completion of the works, certify that the drainage works have been constructed in accordance with the approved drainage plans.*

98. *As the above site may be present within a fluctuating water table the basement carpark or similar structures are to be suitably tanked and waterproofed. A Structural Engineer\Geotechnical Engineer shall certify the tanking & waterproofed has been carried out to an acceptable standard and a copy of the certification is to be forwarded to Council.*

Notes:-

- a) *Any subsoil drainage is to be disposed of within the site and is not to be charged to Council's kerb & gutter and/or underground drainage system.*
- b) *Adequate provision is to be made for the ground water to drain around the basement carpark (to ensure that the basement will not dam or slow the movement of the ground water through the development site).*

*Any seepage water must be drained directly into an absorption pit within the site. Seepage water must **not** be drained from the site.*

Waste Management Conditions

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

99. *The garbage room areas will have to be designed so as to be able to contain a total of 18 x 240 litre bins (9 garbage bins & 9 recycle bins) whilst providing satisfactory access to these bins. Details showing compliance with this requirement are to be shown on the plans submitted to the certifying authority for the construction certificate.*
100. *The 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.*

Landscape Conditions

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

101. *The landscaped areas shown on the plan number LA01 B, dated 02-04-2002 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.*

The plan shall clearly show the position, canopy spread (location of dripline), trunk diameter, height and names of all existing trees upon the site and adjoining sites within 6 metres of the common property boundary which are likely to be affected by the development.

- 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.*
 - 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, fencing details, surface finishes, retaining wall details, and any other landscape elements 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. Sectional elevations through the site showing the existing and proposed groundlines, building elevations, and mature height of proposed planting.*
 - g. The landscape plan shall show a minimum number of 4 x 100 litre broad canopied trees (not palms) suitably located within the site. The trees selected shall be of a species that attain a minimum height of 6 metres at maturity.*
 - h. 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.*
 - i. The plan shall respect the prevailing coastal influences and the coast's special design considerations and requirements, and shall be designed accordingly. Generally, species selection shall be restricted to local indigenous coastal species.*
- 102. Landscaped areas must contain a predominance of species that require minimal watering once established or species with water needs that match rainfall and drainage conditions.*

*Landscaped areas must include an area and facilities dedicated for onsite composting and porous paving should also be used in all pathways, wherever practicable, to maximize on-site absorption of rainwater and details are to be provided on the landscape plans. Details of the proposed landscaping, including plant species and paved areas are to be included with the **construction certificate** application.*

103. *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.

104. *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 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.

105. *The naturestrip upon Council's footway 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 or similar. 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. Any substation required shall be screened from view. The proposed location and elevation shall be shown on all detailed landscape drawings and specifications.*

107. *All 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.

Tree Management

108. *The applicant shall submit payment of \$2212 to Council,*
- a. Being the cost for Council to remove the existing street tree specimens of two (2) *Metrosideros* species (New Zealand Christmas Bush) (\$682) and*
 - b. Being the cost for Council to supply and install 2 x 25 litre street trees at the completion of all works (\$440), and*

- c. *To compensate Council for the loss of amenity caused by the removal of the street tree street trees (\$1090)*

The contribution shall be paid into Account Number 43450030 at the Cashier on the Ground Floor of the Administrative Centre prior to an occupation certificate being issued for the development.

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

109. *Approval is granted for the removal of the following trees subject to the planting of 6 x 75 litre broad canopied replacement tree/s (not palm/s) within the site. The species selected shall be one/those that will attain a minimum height of 6 metres at maturity.*
- a) *Three (3) Cyathea species (Tree Fern) located within the front yard of No. 14 Daintrey Crescent.*
 - b) *Three (3) Cupressus species (Cypress) located within the front yard of No.4 Dudley Street.*
 - c) *Two (2) Metrosideros species (New Zealand Christmas Bush) located on the nature strip in front of No.16 Daintrey Crescent*
 - d) *Two (2) Hedyscepe canterburyana (Umbrella Palm) located within the front yard of No. 14 Daintrey Crescent*
110. *Permission is granted for the removal of only those trees falling within the area occupied by the approved works. Removal of the remaining trees on the site are subject to separate application under the Tree Preservation Order.*
111. *The applicant shall be required to ensure the retention and long term health of all trees located on adjoining properties adjacent to the proposed development. As a general guide there shall be minimal excavation or root pruning within the driplines of the subject trees.*

Tree Protection Measures

112. *In order to ensure the retention of the Eucalyptus cinerea (Argyle Apple) located on the nature strip in front of 16 Daintrey Crescent 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.*
 - b. *All detailed architectural, building, demolition, engineering (structural, stormwater & drainage, services), and landscape documentation submitted for the construction certificate application shall show no alteration in the existing soil levels or the location of any structures, services, footings, paving,*

detention tanks, stormwater infiltration systems, pipes, cutting or battering of the existing soil profile, or any excavations within a radius of 3 metres from the outside edge of the tree trunk.

- c. *The tree is to be physically protected by the installation of protective fencing around the tree using 1.8 metre high steel mesh/chainwire fencing. This fencing shall be located to a minimum radius of 3 metres from the outside edge of the tree trunk.*

This fencing shall be installed prior to the commencement of demolition and construction works and shall remain in place until all works are completed.

- d. *Within this zone there is to be no storage of materials or machinery or site office/sheds, nor is cement to be mixed or chemicals spilt/disposed of in the area, no stockpiling of soil or rubble, or any works listed in Point b.*

Any works required within this zone (only as approved on the construction certificate) shall be under the direction of, and to the satisfaction of, a suitably qualified Arborist.

- e. *Any excavations required for footings, structures, retaining walls, basement carparks, services, pipes, detention tanks, stormwater infiltration systems, paving etc within 3 metres of the tree trunk {add one metre to the radius quoted in Point c.} 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.*

- f. *The installation of woodchip mulch to a depth of 75mm within the fenced off protection area as described in Point c.*

- g. *Watering of the tree (within the fenced off area) three times a week for the duration of the period of the refundable deposit described in Point h.*

- h. *A refundable deposit in the form of cash or cheque of \$2900.00 shall be lodged with Council prior to issue of a construction certificate for the proposed development in order to ensure the preservation of the tree in accordance with the requirements described in this condition.*

QUANTITY	SPECIES	AMOUNT
<i>One (1)</i>	<i>Eucalyptus cinerea</i>	<i>\$2900.00</i>
	<u>TOTAL</u>	<i>\$2900.00</i>

The refundable deposit is placed to ensure that the tree protection measures as described in this condition are undertaken throughout the demolition and construction period. The refundable deposit will be released twelve (12) months from the time of issue of a final occupation certificate by the certifying authority providing the tree protection measures (including amendments to the plans) have been undertaken throughout the demolition and construction period and the tree/s have been retained in good health.

Any contravention of Council's conditions relating to the {tree or trees} at any time during the demolition and construction period or prior to the issue of a final occupation certificate will result in the Council claiming all of the lodged security.

113. *A refundable deposit in the form of cash or cheque, or bank guarantee for the amount of \$18,000.00 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 Council.*
 - 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.*
 - c. *In order to organise for a final inspection for the Occupation Certificate or for the release of the security deposit, the applicant shall contact the Town Planning Department to advise that the site is ready to be inspected. Town Planning will then organise for a final inspection 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.

SUBDIVISION:

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

114. *The consolidation of the separate lots into a single lot must take place, prior to the use or the occupation of the development. Details of the consolidation of lots are to be provided to Council prior to **occupation** of the development.*
115. *Suitable easements for services and internal stormwater lines shall be created as required. The minimum easement width over any stormwater line is to be 0.9 metres.*

Advisory Notes

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.

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:

- | | | | |
|-----------|--------------------|----------|-----------------------------------------------------------|
| <i>a)</i> | <i>Part C1</i> | <i>-</i> | <i>Fire resistance and stability</i> |
| <i>b)</i> | <i>Part C2</i> | <i>-</i> | <i>Compartmentation and separation</i> |
| <i>c)</i> | <i>Part C3</i> | <i>-</i> | <i>Protection of openings</i> |
| <i>d)</i> | <i>Part D1</i> | <i>-</i> | <i>Provisions for escape</i> |
| <i>e)</i> | <i>Clause D1.2</i> | <i>-</i> | <i>Number of exits required</i> |
| <i>f)</i> | <i>Clause D1.4</i> | <i>-</i> | <i>Exit travel distances</i> |
| <i>g)</i> | <i>Part D2</i> | <i>-</i> | <i>Construction of exits</i> |
| <i>h)</i> | <i>Part D3</i> | <i>-</i> | <i>Access for people with disabilities</i> |
| <i>i)</i> | <i>Part E1</i> | <i>-</i> | <i>Fire fighting equipment</i> |
| <i>j)</i> | <i>Part E2</i> | <i>-</i> | <i>Smoke Hazard Management</i> |
| <i>k)</i> | <i>Part E3</i> | <i>-</i> | <i>Lift Installations</i> |
| <i>l)</i> | <i>Part E4</i> | <i>-</i> | <i>Emergency lighting, exit signs and warning systems</i> |
| <i>m)</i> | <i>Part F1</i> | <i>-</i> | <i>Damp and weatherproofing</i> |

MOTION: (Tracey/Andrews) SEE RESOLUTION.

8.4 DIRECTOR PLANNING & COMMUNITY DEVELOPMENT'S REPORT 108/2003 - 63 GALE ROAD, MAROUBRA. (D/0239/2002)

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

A. *Council as the responsible authority grant its consent under Section 96 of the Environmental Planning and Assessment Act 1979 (as amended) to modify Development Consent No. 02/00239/GB on property 63 Gale Road, Maroubra, in the following manner:*

- Amend Condition No. 1 to read:*

- 1. The development must be implemented substantially in accordance with the plans numbered 01 101/02 A3, dated 17 March 2002 and received by Council on 21 March 2002, the application form and on any supporting information received with the application and the Section 96 plans numbered 01 101/02 A5, dated 2 December 2002 and received by Council on 6 December 2002, and accompanying Section 96 application dated 10 December 2002, except as may be amended by the Section 96 plans numbered 01 101/02 A9, dated 16 October 2003 and received by Council on 7 November 2003, only in so far as they relate to the modifications highlighted on the Section 96 plans and detailed in the Section 96 application, except as may be amended by the following conditions and as may be shown in red on the attached plans:*

Add Condition 33: -

- 33. Proof being submitted to Council, prior to occupation of the structure, that a*

vapour barrier complying with Part 3.2.2.6 of the Building Code of Australia – Housing Provision has been provided to the concrete floor slab.

MOTION: (Andrews/Daley) SEE RESOLUTION.

**8.5 DIRECTOR PLANNING & COMMUNITY DEVELOPMENT'S REPORT
109/2003 - 219-223 MAROUBRA ROAD, MAROUBRA. (D/0650/2003)**

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

- A. *The Council support the objection under State Environmental Planning Policy No.1 (SEPP No. 1) in respect to non-compliance with Clauses 32 of the Randwick Local Environmental Plan 1998 (relating to floor space ratio) on the grounds that the proposed use complies with the objectives of the clauses and will not adversely affect the amenity of the surrounding locality and that the Department of Planning, Infrastructure and Natural Resources be advised accordingly.*
- B. *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/0650/2003 for demolition of existing buildings and erection of a mixed residential and retail/commercial development consisting of a 7-level building fronting Maroubra Road and a 4-level building fronting Garden Lane at 219 Maroubra Road, Maroubra subject to the following conditions:-*

Deferred Commencement Conditions

1. *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 (ie. a schedule and brochure/s or sample board) are to be prepared.

2. *Appropriate turning templates for carparking spaces in the carpark and any other supporting information shall be submitted to Council to indicate that there will be adequate turning area for cars to access parking spaces from the proposed aisles.*

3. *The floor to ceiling height of each level of the building fronting Maroubra Road from Level 2 to Level 6 shall be reduced to 2.7m so as to increase the floor to ceiling height of Level 1 to 3.3m and the overall height of the building shall remain unchanged at RL 52.00.*

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:

REFERENCED PLANS:

1. *The development must be implemented substantially in accordance with the plans numbered DA 01 to DA 19 Issue E stamped received on 7 November 2003, 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. *The external colours, materials and finishes of the proposed development shall be in accordance with the details and plans submitted to and approved by the Director of Planning and Environment pursuant to the deferred commencement condition.*
3. *A new development application shall be submitted for the strata sub-division of the proposed development*
4. *The consumption of water within the proposed building shall be minimised by the use of triple A-rated water efficient plumbing features (taps and shower roses) and water-efficient dual flush toilets. Details of compliance are to be provided in the construction certificate.*
5. *The reflectivity index of glass used in the external façade of the development must not exceed 20 percent. The details and samples of the glass to be used are to be submitted with the colour and material schedule for the approval of Council's Director of Planning and Environment, **prior to the issuing of the construction certificate.***
6. *The development must be designed and constructed to achieve a minimum energy efficiency NatHERS rating of 3.5 stars or equivalent and a NatHERS certificate or equivalent, prepared by a suitably qualified person, is to be submitted to the certifying authority with the **construction certificate** application.*

The design of the building must be consistent with the development consent and any proposed variations to the building to achieve the energy efficiency rating may necessitate a new or amendment to the development consent prior to the issuing of a construction certificate.
7. *All plumbing and drainage pipes, other than rainwater heads, gutters and downpipes, must be concealed within the building.*
8. *A single common television aerial, and/or satellite dish (having a maximum diameter of 700mm and not located on the front or street elevation of the building) is to be installed to serve the development.*
9. *Street numbering must be provided to the premises in a prominent position, to the satisfaction of Council.*
10. *The enclosure of balconies is prohibited by this consent.*

11. *Internal or external clothes drying facilities are to be provided in accordance with the provisions of the Building Code of Australia.*

Should external clothes drying facilities be provided, the facilities must be adequately screened by vegetation and details are to be incorporated into the landscaping plans, to the satisfaction of the certifying authority.

12. *Vehicular access to the residential and commercial car parking within the development shall be readily accessible to visitors at all times. Where a security gate is provided restricting access to the basement carparking area, a suitable intercom system shall be installed adjacent to the vehicular entrance together with appropriate instructions signage to provide for access to visitor spaces at all times.*

The following group of conditions have been applied to ensure that adequate provisions are made for Section 94 Contributions:

13. *In accordance with Council's Section 94 Contributions Plan adopted on September 1999 a monetary contribution is to be paid to Council for the provision or improvement of public open space in lieu of on site provision for an amount of \$44,224.33 This amount shall be paid by cash or bank cheque prior to the issuing of the construction certificate. Council's Section 94 Contributions Plan may be inspected at the Customer Service Centre, Administrative Centre, 30 Frances Street, Randwick.*
14. *In accordance with Council's Section 94 Contributions Plan adopted on September 1999 a monetary contribution is to be paid to Council for the provision of community facilities in lieu of on site provision for an amount of \$19554.02 This amount shall be paid by cash or bank cheque prior to the issuing of the construction certificate. Council's Section 94 Contributions Plan may be inspected at the Customer Service Centre, Administrative Centre, 30 Frances Street, Randwick.*
15. *In accordance with Council's Section 94 Contributions Plan adopted on September 1999 a monetary contribution is to be paid to Council for administration charges for an amount of \$425.00. This amount shall be paid by cash or bank cheque prior to the issuing of the construction certificate. Council's Section 94 Contributions Plan may be inspected at the Customer Service Centre, Administrative Centre, 30 Frances Street, Randwick.*

The following conditions are applied to maintain reasonable levels of environmental amenity and public health safety.

16. *Prior to any excavation or building works, a detailed site contamination investigation must be undertaken by an independent appropriately qualified environmental consultant in order to provide information on land and ground water contamination and migration in relation to past filling activities that may have occurred on site and current usages.*

The report is to be carried out in accordance with Council's Contaminated Land Policy 1999 and relevant NSW EPA Guidelines for Contaminated Sites Also, as detailed in the Planning Guidelines to SEPP 55 – Remediation of Land, the report is to assess the nature, extent and degree of contamination upon the land. The detailed site contamination report must be sufficiently detailed and submitted to and approved by Council's Manager Environmental Health & Building Services.

17. *Should the Detailed Site Investigation Report not find any site contamination to both land and groundwater, the conclusion to the report must clearly state that 'the land is suitable for its intended land use; Health Based Investigation Level NEHF D Criteria', posing no immediate or long term risk to public health or the environment and is fit for occupation by persons, together with clear justification for the statement.*

18. *Should the Detailed Site Investigation Report identify that the land is contaminated and the land requires remedial works to meet the Health Based Investigation Level NEHF D Criteria: -*

A) *A Remedial Action Plan (RAP) is required to be submitted to and approved by Council prior to commencing remediation works. The RAP is also required to be reviewed and approved by the accredited site auditor.*

This RAP is to include procedures for the following:

- *Excavation of Hydrocarbon-contaminated soil*
- *On-site treatment by land farming*
- *Validation sampling and analysis*
- *Ground water monitoring*
- *Contingency groundwater remediation and validation*

B) *The applicant is to engage an Environment Protection authority (EPA) Accredited Site Auditor. The Site Auditor is to assess the suitability of the site for its intended development and use. A Site Audit Statement and Summary Site Audit Report is to be submitted to and approved by Council, **prior to the commencement of any building works**, stating that the site is suitable for the intended development and use; Health Based Investigation Level NEHF D Criteria.*

The Site Audit Statement must be unconditional, in that, it must not include any conditions requiring or recommending any works or monitoring after the commencement of building works.

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. *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 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 commencement of building works**. 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.*
19. *All 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 Environmental Protection Authority and DUAP, Randwick City Council's Contaminated Land Policy 1999 and the Protection of the Environment Operations Act 1997.*
20. *All remediation work shall be conducted within the following hours:*
- | | |
|------------------------|------------------|
| <i>Monday – Friday</i> | <i>7am – 5pm</i> |
| <i>Saturday</i> | <i>8am – 5pm</i> |
- No work permitted on Sundays or Public Holidays*
21. *The disposal of contaminated soil should have regard to the provisions of the Protection of the Environment Operations Act 1997 and Regulations and any relevant EPA guidelines such as the EPA Environmental Guidelines' Assessment, Classification and Management of Liquid & Non-Liquids Wastes' (1999).*
22. *All hazardous or intractable wastes (including asbestos) shall be removed and disposed of in accordance with the requirements of Work Cover and the Environmental Protection Authority, and with the provisions of:*
- *Occupational health and Safety Act 2000 (NSW)*
 - *Construction Safety Act 1912; Regulation 84A-J Construction Work Involving Asbestos or Asbestos Cement 1983 (NSW)*

- *Occupational Health and Safety (Hazardous Substances) Regulation 1996 (NSW).*
 - *Occupational Health and Safety (Asbestos Removal Work) Regulation 1996 (NSW); and*
 - *Waste Minimisation and Management Act 1995 and Regulations (NSW).*
23. *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.*

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:

24. *The location of the discharge point serving the car park mechanical ventilation system is to be not less than 6m from a property boundary and it must discharge vertically and satisfy the relevant provisions of the Building Code of Australia and AS 1668.*

Details of compliance are to be provided in the plans and specifications for the construction certificate.

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. *The requirements and provisions of the Environmental Planning & Assessment Act 1979 and Environmental Planning & Assessment Regulation 2000, must be fully complied with at all times.*

Failure to comply with these legislative requirements is an offence and may result in the commencement of legal proceedings, issuing of `on-the-spot` penalty infringements or service of a notice and order by Council.

27. *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.*

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. *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.*
31. *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 \$5,000.*

*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.*

32. *The required Long Service Levy payment, under the Building and Construction Industry Long Service Payments Act 1986, is to be forwarded to the Long Service Levy Corporation or the Council, prior to the issuing of a Construction Certificate, in accordance with Section 109F of the Environmental Planning & Assessment Act 1979.*
33. *The use of the commercial tenancies and internal fit-outs shall be subject to a separate development application and consent, in accordance with the provisions of the Environmental Planning & Assessment Act 1979.*

The following group of conditions have been applied to ensure the structural adequacy and integrity of the proposed building and adjacent premises:

34. *A report shall be prepared by a professional engineer and submitted to the certifying authority **prior to the issuing of a construction certificate**, detailing the proposed methods of excavation, shoring or pile construction, including details of vibration emissions. The report, must demonstrate the suitability of the proposed methods of construction to overcome any potential damage to nearby land/premises and the report is to detail any possible damage which may occur to adjoining or nearby premises that may be caused by the proposed building, excavation and shoring works.*

*Any practices or procedures specified in the engineer's report in relation to the avoidance or minimisation of structural damage to nearby premises, must be fully complied with and incorporated into the documentation for the **construction certificate**.*

A copy of the engineers report is to be submitted to the Council, if the Council is not the certifying authority.

35. *Driven type piles/shoring must not be provided unless a geotechnical engineer's report is submitted to the certifying authority, **prior to the issuing of a construction certificate**, which states that damage should not occur to any adjoining premises and public place as a result of the works.*

36. *A dilapidation report prepared by a professional engineer or suitably qualified and experienced building surveyor shall be submitted to the certifying authority **prior to the commencement of demolition, excavation or building works** detailing the current condition and status of all buildings, including ancillary structures located upon all of the premises adjoining the subject site*

*The report is to be supported with photographic evidence of the status of the buildings and a copy of the report must also be forwarded to the Council and to the owners of each of the above stated premises, **prior to the commencement of any works**.*

37. *The installation of ground or rock anchors underneath any adjoining premises including (a public roadway or public place) must not be carried out without specific written consent of the owners of the affected adjoining premises and (where applicable) details of compliance must be provided to the certifying authority **prior to the commencement of any excavation or building works**.*

38. *A Certificate of Adequacy prepared by a professional engineer is to be submitted to the principal certifying authority **prior to occupation of the building**, certifying the structural adequacy of the building and that the building works satisfy the relevant structural design requirements of the Building Code of Australia.*

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:

39. *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.*
40. *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.*

41. *The building works are to be inspected by the Principal Certifying Authority (or other suitably qualified person approved by the Principal Certifying Authority), to monitor compliance with the relevant standards of construction and Council's development consent.*

The Principal Certifying Authority shall specify the relevant stages of construction to be inspected and a satisfactory inspection must be carried out, to the satisfaction of the Principal Certifying Authority, prior to proceeding to the subsequent stages of construction or finalisation of the works (as applicable).

Documentary evidence of the building inspections carried out and details of compliance with Council's approval is to be maintained by the Principal Certifying Authority. Details of critical phase inspections carried out and copies of certification relied upon shall be forwarded to Council with the occupation certificate.

Upon inspection of each stage of construction, the Principal Certifying Authority (or other suitably qualified person approved by the Principal Certifying Authority) is also required to ensure that the relevant site management, public safety and sediment and erosion requirements specified in Council's consent are being satisfied.

42. *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 supported to prevent them from being dangerous to life, property or buildings.*

Retaining walls, shoring or piling must be provided to support land which is excavated in association with the erection or demolition of a building, to prevent the movement of soil and to support the adjacent land and buildings, if the soil conditions require it. Adequate provisions are also to be made for drainage.

Retaining walls, shoring, or piling must be designed and installed in accordance with appropriate professional standards and the relevant requirements of the Building Code of Australia and Australian Standards. Details of proposed retaining walls, shoring or piling are to be submitted to and approved by the Principal Certifying Authority for the development prior to commencing such excavations or works.

43. *If an excavation associated with the erection or demolition of a building extends below the level of the base of the footings of a building on an adjoining allotment of land, the person causing the excavation must:*

- *preserve and protect the building /s on the adjoining land from damage; and*
- *if necessary, underpin and support the building and excavation in an approved manner; and*
- *at least seven (7) days before excavating below the level of the base of the footings of a building on an adjoining allotment of land (including a public road or public place), give notice of the intention to do so to the owner of the adjoining land. Particulars of the excavation are to be provided to the owner of the adjoining land and also the owner of the land where the building is being erected or demolished.*

44. *A Registered Surveyor's check survey certificate or compliance certificate is to be forwarded to the principal certifying authority, detailing compliance with Council's approval at the **following stage/s of construction:***

- a) *Prior to construction of the footings or first completed floor slab (prior to the pouring of concrete), showing the area of the land, building and boundary setbacks.*
- b) *On completion of the erection of the building showing the area of the land, the position of the building and boundary setbacks and verifying the building has been constructed at the approved levels.*
45. *All building, demolition and associated site 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.*
46. *The use of any rock excavation machinery or any mechanical pile drivers is restricted to the hours of 8.00am to 5.00pm (maximum), Monday to Friday inclusive and from 8.00am to 1.00pm on Saturday, to minimise the noise levels during construction and loss of amenity to nearby residents.*
47. *Noise and vibration emissions during the construction of the building and associated site works must not result in damage to nearby premises or result in an unreasonable loss of amenity to nearby residents and the relevant provisions of the Protection of the Environment Operations Act 1997 must be satisfied at all times.*
48. *Noise and vibration from any rock excavation machinery and pile drivers (or the like) must be minimised by using appropriate plant and equipment and silencers and a construction noise and vibration minimisation strategy, prepared by a suitably qualified consultant is to be implemented during the works, to the satisfaction of the Principal Certifying Authority.*
49. *A report prepared by a suitably qualified and experienced consultant in acoustics/vibration shall be submitted to the Principal Certifying Authority and the Council **upon commencement of works**, certifying that noise and vibration emissions from the construction of the development complies with the provisions of the Protection of the Environment Operations Act 1997, the Noise Control Manual published by the Environment Protection Authority and relevant conditions of approval. In support of the above it is necessary to submit all relevant readings and calculations made.*

Should noise and vibration emissions not comply with the terms and conditions of consent, work must cease forthwith and is not to recommence until details of compliance are submitted to Council.

50. *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.

51. *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.*

52. *Public safety and convenience must be maintained at all times during demolition, excavation and construction works.*

The roadway, footpath and nature strip must be maintained in a good, safe condition and free from any obstructions, materials, soils or debris at all times. Any damage caused to the road, footway or nature strip must be repaired immediately, to the satisfaction of Council.

A Road Opening Permit must be obtained from the Council and other relevant Authorities prior to excavating or opening-up the road or footway for services or the like.

53. *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 and debris at all times.*

54. *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.*

55. *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".*

56. *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.

57. *During demolition excavation and construction works, dust emissions must be minimised, so as not to result in a nuisance to nearby residents or result in a potential pollution incident.*

Adequate dust control measures must be provided to the site prior to the works commencing and the measures and practices must be maintained throughout the demolition, excavation and construction process, to the satisfaction of Council.

Dust control measures and practices may include:-

- *Provision of geotextile fabric to all perimeter site fencing (attached on the prevailing wind side of the site fencing).*
- *Covering of stockpiles of sand, soil and excavated material with adequately secured tarpaulins or plastic sheeting.*
- *Installation of a water sprinkling system or provision hoses or the like.*
- *Regular watering-down of all loose materials and stockpiles of sand, soil and excavated material.*
- *Minimisation/relocation of stockpiles of materials, to minimise potential for disturbance by prevailing winds.*
- *Revegetation of disturbed areas.*

58. *Public safety must be maintained at all times and public access to the site and building works, materials and equipment on the site is to be restricted, when work is not in progress or the site is unoccupied.*

A temporary safety fence is to be provided to protect the public, located to the perimeter of the site (unless the site is separated from the adjoining land by an existing structurally adequate fence, having a minimum height of 1.5 metres). Temporary fences are to have a minimum height of 1.8 metres and be constructed of cyclone wire fencing, with geotextile fabric attached to the inside of the fence to provide dust control, or other material approved by Council.

Fences or hoardings are to be structurally adequate and be constructed in a good and workmanlike manner and the use of poor quality materials or steel reinforcement mesh as fencing is not permissible.

Details of the proposed temporary fences located upon the site are to be submitted to the principal certifying authority and 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.

59. *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 and erosion 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.

60. *Stockpiles of soil, sand, aggregate or other materials must not be located on any footpath, roadway, nature strip, drainage line 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, nature strips, in any public place or any location which may lead to the discharge of materials into the stormwater drainage system

61. *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.*
62. *A 'B Class' overhead type hoarding is required is be provided to protect the public, located adjacent to the development, prior to the commencement of any works on the site which comprise:-*
- *any works or hoisting of materials over a public footway or adjoining premises, or*
 - *any building or demolition works on buildings which are over 7.5m in height and located within 3.6 metres of the street alignment.*

Details of the proposed fences or hoardings located upon the site are to be submitted to the principal certifying authority and 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.

63. *A temporary timber crossing is to be provided to the site entrance across the kerb and footway area, with splayed edges, to the satisfaction of Council, unless access is via an existing concrete crossover.*
64. *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 access and facilities for people with disabilities:

65. *Access and sanitary facilities for persons with disabilities being provided in accordance with Parts D3 and F2 of the Building Code of Australia. Details of compliance is required to be provided in the relevant plans/specifications for the **construction certification** for the development.*

The following conditions are applied to ensure that reasonable levels of fire safety are provided in the building:

66. *The building is required to be provided with a smoke alarm system complying with Clause 3 of Specification E2.2a of the B.C.A. or a smoke detection system complying with Clause 4 of Specification E2.2a of the B.C.A. or a combination of a smoke alarm system within the sole-occupancy units and a smoke detection system in areas not within the sole-occupancy units. The smoke detectors located within the stairway, corridors or the like must be interconnected.*

The following conditions are applied to maintain reasonable levels of environmental amenity and public health safety.

67. *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 are 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:

68. *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.*

The project specific criteria for the mechanical plant noise is (as listed in the acoustical report prepared by Steven Cooper Acoustics dated 4 July 2003, when measured at the nearest affected receiver boundary:

	Night (10pm – 7am)
Maroubra Rd	48 dB(A) L_{Aeq} (15 mins)
Garden Lane	48 dB(A) L_{Aeq} (15 mins)

69. The residential units are to achieve the following internal acoustic amenity criteria:
- a) In naturally ventilated residential units; the repeatable maximum L_{Aeq} (1hour) should not exceed:
 - 35 dB(A) between 10.00 PM and 7.00 AM in sleeping areas when the windows are closed;
 - 45 dB(A) in sleeping areas when windows are open;
 - 45 dB(A) in living areas (24 hours) when the windows are closed, and
 - 55 dB(A) in living areas when the windows are open.
 - b) In residential units provided with mechanical ventilation, air conditioning or other complying means of ventilation, when doors and windows are shut, the repeatable maximum L_{Aeq} (1hour) should not exceed:
 - 38 dB(A) between 10.00 PM and 7.00 AM in sleeping areas;
 - 46 dB(A) in living areas (24 hours).

Details of compliance with the relevant criteria is to be included in the construction certificate application and written confirmation of compliance is to be provided to the Council and the Certifying Authority, by the Acoustic consultant, **prior to the construction certificate being issued.**

70. A report, prepared by a suitably qualified and experienced consultant in acoustics, shall be submitted to the Council prior to an **occupation certificate** being issued for the development, which demonstrates and certifies that noise and vibration emissions from the development comply with the relevant provisions of the Protection of the Environment Operations Act 1997, NSW Environmental Protection Authority Noise Control Manual (sleep disturbance) & Industrial Noise Policy and conditions of Council's approval, to the satisfaction of Council's Manager Environmental Health & Building Services.
71. The use and the operation of plant and equipment shall not give rise to the transmission of a vibration nuisance.
72. A Demolition and Construction noise management plan is to be prepared by a suitably qualified acoustic consultant and be implemented to minimise the impacts of construction noise to nearby premises. The necessary measures identified in the report must be implemented to comply with this report and address any concerns raised. A copy of this plan is to be provided to the Council and the Principal Certifying Authority and a copy is to be kept onsite. Should noise complaints during demolition and construction be received, Council's Authorised Officers may also issue directions to address any reasonable noise concerns.

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:

73. *The use and operation of the premises shall not give rise to an environmental health or public nuisance.*
74. *There are to be no emissions or discharges from the premises, which will give rise to a public nuisance or result in an offence under the Protection of the Environment Operations Act 1997 and Regulations.*
75. *Liquid trade waste materials are to be disposed of in accordance with the requirements of the Sydney Water, Trade Waste Department and details of compliance are to be submitted to the certifying authority **prior to the commencement of works.***

SECURITY DEPOSIT CONDITIONS

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

76. *The following damage deposit requirement is 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) \$2000.00 - Security damage deposit

The damage deposit may be provided by way of a cash or cheque with the Council and is refundable upon the applicant advising Council, in writing, of the completion of all building works and/or obtaining an occupation certificate, if required.

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.

77. *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) \$1000.00 - 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:

78. *The applicant must meet the full cost for Council or a Council approved contractor to:*

- a) *Construct a full width concrete heavy-duty vehicular crossing and layback at kerb opposite the vehicular entrance to the site in Garden Lane.*
 - b) *Replace the redundant vehicular crossings in Garden Lane with integral kerb and gutter to Council's specification.*
 - c) *Replace any damaged sections of Council's kerb and gutter along the full site frontage in Maroubra Road and Garden Lane. It is noted that this shall include road reconstruction works where required*
 - d) *Construct a full width concrete footpath between the kerb line and the property boundary along the Garden Lane site frontage.*
 - e) *Reconstruct the Maroubra Road site frontage in accordance with Council's Urban Design Guidelines for Maroubra Junction Commercial Centre. It is noted that this will include footpath reconstruction along the full site frontage together with seat installations, bins and tree grates as required by Council's Parks & Recreation Coordinator.*
79. *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.*
80. *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.*
81. *Any new walls adjacent to the eastern side of the vehicular crossing must be lowered to a height of 600mm above the internal driveway level or splayed 1.5 metre by 1.5 metre so that a driver of a stopped vehicle 2 metres behind the street boundary line can observe pedestrians up to 2 metres from the crossings.*
82. *The internal driveway must be a minimum 5.50m wide (clear width) for the first 5 metres inside the property so as to allow entering & exiting vehicles to pass within the site.*
83. *A work zone is to be provided in Maroubra Road for the duration of the construction works. The 'workzone' shall have a minimum length of 12 metres and the prescribed fee for the work zone must be paid to Council at least four (4) weeks prior to the commencement of building works.*

It is noted that the applicant will also be required to meet all costs associated with temporarily relocating the bus stop to facilitate the work zone, if required.

84. *A signalling system shall be installed on the internal carpark ramp to prevent conflicting vehicular movements on the ramp. The plans submitted for the construction certificate shall demonstrate compliance with this requirement.*
85. *The security roller shutter located at the carpark entrance shall be set back a minimum of 5.5 metres from the property boundary. This condition has been included to ensure that there is adequate room for a vehicle entering the carpark to wait for the security shutter to open without blocking Garden Lane.*

ALIGNMENT LEVEL CONDITIONS

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

86. *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, shall be as follows:*
 - *In Garden Lane – 50 mm below the top of the existing kerb at all points opposite the kerb along the full site frontage*
 - *In Maroubra Road – match the back of the existing footpath along the full site frontage*

Any enquiries regarding this matter should be directed to Council's Assets & Infrastructure Services Department on 9399 0919.

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

87. *The design alignment levels (concrete/paved/tiled level) issued by Council and their relationship to the roadway/kerb/footpath must be indicated on the building plans for the construction certificate. The design alignment level at the street boundary, as issued by the Council, must be strictly adhered to.*
88. *The above alignment levels and the site inspection by Council's Department of Asset & Infrastructure Services have been issued at a prescribed fee of \$1274 calculated at \$27.50 (inclusive of GST) per metre of site frontage. This amount is to be paid prior to a construction certificate being issued for the development.*
89. *The top of footings of any structures constructed on the boundary alignment must be at least 150mm below the alignment level as specified for the vehicular access.*

Service Authority Conditions

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

90. *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.*
91. *The applicant must meet the full cost for telecommunication companies, gas providers, Energy Australia and Sydney Water to adjust/repair/relocate their services*

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as required. The applicant must make the necessary arrangements with the service authority.

92. *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.*
93. *Any electricity substation required for the site as a consequence of this development shall be located within the site and shall be screened from view. The proposed location and elevation shall be shown on all detailed landscape drawings and specifications. The applicant must liaise with Energy Australia prior to lodging the construction certificate whether or not an electricity substation is required for the development.*
94. *A Section 73 Compliance Certificate under the Sydney water Act 1994 must be obtained. Application must be made through an authorised Water Servicing Coordinator. Please refer to “Your Business” section of Sydney Water’s web site at www.sydneywater.com.au then the “e-developer” icon or telephone 13 20 92.*

Following application a “Notice of Requirements” will detail water and sewer extensions to be built and charges paid. Please make early contact with the Coordinator, since building of water/sewer extensions can be time consuming and may impact on other services and building, driveway or landscape design.

The Notice must be issued to the Principal Certifying Authority prior to the construction certificate being issued.

The Section 73 Certificate must be submitted to the Principal Certifying Authority prior to occupation of the development.

Drainage Conditions

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

95. *The ground floor levels along the Maroubra Road site frontage shall be located a minimum of 200mm above the back of the existing footpath in Maroubra Road. This condition has been included to minimize the potential for stormwater runoff from Maroubra Road to enter the development*
96. *The ground floor levels along the Garden Lane site frontage shall be located a minimum of 50 mm above the top of the existing kerb along the full site frontage. This condition has been included to minimize the potential for stormwater runoff from Garden Lane to enter the development*
97. *A high point in the driveway (and all other access points, vents and openings into the basement carpark) shall be provided to a minimum of 50 mm above the top of the existing kerb along the full site frontage in Garden Lane. This condition has been included to minimize the potential for stormwater runoff from Garden Lane to enter the basement carpark.*
98. *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 Council's 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.*
99. *All stormwater run-off naturally draining to the site must be collected and discharged through this property's stormwater system. Such drainage must, if necessary, be constructed prior to the commencement of building work.*
100. *On-site detention must be provided to ensure that the maximum discharge from the above site is not to exceed that which would occur during a 1 in 10 year storm of 1 hour duration for the existing site conditions. All other stormwater run-off from the above site for all storms up to the 1 in 20 year storm is to be retained on the site for gradual release to the kerb and gutter or drainage system as required by the Director*

of Assets and Infrastructure Services. Provision is to be made for satisfactory overland flow should a storm in excess of the above parameters occur.

For small areas up to 0.5 hectares, determination of the required cumulative storage must be calculated by the mass curve technique as detailed in Technical Note 1, Chapter 14 of the Australian Rainfall and Run-off Volume 1, 1987 Edition.

Where possible the detention tank must have an open base to infiltrate stormwater to the groundwater. Note that the ground water and any rock stratum has to be a minimum of 2.0 metres below the base of the tank.

101. *All stormwater runoff being discharged from the site shall be directed to Council's underground drainage system in Maroubra Road via a new and/or existing kerb inlet pit. It is noted that all kerb inlet pits shall be constructed in general accordance with Council's standard drawing SD6.*
102. *With the exception of the site discharge pipe, all new pipelines constructed within council's road reserve shall be minimum 375 mm diameter rubber ringed reinforced concrete pipelines.*
103. *A reflux valve shall be provided (within the site) over the pipeline discharging from the site to ensure that stormwater from Council drainage system does not surcharge back into the site stormwater system.*
104. *The applicant must provide for a detention volume of up to the 1 in 100 year storm event should no formal overland escape route be provided for storms greater than the design storm.*
105. *A "restriction as to user and positive covenant" shall be placed on the title of the subject property prior to the issuing of a final occupation certificate. Such restriction and positive covenant shall relate to the onsite stormwater detention system and shall not be released, varied or modified without the consent of the Council.*

Notes:

- a. *The "restriction as to user and positive covenant" are to be to the satisfaction of Council. A copy of Council's standard wording/layout for the restriction and positive covenant may be obtained from Council's Asset and Infrastructure Services Department.*
- b. *The linen plans shall indicate the location and dimensions of the detention/infiltration areas.*

This condition is to ensure that no works which could affect the design function of the detention system are undertaken without the prior consent (in writing) from Council.

106. *The detention area must be regularly cleaned and maintained to ensure it functions as required by the design.*
107. *The stormwater detention area must be suitably signposted where required, warning people of the maximum flood level.*

108. *The floor level of all habitable and storage areas adjacent to the detention area must be a minimum of 300mm above the maximum water level for the design storm or alternately a permanent 300mm high water proof barrier is to be constructed.*

(In this regard, it must be noted that this condition must not result in any increase in the heights or levels of the building. Any variations to the heights or levels of the building will require a new or amended development consent from the Council prior to a construction certificate being issued for the development).

109. *A childproof and corrosion resistant fastening system shall be installed on access grates over pits/trenches where water is permitted to be temporarily stored.*
110. *Should a pump system be required to drain any portion of the site the system must be designed with a minimum of two pumps being installed, connected in parallel (with each pump capable of discharging at the permissible discharge rate) and connected to a control board so that each pump will operate alternatively. The pump wet well shall be sized for the 1 in 100 year, 2 hour storm assuming both pumps are not working.*

The pump system must also be designed and installed strictly in accordance with "Section 8.4 PUMP SYSTEMS" as stipulated in Randwick City Council's Private Stormwater Code.

111. *A sediment/silt arrester pit must be provided:-*

- f) within the site at or near the street boundary prior to the site stormwater discharging by gravity to the kerb/street drainage system; and*
- g) prior to stormwater discharging into any absorption/infiltration system.*

The sediment/silt arrester pit shall be constructed with:-

- The base of the pit located a minimum 300mm under the invert level of the outlet pipe.*
- The pit must be constructed from cast in-situ concrete, precast concrete or double brick.*
- 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.*
- *A sign adjacent to this pit stating that:*
“This sediment/silt arrester pit shall be regularly inspected and cleaned.”

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

112. *A ‘V’ drain is to be constructed along the perimeter of the property, where required, to direct all stormwater to the detention area.*
113. *Any Absorption Trenches/Pits must be designed in accordance with "Section 8.5 ABSORPTION TRENCHES" as stipulated in Randwick City Council's Private Stormwater Code.*
114. *Three covered car washing bay/s shall be provided for this development.*
- h) The car washing bays must be drained to sewer to the requirements of Sydney Water and proof of compliance is to be submitted to the certifying authority, prior to a construction certificate being issued for the proposed development.*
 - i) The car washing bays must be located outside any required/approved stormwater detention system.*
 - j) The car washing bays must be signposted with ‘Exclusive Carwash Bay Use Sat 2:00pm – 5:00pm and Sunday 10:00am – 2:00pm, Visitor parking at other times’*
 - k) The car washing bays must be constructed with a minimum 20mm bund around the perimeter of the car washing bay/s (or equivalent).*
 - l) A water tap shall be located adjacent to the car washing bays.*
115. *Prior to the issuing of an occupation certificate, the applicant shall submit to Council’s Director of Asset and Infrastructure Services, a works-as-executed drainage plan prepared by a registered surveyor and approved by a suitably qualified and experienced Hydraulic Engineer. The works-as-executed drainage plan shall be to the satisfaction of the Principal Certifying Authority (PCA) and shall include the following details:*
- m) The location of the detention basin with finished surface levels;*
 - n) Finished site contours at 0.2 metre intervals;*
 - o) Volume of storage available in the detention areas;*
 - p) The location, diameter, gradient and material (i.e PVC, RC etc) of all stormwater pipes;*
 - q) The orifice size(s) (if applicable); and*
 - r) Details of any pumping systems installed (including wet well volumes).*
116. *Prior to the issuing of an occupation certificate, the applicant shall submit to the Principal Certifying Authority (PCA) and Council’s Director of Asset and Infrastructure Services, certification from a suitably qualified and experienced*

Hydraulic Engineer confirming that the design and construction of the stormwater drainage system complies with the conditions of development consent. The certification must be provided to the satisfaction of the PCA.

117. *As the above site may be present within a fluctuating water table, the basement carpark and/or similar structures are to be suitably tanked and waterproofed. A Structural Engineer/Geotechnical Engineer shall certify the tanking & waterproofing has been carried out to an acceptable standard and a copy of the certification is to be forwarded to Council.*

Notes:-

- c) *Any subsoil drainage is to be disposed of within the site and is not to be discharged to Council's kerb & gutter and/or underground drainage system.*
- d) *Adequate provision is to be made for the ground water to drain around the basement carpark (to ensure that the basement will not dam or slow the movement of the ground water through the development site).*

Waste Management Conditions

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

118. *The section of the residential garbage area containing the compactor and 8 x 240 litre garbage bins shall be physically separated from the remaining 16 x 240 litre recycling bins to ensure that access to the compactor is by the caretakers (or other authorized persons) who are trained in the use of the compactor only. The plans submitted to the certifying authority for the construction certificate shall demonstrate compliance with this requirement.*
119. *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 both the residential and commercial components of the development site, post construction. It is noted that that the plan shall include full details regarding how it is proposed for residents in the building fronting Garden Lane (which does not have a garbage chute) to dispose of garbage.*
120. *The waste storage areas are to be provided with a tap and hose and the floor is to be graded and drained to the sewer to the requirements of Sydney Water.*

Landscape Conditions

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

121. *The landscaped areas shown on the plan numbers LCP.O1/B & LCP.O2/B by Narelle Sonter Botanica, dated June 2003 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), 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, proposed building envelope, proposed areas of pavement, and proposed landscaped areas.*

The plan shall clearly show the position, canopy spread (location of dripline), trunk diameter, height and names of all existing trees upon the site and adjoining sites within 6 metres of the common property boundary which are likely to be affected by the development.

- 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.*
- 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, fencing details, surface finishes, retaining wall details, and any other landscape elements 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. *Sectional elevations through the site showing the existing and proposed groundlines, building elevations, and mature height of proposed planting.*
- g. *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.*

122. *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.*

123. *The applicant shall submit a landscape design for the Maroubra Road street frontage of the development in accordance with Council's Urban Design Guidelines for Maroubra Junction Commercial Centre. The landscape design shall include pavements, seat and bin installations, and tree grates as required by Council's Landscape Architect – 9399-0786.*

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 \$2,000 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 Maroubra site frontage.

124. *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.

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

126. *All 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.

Tree Management

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

- s) *One (1) Archontophoenix alexandrae (Alexandra Palm) located within the rear yard of No.221 Maroubra Road.*
- t) *One (1) Schefflera arboricola (Umbrella Tree) located within the rear yard of No.221 Maroubra Road.*
- u) *Two (2) Morus species (Mulberry Trees) located within the rear yard of No.219 Maroubra Road.*

128. *A refundable deposit in the form of cash or cheque, or bank guarantee for the amount of \$14,200 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.*

Advisory Matters/Conditions

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.*
3. *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) *Part B1 - Structural provisions*
- b) *Part C3 - Protection of openings*
- c) *Part D1 - Provisions for escape*
- d) *Part D3 - Access for people with disabilities*
- e) *Part E1 - Fire fighting equipment*
- f) *Part E2 - Smoke Hazard Management*
- g) *Part E4 - Emergency lighting, exit signs and warning systems*

- h) Part F2 - Sanitary and other facilities
- i) Part F4 - Light and ventilation

*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/Daley) SEE RESOLUTION.

**8.6 DIRECTOR PLANNING & COMMUNITY DEVELOPMENT'S REPORT
111/2003 - 801-899 BUNNERONG ROAD, CHIFLEY. (D/0891/2001)**

331 **RESOLUTION: (Andrews/Daley) 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/00891/2001 for the replacement of an existing cricket pitch, installation of new cricket pitches, extension and reconfiguration of the existing cricket playing area, removal of existing earth embankment, installation of cricket practice nets, and replacement of existing boundary fence at 801-899 Bunnerong Road, Chifley, 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. *An Environmental Management Plan (EMP) for the remediation and ongoing site monitoring management of the site is to be prepared by a suitably qualified consultant with demonstrated experience in the field of preparing and implementing Environmental Management Plans. This plan is to be prepared in accordance with the "Environmental Management Systems Guidelines" by NSW Department of Public Works and Services, 1998; and references should be made to the "Guidelines for the Assessment of Onsite Containment of Contaminated Soil" ANZECC, 1999 and "Guidelines for Consultants Reporting on Contaminated Sites" NSW EPA, 1997.*

The plan is to include (but not be limited to) strategies for the management of asbestos. This is to incorporate;

- *Identification of the extent of asbestos on the site*
- *Removal and / or capping of asbestos on the site. Fill depths and specific areas are to be identified.*
- *Validation methods (including demonstration of the use of VENM soil in the capping layer)*
- *Supervision of works required*
- *Appropriate measures to address contamination issues that may arise from future development works involving excavation (including, but not limited to, erection of buildings, bbq facilities, shelters, excavation works, etc).*

The EMP is to be submitted to and approved by a suitably qualified and independent consultant. The consultant is to provide a written statement to Council stating that the

EMP is suitable for ensuring the site and its intended use will have no unacceptable health risks to the users of the site.

The NSW EPA is to provide Council with written confirmation that the site poses 'No Significant Risk of Harm'.

Once all this information is submitted to and is accepted by the Council, Council will issue a letter to the applicant indicating compliance with this condition.

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 Plan 1, 2, 3, 4, and 5, contained in the Statement of Environmental Effects prepared by Rutherford Mineral Resources Consultants, received by Council on 25 September 2001, as amended pursuant to the deferred commencement condition, 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, as amended by the following conditions and as may be shown in red on the attached plans:*

The following conditions are applied to maintain reasonable levels of environmental amenity and public health safety.

- 2. A validation report is to be prepared by a suitably qualified, independent consultant, who has demonstrated experience in environmental and asbestos management and remediation and be submitted to Council. This report shall be prepared with reference to the NSW EPA "Guidelines for Consultants Reporting on Contaminated Sites", and shall include (where applicable);*
 - Description and documentation of all works performed.*
 - Results of validation testing and monitoring.*
 - Validation results of any imported fill onto the site.*
 - Demonstrate how all agreed clean-up criteria and relevant regulations have been satisfied.*
 - Clear justification as to the suitability of the site for the proposed use and the potential for off-site migration of any residual contaminants.*
- 3. The Environmental Management Plan for the use of the site is to be adopted and implemented by the site occupiers and recorded against the title of the land.*

The following conditions are applied to ensure adequate environmental protection.

4. *All site works shall comply with the occupational health and safety requirements of the NSW WorkCover Authority. In this regard all contractors and employees shall adopt work practices in accordance with the requirements of WorkSafe's Control of Inorganic Lead at Work (NOHSC:102(1994) and NOHSC:2015(1994).*
5. *All site works shall comply with the occupational health and safety requirements of WorkCover NSW.*

The following conditions are applied to maintain reasonable levels of environmental amenity and public health safety.

6. *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.*
7. *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).*
8. *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.*
9. *Any fill importation to the site is to be monitored and classified by the EPA accredited site auditor appointed for remediation of the site or a person with his qualifications. Only 'virgin excavated natural material' (VENM) 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'.*
10. *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 (as applicable):*
 - *hazard identification and control*
 - *site security*
 - *personal protective equipment*
 - *work zones and decontamination procedures*
 - *contingency plans and incident reporting*
 - *environmental monitoring*

11. *Any new information, which comes to light during remediation works, which has the potential to alter previous conclusions about site contamination, shall be notified to the Council and the Principal Certifying Authority immediately.*
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 are to be submitted to Council in the Site Management Plan.*
13. *Prior to the commencement of works adequate sediment and stormwater control measures shall be in place and maintained on site at all times. Sediment laden stormwater shall be controlled using measures outlined in the manual Managing Urban Stormwater Soils and Construction produced by the NSW Department of Housing.*
14. *All remediation work shall be conducted within the following hours:*

Monday – Friday 7am – 5pm
Saturday 8am – 5pm
No work permitted on Sundays or Public Holidays
15. *The works shall not give rise to an environmental or public nuisance or, cause any offence under the Protection of the Environment Operations Act 1997.*
16. *The use and operation of the premises shall not give rise to an environmental health or public nuisance.*

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

17. *The applicant shall submit to Council for approval a detailed site stormwater management plan/strategy. The management plan/strategy shall be prepared in consultation with Council's Drainage Engineer and shall address, (as a minimum), the stormwater design issues referred to in the following drainage conditions. The site stormwater drainage management plan/strategy must be submitted to Council for approval no later than 6 months from the date of the applicant being issued development consent for the proposed works. The applicant is advised to submit the site stormwater drainage management plan/strategy to Council for approval prior to the commencement of site construction works to facilitate better co-ordination of the stormwater drainage works.*
18. *The site stormwater management plan/strategy shall include engineering calculations and plans with levels reduced to Australian Height Datum in relation to site drainage. 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, 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 pipeline system.*

- c) *Generally all internal pipelines must be capable of discharging a minimum 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 (or alternatively a perimeter vee drain constructed to direct any surplus run-off up to the 1 in 100 year storm event) to the Council drainage system.*
 - d) *The separate catchment areas within the site, draining to each collection point or surface pit.*
 - e) *Proposed finished surface levels and grades of car parks, internal driveways and access aisles which are to be related to Council's design alignment levels.*
 - f) *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.*
19. *The site stormwater management plan/strategy shall make provision for a sediment/silt arrester pit/s (or equivalent structure/method for achieving stormwater quality improvements) to be located within the site at or near the street boundary prior to that portion of the site stormwater discharging by gravity to the Council stormwater drainage system. A suitable sign must be located adjacent to this pit stating that the silt arrester pit must be regularly maintained and cleaned.*
20. *The applicant is to provide drainage to the satisfaction of Council for the low point on the north-eastern section of this site. This drainage shall cope with stormwater which flows from the Fisherman's Club site to the north of the subject development given that this overland flow has been impeded by the fill operations on the subject site. Details of this drainage shall be submitted with the site stormwater management plan/strategy.*
21. *The site stormwater management plan/strategy shall make provision for a 'V' drain/s to be constructed along or adjacent to the perimeter of the property, to direct all site stormwater up to a 1 in 100 year storm event, to a sediment/silt arrester pit (or equivalent structure/method for achieving stormwater quality improvements), prior to the site stormwater discharging by gravity to the Council stormwater drainage system.*

Note: this condition applies to the perimeter of the entire site with particular reference to the following:

- i. *the area adjacent to the softball area that presently drains into the Fisherman's Club and the northern portion of Hastings Avenue.*
- ii. *the temporary car parking area adjacent to Bunnerong Road. This area should be regraded so that the existing stormwater runoff is either:-*
 - *directed along the top of the fill batter to a suitable location where it is to be piped to the Council stormwater pipeline system in Little Bay Road.*

OR ALTERNATIVELY

- *suitably drained and piped to the existing Council stormwater pipeline that burdens the site.*

- iii. *the area that is adjacent to the southern portion of Hastings Avenue (where the invert of the vee drain shall be constructed below the existing alignment levels of Hastings Avenue)*
22. *Any internal pipeline that the applicant proposes to connect to a Council stormwater pipeline shall be connected via a junction pit. Note that the junction pit shall be constructed as follows:*
1. *over the Council pipeline.*
 2. *in general accordance with Council's standard drawing No SD 8.*
 3. *the lid of the pit shall be constructed with a Mascot round road manhole frame and solid cover top (product no. 20:S10:EH)*
23. *The three existing Council stormwater pits located within the development site that have been buried as a result of the previous site filling activities, shall be raised to the surface and reconstructed generally in accordance with Council's standard drawing No SD 8., (Note: if the depth to invert following reconstruction is greater than 5 metres, the pit shall be reconstructed in accordance with plans prepared by a qualified structural engineer and approved of by Council).*
- Note the lid of these pits shall be constructed with a Mascot round road manhole frame and solid cover top (product no. 20:S10:EH).*
- All costs associated with reconstruction of the pits, (including pit design if required), shall be met by the applicant.*
24. *The applicant shall submit and have approved a site stormwater management plan for the regular cleaning and maintenance of the site silt arrester pit/s.*
25. *A minimum 5 metres wide stormwater drainage easement shall be created centrally over the existing stormwater pipelines that burden the site.*
- Notes:*
- *the easements are to be created in Council's favour.*
 - *creation of the easements shall be at no cost to Council.*
 - *This requirement will be waived should the applicant demonstrate that suitable drainage easements have already been created.*
26. *The owner of the land shall indemnify Council against any liability claims arising from any damage sustained as a result of failure of Council stormwater pipeline at any time, now and in the future.*
27. *All dumped fill located adjacent to the northern perimeter of the site shall be removed and the area suitably regraded and landscaped to Council's satisfaction. Details are to be submitted to Council for approval within 6 months from the date of the applicant being issued development consent for the proposed works.*
28. *All site stormwater drainage works referred to in the above drainage conditions and resulting from the approved site stormwater drainage management plan/strategy shall be completed at full cost to the applicant and to Council's satisfaction within a period of 5 years from the date of the applicant being issued development consent for the proposed works.*

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

29. *The applicant shall submit to Council for approval, and have approved, detailed civil design drawings and specifications, (including stormwater drainage details and pavement details), for the construction of a carparking area to serve the proposed development. The detailed civil drawings and specifications shall be submitted to Council for approval within 6 months from the date of the applicant being issued development consent for the proposed works.*
30. *The applicant shall meet the full cost for Council, or a Council approved contractor, to construct a new vehicular ingress/egress point for the development site. The location for the new ingress/egress point shall be approximately 10 – 15 metres to the north of the existing ingress/egress point. The applicant shall also submit a letter to Council indicating approval from all owners of land immediately adjoining the subject site/lease area for the construction of any vehicular entry/exit road and carparking area where applicable, and such approval shall include either the formalisation of a right-of-way for any vehicular entry/exit road over the relevant land owners road or other suitable legal agreement.*
31. *The applicant shall meet the full cost for Council, or a Council approved contractor, to construct a deceleration lane in Bunnerong Road adjacent to the existing pavement to the satisfaction of both Council and the Roads and Traffic Authority (RTA). The costs shall include, but not be limited to, all design works, construction works and any required alterations to services. The applicant shall note the following:*
 - *The ingress and egress from the road pavement to the road boundary shall be perpendicular to the centerline of Bunnerong Road.*
 - *Council will not undertake any construction works on the deceleration lane until the internal carpark area referred to in the previous condition has been approved and constructed.*
32. *The new carpark area, deceleration lane and vehicular ingress/egress point shall be constructed at full cost to the applicant, and to Council's satisfaction, within a period of 5 years from the date of the applicant being issued development consent for the proposed works.*

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

33. *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.*
34. *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.*

35. *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.*

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

36. *Detailed landscape plans must be submitted showing planting species, with particular emphasis on the areas around any proposed or existing carpark. The landscape plans must be submitted to Council for approval no later than 6 months from the date of the applicant being issued development consent for the proposed works.*
37. *Street trees need to be incorporated in the landscape plans and species need to be in accordance with the Randwick City Council's Street Tree Masterplan. Street trees are to be shown along Bunnerong Road and Little Bay Road.*
38. *A bush regeneration management plan shall be prepared and submitted to Council for approval showing the treatment to the weed infested areas of the site and the rehabilitation of the banks. A landscape plan for these areas will also be needed showing plant species and erosion control methods to the banks once weeds are removed. The bush regeneration management plan and the landscape plan shall be submitted to Council for approval within 6 months from the date of the applicant being issued development consent for the proposed works.*
39. *Prior to the commencement of any site construction/regrading works the applicant shall arrange an on-site meeting with Council's bushland staff to identify remnant vegetation. There shall be disturbance or development in the vicinity of the bushland remnants as identified.*
40. *The applicant shall provide to Council a weed control strategy, including erosion control measures. The subject weed control strategy shall be submitted to Council for approval, and be approved, within 6 months from the date of the applicant being issued development consent for the proposed works. The applicant shall strictly comply with the approved weed control strategy.*
41. *All approved landscape, weed control, bush regeneration/management and erosion control works referred to in the above landscape conditions shall be completed at full cost to the applicant and to Council's satisfaction within a period of 5 years from the date of the applicant being issued development consent for the proposed works.*

Advisory Conditions

1. *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.*

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 works being carried out at the above site.

2. *The applicant is advised that any consent for this development proposal does not constitute Council's approval for the carparking arrangement as detailed in the development application submission. The above conditions of consent*

seek to formalise the site's carparking provision and to address many of the adverse environmental impacts created by the past indiscriminate filling of the site.

MOTION: (Andrews/Daley) SEE RESOLUTION.

**8.7 DIRECTOR PLANNING & COMMUNITY DEVELOPMENT'S REPORT
112/2003 - 1-81 LITTLE BAY ROAD LITTLE BAY (D/0733/2003)**

332 **RESOLUTION: (White/Daley) 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/0733/2003 for the installation of infrastructure services and associated equipment, associated civil works, and sub-division of land at 1-81 Little Bay Road, Little Bay 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. *An amended Community Management Statement adequately incorporating provisions for the following:*
 - *The management of traffic and control of carparking within the proposed development by the Community Association and/or owners of lots within the Community Scheme.*
 - *A clear statement that all roads and other common property within the development will remain Community Property under the provisions of the Community Land Development Act 1989 and will not be dedicated to Randwick City Council.*
 - *Insurance undertakings to cover all liabilities in the subject site pursuant to the Community Land Development Act 1989.*
 - *A clear statement that maintenance of the open space including maintenance of the creek corridor/riparian zone will be undertaken by the Community Association and/or owners of lots within the Community Scheme and not by Randwick City Council.*

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 C20.01 Issue B, C20.02 Issue B, C20.03 Issue B, C21.01 Issue B, C21.02 Issue B, C22.03 Issue B, C22.01 Issue B, C22.02 Issue B, C22.03 Issue B, C22.04 Issue B, C22.05 Issue B, C22.06 Issue B, C23.01 Issue B, C23.02 Issue B, C23.03 Issue B, C23.04 Issue B, C23.05 Issue B, C23.06 Issue B, C24.01 Issue B, C24.02 Issue B, C24.03 Issue B, C24.04 Issue B, C24.05 Issue B, C25.01 Issue B, C25.02 Issue B, C26.01 Issue B, C26.02 Issue B, C26.03 Issue B, C26.04 Issue B, C26.05 Issue B, C26.06 Issue B, C26.06 Issue B, C26.07 Issue B, C26.08 Issue B, C26.09 Issue B, C27.01 Issue B, C27.02 Issue B, C28.01 Issue A, C28.02 Issue B, C29.01 Issue B, DA29.02 Issue B, C30.01 Issue B, DA30.02 Issue B, AC01-01 Issue A, LP-01 Issue A, LP-02 Issue A LP-03 Issue A and Sheets 1 to 6 of Draft Sub-division Plans (Surveyors Reference 3439-2) received by Council on 20 August 2003, 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:*

The following conditions are applied to ensure compliance with the General Terms of Approval issued by the Department of Infrastructure, Planning and Natural Resources:

2. *The work to which the general terms of approval issued by the Department of Infrastructure, Planning and Natural Resources (DIPNR) is not to commence until such time as a formal permit under Part 3A of the Rivers and Foreshores Improvement Act 1948 has been issued from DIPNR.*
3. *If in the opinion of a DIPNR officer any work is being carried out in such a manner that it may damage or detrimentally affect the watercourse, or damage or interfere in any way with any work, the operation on that section of the watercourse shall cease immediately upon oral or written direction of such officer.*
4. *Work as executed survey plans shall be forwarded to the Department upon request.*
5. *If the permit conditions have been breached the permit holder shall restore the site to the satisfaction of the Department. If the necessary works are not completed then the permit holder shall pay a fee prescribed by the Department for the initial breach inspection and all subsequent inspections.*
6. *Operations shall be conducted in such a manner as not to cause damage or increase the erosion of adjacent stream banks. The permit holder shall carry out any instructions given by DIPNR with a view to preventing damage to the banks.*
7. *Any vegetation or other material removed from the area of operations shall be disposed of to an appropriate site where the debris cannot be swept back into the river during a flood.*
8. *When the works are to cease, DIPNR is to be notified 1 month in advance of the cessation of the operation.*
9. *Work is to be carried out in accordance with any conditions imposed by other government agencies.*

10. *Work is to be carried out in accordance with drawings approved by DIPNR and which will accompany the 3A Permit.*
11. *Excavated material shall be transported from the excavation site and disposed of in accordance with the development application.*
12. *A Soil and Water Management Plan for the works is to be prepared by a suitably qualified person, to the satisfaction of Council and DIPNR, and approved by DIPNR, prior to the issue of a 3A Permit. The Plan is to meet the requirements outlined in Chapter 3 of the NSW Department of Housing's "Managing Urban Stormwater: Soils and Construction" (1998).*
13. *A vegetated **riparian zone** is to be established within the subject property adjacent to the unnamed watercourse consistent with the approved Master Plan. Typically the riparian zone is to have an average width of 15 metres measured at right angles to the flow of the stream and from the top of the bank. The riparian zone is to consist of a diverse range of appropriate native plant species local to the area and is to be densely planted and fully structured (groundcovers, shrubs and trees). The riparian zone is to extend along the entire length of the watercourse within the property. Trees and shrubs are to be planted at a density of one plant per square metre and at a proportion of 1 tree to 3 shrubs. Groundcover species are to be planted at an average density of at least four plants per square metre in addition to the trees and shrubs. The riparian zone is to be free of any new development (including roads, services, retaining walls, impermeable fences etc).*
14. *A Vegetation Management Plan is to be prepared in consultation with, and with the approval of DIPNR **prior to the issue of a "3A Permit"**. The plan is to describe in detail the proposed establishment and restoration of the riparian zone using native vegetation propagated from local species, staging of works, stormwater works (taking an environmentally sympathetic engineering approach), vegetation to be retained, the management of any impact due to shading on the riparian zones by the proposed buildings. maintenance, monitoring and performance criteria, who is to undertake the tasks and the costs of all tasks. Any long-term tasks are to be costed on an indexed basis using the CPI.*
15. *Within a time frame specified by DLWC, a bank guarantee from any bank licensed pursuant to the Banking Act 1959 (Cth) is to be provided in favour of DLWC, for an amount equal to the cost of restoring the riparian zone in accordance with the Vegetation Management Plan (VMP) and subject to the approval of DLWC. The moneys will be held until such time as the restoration works and any specified maintenance period are complete (2 years). The sum held may be reduced on application to DLWC, subject to the satisfactory completion of stages of restoration. DLWC may at any time, and more than once and without notice to the Permit holder, demand all or part of the moneys available under the bank guarantee, if in its opinion, the Permit holder has failed at any time to meet the performance criteria set out in the Plan. The security deposit should be set out in a format similar to the one attached.*
16. *A Stream Works Plan is to be prepared by a person or persons with professional qualifications, knowledge and experience in management of streams and stream rehabilitation practices, in consultation with, and with the approval of DLWC **prior to the issue of the Part 3A Permit**. The Stream Works Plan is to include:*

- a) *Plans showing in detail the existing and proposed waterbodies, riparian zones, vegetation and geomorphic features,*
 - b) *Cross-sections of the waterbodies and riparian zones showing both existing and proposed ground surface levels. The cross sections must fully represent the variety of landforms associated with the proposal. The locations of the cross sections are to be shown on the above-required plan,*
 - c) *A longitudinal section of the existing and proposed waterbodies in sufficient detail to identify any changes in bed level and hydraulic features (ie pools and riffles),*
 - d) *Detailed designs of any stabilisation works and how they are to be undertaken. All proposed stabilisation works are to be of soft engineering design and must incorporate natural stream features (eg pool and riffle sequences, meanders, identifiable low flow channel) commensurate with the local geomorphic, hydrologic and hydraulic conditions,*
 - e) *Details on the staging or sequencing of the proposed works,*
 - f) *Contingency measures in the event of flooding during construction, and*
 - g) *A costing for the implementation of all stages and all watercourse works including maintenance requirements.*
17. *No exotic plant species, other than temporary sterile cover crops, are to be planted within the riparian zone.*
18. *Any structures that may intrude into the riparian zone are not to diminish from the ecological functions of this zone and shall be determined in consultation with, and with the approval of, DIPNR.*
19. *It is recommended that an environmental covenant is placed on the riparian zones and on local native trees, shrubs and groundcover species is to be established on the top of the bank of the creek.*
20. *Detailed designs of proposed stormwater outlets and any necessary scour protection works within the riparian zone, bed and bank(s) of the watercourse are to be prepared and implemented by a person(s) with relevant knowledge, qualifications and experience, to the satisfaction of Council and DIPNR, and approved by DIPNR, **prior to the issue of the Part 3A Permit.** The designs must include a surveyed cross section of the bank showing existing and proposed levels at the outlet point. Stormwater outlets must be designed, located and constructed to minimise any erosion or scour of the banks or bed of streams and the construction technique adopted must ensure that disturbance to bank soil and vegetation is kept to an absolute minimum. Any proposed stormwater outlets are to be designed in accordance with, but not limited to DIPNR guidelines on Stormwater Outlet Structures to Streams (For pipes, culverts, drains and spillways - Version 1).*

The following conditions are applied to ensure compliance with the General Terms of Approval issued by the NSW National Parks and Wildlife Service:

- 21. *A section 90 consent is to be issued by the Department of Environment and Conservation (DEC) of the NPWS covering the site "Little Bay Road Aboriginal Site" #45-6-2658 which will be impacted by the proposed works.*
- 22. *The La Perouse Local Aboriginal Land Council have an opportunity to monitor site works along the creek line and the locations from which the Aboriginal finds were located when earthworks commence and collect artefacts.*

23. *The La Perouse Local Aboriginal Land Council shall apply for Care and Control Permit from DEC for collection of artefacts.*
24. *The consultation works for the proposed development should be carried out in consultation with local Aboriginal community groups.*
25. *If any sites are located or uncovered during development, then these must be assessed and Section 90 consents from Department of Environment and Conservation (DEC) of the NPWS be applied for.*

The following conditions are applied to maintain reasonable levels of environmental amenity and public health safety.

26. *The applicant is to engage an Environment Protection authority (EPA) Accredited Site Auditor. The Site Auditor is to assess the suitability of the site for its intended development and use. A Site Audit Statement and Summary Site Audit Report is to be submitted to and approved by Council, prior to works commencing, stating that the site is suitable for the intended development and use.*

The Site Audit Statement must be unconditional, in that, it must not include any conditions requiring or recommending any works or monitoring after the commencement of building works.

27. *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) *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 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 commencement of building works**. 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.*
28. *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'.*
29. *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.*
30. *Prior to the commencement of works adequate sediment and stormwater control measures shall be in place and maintained on site at all times. Sediment laden stormwater shall be controlled using measures outlined in the manual Managing Urban Stormwater Soils and Construction produced by the NSW Department of Housing*
31. *The works shall not give rise to environmental pollution or public nuisance or, result in an offence under the Protection of the Environment Operations Act 1997 or NSW Occupational Health & Safety Act (2000) & Regulations (2001).*

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

32. *The requirements and provisions of the Environmental Planning & Assessment Act 1979 and Environmental Planning & Assessment Regulation 2000, must be fully complied with at all times.*

Failure to comply with these legislative requirements is an offence and may result in the commencement of legal proceedings, issuing of 'on-the-spot' penalty infringements or service of a notice and order by Council.

33. *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.*
34. *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.

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:

35. *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.*
36. *The building works are to be inspected by the Principal Certifying Authority (or other suitably qualified person approved by the Principal Certifying Authority), to monitor compliance with the relevant standards of construction and Council's development consent.*

The Principal Certifying Authority shall specify the relevant stages of construction to be inspected and a satisfactory inspection must be carried out, to the satisfaction of the Principal Certifying Authority, prior to proceeding to the subsequent stages of construction or finalisation of the works (as applicable).

Documentary evidence of the building inspections carried out and details of compliance with Council's approval is to be maintained by the Principal Certifying Authority. Details of critical phase inspections carried out and copies of certification relied upon shall be forwarded to Council with the occupation certificate.

Upon inspection of each stage of construction, the Principal Certifying Authority (or other suitably qualified person approved by the Principal Certifying Authority) is also required to ensure that the relevant site management, public safety and sediment and erosion requirements specified in Council's consent are being satisfied.

37. *Noise and vibration emissions during the construction of the building and associated site works must not result in damage to nearby premises or result in an unreasonable loss of amenity to nearby residents and the relevant provisions of the Protection of the Environment Operations Act 1997 must be satisfied at all times.*
38. *All building, demolition and associated site 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.*
39. *The use of any rock excavation machinery or any mechanical pile drivers is restricted to the hours of 8.00am to 5.00pm (maximum), Monday to Friday inclusive and from 8.00am to 1.00pm on Saturday, to minimise the noise levels during construction and loss of amenity to nearby residents.*
40. *Noise and vibration from any rock excavation machinery and pile drivers (or the like) must be minimised by using appropriate plant and equipment and silencers and a construction noise and vibration minimisation strategy, prepared by a suitably qualified consultant is to be implemented during the works, to the satisfaction of the Principal Certifying Authority.*

41. *A report prepared by a suitably qualified and experienced consultant in acoustics/vibration shall be submitted to the Principal Certifying Authority and the Council upon commencement of works, certifying that noise and vibration emissions from the construction of the development complies with the provisions of the Protection of the Environment Operations Act 1997, the Noise Control Manual published by the Environment Protection Authority and relevant conditions of approval. In support of the above it is necessary to submit all relevant readings and calculations made.*

Should noise and vibration emissions not comply with the terms and conditions of consent, work must cease forthwith and is not to recommence until details of compliance are submitted to Council.

42. *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.*

43. *Public safety and convenience must be maintained at all times during demolition, excavation and construction works.*

The roadway, footpath and nature strip must be maintained in a good, safe condition and free from any obstructions, materials, soils or debris at all times. Any damage caused to the road, footway or nature strip must be repaired immediately, to the satisfaction of Council.

A Road Opening Permit must be obtained from the Council and other relevant Authorities prior to excavating or opening-up the road or footway for services or the like.

44. *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.

45. *During demolition excavation and construction works, dust emissions must be minimised, so as not to result in a nuisance to nearby residents or result in a potential pollution incident.*

Adequate dust control measures must be provided to the site prior to the works commencing and the measures and practices must be maintained throughout the demolition, excavation and construction process, to the satisfaction of Council.

Dust control measures and practices may include:-

- *Provision of geotextile fabric to all perimeter site fencing (attached on the prevailing wind side of the site fencing).*
- *Covering of stockpiles of sand, soil and excavated material with adequately secured tarpaulins or plastic sheeting.*
- *Installation of a water sprinkling system or provision hoses or the like.*
- *Regular watering-down of all loose materials and stockpiles of sand, soil and excavated material.*
- *Minimisation/relocation of stockpiles of materials, to minimise potential for disturbance by prevailing winds.*
- *Revegetation of disturbed areas.*

46. *Public safety must be maintained at all times and public access to the site and building works, materials and equipment on the site is to be restricted, when work is not in progress or the site is unoccupied.*

A temporary safety fence is to be provided to protect the public, located to the perimeter of the site (unless the site is separated from the adjoining land by an existing structurally adequate fence, having a minimum height of 1.5 metres). Temporary fences are to have a minimum height of 1.8 metres and be constructed of cyclone wire fencing, with geotextile fabric attached to the inside of the fence to provide dust control, or other material approved by Council.

Fences or hoardings are to be structurally adequate and be constructed in a good and workmanlike manner and the use of poor quality materials or steel reinforcement mesh as fencing is not permissible.

*Details of the proposed temporary fences located upon the site are to be submitted to the principal certifying authority and 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.

47. *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 and erosion 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.

48. *Stockpiles of soil, sand, aggregate or other materials must not be located on any footpath, roadway, nature strip, drainage line 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, nature strips, in any public place or any location which may lead to the discharge of materials into the stormwater drainage system

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

49. *The following damage deposit requirement is 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) \$20000.00 - Security damage deposit

The damage deposit may be provided by way of a cash or cheque with the Council and is refundable upon the applicant advising Council, in writing, of the completion of all building works and/or obtaining an occupation certificate, if required.

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.

50. *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 \$300,000. This Bond is to ensure the construction of civil works required by this development consent to be carried out for Bunnerong Road and Little Bay Road.*

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:

51. *Pursuant to the Environmental Planning and Assessment Act 1979, Section 80(3) the consent is not to operate until Council is provided with a Deed duly executed by the Applicant (and where the Applicant is not the owner the subject of the development then the Deed must be duly executed by such owner(s)) in essence containing an operative provision to the effect that in consideration of Council as either current owner on, in or over Little Bay Road and Bunnerong Road as referred to in Conditions 63 of this consent Council shall be appointed the principal certifying authority pursuant to Section 109E of the Environmental Planning and Assessment Act 1979 in respect of those works. All works to be carried out at no cost to Council. The Deed to be binding upon the transferees, assignees and successors in title of the Applicant/Owner(s).*
52. *Prior to the commencement of any construction works within the development site and in Little Bay Road and Bunnerong Road the applicant shall submit to the Principal Certifying Authority for approval, and have approved, engineering details, specifications, plans and quality plans for all filling/excavation works, drainage construction works, roadworks, kerb and gutter construction, footpath construction, construction of earth retaining structures, 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 Principal Certifying Authority.*
53. *Prior to the commencement of any construction works within the development site and in Little Bay Road and Bunnerong Road the applicant shall submit to Council for approval, and have approved, engineering details, specifications, plans and quality plans for all drainage construction works on Council controlled stormwater pipelines and within the creek/watercourse/riparian zone. 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 Director of Asset and Infrastructure Services.*
54. *The drainage construction specification and details referred to in the previous two conditions shall include the following:*

- *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.*

55. *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.*

56. *The applicant must submit to Council an Unconditional Bank guarantee in a form specified by Council in the amount of \$50,000 for the proper performance of the Council owned drainage infrastructure pursuant to the requirements of this*

development consent 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 drainage infrastructure and the provision of the abovementioned unconditional bank Guarantee.

57. *All Energy Australia Service Turrets shall be recessed wholly into the property boundaries/behind the prevailing property alignment, 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. The applicant is advised that should Energy Australia require the turrets to be located within the road reserve the applicant will be required to dedicate land to Council, the dimensions of such dedication/s shall be as required to satisfy all of Energy Australia's requirements.*
58. *Road intersections shall be designed with a minimum turning radius of 10.5 metres. 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 to be suitably reinforced. Plans detailing the adequacy of all intersections with respect to truck movements must be submitted to the Principal Certifying Authority for approval prior to the issuing of a Construction Certificate for the construction of roads.*
59. *The applicant shall provide asset data, and transfer all data, in relation to all infrastructure and assets intended to be transferred into Council management, into Council's asset management systems. The data shall be collected in a suitable form and transferred into Council's assets management systems at the applicants cost. The applicant is advised to contact Council's Assets Co-Coordinator to discuss Council's requirements for the asset data.*
60. *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 under Council's care and control.*
61. *The sections of the internal roads that connect the development site with Little Bay Road shall be suitably designed such that the internal roads are clearly identifiable as roads under the proposed Community Title. Design details should be submitted to Council for approval, and be approved, prior to the release of the construction certificate for the site.*
62. *All civil works within the development site shall be carried in general accordance with Council's construction specifications. The applicant must liaise with Council's Assets Coordinator to obtain Council's specification. Any construction certificate application must demonstrate compliance with this requirement.*
63. *The applicant must meet the full cost for Council or a Council approved contractor to undertake the following works within Council's road reserves adjacent to the site.*
 - a) *Construct two roundabouts in Little Bay Road together with associated road reconstruction/construction works. The roundabout construction shall include construction of kerb and gutter, raised traffic splitter islands and a central raised roundabout. The roundabout pavement including the approaches and departure pavements shall be designed and constructed as steel reinforced concrete pavement to the satisfaction of the Director Of Asset and Infrastructure Services.*

- b) *Construct kerb and gutter for the full Little Bay Road site frontage except opposite the vehicular entrance and exit points, (i.e except where the two access roads are to be constructed).*
- c) *Reconstruct Little Bay Road, (carriageway), along the full site frontage to Council's specification and satisfaction. The road alignment/reconstruction works shall make provision for the following:*
- *Kerb and gutter along the southern/development site frontage.*
 - *One parking lane being 2.3metres in width measured from the face of the kerb and gutter.*
 - *Two travel lanes with each lane being 3.5metres in width measured from the edge of the parking lane.*
 - *A 1.0 metre wide shoulder pavement, (approximately), on the northern side of the travel lanes.*
 - *A suitable width table drain along the edge of the shoulder pavement.*
 - *Guide posts clear of the shoulder pavement.*
- d) *Reconstruct Bunnerong Road, (carriageway), along the full site frontage to Council's specification and satisfaction. The road alignment/reconstruction works shall make provision for the following:*
- *Kerb and gutter along the eastern/development site frontage.*
 - *One parking lane being 2.3metres in width measured from the face of the kerb and gutter.*
 - *Two travel lanes with each lane being 3.5metres in width measured from the edge of the parking lane.*
 - *A 1.0 metre wide shoulder pavement, (approximately), on the western side of the travel lanes.*
 - *A suitable width table drain along the edge of the shoulder pavement.*
 - *Guideposts clear of the shoulder pavement.*
- e) *Reconstruct the intersection of Little Bay Road and Bunnerong Road to the satisfaction of the Director of Asset and Infrastructure Services and the Randwick Traffic Committee. Design details shall be prepared by Council however the applicant shall note the following:*
- The intersection shall be channelised*
The intersection shall include a passing lane for the right hand turning movements from Bunnerong Road into Little Bay Road.
The intersection shall be suitably drained to Council's satisfaction.
- f) *Construct a minimum 1.8 metre wide concrete footpath along the full Little Bay Road site frontage, excepting the site access roads.*
- g) *Construct a minimum 3 metre wide shared cycleway /pedestrian concrete footpath along the full Bunnerong Road site frontage. The construction of a suitable bridge is also required to ensure the continuity of the pedestrian /cycleway in Bunnerong road. The internal cycleway shall be connected into the shared cycleway in Bunnerong Road and to the footpath in Little Bay*

Road. A suitable cycleway crossing shall be incorporated in the Little Bay Road/Bunnerong Road Intersection.

- h) Regrade, remove any weeds and landscape the naturestrip, (**including street tree planting**), along the full Little Bay Road and Bunnerong Road site frontages. The applicant shall note the following with respect to the subject naturestrips:*
- Typically a relatively flat section of verge will be provided behind the kerb, (approximately 3.65metres wide and at a grade of 3%).*
 - The remainder of the verge will be battered at various grade to meet the agreed to alignment levels. The applicant must meet the full cost for suitable landscaping and stabilisation of the steeper batters.*
 - Street tree planting shall be in accordance with Council's street tree master plan.*
- i) Provide a suitable drainage system for any low points in the Little Bay Road or Bunnerong Road verges as created by the proposed regarding works.*
- j) Install appropriate line marking and signage in Little Bay Road and Bunnerong Road in accordance with the relevant traffic standards and to the satisfaction of the Director of Asset and Infrastructure Services. The applicant shall pay particular attention to the line marking and signage required at the intersection of Little Bay Road and Bunnerong Road.*
- k) Construct the two site access roads up to the Little Bay Road site boundary, (including kerb returns etc).*
- l) Construct stormwater drainage lines in Little Bay Road as required to drain any low points fronting the development site. All drainage works shall be to the satisfaction of the Director of Asset and Infrastructure Services.*
- m) Construct stormwater drainage lines in Bunnerong Road as required to drain any low points fronting the development site. All drainage works shall be to the satisfaction of the Director of Asset and Infrastructure Services.*
- n) The applicant shall meet the full cost for Council, or a Council approved contractor, to construct a suitable piped drainage system within the Bunnerong Road verge to replace the existing creek that is located in the Bunnerong Road verge, immediately west of the development site and south of the open watercourse that drains through the site. The piped system shall be capable of draining the 1 in 20 year storm event with provision made for an open channel located over the pipeline to drain stormwater overland flow for storm events up to the 1 in 100 year storm event. The applicant is advised that the piped system may need to be extended south of the development site if required to collect flows generated by the stormwater catchment area located south of the open watercourse that drains to the watercourse. The applicant must liaise with Council's Development Engineer Coordinator to obtain Council's requirements for this system, (including the work specification), prior to lodgement of a construction certificate application.*

64. *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.*
65. *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.*
66. *All kerb ramps must be designed and constructed to RTA Technical Direction TDT 2002/08.*
67. *The 40 year design traffic for the pavement design for Little Bay Road shall be 17,300,000 ESA's and the 40 year design traffic for the pavement design for Bunnerong Road shall be 37,000,000 ESA's.*
68. *Internal roads shall be designed with a design life of at least 40 years and generally in accordance with the relevant Austroads Pavement design Guide and Randwick City Council's Modified version of AUSPEC specifications.*
69. *The applicant must comply with the Construction Traffic Management Plan as submitted with the Development Application.*
70. *The internal cycleway shall be widened from 2.5 metres wide to 3metres wide in accordance with the Austroad's Design Guidelines.*

The following conditions are applied to provide adequate consideration for excavating Council's footpath and road reserves:

71. *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 such construction works on the development site. The cutting and filling work must be carried out by the Council, or by a contractor appointed by the applicant with the approval of the Council, at the applicant's cost.*

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

72. *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.*

73. *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.*
74. *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.*
75. *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 Principal 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 and/or Energy Australia substations located within the future or existing Council road reserve. Any kiosk or substation shall be located to the satisfaction and approval of Council and Energy Australia.

76. *Prior to issuance of a construction certificate for any relevant part of the development, the applicant must submit to the certifying authority documentary evidence from each relevant public utility authority confirming that those requirements which the public utility authority requires to be satisfied prior to issue of a construction certificate, have been satisfied.*
77. *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.*
78. *Prior to relevant 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.

All site services shall be provided underground.

79. *Any electricity substation required for the site must be located within the site and is to be screened from view. The location of the substation within the site, together with the required screening, shall be subject to requirements of Energy Australia. The proposed location and elevation shall be shown on all detailed landscape drawings and specifications.*
80. *The applicant shall meet the full cost for the provision of street and pedestrian lighting for the street frontages to Little Bay Road and Bunnerong Road. The design of the public lighting shall be in accordance with the Australian Standards and also meet the Roads and Traffic Authorities requirements for the lighting of intersections and roundabouts. The applicant shall pay particular attention to the lighting of the intersection of Little Bay Road and Bunnerong Road.*
81. *A Section 73 Compliance Certificate under the Sydney water Act 1994 must be obtained. Application must be made through an authorised Water Servicing*

Coordinator. Please refer to “Your Business” section of Sydney Water’s web site at www.sydneywater.com.au then the “e-developer” icon or telephone 13 20 92.

Following application a “Notice of Requirements” will detail water and sewer extensions to be built and charges paid. Please make early contact with the Coordinator, since building of water/sewer extensions can be time consuming and may impact on other services and building, driveway or landscape design.

The Section 73 Certificate must be submitted to the Principal Certifying Authority prior to occupation of the development/release of the plan of subdivision.

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

82. *Prior to the commencement of any road construction works the applicant shall submit to the Principal 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 future civil works in the road reserve:

83. *The design alignment level at the Little Bay Road 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. Note: the alignment levels to be issued shall be in general accordance with the alignment levels shown on the Little Bay Road and Bunnerong Road sections received by Council on 13/11/2003.

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

84. *The design alignment level at the Bunnerong Road 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. Note: the alignment levels to be issued shall be in general accordance with the alignment levels shown on the Little Bay Road and Bunnerong Road sections received by Council on 13/11/2003.

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

85. *The above alignment levels have been issued by the Council’s Department of Asset & Infrastructure Services at a prescribed fee of \$ 19400 calculated at \$27.50 (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 Bunnerong Road or Little Bay Road site boundaries. The prescribed fee is to be paid into the following income number: 4-1-131-963.

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

86. A "restriction as to user and positive covenant" shall be placed on the creek/watercourse/riparian zone and shall relate to the maintenance and suitability of the creek/watercourse to convey stormwater flows generated by catchments upstream of the site.

Notes: The "restriction as to user and positive covenant" are to be to the satisfaction of Council and the applicant must liaise with Council's Development Engineer Coordinator to obtain the wording for the subject restriction and positive covenant.

This condition is to ensure that no works that could affect the design function of the creek/watercourse are undertaken without the prior consent (in writing) from Council. This condition is also to ensure that adequate maintenance of the creek/watercourse is undertaken.

87. Prior to the issuing of a construction certificate the applicant must submit to Council for approval, and have approved by Council and DIPNAR, the following details with respect to the proposed creek/watercourse/riparian zone:

- Design details, (i.e hydraulic and civil/structural engineering details and specifications, landscaping and maintenance specifications), for the proposed creek/watercourse/riparian zone and associated civil infrastructure.
- Restriction as to User and Positive Covenant details for the creek/watercourse/riparian zone, (Council will require that a suitable restriction as to user and positive covenant is created over the creek/watercourse/riparian zone and these details must be prepared in consultation with Council).
- A detailed maintenance schedule for the creek/watercourse/riparian zone and associated civil/drainage infrastructure. Note: all maintenance on the creek/watercourse shall be the responsibility of the applicant. Based on the approved maintenance schedule Council will impose a bond, to be paid by the applicant, covering the expected cost of maintaining the creek/watercourse for a 10 year period. The bond must be lodged with Council prior to the commencement of construction works on the creek/watercourse.

88. Prior to the commencement of any road construction works the applicant shall submit to the Principal Certifying Authority for approval, and have approved, a detailed stormwater drainage plan. The applicant must liaise with Council, prior to preparation of the drainage plan, to obtain Council's requirements for drainage works within, and adjacent to the development site. The applicant must also liaise with DIPNAR, prior to preparation of the drainage plan, to obtain DIPNAR's requirements for drainage works within, and adjacent to the development site. 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.*
- *Gross pollutant trap details (GPT). Note that any proposed 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).*
- *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, (if Council is not the PCA).

89. *The calculations, drawings, plans, longitudinal sections and details for the roads and stormwater drainage shall be submitted to and approved by the Principal 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.*
- 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.*

Council would prefer that the drainage calculations use the "DRAINS" Urban Drainage Simulation Models in combination with "HEC-RAS" model. Variations to the models used from those referred to above will require the applicant to obtain certification of the model from a suitably qualified consultant.

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.

Prior to the final inspection or the release of the linen plan, or as may be agreed with the Principal Certifying Authority, a copy of the approved plans and details shall be submitted to Council, (if Council is not the PCA).

- 90. *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 $VD < 0.4$).*
- 91. *All residential allotments must be protected from stormwater inundation for storm events up to the 1 in 100 year storm event. A minimum of 300 millimetres freeboard above the 1 in 100 year flood level must be provided for this development and must be maintained with any future development on the site. The construction certificate application must demonstrate compliance with this requirement.*
- 92. *The site access roads off Little Bay Road must be suitably designed to ensure that no overland stormwater runoff from Little Bay Road, for storm events up to the 1 in 100 year event, can enter the site via the access roads. The construction certificate application must demonstrate compliance with this requirement.*
- 93. *A drainage easement, (in favour of Council), must be created over the creek/watercourse/riparian zone, (the boundaries of the easement to match the 1 in 100 year flow boundaries). Details of the easement are to be submitted to Council for approval and be approved prior to the release of any plan of subdivision for the site.*

94. *Prior to the issuing of a construction certificate for the site the applicant must submit to Council for approval, and have approved, full design, location and maintenance details of all proposed gross pollutant traps. The applicant shall also submit for approval, (with any construction certificate application for the site), a maintenance schedule for the GPT's, bioretention swales and creek. A GPT shall be constructed prior to the discharge point on line G. The applicant shall maintain all GPT's within the site.*
95. *The applicant shall liaise with DIPNAR regarding safety issues surrounding the open creek/watercourse and comply with all safety requirements issued by the Department. Prior to the issuing of a construction certificate the applicant will need to fully demonstrate to Council and DIPNAR that potential public liability issues have been addressed in the Community Plan.*
96. *The two low points along Little Bay Road and one on Binda Crescent must be drained through pipes sized for the 20 year ARI with provision for overland flow up to the 1 in 100 year storm event. The piped stormwater and overland flow shall be discharged to the creek/watercourse and easements shall be created over the pipes and overland flow paths.*

It is noted that Council's baseplans show some pipelines/easements already located within the site.

97. *The velocity depth restriction of $VD \leq 0.4$ for a 1 in 100 year storm should be applied along the overland flow paths.*
98. *All interallotment stormwater drainage lines must be designed, as a minimum, to accommodate stormwater flows generated by the 1 in 20 year storm event. Suitable width easements are to be created over the line of any interallotment drainage system in conjunction with any plan of subdivision for the development site, (the pipeline is to be centrally located within the easement). In the situation where no legal overland flow route exists for flows generated by storm events greater than the 1 in 20 year storm event the interallotment drainage line and the required drainage easement must be capable of containing within the easement and discharging storm water flows generated by storm events up to the 1 in 100 year storm event.*

The minimum easement width shall be 1.0 metre for light-weight pipes up to and including 300mm in diameter. Easement widths for drainage lines that are not light-weight, (e.g concrete), and larger than 300mm in diameter should be sufficient to enable maintenance equipment to access the pipeline.

Stormwater design details, together with proposed easement widths, shall be submitted to the certifying authority for approval, and be approved, prior to the issuing of a construction certificate. Design details for the connection of interallotment drainage into the Council controlled stormwater drainage system must be submitted to Council for approval, and be approved, prior to the issuing of a construction certificate.

99. *The applicant must meet full cost of all work required by Council to be carried out in connection with the relocation of any stormwater pipeline within the property which might be affected by the proposed development, such work to be carried out in accordance with plans and specifications prepared by the Director of Assets and*

Infrastructure Services. Council must require that the new stormwater pipeline be of sufficient capacity to provide for a storm recurrence interval of 20 years with an overland floodway that is to be capable of containing a 1 in 100 year flood within the boundaries of the drainage, landscaping and site works over such pipes and/or easement must ensure that the natural floodway or water course is not blocked or altered in such a way to flood private properties. No buildings or structures must be located within the easement.

100. *The applicant must meet the full cost of the creation of a drainage easement over the line of any existing/ new / relocated or upgraded stormwater pipelines within the site, under the control of Council. Minimum easement widths are as follows:*

Pipeline diameter is 1,200mm or less - easement width required = 3.0m

From 1,200mm to and including 1,500mm diameter - easement width required =3.5m

Above 1 500mm diameter - easement width required to Council's satisfaction.

Note: no buildings or structures must be located within the easement.

101. *The proposed side slopes of the creek/watercourse shall be designed to the satisfaction of DIPNAR.*

102. *A work-as-executed plan, prepared and signed by a registered surveyor and a suitably qualified hydraulic engineer, must be submitted to the Principal Certifying Authority, and be approved, prior to the release of the linen plans or as otherwise may be agreed with the Principal Certifying Authority pursuant to Section 109J of the Environmental Planning and Assessment Act 1979. 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 Principal Certifying Authority and Council's Director of Assets and Infrastructure Services.*

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 and release of the linen plan, or the period as may be agreed with the Principal Certifying Authority, a copy of all WAE civil drawings,

approved civil drawings, stormwater calculations (on hard copy and on disk) are to be submitted to Council.

103. *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, 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 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)*

104. *Any 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 Principal Certifying Authority for approval, and be approved, prior to the commencement of any site construction works. Design/construction details for any pipeline reconstruction works deemed necessary by Council, in consultation with the applicant, shall be submitted to the Principal Certifying Authority for approval, and be approved, prior to the commencement of any site construction works.*

105. *Prior to the finalisation of works, the applicant shall submit to the Principal Certifying Authority CCTV videos of all existing and to be dedicated Council stormwater pipelines, such CCTV shall inspect all stormwater pipes for any construction damage.*

The applicant shall note that should any 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.

106. *Any Gross Pollutant Traps (GPTs) shall be regularly inspected, maintained and cleaned by the applicant, to the Council's satisfaction.*

107. *Construction zone run-off controls (haybales, sedimentation basins etc.) are to be inspected regularly and during and after rainfall to assess performance. Weekly reports on effectiveness/maintenance of all sedimentation controls and practices are to be provided to the Principal Certifying Authority.*

108. *All stormwater leaving the site, or any individual allotments within the site, must be discharged in compliance with the approved stormwater management plan/s.*

109. *The applicant shall ensure that stormwater discharge immediately west of the culvert under Bunnerong Road does not increase for storm events up to and including the 1 in 100 year storm event as a result of the proposed development. Prior to the issuing of a construction certificate the applicant shall submit to Council for approval, and*

have approved, full hydraulic calculations comparing the pre-development and post-development stormwater discharge for storm events up to the 1 in 100 year storm.

110. *Prior to the commencement of any construction works on the development site the applicant shall demonstrate to Council that all existing residential lots surrounding the development site will not be adversely affected by the resultant 1 in 100 year storm event.*

The following conditions are applied to provide adequate provisions for open Space/Public Domain Conditions.

111. *Prior to the commencement of any road construction works a Public Domain Plan for the site 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 any 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*
- *Footpath treatments*
- *Street furniture*
- *Street lighting*
- *Street signs*
- *Kerb ramps*
- *Lighting*
- *Automatic irrigation systems*
- *Water features*
- *Pavements*
- *Retaining walls and balustrades*
- *Bicycle facilities*
- *Bus shelters*

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:

112. *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 landscaping and to maintain reasonable levels of environmental amenity:

113. *Prior to the issuing of a construction certificate the applicant shall submit for approval, and have approved by the Principal Certifying Authority, detailed landscape drawings and specifications. 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.*

The plan shall clearly show the position, canopy spread (location of dripline), trunk diameter, height and names of all existing trees upon the site and adjoining sites within 6 metres of the common property boundary which are likely to be affected by the development.

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.*

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, fencing details, surface finishes, retaining wall details, and any other landscape elements 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. *Sectional elevations through the site showing the existing and proposed groundlines, building elevations, and mature height of proposed planting.*

g. *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.*

drainage conditions.

119. *Permission is granted for the removal of only those trees falling within the area occupied by the approved works. Removal of the remaining trees on the site are subject to separate application under the Tree Preservation Order.*
120. *The applicant shall be required to ensure the retention and long term health of all trees located on adjoining properties adjacent to the proposed development. As a general guide there shall be minimal excavation or root pruning within the dripline/s of the subject tree/s.*
121. *No disturbance to, or removal of, any soils shall occur within the spread of the mature Eucalypt tree on the northern side of the site.*
122. *A continuous, temporary 1800mm high cyclone wire protection fence shall be installed around the spread of the mature Eucalypt tree on the northern side of the site.*
123. *Silt fencing shall be attached along the full length of the protection fencing and shall be maintained so as to ensure that no foreign matter passes the protection fence at any time. Silt fencing shall be attached within 24 hours of any given section of the protection fence being installed.*
124. *Council's Bushland Management Technician shall inspect and, when satisfied, provide written confirmation that the protection fencing and silt fencing have been appropriately installed, prior to commencement of any construction or earthworks.*
125. *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. Turf species shall be restricted to Stenotaphrum spp. (Buffalo Grass).*
126. *No species, which have been recorded as naturally occurring in nearby bushland, shall be used in landscape planting. This includes: Angophora costata, Banksia ericifolia, Dianella longifolia, Dianella revoluta, Eucalyptus haemastoma and Xanthorrhoea resinosa, as is proposed in the development application.*
127. *A refundable deposit, in the form of cash or cheque, for the amount of \$1,000.00, 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, subject to the works required and/or authorised by this development consent, no detrimental effect occurs to the mature Eucalypt tree on the northern side of the site. The refundable deposit will be released at the time of completion of all works, providing that no detrimental effect has occurred to the mature Eucalypt tree throughout the construction works. Any contravention of Council's conditions relating to the natural environment at any time during the development may result in the Council claiming all or part of the lodged security to the extent necessary to enable Council to carry out necessary repair or ameliorative works.*

Advisory Matters/Conditions

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. *A Part 3A Permit, subject to conditions, will be issued for the proposed works upon,
 - application on the appropriate form,
 - submission to DIPNR of Council's consent to the DA, and
 - payment of the appropriate fee.*
3. *Permits are generally granted for a period of 12 months from the date of formal approval and renewable on an annual basis. Any application for renewal shall be lodged three months prior to the expiry date.*
4. *DIPNR recommends that weeds be removed and then replaced by vegetation native to the area.*
5. *Three sets of drawings, consisting of plans, long sections, cross sections and detail drawings of all engineering works, to the satisfaction of DIPNR, and all "Plans" referred to in the General Terms of Approval, are to be provided to DIPNR to allow Part 3A Permit preparation.*
6. *The rehabilitation of the area to the satisfaction of the Department is the responsibility of the permit holder and the owner or occupier of the land.*
7. *The permit holder and the owner or occupier of the land are responsible for any excavation or soil removal undertaken by any other person or company at this site.*
8. *Any Part 3A Permit granted is not transferable to any other person or company and does not allow operations at any other site.*
9. *Any Part 3A Permit granted does not give the holder the right to occupy any land without the owner(s) consent nor does it relieve the holder of any obligation which may exist to also obtain permission from local government and other authorities who may have some form of control over the site of the work and/or the activities you propose to undertake.*
10. *These general terms of approval are issued with the proviso that operations shall be carried out on freehold land. Should operations be on Crown Land, this permit is rendered null and void and the occupier of Crown Land should contact DIPNR.*
11. *To issue a Part 3A Permit, the Department will require full details on land ownership of all areas affected by the proposed works, and authorisation for the works by relevant land owners.*

12. *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: (White/Daley) SEE RESOLUTION.

**8.8 DIRECTOR PLANNING & COMMUNITY DEVELOPMENT'S REPORT
113/2003 - 1430 ANZAC PARADE AND TITLE IDENTIFIER R87551,
LITTLE BAY (D/0830/2003)**

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

- A. *Council grant delegation to the Director Planning and Community Development to determine Development Application 830/2003 by the granting of a deferred commencement development consent subject to the conditions set out below as amended or supplemented by any conditions of approval arising from the determinations of the Heritage Office and Roads and Traffic Authority of NSW.*
- B. *Delegation be granted to the Director Planning and Community Development to correct any anomalies or omissions within the conditions set out below and as amended any conditions of approval arising from the determinations of the Heritage Office and Roads and Traffic Authority of NSW.*
- C. *The Director of Planning and Community Development, 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 255/02 for the erection of a new detoxification health facility for the Women's Drug and Alcohol Advisory Centre to replace the existing facilities within Jarrah House at the former Prince Henry Hospital Site 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. *The Applicant to submit to the Council within 150 days of the date of determination of Development Application 830/2003 documentary evidence from the Land and Property Information Office that records the registration of the Crown Plan of Subdivision for the closure of that part of Anzac Parade (as shown on the submitted development application plans) and amalgamated with Lot 1 in DP 1002512 being contained within folio identifier R87551 and the completion of the purchase of that land from the Council. The documentation shall be submitted to Council prior to this development consent becoming operational.*
2. *The Applicant to submit to the Council within 150 days of the date of determination of Development Application 830/2003 a revised car parking layout which relocates the driveway entrance further to the north away from the Anzac Parade Jennifer Street intersection. The amended design together with associated amendments to the landscaping treatment adjacent shall be submitted to the Council's satisfaction prior to this development consent becoming operational.*

3. *The Applicant to submit to the Council within 150 days of the date of determination of Development Application 830/2003 documentary evidence that the STA raises no objection to the proposed means of vehicular access and the proposal will not adversely impact the STA services. The documentation shall be submitted to the Council's satisfaction prior to this development consent becoming operational.*

Development Consent Conditions

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

REFERENCED PLANS:

1. *Development must be implemented substantially in accordance with the details shown on the drawings prepared by PTW numbered A01,A02, A03, A04, A05, A06 and A07all dated 8 September 2003, stormwater drainage concept plan prepared by "entstruct" numbered SKC01 rev. P2, dated August 2003; and landscape concept plan prepared by Taylor Brammer numbered LC01 rev. E dated 25 July 2003 and contained within the statement of environmental effects and supporting documentation submitted 11 September 2003 as modified by the conditions set out below:*

Heritage Conditions

2. *A detailed photographic archival recording of the grass tennis court and its relationship with the entrance gates and the former CEO's Residence should be undertaken. prior to a construction certificate being issued for the development. This recording shall be in accordance with the NSW Heritage Office guidelines for places of State significance and in accordance with the framework for archival recording in the adopted CMP.*
3. *A revised landscaping plan to be prepared and approved by Council prior to the release of the construction certificate which incorporates the following details:*
 - *A planted buffer between the grassed surrounds to the proposed building and the bushland beyond, in order to soften the visual impact of the grassed area immediately adjacent to the area of indigenous vegetation.*
 - *A redesign of the upper section of the proposed perimeter fence, in order to allow a better view of the bushland canopy. Any solution also needs to address bushfire mitigation and security requirements.*
 - *Grass and other species, which are to be planted immediately adjacent to the area of indigenous vegetation which minimise long-term impact on the bushland.*
 - *Appropriate protective measures to ensure that indigenous vegetation is not damaged during the construction work.*

4. *Prior to commencement of proposed works, site contractors should be made aware of the existence of Aboriginal archaeological remains at the Prince Henry site, and of the possibility that more as yet undiscovered Aboriginal cultural material may exist there.*
5. *Prior to commencement of proposed works, site contractors are to be advised of their obligations under the National Parks and Wildlife Act 1974 and notification procedures in the event that any Aboriginal cultural material is disturbed or exposed during site works.*
6. *During demolition and excavation subsurface disturbance of the ground should be monitored by the La Perouse Local Aboriginal Land Council in the company of a qualified archaeologist.*
7. *Should any Aboriginal deposits or objects (shell deposits, flaked stone artefacts or engravings etc.) be exposed, site work is to temporarily cease within the vicinity while advice is sought from archaeologists, the La Perouse Aboriginal Land Council and the National Parks and Wildlife Service (NPWS).*
8. *Should any historical archaeological remains or deposits be exposed during the works, all work should cease while an evaluation of their potential extent and significance is undertaken and the NSW Heritage Office notified under the requirements of the Heritage Act.*

ASSETS AND INFRASTRUCTURE CONDITIONS

SECURITY DEPOSIT CONDITIONS

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

9. *The following damage deposit requirement is 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) \$2000.00 - Security damage deposit

The damage deposit may be provided by way of a cash or cheque with the Council and is refundable upon the applicant advising Council, in writing, of the completion of all building works and/or obtaining an occupation certificate, if required.

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.

10. *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) \$1000.00 - 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:

11. *The applicant must meet the full cost for Council or a Council approved contractor to construct a full width concrete heavy-duty vehicular crossing and layback at kerb opposite the vehicular entrance to the site. The driveway entrance is to be relocated to be adjacent to the north-eastern end of the car park area to provide greater separation of the driveway entrance and the Jennifer Street intersection. Details of the amended design are to be submitted for Council approval prior to release of the construction certificate.*
12. *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.*
13. *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.*
14. *All new walls adjacent to vehicular crossings must be lowered to a height of 600mm above the internal driveway level for a distance of 1.50m within the site or splayed 1.5 metres by 1.5 metres to provide satisfactory sight lines. Details are to be submitted to the Certifying Authority prior to the release of the construction certificate showing compliance with this condition.*

ALIGNMENT LEVEL CONDITIONS

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

15. *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, shall be:*
 - ***2.5% above the top of the existing kerb along the full site frontage.***

Any enquiries regarding this matter should be directed to Council's Assets & Infrastructure Services Department on 9399 0919.

16. *The design alignment levels (concrete/paved/tiled level) issued by Council and their relationship to the roadway/kerb/footpath must be indicated on the building plans for the construction certificate. The design alignment level at the street boundary, as issued by the Council, must be strictly adhered to.*
17. *The above alignment levels and the site inspection by Council's Department of Asset & Infrastructure Services have been issued at a prescribed fee of \$1232 calculated at \$27.50 (inclusive of GST) per metre of site frontage. This amount is to be paid prior to a construction certificate being issued for the development.*
18. *The top of footings of any structures constructed on the boundary alignment must be at least 150mm below the alignment level as specified for the vehicular access.*

Service Authority Conditions

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

19. *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.*
20. *The applicant must meet the full cost for telecommunication companies, gas providers, Energy Australia and Sydney Water to adjust/repair/relocate their services as required. The applicant must make the necessary arrangements with the service authority.*
21. *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.*
22. *Any electricity substation required for the site as a consequence of this development shall be located within the site and shall be screened from view. The proposed location and elevation shall be shown on all detailed landscape drawings and specifications. The applicant must liaise with Energy Australia prior to lodging the construction certificate whether or not an electricity substation is required for the development.*
23. *A Section 73 Compliance Certificate under the Sydney water Act 1994 must be obtained. Application must be made through an authorised Water Servicing Coordinator. Please refer to "Your Business" section of Sydney Water's web site at www.sydneywater.com.au then the "e-developer" icon or telephone 13 20 92.*

Following application a "Notice of Requirements" will detail water and sewer extensions to be built and charges paid. Please make early contact with the Coordinator, since building of water/sewer extensions can be time consuming and may impact on other services and building, driveway or landscape design.

The Section 73 Certificate must be submitted to the Principal Certifying Authority prior to occupation of the development.

Drainage Conditions

This is Page No. 106 of the Minutes of the Extraordinary Council Meeting held on Tuesday, 16th December, 2003.

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

24. *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 (i.e. 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 Council's 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.*
25. *All stormwater run-off naturally draining to the site must be collected and discharged through this property's stormwater system. Such drainage must, if necessary, be constructed prior to the commencement of building work. All habitable and storage areas shall be a minimum of 300mm above any overland flow depths.*

It is noted that that this requirement includes making provision for stormwater runoff from the remnant bushland area to drain safely through the site.

26. *All site stormwater leaving the site must be discharged by gravity to the existing underground drainage system in Brodie Street.*

It is noted that the condition and point of discharge of the existing drainage system in Brodie Street is unknown. Prior to the issuing of a construction certificate the applicant shall investigate the condition of the existing drainage system and undertake any maintenance works required to ensure that stormwater runoff from the proposed development is able to be conveyed safely through the Prince Henry development site without causing flooding through any of the existing or proposed buildings.

27. *The maximum angle in any pipeline bend is 45 degrees and a junction pit shall be provided at all bends for cleaning purposes.*

28. *All stormwater runoff from the site must be taken through a sediment/silt arrester pit prior to being discharged to the drainage system in Brodie Street (or any on-site absorption/infiltration systems). The sediment/silt arrester pit shall be located within the proposed Lot 57 and shall be constructed with:-*

- *The base of the pit located a minimum 300mm under the invert level of the outlet pipe.*
- *The pit must be constructed from cast in-situ concrete, precast concrete or double brick.*
- *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.*
- *A sign adjacent to this pit stating that:*

“This sediment/silt arrester pit shall be regularly inspected and cleaned.”

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

29. *Any Absorption Trenches/Pits must be designed in accordance with "Section 8.5 ABSORPTION TRENCHES" as stipulated in Randwick City Council's Private Stormwater Code.*
30. *A childproof and corrosion resistant fastening system shall be installed on access grates over pits/trenches where water is permitted to be temporarily stored.*
31. *Should a pump system be required to drain any portion of the site the system must be designed with a minimum of two pumps being installed, connected in parallel (with each pump capable of discharging at the permissible discharge rate) and connected to a control board so that each pump will operate alternatively. The pump wet well shall be sized for the 1 in 100 year, 2 hour storm assuming both pumps are not working.*

The pump system must also be designed and installed strictly in accordance with "Section 8.4 PUMP SYSTEMS" as stipulated in Randwick City Council's Private Stormwater Code.

32. *Prior to the issuing of an occupation certificate, the applicant shall submit to Council's Director of Asset and Infrastructure Services, a works-as-executed drainage plan prepared by a registered surveyor and approved by a suitably qualified and experienced Hydraulic Engineer. The works-as-executed drainage plan shall be to the satisfaction of the Principal Certifying Authority (PCA) and shall include the following details:*

- a) *Finished site contours at 0.2 metre intervals;*
- b) *Location and details of the existing drainage system in Brodie Street.*
- c) *Details of the connection between the site discharge pipeline and the existing drainage system in Brodie Street.*
- d) *The location, diameter, gradient and material (i.e. PVC, RC etc) of all stormwater pipes;*
- e) *Details of any pumping systems installed (including wet well volumes).*

33. *Prior to the issuing of an occupation certificate, the applicant shall submit to the Principal Certifying Authority (PCA) and Council's Director of Asset and Infrastructure Services, certification from a suitably qualified and experienced Hydraulic Engineer confirming that the design and construction of the stormwater drainage system complies with the conditions of development consent. The certification must be provided to the satisfaction of the PCA.*

34. *Any seepage water must be drained directly into an absorption pit within the site. Seepage water must **not** be drained from the site.*

Waste Management Conditions

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

35. *The plans submitted for the construction certificate shall be amended to clearly show the located of the garbage bin storage area. It is noted that the area must be sized to contain a minimum 9 x 240 litre garbage bins whilst maintaining satisfactory access to all bins. The plans submitted for the construction certificate shall demonstrate compliance with this requirement. The plans are to be accompanied by a waste*

management statement which makes provision for the storage and disposal of contaminated, sanitary and nappy wastes.

36. *The garbage storage area/s is to be provided with a tap and hose and the floor is to be graded and drained to the sewer to the requirements of the Sydney Water.*

Bushland Conditions

The following conditions are applied to minimize the impacts of the development during construction on the adjacent bushland:

37. *Council officers shall be allowed access to all parts of the bushland.*
38. *All personnel employed in relation to the development shall receive a site induction prior to their commencement of work, which shall include the following instructions:*
- a) *That no disturbance to, or removal of, vegetation or soils shall occur within bushland, except in accordance with these conditions;*
 - b) *That no temporary or permanent placement or storage of any items of plant, materials, tools, equipment, vehicles, etc. shall occur within the bushland proposed for inclusion in a conservation park;*
 - c) *That no foreign matter, including, but not limited to litter, water, cement wash, concrete, fill, soils, mulch, building materials, chemicals, petroleum-based products, paint, etc., shall be disposed of in, placed in, or placed where they may enter, the bushland proposed for inclusion in a conservation park.*
 - d) *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.

39. *No disturbance to, or removal of, any vegetation, soils or the ground surface shall occur within the bushland proposed for inclusion in a conservation park, as a result of the proposed development. The only exception to this shall be installation of protection fencing, as identified elsewhere in these conditions. In all instances where disturbance to, or removal of, vegetation, soils or the ground surface has occurred within bushland, including Eastern Suburbs Banksia Scrub, all affected areas shall be immediately repaired to their state prior to commencement of development, as far as possible.*
40. *No stockpile areas shall be within 10 metres of any bushland.*
41. *No foreign matter, including, but not limited to litter, cement wash, concrete, fill, soils, mulch, building materials, chemicals, petroleum-based products, paint, etc., shall be disposed of in, placed in, or placed where they may enter, the bushland proposed for inclusion in a conservation park. In all instances where such substances have been disposed of in, have been placed in, or have entered bushland proposed for inclusion in a conservation park, all affected areas shall be immediately repaired to their state prior to commencement of development, as far as possible.*

42. *All vehicles, plant, equipment, earthmoving machinery, etc. shall be washed down at an appropriate location outside bushland prior entering such areas so as to ensure that no soils or plant propagules are introduced to any part of the bushland.*
43. *No temporary or permanent placement or storage of any items of plant, materials, tools, equipment, vehicles, etc. shall occur within bushland proposed for inclusion in a conservation park, in relation to the proposed development. The only exception to this shall be in relation to installation of protection fencing, as identified elsewhere in these conditions. In all instances where items have been placed or stored within bushland proposed for inclusion in a conservation park, all affected areas shall be immediately repaired to their state prior to commencement of development, as far as possible.*
44. *A continuous 1800mm high chain wire protection fence shall be installed around the boundary of all bushland proposed for inclusion in a conservation park.*
45. *Silt fencing shall be attached along the full length of the chain wire protection fencing and shall be maintained so as to ensure that no foreign matter, including: sediment, concrete, fill, soils, mulch, etc. passes the protection fence at any time. Silt fencing shall be attached within 24 hours of any given section of the protection fence being installed.*
46. *Council approved warning signs shall be permanently attached (and immediately repaired and replaced as necessary) to the chain wire protection fence at a maximum of 20 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:*
 - a) *The presence of bushland, including Eastern Suburbs Banksia Scrub, proposed for inclusion in a conservation park;*
 - b) *That no disturbance to, or removal of, vegetation, soils or the ground surface shall occur within bushland proposed for inclusion in a conservation park;*
 - c) *That no temporary or permanent placement or storage of any items of plant, materials, tools, equipment, vehicles, etc. shall occur within bushland, proposed for inclusion in a conservation park;*
 - d) *That no foreign matter, including litter, water, cement wash, concrete, fill, soils, mulch, building materials, chemicals, petroleum-based products, paint, etc., shall be disposed of or placed in or where they may enter bushland proposed for inclusion in a conservation park;*
 - e) *Relevant contact numbers, including the Applicant's Project Manager and Council's Bushland Management Technician (Tel:9399-0683)*
 - f) *That contravention of any of the above shall be reported immediately to the Applicant's Project Manager or Council's Bushland Management Technician.*
47. *Council's Bushland Management Technician shall inspect and, when satisfied, provide written confirmation that the chain wire protection fencing, silt fencing and warning signs have been appropriately installed, prior to commencement of any demolition, construction or earthworks.*
48. *No water, including, but not limited to: run-off, stormwater, sprinklers, etc., shall be piped into, directed into, or otherwise allowed to enter bushland proposed for*

inclusion in a conservation park. All hard surfaces adjacent to bushland shall be designed to fall away from these areas.

49. *No seed collection from bushland, including Eastern Suburbs Banksia Scrub, within the site or in the local area shall occur without written approval from Council's Bushland Management Technician.*
50. *No species, which have been recorded as naturally occurring at the Prince Henry Hospital site, shall be used in landscape planting.*
51. *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. Turf species shall be restricted to Stenotaphrum spp. (Buffalo Grass). The species Alphinia zerumbet, Gazania Sunshine hybrid shall be deleted from the landscape plan.*
52. *The development area and all access routes shall be designed and maintained so as to minimise the movement of airborne dust, from whatever source, into the bushland including Eastern Suburbs Banksia Scrub.*
53. *A refundable deposit, in the form of cash or cheque, for the amount of \$10,000.00, 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 all works are undertaken in accordance with this development consent, and no detrimental environmental effect occurs to bushland, including Eastern Suburbs Banksia Scrub, proposed for inclusion in a conservation park.*

The refundable deposit will be released at the time of completion of all works, provided that no detrimental environmental effect has occurred within bushland, including Eastern Suburbs Banksia Scrub, proposed for inclusion in a conservation park, throughout the development works. Any contravention of Council's conditions relating to bushland, including Eastern Suburbs Banksia Scrub, proposed for inclusion in a conservation park at any time during the development may result in the Council claiming all or part of the lodged security to the extent necessary to enable Council to carry out necessary repair or ameliorative works.

54. *The Applicant shall provide a written report of any breaches of the Bushland 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 necessarily limited to:*
 - a) *The date of the breach;*
 - b) *The nature, extent and degree of the breach;*
 - c) *The cause of the breach;*
 - d) *All persons involved in the breach, including: full first and last names; contact number/s; organisation/s and reason/s for being present;*
 - e) *All witnesses to the breach, including: full first and last names; contact number/s and organisation/s; and*
 - f) *All plant, equipment, machinery, vehicles, substances, etc. involved in the breach.*
 - g) *If Council becomes aware of a breach of the Bushland 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.*

55. *The perimeter fence adjoining the bushland on the southern boundary shall be constructed of non-combustible materials.*

Landscape Conditions

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

56. *The landscaped areas shown on the plan number LC01 dated 25.07.03, drawn by Taylor Brammer, shall be the subject of detailed landscape drawings and specifications, which are to be submitted to, and approved by, the certifying authority or {the Director of Assets & Infrastructure in accordance with Section 80A(2) of the Environmental Planning and Assessment Act 1979}, 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 trees to be retained, proposed building envelope, proposed areas of pavement, and proposed landscaped areas.*

The plan shall clearly show the position, canopy spread (location of dripline), trunk diameter, height and names of all existing trees upon the site and adjoining sites within 6 metres of the common property boundary which are likely to be affected by the development.

- 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.*
- 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.***

*The planting plan and plant schedules are to be amended to show the deletion of *Metrosideros thomasi* (NZ Christmas Tree), as this genus is susceptible to borer attack in this area, with a suitable alternative to be provided in its place. The landscaped areas must contain a predominance of species that require minimal watering once established or species with water needs that match rainfall and drainage conditions.*

- d. *Additional notation showing soil and mulch details, irrigation details, edging, paving, fencing details, surface finishes, retaining wall details, and any other landscape elements 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. *Sectional elevations through the site showing the existing and proposed groundlines, building elevations, and mature height of proposed planting.*
 - g. *The landscape plan shall show a minimum number of 5 x 75 litre broad canopied trees (not palms) suitably located within the site. The trees selected shall be of a species that attain a minimum height of 6 metres at maturity.*
 - h. *The plan shall respect the prevailing coastal influences and the coast's special design considerations and requirements, and shall be designed accordingly.*
 - i. *Porous paving shall be used in all pedestrian pathways. Details are to be provided with the construction certificate application.*
 - j. *Location of easements within the site and upon adjacent sites (if any).*
 - k. *The landscaping plan shall detail appropriately designed fencing to the ornamental stream to ensure that it does not present as a drowning risk to children.*
57. *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.*
58. *In order to prevent overhang into garden beds, concrete wheelstops shall be located to all car spaces. Such wheelstops shall be positioned in accordance with the Australian Standard of Parking Facilities – off-street car parking, AS2890.1-1993 and shall be shown on the detailed landscape drawings and specifications. Such works shall be installed prior to the issue of a final Occupation Certificate.*
59. *In order to prevent the encroachment of motor vehicles into the landscaped areas a 150mm high concrete edge shall be constructed between the landscaped areas and roadway. Such works shall be installed prior to the issue of a final Occupation Certificate.*
60. *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.*
61. *The naturestrip upon Council's footway 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 or similar. Such works shall be installed prior to the issue of a final Occupation Certificate.*

62. *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.*
63. *In order to visually 'soften' the expanses of hard pavement, brick unit pavers, stenciled concrete (or similar) shall be used throughout the driveway and car park areas on the site. Such details shall be shown on the detailed engineering documentation and shall include all structural design details including pavement/subgrade thickness.*

Such details shall be in accordance with the relevant Australian Standard and shall be submitted to, and approved by, the Principal Certifying Authority, prior to the issue of the Construction Certificate.

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

Tree Management

66. *Approval is granted for the removal of the following trees subject to the planting of 5 x 75 litre broad canopied replacement trees (not palms) within the site. The species selected shall be those that will attain a minimum height of 6 metres at maturity.*
- a) *4 x Eucalyptus robusta (Swamp Mahogany) along the Anzac Parade site frontage (within the parcel of land purchased from Council)*
 - b) *2 x Pinus species (Pine tree)*
 - c) *Various Syagrus romanzoffianum (Cocos palms) and Archontophoenix cunninghamiana (Bangalow Palms) around the CMA residence (no. 13)*
67. *Permission is granted for the removal of only those trees falling within the area occupied by the approved works. Removal of the remaining trees on the site are subject to separate application under the Tree Preservation Order.*
68. *In order to prevent possible damage during construction, permission is granted for the selective pruning of the lower growing branches, damaged limbs and any dead or dying wood only on the five (5) Ficus microcarpa 'Hillii' (Hills Weeping Figs), located to the east of the development site on the southern side of the existing access road. All pruning must be undertaken by a qualified Arborist, with suitable qualifications in Arboriculture and to Australian Standard AS 4373-1996 'Pruning of Amenity Trees.'*

Tree Protection Measures

69. *In order to ensure the retention of the five (5) Ficus microcarpa 'Hillii' (Hill's Weeping Fig's) trees located to the east of the development site on the southern side of the existing access road, as well as various street trees along the Anzac Parade nature strip 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 specimens with the position of the tree trunks and full diameter of the tree canopies clearly shown on all drawings.*
- b. *Detailed architectural, building, demolition, engineering (structural, stormwater & drainage, services), and landscape documentation submitted for the construction certificate application shall show no alteration in the existing soil levels or the location of any structures, services, footings, paving, detention tanks, stormwater infiltration systems, pipes, cutting or battering of the existing soil profile, or any excavations within a radius of 4 metres from the outside edge of the tree trunks of the five **Ficus**.*
- c. *The five **Ficus** are to be physically protected by the installation of protective fencing around the trees using 1.8 metre high steel mesh/chain wire fencing. This fencing shall be located to a minimum radius of 2 metres from the outside edge of the tree trunks.*

This fencing shall be installed prior to the commencement of demolition and construction works and shall remain in place until all works are completed.

- d. *Within this zone there is to be no storage of materials or machinery or site office/sheds, nor is cement to be mixed or chemicals spilt/disposed of in the area, no stockpiling of soil or rubble, or any works listed in Point b.*

Any works required within this zone (only as approved on the construction certificate) shall be under the direction of, and to the satisfaction of, a suitably qualified Arborist.

- e. *Any excavations required for construction of the proposed Anzac Parade vehicle entry and car park within 1 metre of the trunks of the various street trees on the Anzac Parade nature strip 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. If further pruning or removal beyond those described above are necessary, the applicant is to contact Council's Landscape Technician on 9399-0613 before proceeding.*
- f. *The installation of woodchip mulch to a depth of 75mm within the fenced off protection area as described in Point c.*
- g. *Watering of the tree (within the fenced off area) three times a week for the duration of the period of the refundable deposit described in Point i.*
- h. *The erection of signage on the fence with the following words clearly displayed: "TREE PROTECTION ZONE", "DO NOT ENTER".*

- i. A refundable deposit in the form of cash or cheque of \$15,050.00 shall be lodged with Council prior to issue of a construction certificate for the proposed development in order to ensure the preservation of the tree in accordance with the requirements described in this condition.

QUANTITY	SPECIES	AMOUNT
5	<i>Ficus microcarpa 'Hilii' (Hill's Weeping Fig)</i>	\$15,050.00
	TOTAL	\$15,050.00

The refundable deposit is placed to ensure that the tree protection measures as described in this condition are undertaken throughout the demolition and construction period. The refundable deposit will be released twelve (12) months from the time of issue of a final occupation certificate by the certifying authority providing the tree protection measures (including amendments to the plans) have been undertaken throughout the demolition and construction period and the tree/s have been retained in good health.

Any contravention of Council's conditions relating to the trees at any time during the demolition and construction period or prior to the issue of a final occupation certificate will result in the Council claiming all of the lodged security.

70. A refundable deposit in the form of cash or cheque, or bank guarantee for the amount of \$10,000.00 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.

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.

HEALTH AND BUILDING CONDITIONS

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:

71. *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 operation of the premises shall not give rise to a sound pressure level at any affected premises that exceeds the background (L_{A90}), 15 min noise level, measured in the absence of the noise source/s under consideration by more than 5dB(A). The source noise level shall be assessed as an L_{Aeq} , 15 min and adjusted in accordance with Environmental Protection Authority guidelines for tonality, frequency weighting, impulsive characteristics, fluctuations and temporal content, in accordance with the relevant provisions of the NSW Environmental Protection Authority's Environmental Noise Control Manual, Industrial Noise Policy 2000 and The Protection of the Environment Operations Act 1997.

72. *The use of the premises and the operation of plant and equipment shall not give rise to the transmission of a vibration nuisance or damage to other premises.*

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

73. *The requirements and provisions of the Environmental Planning & Assessment Act 1979 and Environmental Planning & Assessment Regulation 2000, must be fully complied with at all times.*

Failure to comply with these legislative requirements is an offence and may result in the commencement of legal proceedings, issuing of 'on-the-spot' penalty infringements or service of a notice and order by Council.

74. *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.*

75. *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.*

76. *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.*

77. *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.*

78. *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 \$5,000.*

*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.*

79. *The required Long Service Levy payment, under the Building and Construction Industry Long Service Payments Act 1986, is to be forwarded to the Long Service Levy Corporation or the Council, prior to the issuing of a Construction Certificate, in accordance with Section 109F of the Environmental Planning & Assessment Act 1979.*

The following group of conditions have been applied to ensure the structural adequacy and integrity of the proposed building and adjacent premises:

80. *A Certificate of Adequacy prepared by a professional engineer is to be submitted to the principal certifying authority (and the Council, if the Council is not the principal certifying authority) **prior to occupation of the building**, certifying the structural adequacy of the building and that the building works satisfy the relevant structural design requirements of the Building Code of Australia.*

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:

81. *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.*
82. *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.*
83. *The building works are to be inspected by the Principal Certifying Authority (or other suitably qualified person approved by the Principal Certifying Authority), to monitor compliance with the relevant standards of construction and Council's development consent.*

The Principal Certifying Authority shall specify the relevant stages of construction to be inspected and a satisfactory inspection must be carried out, to the satisfaction of the Principal Certifying Authority, prior to proceeding to the subsequent stages of construction or finalisation of the works (as applicable).

Documentary evidence of the building inspections carried out and details of compliance with Council's approval is to be maintained by the Principal Certifying Authority. Details of critical phase inspections carried out and copies of certification relied upon shall be forwarded to Council with the occupation certificate.

Upon inspection of each stage of construction, the Principal Certifying Authority (or other suitably qualified person approved by the Principal Certifying Authority) is also required to ensure that the relevant site management, public safety and sediment and erosion requirements specified in Council's consent are being satisfied.

84. *All building, demolition and associated site 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.*
85. *Noise and vibration emissions during the construction of the building and associated site works must not result in damage to nearby premises or result in an unreasonable loss of amenity to nearby residents and the relevant provisions of the Protection of the Environment Operations Act 1997 must be satisfied at all times.*
86. *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.*
87. *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 and debris at all times.*
88. *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.*
89. *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".*
90. *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.

91. *During demolition excavation and construction works, dust emissions must be minimised, so as not to result in a nuisance to nearby residents or result in a potential pollution incident.*

Adequate dust control measures must be provided to the site prior to the works commencing and the measures and practices must be maintained throughout the demolition, excavation and construction process, to the satisfaction of Council.

Dust control measures and practices may include:-

- *Provision of geotextile fabric to all perimeter site fencing (attached on the prevailing wind side of the site fencing).*
- *Covering of stockpiles of sand, soil and excavated material with adequately secured tarpaulins or plastic sheeting.*
- *Installation of a water sprinkling system or provision hoses or the like.*
- *Regular watering-down of all loose materials and stockpiles of sand, soil and excavated material.*
- *Minimisation/relocation of stockpiles of materials, to minimise potential for disturbance by prevailing winds.*
- *Revegetation of disturbed areas.*

92. *Stockpiles of soil, sand, aggregate or other materials must not be located on any footpath, roadway, nature strip, drainage line 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, nature strips, in any public place or any location which may lead to the discharge of materials into the stormwater drainage system

The following conditions are applied to ensure that reasonable levels of fire safety are provided in the building:

The building is required to be provided with a smoke alarm system complying with Clause 3 of Specification E2.2a of the B.C.A. or a smoke detection system complying with Clause 4 of Specification E2.2a of the B.C.A. or a combination of a smoke alarm system within the sole-occupancy units and a smoke detection system in areas not within the sole-occupancy units. The smoke detectors located within the stairway, corridors or the like must be interconnected.

ENVIRONMENTAL HEALTH CONDITIONS

93. *All site works shall comply with the occupational health and safety requirements of the NSW WorkCover Authority. In this regard all contractors and employees shall adopt work practices in accordance with the requirements of WorkSafe's Control of Inorganic Lead at Work (NOHSC:102(1994) and NOHSC:2015(1994).*
94. *The disposal of soil should have regard to the provisions of the Protection of the Environment Operations Act 1997 and Regulations and any relevant EPA guidelines such as the EPA Environmental Guidelines' Assessment, Classification and Management of Liquid & Non-Liquids Wastes' (1999).*
95. *All hazardous or intractable wastes (including asbestos) shall be removed and disposed of in accordance with the requirements of Work Cover and the Environmental Protection Authority, and with the provisions of:*
- *Occupational health and Safety Act 2000 (NSW)*
 - *Construction Safety Act 1912; Regulation 84A-J Construction Work Involving Asbestos or Asbestos Cement 1983 (NSW)*
 - *Occupational Health and Safety (Hazardous Substances) Regulation 1996 (NSW).*
 - *Occupational Health and Safety (Asbestos Removal Work) Regulation 1996 (NSW); and*
 - *Waste Minimisation and Management Act 1995 and Regulations (NSW)*

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:

96. *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 operation of the premises shall not give rise to a sound pressure level at any affected premises that exceeds the background $L_{A90, 15 \text{ min}}$ noise level, measured in the absence of the noise source/s under consideration by more than 5dB(A). The source noise level shall be assessed as an $L_{Aeq, 15 \text{ min}}$ and adjusted in accordance with the Environmental Protection Authority's Industrial Noise Policy 2000 the Environmental Protection Authority's Noise Control Manual (for sleep disturbance)

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

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

98. *All waste materials must be collected by Council's Trade Waste Service or a waste contractor authorised by the Waste Service of New South Wales. Details of the proposed waste service for the site are to be submitted to Council **prior to occupation of the building.***
99. *Liquid trade waste materials are to be disposed of in accordance with the requirements of the Sydney Water, Trade Waste Department and details of compliance are to be submitted to the certifying authority **prior to the commencement of works.***
100. *A garbage storage enclosure is to be provided and the enclosure is to be fitted with a hose cock and the floor is to be graded and drained to an approved floor waste connected to the sewer. Approval is to be obtained from Sydney Water*

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:

101. *The use and operation of the premises shall not give rise to an environmental health nuisance to the adjoining/nearby premises or environment.*
102. *There are to be no emissions or discharges from the premises, which will give rise to a public nuisance or result in an offence under the Protection of the Environment Operations Act 1997 and Regulations.*

The following conditions are applied to ensure compliance with the Food Safety Standards under the Food Act 1989 and Council's Food Premises Code:

103. *The premises is to be designed and constructed in accordance with the Food Act 1989, Food Safety Standards Code and Council's Food Premises Code and details of compliance are to be included in the plans and specification for the **construction certificate** to the satisfaction of the certifying authority.*
104. *Council is to be notified upon completion or work and prior to occupancy, to enable the premises to be inspected by Council's Environmental Health Officer and the premises must be registered with the Council as a food premises (on an annual basis) **prior to the issuing of an occupation certificate.***
105. *The design and construction of food premises must comply with the following requirements, as applicable:-*
 - ◆ *The floors of the food preparation areas, storage areas and the like are to be constructed of materials, which are impervious, light coloured, non-slip and non-abrasive. The floor is to be finished to a smooth even surface, graded and drained to a floor waste connected to the sewer.*
 - ◆ *The intersection of walls with floor and plinths is to be coved, having a minimum radius of 25mm.*
 - ◆ *Walls of the kitchen preparation areas and the like are to be of solid construction finished in a light colour with glazed tiles, stainless steel, laminated plastics or similar approved material adhered directly to the wall to*

a minimum height of 2m above the floor level, to provide a smooth even surface.

- ◆ *Walls where not tiled are to be cement rendered and finished to a smooth even surface, painted with a washable paint of a light colour or sealed with other approved materials.*
 - ◆ *The ceilings of kitchens, food preparation areas, storerooms and the like are to be of rigid smooth-faced, non-absorbent material i.e., fibrous plaster, plasterboard, fibre cement sheet, cement render or other approved material.*
 - ◆ *All stoves, refrigerators, bain maries, stock pots, washing machines, hot water heaters, pipe work, cupboards, counters, bars etc to be supported on wheels or metal legs minimum 150mm in height, brackets or approved metal framework of the like.*
 - ◆ *Cupboards, cabinets, benches and shelving may be glass, metal, plastic, timber sheeting or other approved material. The use of particleboard or similar material is not permitted unless laminated on all surfaces.*
 - ◆ *Adequate fly screens and doors with self-closing devices, (where applicable), are to be provided to all door and window openings, and an electronic insect control device is to be provided within the food premises.*
 - ◆ *Wash hand basins are to be provided within the kitchen areas. The wash hand basin is to be provided with hot and cold water, together with a sufficient supply of soap and clean towels. Such hot and cold water shall be supplied to the wash hand basins through an approved mixing device (ie flick mix).*
 - ◆ *Ceramic tiles being provided to a height of 450mm above bench tops, wash hand basins and similar fittings.*
 - ◆ *A numerically scaled indicating thermometer or recording thermometer, accurate to the nearest degree Celsius must be easily accessible to refrigerators, cool rooms, other cooling appliances and bain maries or other heated food storage/display appliances.*
 - ◆ *Provide adequate light fittings and diffusers within the kitchen/preparation and storage areas.*
 - ◆ *A mechanical ventilation exhaust system hood is to be installed where cooking or heating processes are carried out in the kitchen or in food preparation areas, in accordance with the relevant requirements of Clause F4.12 of the BCA and Australian Standard AS 1668 Parts 1 & 2.*
106. *Emission control equipment shall be provided in the mechanical exhaust system serving the cooking appliances, to effectively minimise the emission of odours, vapours and oils.*
107. *Details of proposed mechanical ventilation systems, detailing compliance with the relevant requirements of Clause F4.12 of the BCA and Australian Standard AS 1668 Parts 1 & 2 (including exhaust air quantities and discharge location points) are to be*

*submitted to and approved by the certifying authority, **prior to a construction certificate being issued** for the subject works.*

108. *Food safety practices and operation of the food premises must be in accordance with the Food Act 1989 and the Food Safety Standards Code at all times, including the requirements and provisions relating to:*

- *Food handling – skills, knowledge and controls.*
- *Health and hygiene requirements.*
- *Requirements for food handlers and businesses.*
- *Cleaning, sanitising and maintenance.*
- *Design and construction of food premises, fixtures, fitting and equipment.*

ADVISORY NOTES

It is suggested that the following advisory notes also be included:

1. *The significance of the grass tennis court should be addressed in the future Interpretation Plan for the Prince Henry site.*
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) *Part E1 - Fire fighting equipment*
- b) *Part E4 - Emergency lighting, exit signs and warning systems*

3. *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**.*
4. *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.*
5. *The applicant is advised that when the new drainage system is constructed in Brodie Street, it shall incorporate a new kerb inlet pit at the point where the piped discharge from the subject site connects into the new drainage system.*
6. *When the proposed 'super lot' subdivision of the Prince Henry development site occurs, the applicant will be required to create an easement for drainage (both piped and overland flows), which is capable of containing the 1 in 100 year flows from the subject site (proposed Lot 57) through Lot 59 to Brodie Street at the rear of the development site.*
7. *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/Daley) SEE RESOLUTION.

**8.9 DIRECTOR PLANNING & COMMUNITY DEVELOPMENT'S REPORT
114/2003 - 495-503 BUNNERONG ROAD MATRAVILLE. (D/0800/2003)**

334 **RESOLUTION: (Andrews/Tracey) that:**

- A. *Council grant delegation to the Director Planning and Community Development to determine Development Application 800/2003 by the granting of a deferred commencement development consent subject to the following information being provided to satisfy Council that construction of the basement will not require significant or ongoing dewatering and that affordable housing is provided on site.*

A report detailing the proposed method of excavation and construction of the basement carpark shall be submitted to Council prior to this consent becoming operational. The report shall be prepared by suitably qualified and experienced Geotechnical, Hydrological and Structural Engineers and must indicate that construction of the basement will not require significant or ongoing dewatering. It is noted that minor dewatering of perched and/or seepage water only is acceptable provided that the perched/seepage water is suitably treated prior to being discharged from the site. The report must also demonstrate that there will be no detrimental settlement to adjoining or nearby buildings using the chosen method of excavation and basement construction.

A deed of agreement shall be entered into between Randwick City Council and the registered proprietor(s) of the subject land providing for the dedication to Randwick City Council of one one-bedroom dwelling unit, for affordable housing, as soon as practical upon registration of the building pursuant to the Strata Scheme (Freehold Development) Act 1973.

- B. *That delegation be granted to the Director Planning and Community Development to correct any anomalies or omissions within the conditions set out below.*
- C. *The Council support the objection under State Environmental Planning Policy No.1 (SEPP No. 1) in respect to non-compliance with Clauses 32 and 33 of the Randwick Local Environmental Plan 1998 (relating to floor space ratio and building height) on the grounds that the proposed use complies with the objectives of the clauses and will not adversely affect the amenity of the surrounding locality and that the Department of Planning, Infrastructure and Natural Resources be advised accordingly.*
- D. *The Director of Planning and Community Development 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/0800/2003 for demolition of existing buildings and erection of a mixed residential and retail/commercial development consisting of two 5-storey*

buildings containing 103 dwellings, ground floor retail space, and associated ground level and basement carparking at 495-503 Bunnerong Road, Matraville subject to the following conditions:-

Deferred Commencement Conditions

- 1. 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 (ie. a schedule and brochure/s or sample board) are to be prepared.

- 2. Provision of screening measures to the balconies of units D3.05, D3.11 D4.05, D4.10, D5.01 and D5.02 to address overlooking of adjoining dwelling units.*
- 3. An amended waste management plan for the development shall be submitted for the approval of Council's Director of Assets and Infrastructure Services supported by amended plans showing:*
 - The provision of garbage chutes and compactors (with a compaction ratio of 2:1) for the residential garbage;*
 - A residential garbage room sized to contain at least 26 x 240 litre bins, whilst maintaining satisfactory access to the bins.*
 - A residential recycling room sized to contain a total of 52 x 240 litre bins, whilst maintaining satisfactory access to the bins.*
 - A separate retail garbage area sized to contain 8 x 240 litre bins.*

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..

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:

REFERENCED PLANS:

- 1. The development must be implemented substantially in accordance with the plans numbered DA 01 to DA 11 Issue B stamped received on 5 December 2003, 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. The external colours, materials and finishes of the proposed development shall be in accordance with the details and plans submitted to and approved by the Director of Planning and Environment pursuant to the deferred commencement condition.*

3. *A new development application shall be submitted for the strata sub-division of the proposed development*
4. *The consumption of water within the proposed building shall be minimised by the use of triple A-rated water efficient plumbing features (taps and shower roses) and water-efficient dual flush toilets. Details of compliance are to be provided in the construction certificate.*
5. *The reflectivity index of glass used in the external façade of the development must not exceed 20 percent. The details and samples of the glass to be used are to be submitted with the colour and material schedule for the approval of Council's Director of Planning and Environment, **prior to the issuing of the construction certificate.***
6. *The development must be designed and constructed to achieve a minimum energy efficiency NatHERS rating of 3.5 stars or equivalent and a NatHERS certificate or equivalent, prepared by a suitably qualified person, is to be submitted to the certifying authority with the **construction certificate** application.*

The design of the building must be consistent with the development consent and any proposed variations to the building to achieve the energy efficiency rating may necessitate a new or amendment to the development consent prior to the issuing of a construction certificate.

7. *All plumbing and drainage pipes, other than rainwater heads, gutters and downpipes, must be concealed within the building.*
8. *A single common television aerial, and/or satellite dish (having a maximum diameter of 700mm and not located on the front or street elevation of the building) is to be installed to serve the development.*
9. *Street numbering must be provided to the premises in a prominent position, to the satisfaction of Council.*
10. *The enclosure of balconies is prohibited by this consent.*
11. *Internal or external clothes drying facilities are to be provided in accordance with the provisions of the Building Code of Australia.*

Should external clothes drying facilities be provided, the facilities must be adequately screened by vegetation and details are to be incorporated into the landscaping plans, to the satisfaction of the certifying authority.
12. *Vehicular access to the residential and commercial car parking within the development shall be readily accessible to visitors at all times. Where a security gate is provided restricting access to the basement carparking area, a suitable intercom system shall be installed adjacent to the vehicular entrance together with appropriate instructions signage to provide for access to visitor spaces at all times.*

The following group of conditions have been applied to ensure that adequate provisions are made for Section 94 Contributions:

13. *In accordance with Council's Section 94 Contributions Plan adopted on September 1999 a monetary contribution is to be paid to Council for the provision or*

improvement of public open space in lieu of on site provision for an amount of \$171091.74 This amount shall be paid by cash or bank cheque prior to the issuing of the construction certificate. Council's Section 94 Contributions Plan may be inspected at the Customer Service Centre, Administrative Centre, 30 Frances Street, Randwick.

14. *In accordance with Council's Section 94 Contributions Plan adopted on September 1999 a monetary contribution is to be paid to Council for the provision of community facilities in lieu of on site provision for an amount of \$75, 649. This amount shall be paid by cash or bank cheque prior to the issuing of the construction certificate. Council's Section 94 Contributions Plan may be inspected at the Customer Service Centre, Administrative Centre, 30 Frances Street, Randwick.*
15. *In accordance with Council's Section 94 Contributions Plan adopted on September 1999 a monetary contribution is to be paid to Council for administration charges for an amount of \$425.00. This amount shall be paid by cash or bank cheque prior to the issuing of the construction certificate. Council's Section 94 Contributions Plan may be inspected at the Customer Service Centre, Administrative Centre, 30 Frances Street, Randwick.*

The following conditions are applied to maintain reasonable levels of environmental amenity and public health safety.

16. *Prior to any excavation or building works, a detailed site contamination investigation must be undertaken by an independent appropriately qualified environmental consultant in order to provide information on land and ground water contamination and migration in relation to past filling activities that may have occurred on site and current usages.*

The report is to be carried out in accordance with Council's Contaminated Land Policy 1999 and relevant NSW EPA Guidelines for Contaminated Sites Also, as detailed in the Planning Guidelines to SEPP 55 – Remediation of Land, the report is to assess the nature, extent and degree of contamination upon the land. The detailed site contamination report must be sufficiently detailed and submitted to and approved by Council's Manager Environmental Health & Building Services.

17. *Should the Detailed Site Investigation Report not find any site contamination to both land and groundwater, the conclusion to the report must clearly state that 'the land is suitable for its intended land use; Health Based Investigation Level NEHF D Criteria', posing no immediate or long term risk to public health or the environment and is fit for occupation by persons, together with clear justification for the statement.*
18. *Should the Detailed Site Investigation Report identify that the land is contaminated and the land requires remedial works to meet the Health Based Investigation Level NEHF D Criteria: -*
 - A) *A Remedial Action Plan (RAP) is required to be submitted to and approved by Council prior to commencing remediation works. The RAP is also required to be reviewed and approved by the accredited site auditor.*

This RAP is to include procedures for the following:

- *Excavation of Hydrocarbon-contaminated soil*

- *On-site treatment by land farming*
 - *Validation sampling and analysis*
 - *Ground water monitoring*
 - *Contingency groundwater remediation and validation*
- B) *The applicant is to engage an Environment Protection authority (EPA) Accredited Site Auditor. The Site Auditor is to assess the suitability of the site for its intended development and use. A Site Audit Statement and Summary Site Audit Report is to be submitted to and approved by Council, **prior to the commencement of any building works**, stating that the site is suitable for the intended development and use; Health Based Investigation Level NEHF D Criteria.*

The Site Audit Statement must be unconditional, in that, it must not include any conditions requiring or recommending any works or monitoring after the commencement of building works.

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. *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 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 commencement of building works**. 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.*
19. *All 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 Environmental Protection Authority and DUAP, Randwick City Council's Contaminated Land Policy 1999 and the Protection of the Environment Operations Act 1997.*
20. *All remediation work shall be conducted within the following hours:*
- | | |
|------------------------|------------------|
| <i>Monday – Friday</i> | <i>7am – 5pm</i> |
| <i>Saturday</i> | <i>8am – 5pm</i> |
- No work permitted on Sundays or Public Holidays*
21. *The disposal of contaminated soil should have regard to the provisions of the Protection of the Environment Operations Act 1997 and Regulations and any relevant EPA guidelines such as the EPA Environmental Guidelines' Assessment, Classification and Management of Liquid & Non-Liquids Wastes' (1999).*
22. *All hazardous or intractable wastes (including asbestos) shall be removed and disposed of in accordance with the requirements of Work Cover and the Environmental Protection Authority, and with the provisions of:*
- *Occupational health and Safety Act 2000 (NSW)*
 - *Construction Safety Act 1912; Regulation 84A-J Construction Work Involving Asbestos or Asbestos Cement 1983 (NSW)*
 - *Occupational Health and Safety (Hazardous Substances) Regulation 1996 (NSW).*
 - *Occupational Health and Safety (Asbestos Removal Work) Regulation 1996 (NSW); and*
 - *Waste Minimisation and Management Act 1995 and Regulations (NSW).*
23. *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.*
24. *A work plan be prepared in accordance with Australian Standard AS2601 - 2001, Demolition of Structure by a suitably qualified and experienced person, to be submitted to Council's Director – Planning and Community Development. Prior to acceptance by Council (at the applicants cost) the work plan shall be referred to the Accredited Site Auditor for approval with written confirmation required to be submitted to Council. The work plan shall include (but not be limited to);*
- *The identification of any hazardous materials (including asbestos) and*
 - *The proposed method of demolition, storage/ containment and disposal methods for hazardous materials; and*

- *The precautions to be employed to minimise any dust nuisance and*
- *The appointment and details of a site manager.*

Once accepted by Council, the process outlined in the work plan is to be monitored by the site auditor and validated upon completion of the works by the Site Auditor.

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

25. *The requirements and provisions of the Environmental Planning & Assessment Act 1979 and Environmental Planning & Assessment Regulation 2000, must be fully complied with at all times.*

Failure to comply with these legislative requirements is an offence and may result in the commencement of legal proceedings, issuing of `on-the-spot` penalty infringements or service of a notice and order by Council.

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.*

27. *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.*

28. *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.*

29. *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.*

30. *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 \$5,000.*

*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.*

31. *The required Long Service Levy payment, under the Building and Construction Industry Long Service Payments Act 1986, is to be forwarded to the Long Service Levy Corporation or the Council, prior to the issuing of a Construction Certificate, in accordance with Section 109F of the Environmental Planning & Assessment Act 1979.*

The following group of conditions have been applied to ensure the structural adequacy and integrity of the proposed building and adjacent premises:

32. *A dilapidation report prepared by a professional engineer or suitably qualified and experienced building surveyor shall be submitted to the certifying authority **prior to the commencement of demolition, excavation or building works** detailing the current condition and status of all buildings, including ancillary structures located upon all of the premises adjoining the subject site*

*The report is to be supported with photographic evidence of the status of the buildings and a copy of the report must also be forwarded to the Council and to the owners of each of the above stated premises, **prior to the commencement of any works.***

33. *A report shall be prepared by a professional engineer and submitted to the certifying authority **prior to the issuing of a construction certificate**, detailing the proposed methods of excavation, shoring or pile construction, including details of vibration emissions. The report, must demonstrate the suitability of the proposed methods of construction to overcome any potential damage to nearby land/premises and the report is to detail any possible damage which may occur to adjoining or nearby premises that may be caused by the proposed building, excavation and shoring works.*

*Any practices or procedures specified in the engineer's report in relation to the avoidance or minimisation of structural damage to nearby premises, must be fully complied with and incorporated into the documentation for the **construction certificate**.*

A copy of the engineer's report is to be submitted to the Council, if the Council is not the certifying authority.

34. *Driven type piles/shoring must not be provided unless a geotechnical engineer's report is submitted to the certifying authority, **prior to the issuing of a construction certificate**, which states that damage should not occur to any adjoining premises and public place as a result of the works.*
35. *The installation of ground or rock anchors underneath any adjoining premises including (a public roadway or public place) must not be carried out without specific written consent of the owners of the affected adjoining premises and (where*

*applicable) details of compliance must be provided to the certifying authority **prior to the commencement of any excavation or building works.***

36. *A Certificate of Adequacy prepared by a professional engineer is to be submitted to the principal certifying authority (and the Council, if the Council is not the principal certifying authority) **prior to occupation of the building**, certifying the structural adequacy of the building and that the building works satisfy the relevant structural design requirements of the Building Code of Australia.*

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:

37. *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 and details of compliance are to be prepared by a suitably qualified person and be submitted to the principal certifying authority, **prior to the commencement of any demolition works.***
38. *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.*
39. *The building works are to be inspected by the Principal Certifying Authority (or other suitably qualified person approved by the Principal Certifying Authority), to monitor compliance with the relevant standards of construction and Council's development consent.*

The Principal Certifying Authority shall specify the relevant stages of construction to be inspected and a satisfactory inspection must be carried out, to the satisfaction of the Principal Certifying Authority, prior to proceeding to the subsequent stages of construction or finalisation of the works (as applicable).

Documentary evidence of the building inspections carried out and details of compliance with Council's approval is to be maintained by the Principal Certifying Authority. Details of critical phase inspections carried out and copies of certification relied upon shall be forwarded to Council with the occupation certificate.

Upon inspection of each stage of construction, the Principal Certifying Authority (or other suitably qualified person approved by the Principal Certifying Authority) is also required to ensure that the relevant site management, public safety and sediment and erosion requirements specified in Council's consent are being satisfied.

40. *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 supported to prevent them from being dangerous to life, property or buildings.*

Retaining walls, shoring or piling must be provided to support land which is excavated in association with the erection or demolition of a building, to prevent the movement of soil and to support the adjacent land and buildings, if the soil conditions require it. Adequate provisions are also to be made for drainage.

Retaining walls, shoring, or piling must be designed and installed in accordance with appropriate professional standards and the relevant requirements of the Building Code of Australia and Australian Standards. Details of proposed retaining walls, shoring or piling are to be submitted to and approved by the Principal Certifying Authority for the development prior to commencing such excavations or works.

41. *If an excavation associated with the erection or demolition of a building extends below the level of the base of the footings of a building on an adjoining allotment of land, the person causing the excavation must:*
 - *preserve and protect the building /s on the adjoining land from damage; and*
 - *if necessary, underpin and support the building and excavation in an approved manner; and*
 - *at least seven (7) days before excavating below the level of the base of the footings of a building on an adjoining allotment of land (including a public road or public place), give notice of the intention to do so to the owner of the adjoining land. Particulars of the excavation are to be provided to the owner of the adjoining land and also the owner of the land where the building is being erected or demolished.*

42. *A 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.*

43. *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 footings or first completed floor slab (prior to the pouring of concrete), showing the area of the land, building and boundary setbacks and verifying that the building is being constructed at the approved levels.*

 - b) *On completion of the erection of the building showing the area of the land, the position of the building and boundary setbacks and verifying the building has been constructed at the approved levels.*

44. *Noise and vibration emissions during the construction of the building and associated site works must not result in damage to nearby premises or result in an unreasonable loss of amenity to nearby residents and the relevant provisions of the Protection of the Environment Operations Act 1997 must be satisfied at all times.*

45. *All building, demolition and associated site 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.*

46. *The use of any rock excavation machinery or any mechanical pile drivers is restricted to the hours of 8.00am to 5.00pm (maximum), Monday to Friday inclusive and from 8.00am to 1.00pm on Saturday, to minimise the noise levels during construction and loss of amenity to nearby residents.*

47. *Noise and vibration from any rock excavation machinery and pile drivers (or the like) must be minimised by using appropriate plant and equipment and silencers and a construction noise and vibration minimisation strategy, prepared by a suitably qualified consultant is to be implemented during the works, to the satisfaction of the Principal Certifying Authority.*

48. *A report prepared by a suitably qualified and experienced consultant in acoustics/vibration shall be submitted to the Principal Certifying Authority and the Council **upon commencement of works**, certifying that noise and vibration emissions from the construction of the development complies with the provisions of the Protection of the Environment Operations Act 1997, the Noise Control Manual published by the Environment Protection Authority and relevant conditions of approval. In support of the above it is necessary to submit all relevant readings and calculations made.*

Should noise and vibration emissions not comply with the terms and conditions of consent, work must cease forthwith and is not to recommence until details of compliance are submitted to Council.

49. *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.

50. *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.*

51. *Public safety and convenience must be maintained at all times during demolition, excavation and construction works.*

The roadway, footpath and nature strip must be maintained in a good, safe condition and free from any obstructions, materials, soils or debris at all times. Any damage caused to the road, footway or nature strip must be repaired immediately, to the satisfaction of Council.

A Road Opening Permit must be obtained from the Council and other relevant Authorities prior to excavating or opening-up the road or footway for services or the like.

52. *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 and debris at all times.*

53. *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.*
54. *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".*
55. *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.

56. *During demolition excavation and construction works, dust emissions must be minimised, so as not to result in a nuisance to nearby residents or result in a potential pollution incident.*

Adequate dust control measures must be provided to the site prior to the works commencing and the measures and practices must be maintained throughout the demolition, excavation and construction process, to the satisfaction of Council.

Dust control measures and practices may include:-

- *Provision of geotextile fabric to all perimeter site fencing (attached on the prevailing wind side of the site fencing).*
- *Covering of stockpiles of sand, soil and excavated material with adequately secured tarpaulins or plastic sheeting.*
- *Installation of a water sprinkling system or provision hoses or the like.*
- *Regular watering-down of all loose materials and stockpiles of sand, soil and excavated material.*

- *Minimisation/relocation of stockpiles of materials, to minimise potential for disturbance by prevailing winds.*
- *Revegetation of disturbed areas.*

57. *Public safety must be maintained at all times and public access to the site and building works, materials and equipment on the site is to be restricted, when work is not in progress or the site is unoccupied.*

A temporary safety fence is to be provided to protect the public, located to the perimeter of the site (unless the site is separated from the adjoining land by an existing structurally adequate fence, having a minimum height of 1.5 metres). Temporary fences are to have a minimum height of 1.8 metres and be constructed of cyclone wire fencing, with geotextile fabric attached to the inside of the fence to provide dust control, or other material approved by Council.

Fences or hoardings are to be structurally adequate and be constructed in a good and workmanlike manner and the use of poor quality materials or steel reinforcement mesh as fencing is not permissible.

*Details of the proposed temporary fences located upon the site are to be submitted to the principal certifying authority and 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.

58. *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 and erosion 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.

59. *Stockpiles of soil, sand, aggregate or other materials must not be located on any footpath, roadway, nature strip, drainage line 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, nature strips, in any public place or any location which may lead to the discharge of materials into the stormwater drainage system

60. *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.*
61. *A 'B Class' overhead type hoarding is required is be provided to protect the public, located adjacent to the development, prior to the commencement of any works on the site which comprise:-*
- *any works or hoisting of materials over a public footway or adjoining premises, or*
 - *any building or demolition works on buildings which are over 7.5m in height and located within 3.6 metres of the street alignment.*

Details of the proposed fences or hoardings located upon the site are to be submitted to the principal certifying authority and 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.

62. *A temporary timber crossing is to be provided to the site entrance across the kerb and footway area, with splayed edges, to the satisfaction of Council, unless access is via an existing concrete crossover.*
63. *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 prior to commencement of works.*

The following conditions are applied to provide access and facilities for people with disabilities:

64. *Access and sanitary facilities for persons with disabilities being provided to the building in accordance with Parts D3 and F2 of the Building Code of Australia and relevant Australian Standards. Details of compliance is required to be provided in the relevant plans/specifications for the **construction certification**.*

The following conditions are applied to ensure that reasonable levels of fire safety are provided in the building:

65. *The building is required to be provided with a smoke alarm system complying with Clause 3 of Specification E2.2a of the B.C.A. or a smoke detection system complying with Clause 4 of Specification E2.2a of the B.C.A. or a combination of a smoke alarm system within the sole-occupancy units and a smoke detection system in areas not within the sole-occupancy units. The smoke detectors located within the stairway, corridors or the like must be interconnected.*

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:

66. *The location of the discharge point serving the car park mechanical ventilation system is to be not less than 6m from a property boundary and it must discharge vertically and satisfy the relevant provisions of the Building Code of Australia and AS 1668.*

Details of compliance are to be provided in the plans and specifications for the construction certificate.

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:

67. *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 operation of the premises shall not give rise to a sound pressure level at any affected premises that exceeds the background $L_{A90, 15 \text{ min}}$ noise level, measured in the absence of the noise source/s under consideration by more than 5dB(A). The source noise level shall be assessed as a $L_{Aeq, 15 \text{ min}}$ noise level, adjusted in accordance with the NSW Environmental Protection Authority's Industrial Noise Policy and the NSW Environmental Protection Authority's Noise Control Manual (for sleep disturbance).

68. *The use and the operation of plant and equipment shall not give rise to the transmission of a vibration nuisance.*

69. *A report, prepared by a suitably qualified and experienced consultant in acoustics shall be submitted to Council **prior to a construction certificate being issued** for the development. The assessment is to be completed and comply with the relevant provisions of the Australian Standards (including but not limited to AS 2107, AS1055) and the NSW Environmental Protection Guidelines, namely the Industrial Noise Policy, Noise Control Manual (sleep disturbance) and the Environmental Criteria for Road Traffic Noise.*

70. *A report, prepared by a suitably qualified and experienced consultant in acoustics, shall be submitted to the Council **prior to an occupation certificate being issued** for the development, certifying that noise and vibration emissions from the development comply with the provisions of the Australian Standards (including but not limited to AS 2107, AS1055) and the NSW Environmental Protection Guidelines, namely the*

Industrial Noise Policy, Noise Control Manual (sleep disturbance) and the Environmental Criteria for Road Traffic Noise.

71. *The use and the operation of plant and equipment shall not give rise to the transmission of a vibration nuisance.*
72. *The plans submitted with the construction certificate shall show the following carparking allocation:*
- *26 retail spaces (21 on the ground floor and 5 staff parking spaces in the basement);*
 - *19 visitor spaces (12 on the ground floor and 7 in the basement); and*
 - *131 residential spaces in the basement.*

All visitor, retail and retail staff parking spaces shall be clearly marked and sign posted.

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

73. *The following damage deposit requirement is 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) \$2000.00 - Security damage deposit

The damage deposit may be provided by way of a cash or cheque with the Council and is refundable upon the applicant advising Council, in writing, of the completion of all building works and/or obtaining an occupation certificate, if required.

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.

74. *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) \$1000.00 - 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.

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

75. *The applicant must meet the full cost for Council or a Council approved contractor to:*

- *Construct a full width concrete heavy-duty vehicular crossing and layback at the kerb opposite the proposed vehicular entrance to the site in Daunt Avenue.*
 - *Remove any redundant concrete vehicular crossings and laybacks along both site frontages and to reinstate the area with concrete footpath and integral kerb and gutter to Council's specification.*
 - *Replace any damaged sections of Council's kerb and gutter along the full site frontage in both Daunt Avenue and Bunnerong Road. It is noted that this shall include road reconstruction works where required.*
 - *Reconstruct both site frontages in accordance with Council's Urban Design Guidelines for Matraville Commercial Centre. It is noted that this will include footpath reconstruction along the full site frontage together with seat installations, bins and tree grates as required by Council's Parks & Recreation Coordinator, and relocation of the JC Decaux garbage bin.*
 - *Upgrade the public reserve located between the subject development site and Pillars Place in accordance with the requirements of Council's Parks & Recreation Coordinator (9399 0920) and Council's Landscape Coordinator (9399 0786).*
76. *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.*
77. *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.*
78. *The driveway opening at the Daunt Avenue frontage must be a minimum of 6 metres wide.*
79. *A work zone is to be provided in Daunt Avenue for the duration of the construction works. The 'work zone' shall be provided to the satisfaction of the Randwick Traffic Committee and shall have a minimum length of 12 metres. The prescribed fee for the work zone must be paid to Council at least four (4) weeks prior to the commencement of work on the site.*
80. *To facilitate visitor access to the ground floor and basement carparking areas, a security intercom system (or similar) shall be provided at both security roller doors.*
81. *To facilitate adequate circulation in the ground floor carpark, carspace R2 of the ground floor carpark shall be deleted, space R10 shall be decreased in width to 2.5m and made a standard (rather than disabled) parking space, space R17 shall be made*

into a disabled parking space and space R1 shall be increased in width to comply with the requirements of AS 2890.1. The changes shall be in general accordance with those shown in the facsimile from Traffic dated 10/12/2003.

The plans submitted for the construction certificate shall demonstrate compliance with this requirement

82. *Secure bicycle storage facilities shall be provided for a minimum of 45 bicycles.*
83. *To minimise possible conflict between service vehicle movements and vehicles on the main driveway. The following measures shall be implemented:*
 - *The service vehicle manoeuvring area shall be clearly marked and signposted*
 - *Stop holding lines and appropriate signage shall be provided at either end of the service vehicle manoeuvring area to ensure that vehicles stop and give way to any service vehicles in the area.*
 - *Loading operations shall not be undertaken during the following times 8:00am – 10:00am and 4:00pm – 6:00pm. The loading areas shall be clearly signposted to show these restrictions.*

The plans submitted for the construction certificate shall demonstrate compliance with these requirements.

84. *The loading bays shall be available for use by all retail tenancies and the residential component of the development. Exclusive use of the loading bay is not to be allocated to any retail/commercial or residential unit.*
85. *The stacked parking spaces in the basement carpark shall be allocated to the same residential unit.*
86. *Longitudinal cross-sections through all carpark ramps showing the grades and transitions being in accordance with AS 2890.1 shall be submitted to the certifying authority prior to the issuing of a construction certificate.*
87. *Proposed driveway is to be designed and constructed in accordance with AS 2890.1-1993.*
88. *The existing “No Standing” parking restrictions along Daunt Avenue are to be extended to a length of 50m from Bunnerong Road (to extend slightly beyond the proposed driveway) along the Daunt Avenue frontage of the subject property, subject to approval from Council’s Local Traffic Committee.*
89. *The layout of the car park associated with the subject development (including ramp grades, turn paths, sight distances, aisle widths, aisle lengths, parking bay dimensions and loading facilities) shall generally comply with AS 2890.1-1993 and AS 2890.2-2002.*
90. *Internal car parking area is to be appropriately signposted to assist in directing the traffic throughout the facility.*
91. *All vehicles must be able to enter and leave the subject site in a forward direction.*
92. *All works associated with the subject development shall be at no cost to the RTA.*

93. *Other than approved street level awnings, there shall be no portion of the building (including balconies and awnings) located beyond the property line. The plans submitted for the construction certificate shall be amended to demonstrate compliance with this requirement.*

Splay Corner Conditions

The following conditions are applied to provide adequate provisions for access, transport and pedestrian safety:

94. *The applicant shall dedicate to Council a minimum 2.8 metre x 2.8 metre splay corner at the north-western corner of the site. All cost associated with dedicating the splay corner shall be met by the applicant.*
95. *All new walls adjacent to vehicular crossings must be lowered to a height of 600mm above the internal driveway level or splayed 1.5 metre by 1.5 metre so that a driver of a stopped vehicle 2 metres behind the street boundary line can observe pedestrians up to 2 metres from the crossings. The plans submitted for the construction certificate shall demonstrate compliance with this requirement.*

ALIGNMENT LEVEL CONDITIONS

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

96. *The Council's Department of Asset & Infrastructure Services has inspected the above site and have determined the design alignment levels (concrete/paved/tiled levels) at the property boundary for driveways, access ramps and pathways or the like. Prior to preparing plans for the construction certificate, the applicant shall contact Council's Asset and Infrastructure Services Department on 9399 0923 to obtain the alignment levels (in writing) at all points along the site frontages in Daunt Avenue and Bunnerong Road.*
97. *The design alignment levels (concrete/paved/tiled level) issued by Council and their relationship to the existing kerb must be indicated on the building plans for the construction certificate. The design alignment level at the street boundary, as issued by the Council, must be strictly adhered to.*
98. *The above alignment levels and the site inspection by Council's Department of Asset & Infrastructure Services have been issued at a prescribed fee of \$3796 calculated at \$27.50 (inclusive of GST) per metre of site frontage. This amount is to be paid prior to a construction certificate being issued for the development.*
99. *The top of footings of any structures constructed on the boundary alignment must be at least 150mm below the alignment level as specified for the vehicular access.*

Service Authority Conditions

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

100. *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.

101. *The applicant must meet the full cost for telecommunication companies, gas providers, Energy Australia and Sydney Water to adjust/repair/relocate their services as required. The applicant must make the necessary arrangements with the service authority.*
102. *The applicant shall meet the full cost for Energy Australia to either bundle all the overhead power lines located along the Daunt Avenue site frontage or to underground the subject cables.*
103. *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.*
104. *The electricity substation shall be located within the site. The location and elevation shall be shown on all detailed landscape drawings and specifications.*
105. *A Section 73 Compliance Certificate under the Sydney water Act 1994 must be obtained. Application must be made through an authorised Water Servicing Coordinator. Please refer to “Your Business” section of Sydney Water’s web site at www.sydneywater.com.au then the “e-developer” icon or telephone 13 20 92.*

Following application a “Notice of Requirements” will detail water and sewer extensions to be built and charges paid. Please make early contact with the Coordinator, since building of water/sewer extensions can be time consuming and may impact on other services and building, driveway or landscape design.

The Notice must be submitted to the Principal Certifying Authority prior to the Construction Certificate being issued.

The Section 73 Certificate must be submitted to the Principal Certifying Authority prior to occupation of the development.

Drainage Conditions

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

106. *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 Council's 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.*
- 107. All stormwater run-off naturally draining to the site must be collected and discharged through this property's stormwater system. Such drainage must, if necessary, be constructed prior to the commencement of building work.*
- 108. All entrances into the retail tenancies shall be designed to ensure that stormwater runoff from Council's footpath area will not enter the premises. The plans submitted for the construction certificate shall demonstrate compliance with this requirement.*
- 109. All stormwater runoff being discharged from the site shall be directed to Council's underground drainage system in Maroubra Road via a new and/or existing kerb inlet pit. It is noted that all kerb inlet pits shall be constructed in general accordance with Council's standard drawing SD6.*
- 110. With the exception of the site discharge pipe, all new pipelines constructed within council's road reserve shall be minimum 375 mm diameter rubber ringed reinforced concrete pipelines.*
- 111. A reflux valve shall be provided (within the site) over the pipeline discharging from the site to ensure that stormwater from Council drainage system does not surcharge back into the site stormwater system.*

112. *On-site detention must be provided to ensure that the maximum discharge from the above site is not to exceed that which would occur during a 1 in 5 year storm of 1 hour duration for the existing site conditions. All other stormwater run-off from the above site for all storms up to the 1 in 20 year storm is to be retained on the site for gradual release to the kerb and gutter or drainage system as required by the Director of Assets and Infrastructure Services. Provision is to be made for satisfactory overland flow should a storm in excess of the above parameters occur.*

For small areas up to 0.5 hectares, determination of the required cumulative storage must be calculated by the mass curve technique as detailed in Technical Note 1, Chapter 14 of the Australian Rainfall and Run-off Volume 1, 1987 Edition.

Where possible the detention tank must have an open base to infiltrate stormwater to the groundwater. Note that the ground water and any rock stratum has to be a minimum of 2.0 metres below the base of the tank.

113. *The applicant must provide for a detention volume of up to the 1 in 100 year storm event should no formal overland escape route be provided for storms greater than the design storm.*
114. *The detention area must be regularly cleaned and maintained to ensure it functions as required by the design.*
115. *The stormwater detention area must be suitably signposted where required, warning people of the maximum flood level.*
116. *The floor level of all habitable and storage areas adjacent to the detention area must be a minimum of 300mm above the maximum water level for the design storm or alternately a permanent 300mm high water proof barrier is to be constructed.*

(In this regard, it must be noted that this condition must not result in any increase in the heights or levels of the building. Any variations to the heights or levels of the building will require a new or amended development consent from the Council prior to a construction certificate being issued for the development).

117. *A "restriction as to user and positive covenant" shall be placed on the title of the subject property prior to the issuing of a final occupation certificate. Such restriction and positive covenant shall relate to the onsite stormwater detention system and shall not be released, varied or modified without the consent of the Council.*

Notes:

- a. *The "restriction as to user and positive covenant" are to be to the satisfaction of Council. A copy of Council's standard wording/layout for the restriction and positive covenant may be obtained from Council's Asset and Infrastructure Services Department.*
- b. *The linen plans shall indicate the location and dimensions of the detention/infiltration areas.*

This condition is to ensure that no works which could affect the design function of the detention system are undertaken without the prior consent (in writing) from Council.

118. *A childproof and corrosion resistant fastening system shall be installed on access grates over pits/trenches where water is permitted to be temporarily stored.*
119. *Stormwater pipes shall be located in accessible locations.*
120. *Pump out systems will only be considered if the applicant can demonstrate that it is not possible to manage stormwater runoff from the site in any other manner.*

Should a pump system be required to drain any portion of the site the system must be designed with a minimum of two pumps being installed, connected in parallel (with each pump capable of discharging at the permissible discharge rate) and connected to a control board so that each pump will operate alternatively. The pump wet well shall be sized for the 1 in 100 year, 2 hour storm assuming both pumps are not working.

The pump system must also be designed and installed strictly in accordance with "Section 8.4 PUMP SYSTEMS" as stipulated in Randwick City Council's Private Stormwater Code.

121. *A sediment/silt arrester pit must be provided:-*

- *Within the site at or near the street boundary prior to the site stormwater discharging by gravity to the kerb/street drainage system; and*
- *Prior to stormwater discharging into any absorption/infiltration system.*
- *The sediment/silt arrester pit shall be constructed with:-*
- *The base of the pit located a minimum 300mm under the invert level of the outlet pipe.*
- *The pit must be constructed from cast in-situ concrete, precast concrete or double brick.*
- *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.*
- *A sign adjacent to this pit stating that:*

“This sediment/silt arrester pit shall be regularly inspected and cleaned.”

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

122. *A ‘V’ drain is to be constructed along the perimeter of the property, where required, to direct all stormwater to the detention area.*
123. *Any Absorption Trenches/Pits must be designed in accordance with "Section 8.5 ABSORPTION TRENCHES" as stipulated in Randwick City Council's Private Stormwater Code.*
124. *Four covered car washing bays shall be provided for this development.*
 - a) *The car washing bays must be drained to sewer to the requirements of Sydney Water and proof of compliance is to be submitted to the certifying authority, prior to a construction certificate being issued for the proposed development.*
 - b) *The car washing bays must be located outside any required/approved stormwater detention system.*
 - c) *The car washing bays must be signposted with ‘Exclusive Carwash Bay Use Sat 2:00pm – 5:00pm and Sunday 10:00am – 2:00pm, Visitor parking at other times’*
 - d) *The car washing bays must be constructed with a minimum 20mm bund around the perimeter of the car washing bays (or equivalent)*
 - e) *A water tap shall be located adjacent to the car washing bays.*
125. *Prior to the issuing of an occupation certificate, the applicant shall submit to Council's Director of Asset and Infrastructure Services, a works-as-executed drainage plan prepared by a registered surveyor and approved by a suitably qualified and experienced Hydraulic Engineer. The works-as-executed drainage plan shall be to the satisfaction of the Principal Certifying Authority (PCA) and shall include the following details:*
 - *The location of the detention basin with finished surface levels;*
 - *Finished site contours at 0.2 metre intervals;*
 - *Volume of storage available in the detention areas;*
 - *The location, diameter, gradient and material (i.e. PVC, RC etc) of all stormwater pipes;*
 - *The orifice size(s) (if applicable); and*
 - *Details of any pumping systems installed (including wet well volumes).*
126. *Prior to the issuing of an occupation certificate, the applicant shall submit to the Principal Certifying Authority (PCA) and Council's Director of Asset and Infrastructure Services, certification from a suitably qualified and experienced Hydraulic Engineer confirming that the design and construction of the stormwater drainage system complies with the conditions of development consent. The certification must be provided to the satisfaction of the PCA.*

127. *As the above site may encounter groundwater/seepage water within the depth of the basement excavation, the basement carpark level shall be suitably tanked and waterproofed. A Structural Engineer\Geotechnical Engineer shall certify that the tanking & waterproofed has been carried out to an acceptable standard and a copy of the certification is to be forwarded to Council.*

Notes:-

- a) *Any seepage/subsoil drainage is to be disposed of within the site and is not to be charged to Council's kerb & gutter and/or underground drainage system.*
- b) *Adequate provision is to be made for the ground water to drain around the basement carpark (to ensure that the basement will not dam or slow the movement of the ground water through the development site).*

Waste Management Conditions

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

128. *All residential garbage and recycling bins shall be presented to the Daunt Avenue frontage for collection. At no time shall bins be presented along the Bunnerong Road frontage.*
129. *The garbage chutes, compactors and bins storage areas for the development shall be provided in accordance with the details approved in deferred commencement condition..*
130. *The residential garbage room shall be designed to contain a total of 78 x 240 litre bins (26 garbage bins & 52 recycling bins) whilst providing satisfactory access to these bins. A separate retail garbage area shall be provided which is capable of containing a minimum 8 x 240 litre bins. The plans submitted for the construction certificate shall demonstrate compliance with this requirement.*
131. *The 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.*

Landscape Conditions

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

132. *The landscaped areas including Council's reserve shown on plan numbers L-01 to L-04 dated 21/8/2003, 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 to be retained, proposed building envelope, proposed areas of pavement, and proposed landscaped areas.

The plan shall clearly show the position, canopy spread (location of dripline), trunk diameter, height and names of all existing trees upon the site and adjoining sites within 6 metres of the common property boundary which are likely to be affected by the development.

- 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.*
- 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.*

Metrosideros 'Tahiti' (Dwarf New Zealand Christmas Tree) shall be deleted from the planting schedule (and landscape plans). This condition has been included as this plant is susceptible to borer attack, with large scale damage recently encountered in this area.

- d. Additional notation showing soil and mulch details, irrigation details, edging, paving, fencing details, surface finishes, retaining wall details, and any other landscape elements 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. Porous paving shall be used in all pathways. Details are to be provided with the construction certificate application.*
- h. Location of easements within the site and upon adjacent sites (if any).*

- 133. 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 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.

134. *The applicant shall submit:*

- *A landscape design for the Bunnerong Road and Daunt Avenue street frontages of the development in accordance with Council's Urban Design Guidelines for Matraville Commercial Centre. The landscape design shall include pavements, seat installations, bins and tree grates as required by Council's Landscape Architect – 9399 0786.*
- *A landscape plan for the reserve located between the development site and Pillars Place. The design shall include pavements, seat installations, irrigation details, drinking facilities and planting/turfing as required by Council's Parks & Recreation Coordinator (9399 0920) and Council's Landscape Coordinator (9399 0786).*

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 \$14 000 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 in the public reserve and along the Bunnerong Road and Daunt Avenue site frontages.

135. *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.

136. *All 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.

Tree Management

137. *The applicant shall submit a total payment of \$10,170.00 + GST to Council,*
- a. *Being the cost for Council to remove the seven (7) existing street tree specimens of *Achmena smithii* (Lilly Pilly) (\$2,100.00 + GST) and*
 - b. *Being the cost for Council to supply and install 7 x 75 litre *Eucalyptus eximia* (Yellow Bloodwood) street trees along the Bunnerong Road frontage, and 5 x 75 litre *Gleditsia triacanthos* 'Sunburst' along the Daunt Avenue frontage (in accordance with the street tree masterplan) at the completion of all works \$2,640.00 + GST; and*
 - c. *To compensate Council for the loss of amenity caused by the removal of the street tree/street trees \$5430.00.*

*The contribution shall be paid into Fee Code 525 at the Cashier on the Ground Floor of the Administrative Centre **prior to an occupation certificate being issued for the development.***

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

138. *The proposed awning along the Bunnerong Road frontage shall be set back 1 metre from the kerb line in Bunnerong Road to allow for future growth of the proposed street trees. The plans submitted for the construction certificate shall be amended to demonstrate compliance with this requirement.*
139. *The applicant shall be required to ensure the retention and long term health of all trees located on adjoining properties adjacent to the proposed development. As a general guide there shall be minimal excavation or root pruning within the dripline/s of the subject trees.*

Tree Protection Measures

140. *In order to ensure the retention of the *Eucalyptus* sp (Gum tree) located on the eastern boundary 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.*
 - b. *Detailed architectural, building, demolition, engineering (structural, stormwater & drainage, services), and landscape documentation submitted for the construction certificate application shall show no alteration in the existing soil levels or the location of any structures, services, footings, paving,*

detention tanks, stormwater infiltration systems, pipes, cutting or battering of the existing soil profile, or any excavations within a radius of 3 metres from the outside edge of the tree trunk.

- c. *The tree is to be physically protected by the installation of protective fencing around the tree using 1.8 metre high steel mesh/chainwire fencing. This fencing shall be located to a minimum radius of 3 metres from the outside edge of the tree trunk.*

This fencing shall be installed prior to the commencement of demolition and construction works and shall remain in place until all works are completed.

- d. *Within this zone there is to be no storage of materials or machinery or site office/sheds, nor is cement to be mixed or chemicals spilt/disposed of in the area, no stockpiling of soil or rubble, or any works listed in Point b.*

Any works required within this zone (only as approved on the construction certificate) shall be under the direction of, and to the satisfaction of, a suitably qualified Arborist.

- e. *The erection of signage on the fence with the following words clearly displayed: "TREE PROTECTION ZONE", "DO NOT ENTER".*

- f. *A refundable deposit in the form of cash or cheque of \$2,900.00 shall be lodged with Council prior to issue of a construction certificate for the proposed development in order to ensure the preservation of the tree in accordance with the requirements described in this condition.*

QUANTITY	SPECIES	AMOUNT
<i>1</i>	<i>Eucalyptus sp.</i>	<i>\$2,900.00</i>
	TOTAL	\$2,900.00

The refundable deposit is placed to ensure that the tree protection measures as described in this condition are undertaken throughout the demolition and construction period. The refundable deposit will be released twelve (12) months from the time of issue of a final occupation certificate by the certifying authority providing the tree protection measures (including amendments to the plans) have been undertaken throughout the demolition and construction period and the tree/s have been retained in good health.

Any contravention of Council's conditions relating to the {tree or trees} at any time during the demolition and construction period or prior to the issue of a final occupation certificate will result in the Council claiming all of the lodged security.

141. *A refundable deposit in the form of cash, cheque or bank guarantee for the amount of \$20,000.00 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.*

ADVISORY MATTERS/CONDITIONS:

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) *Part D1 - Provisions for escape*
 - b) *Part D3 - Access for people with disabilities*
 - c) *Part E1 - Fire fighting equipment*
 - d) *Part E2 - Smoke Hazard Management*
 - e) *Part E4 - Emergency lighting, exit signs and warning systems*
 - f) *Part F2 - Sanitary and other facilities*
 - g) *Part F4 - Light and ventilation*
2. *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**.*
 3. *The applicant is advised that any future applications for on-street loading in the vicinity of the subject development site, will be assessed with consideration being given to the applicants statement that the proposed loading facilities are adequate for the development.*
 4. *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.*
 5. *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 inspections 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/Tracey) SEE RESOLUTION.

**8.10 DIRECTOR PLANNING & COMMUNITY DEVELOPMENT'S REPORT
115/2003 - 1430 ANZAC PARADE LITTLE BAY - PRINCE HENRY
HOSPITAL SITE. (D/0443/2003)**

335 **RESOLUTION: (Daley/Bastic) that:**

- A. *Council consider the above report and grant delegation to the Director Planning and Community Development to determine Development Application 443/2003 by the granting of a deferred commencement development consent subject to the conditions set out below as amended or supplemented by any conditions of approval arising from the determination of the Roads and Traffic Authority of NSW or arising from consideration of any further submissions received from the notification of the development application.*
- B. *Delegation be granted to the Director Planning and Community Development to correct any anomalies or omissions within the conditions set out below and amend any conditions of approval arising from the determination of the Roads and Traffic Authority of NSW.*
- C. *The Director of Planning and Community Development, 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 443/2003 for the former Prince Henry Hospital Site 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. *The Applicant to submit to the Council within 150 days of the date of determination of Development Application 443/2003 a detailed traffic and access management plan for those premises on the western side of Anzac Parade, fronting/adjacent to the proposed Pine Avenue-Anzac Parade roundabout. The traffic and access management plan must cover, as a minimum, the provision of suitable vehicular access to the affected properties and a replacement Loading Zone for the commercial premises, (construction of the proposed roundabout requires removal of an existing loading zone). The applicant must liaise with Council's Development Engineer Coordinator and Traffic Engineer prior to preparation of the traffic and access management report to obtain Council's recommended scope of work and the report should be prepared in full consultation with the above-mentioned Council officers.*

The documentation shall be submitted for approval and be approved by Council, the Randwick Traffic Committee, the SRDAC if required, and the RTA Development Impact Unit, prior to this development consent becoming operational.

2. *The Applicant to submit to the Council within 150 days of the date of determination of Development Application 443/2003 for approval, and have approved, a detailed options paper for the future irrigation of the reserves and road reserves in the Stage 1 Development, (i.e. irrigation of open space to be transferred to the ownership, care and control of Council). The options paper must include the following two general options as a minimum:*
 - *Irrigation utilising storage capacity and water from the Coast Golf Course,*
 - *Irrigation using suitable storage tanks located within reserves and/or proposed buffer zones and/or other locations considered appropriate by Council.*

The applicant shall note that any proposal for irrigation water to be sourced from storage areas within the Coast Golf course must be accompanied by sufficient documentation to give Council surety of supply/access to the irrigation water. The design parameters and recommended locations for the subject storage tanks must be obtained from Council. The options paper shall be submitted to the Council's satisfaction prior to this development consent becoming operational.

3. *The Applicant to submit to the Council within 150 days of the date of determination of Development Application 443/2003 a Deed duly executed by the Applicant (and where the Applicant is not the owner the subject of the development **then the Deed must be duly executed by such owner(s)**) which **contains an operative provision** to the effect that in consideration of Council as either current owner or future owner permitting works on, in or over Anzac Parade, Little Bay Road, Jennifer Street and those roads within the subject site that are to be transferred to Council ownership, Council shall be appointed the principal certifying authority pursuant to Section 109E of the Environmental Planning and Assessment Act 1979 in respect of those works. All works to be carried out at no cost to Council. The Deed to be binding upon the transferees, assignees and successors in title of the Applicant/Owner(s).The documentation shall be submitted to the Councils satisfaction prior to this development consent becoming operational.*

Development Consent Conditions

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

REFERENCED PLANS:

1. *Development must be implemented substantially in accordance with the details shown on the drawings prepared by Connell Wagner numbered P508 C-001/2, C-002/4, C-004/6, C-010/4, C-011/5, C-020/4, C-021/4, C-031/6, C-034/6, C-035/7, C-036/6, C-038/9, C-039/6, C-040/6, C-042/9, C-043/6, C-045/6, C-232/1, C-050/4, C-051/4, C-052/4, C-053/4, C-071/5, C-072/5, C-074/6, C-075/4, C-102/5, C-120/4, C-161/3, C-180/2, SK-C-039/2, SK-C-040/2 SK-C-042/2, SK-C-043/1 and the staging plan (as it delineates stage 1A, 1B, and 1C) prepared by Gary Shiels and Associates, and contained within the statement of environmental effects and supporting documentation submitted 7 November 2003 as modified by the conditions set out below:*

The following conditions are applied to maintain reasonable levels of environmental amenity and public health safety.

2. *A work plan be prepared in accordance with Australian Standard AS2601 - 2001, Demolition of Structure by a suitably qualified and experienced person, to be submitted to Council's Director – Planning and Community Development who will then enlist the services of a suitably qualified consultant to review the work plan prior to its approval by Council (at the applicants cost). The work plan shall include (but not be limited to);*
 - *The identification of any hazardous materials (including asbestos) and*
 - *The proposed method of demolition, storage/ containment and disposal methods for hazardous materials; and*
 - *The precautions to be employed to minimise any dust nuisance and*
 - *The appointment and details of a site manager.*

Once accepted by Council, the process outlined in the work plan is to be monitored by the site auditor and validated upon completion of the works by the Site Auditor.

3. *Formal remediation action plan(s) (RAP[s]), is/are to be prepared for the area/areas by an independent and suitably experienced, Environmental Consultant. The RAP(s) is/are to be prepared in accordance with the EPA Guidelines and is to be submitted to the Site Auditor and Council prior to the commencement of any works.*

The RAP(s) is/are to include (but not be limited to) procedures for the following:

- *Excavation of Hydrocarbon-contaminated soil/contaminated soil*
 - *On-site treatment by land farming*
 - *Validation sampling and analysis*
 - *Ground water monitoring*
 - *Contingency groundwater remediation and validation*
4. *The RAP(s) is/are to be reviewed by the appointed EPA Accredited Site Auditor, who shall confirm in writing to Council that the RAP(s) is/are adequate and suitable for undertaking the necessary works to make the property suitable for the approved uses prior to the commencement of any works.*
 5. *Validation Report/s shall be submitted to Council upon completion of the remedial works. The Validation report/s shall be prepared with reference to the NSW Environment Protection Authority guidelines, Consultants Reporting on Contaminated Sites, and shall include:*
 - *Description and documentation of all works performed.*
 - *Results of validation testing and monitoring.*
 - *Validation results of any imported fill onto the site.*
 - *Demonstrate how all agreed clean-up criteria and relevant regulations have been satisfied.*
 - *Clear justification as to the suitability of the site for the proposed use and the potential for off-site migration of any residual contaminants.*

6. *The appointed Environment Protection Authority (EPA) Accredited Site Auditor is to assess the suitability of the site for its intended development and use and review*

contamination assessment and Validation Report/s for the site. The Site Auditor is to prepare Summary Site Audit Report(s) and issue Site Audit Statement(s) for the area or areas subject to Audit, which shall be submitted to Council, stating that the site or area is suitable for the intended development and use, and the site or area has been remediated to standards appropriate to its future use.

Any additional conditions that are specified in the Site Audit Statements and Summary Site Audit Reports by the EPA accredited site auditor, form part of this consent and must be complied with. Written confirmation by the owner of the site is to be submitted to the Council stating all (if any) conditions will be complied with.

7. *The site audit statement/s 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) *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 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. The site audit statement/s issued to Council shall be unconditional, in that it/they require/s 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) *The Site Audit Statement/s 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 known unacceptable health risk remains as confirmed in writing by NSW Department of Health.*
8. *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.*
9. *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 similar/same 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'.

10. *On-site land farming of contaminated soil is not permitted, except with the written approval of Council's Manager Environmental Health & Building Services.*
11. *All remediation work shall be conducted within the following hours:*

Monday – Friday 7am – 5pm
Saturday 8am – 5pm
No work permitted on Sundays or Public Holidays

The following conditions are applied to maintain reasonable levels of environmental amenity, health, general safety and amenity and public health safety during demolition works.

12. *Noise emissions during the demolition of the buildings 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*
13. *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.*
14. *Hoarding or fences are to be structurally adequate and be constructed in a good and workmanlike manner and the use of poor quality materials or steel reinforcement mesh as fencing is not permissible.*
15. *Public access to the portions of the site where demolition is to occur, and to materials and equipment is to be restricted, when work is not in progress or the site is unoccupied. Temporary safety fencing to surround the buildings being demolished, is to be provided to protect the public. Temporary fences are to have a minimum height of 1.8 metres and be constructed of cyclone wire fencing with geotextile fabric attached to the inside of the fence to provide dust control, or other material approved by Council and the site auditor.*
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.*
17. *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.*

18. *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.*
19. *Prior to the commencement of works, adequate sediment and stormwater control measures shall be in place and maintained on site at all times. Sediment laden stormwater shall be controlled using measures outlined in the manual Managing Urban Stormwater Soils and Construction produced by the NSW Department of Housing.*
20. *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.*

The following conditions are applied to ensure adequate environmental protection.

20. *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.*
21. *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.*
22. *The works shall not give rise to an environmental or public nuisance or, cause any offence under the Protection of the Environment Operations Act 1997.*
23. *All hazardous or intractable wastes (including asbestos) shall be removed and disposed of in accordance with the requirements of WorkCover and the Environmental Protection Authority, and with the provisions of:*
 - *Occupational health and Safety Act 1983 (NSW)*
 - *Construction Safety Act 1912; Regulation 84A-J Construction Work Involving Asbestos or Asbestos Cement 1983 (NSW)*
 - *Occupational Health and Safety (Hazardous Substances) Regulation 1996 (NSW).*
 - *Occupational Health and Safety (Asbestos Removal Work) Regulation 1996 (NSW); and*
 - *Waste Minimisation and Management Act 1995 and Regulations (NSW).*
24. *All site works shall comply with the occupational health and safety requirements of the NSW WorkCover Authority. In this regard all contractors and employees shall adopt work practices in accordance with the requirements of WorkSafe's Control of Inorganic Lead at Work (NOHSC:102(1994) and NOHSC:2015(1994).*

The following conditions are applied to maintain reasonable levels of environmental amenity and public health safety.

25. *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 are to be submitted to Council in the Site Management Plan.

The following condition is to be 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) and certified in accordance with Section 116G of the Environmental Planning and Assessment Act 1979.

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:

27. Retaining walls or shoring must be provided to support land which is excavated in association with the erection or demolition of a building, to prevent the movement of soil and to support the adjacent land, if the soil conditions require it, and adequate provisions are to be made for drainage.
28. Retaining walls and shoring are to be designed and installed in accordance with the relevant requirements of the Building Code of Australia and Australian Standards.
29. The use of any rock excavation machinery or any mechanical pile drivers is restricted to the hours of 8.00am to 5.00pm (maximum), Monday to Friday inclusive and from 8.00am to 1.00pm on Saturday, to minimise the noise levels during construction and loss of amenity to nearby residents.
30. 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.
31. A Construction Site Management Plan is to be prepared and reviewed by the appointed site auditor 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.

32. *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.*
33. *A soil and water management plan (SWMP) must be prepared, reviewed by the appointed site auditor 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*
34. *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.*
 35. *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.*
 36. *A temporary safety fence is to be provided to protect the public, located to the perimeter of the site (unless the site is separated from the adjoining land by an existing structurally adequate fence, having a minimum height of 1.5 metres). Temporary fences are to have a minimum height of 1.8 metres and be constructed of cyclone wire fencing, with geotextile fabric attached to the inside of the fence to provide dust control, or other material approved by Council.*
 37. *Fences or hoardings are to be structurally adequate and be constructed in a good and workmanlike manner and the use of poor quality materials or steel reinforcement mesh as fencing is not permissible.*
 38. *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.*

Heritage Planner

39. *Prior to the commencement of the proposed works, site contractors should be made aware of the existence of Aboriginal archaeological remains at the Prince Henry site,*

and of the possibility that more as yet undiscovered Aboriginal cultural material may exist there.

40. *Site contractors are to be advised of their obligations under the National Parks and Wildlife Act 1974 and notification procedures in the even that any Aboriginal cultural material is disturbed or exposed during site works.*
41. *All future site works for the proposal that require subsurface disturbance to the existing ground levels (inclusive of vegetation clearance, grading and installation of services etc) should be monitored by the La Perouse Local Aboriginal Land Council (LPALC) in company with a qualified archaeologist.*
42. *Should any Aboriginal deposits or objects (shell deposits, flaked stone artifacts or engravings etc) be exposed, site work is to temporarily cease within the vicinity whilst advice is sought from archaeologists, the La Perouse Local Aboriginal Land Council and the National Parks and Wildlife Service (NPWS).*
43. *Prior to the commencement of any works, all those involved should be made aware of the existence and location of the Tram Loop and the Potential Ochre Site and protective measures (such as temporary fencing) should be put in place to ensure that all unauthorized pedestrian and vehicular traffic are kept away from these areas during the works. Site works plans, contracts or work specifications (as appropriate) should include provisions that ensure that no machinery or construction work adversely impact these areas.*
44. *Any disturbance/excavation along Anzac Parade and the eastern verge which are in close proximity to Aboriginal Archaeological Zones 2 and 3 should be subject to monitoring by representatives of the LPALC and a qualified archaeologist.*

Historical Archaeology

45. *An application for an excavation permit under Section 60 of the Heritage Act 1977 (NSW), with its accompanying research design, should be made for the disturbance, removal, exposure o demolition of the sandstone kerbs (Item H) and any remains of previous structures that may exist from the Sanatorium or Female Lazaret that would be disturbed by the proposed works.*
46. *An application under Section 140 of the Heritage Act with its accompanying research design should be made for the disturbance, removal, exposure or demolition of any tram track remains within the Anzac Parade road alignment and its verge.*

Roads, Landscape and Setting

47. *The Specific Element Conservation Policy (SECP) for the Road Network at the Prince Henry site should be submitted with this HIS to provide guidance to the detailed design development of the road network.*
48. *Prior to any works to landscape elements identified in the May 2002 CMP (amended February 2003), a Specific Elements Conservation Policy (SECP) should be prepared in accordance with the policies in the endorsed May 2002 CMP.*
49. *The two Phoenix palms in front of the Institute of Tropical Medicine (ITM) should (if required to be removed) be relocated elsewhere on the Prince Henry site.*

50. *In order to mitigate the proposed removal of the pine tree on Pine Avenue (EX3), at the new intersection with Pavilion Drive (EX1), the entire avenue should be enhanced through the removal of senescent trees and the planting of new specimens.*
51. *The existing intersections between Pine and Curie Avenues and Pine Avenue and Pavilion Drive should be retained and blocked to vehicles through the use of bollards or similar devices.*
52. *The position of the edge strips, shown on the pavement plans, indicating the historic alignment of Pavilion Avenue (EX1), intersection of Pavilion Avenue and Mayo Street (EX1), the east end of Pine Avenue (EX3) and the northern end of Darwin Avenue (PD4) should be adjusted to more accurately interpret those alignments.*
53. *New footpath locations should, as far as possible, match the alignment and width of existing adjacent footpaths (for example, at Mayo Street).*
54. *New footpaths along Pine Avenue should be symmetrically arranged on both sides of the road to reinforce its formal qualities. The diversion of the footpath on the southern side of Pine Avenue opposite the intersection with EX1 should be removed.*
55. *During detailed documentation, minor amendments to footpath alignments should be considered in order to retain significant trees. In particular, footpaths affecting palms (L-4) at the west side of the intersection of EX3 and NR1; palms (L-7) at the eastern end of Pine Avenue (EX3); and a pine (L6) at the east side of the intersection of EX3 and NR1 should be reconsidered. If removal of these trees is necessary, they should be relocated elsewhere on the site.*
56. *During detailed documentation, a review of the design of the landscape setting and paving between Brodie and Curie Avenues, around the Clock tower, should be undertaken in order to separate the footpath from the Clock Tower and to avoid any alteration of the garden bed.*
57. *During detailed documentation, the following minor amendments to the stormwater system should be considered:*
 - *where there is a conflict with the trees lining Coral Avenue (L-11), the service should be re-routed on the eastern side of Pine Cottage (B-44);*
 - *where there is a conflict with the pine tree at the corner of Pine Avenue (EX3) and the New Road (NR3), a minor adjustment is required;*
 - *on drawing C-041 the eastern-flowing stormwater line should empty into the existing open channel close to the site boundary;*
 - *the stormwater detention area adjacent to Anzac Parade, in the north of the site (drawing C-034), should be reduced in its eastern extent so as not to conflict with the adjacent area of indigenous Eastern Suburbs banksia scrub; and*
58. *During detailed documentation, the following minor amendments to the locations of other services should be considered:*

- *where there is a conflict with the pine trees lining Pine Avenue, services should be relocated closer to the proposed footpaths; and*
 - *where there is a conflict with the existing concrete paving to be retained and conserved in Curie and Darwin Avenues, services should be relocated in the road verge or under the footpaths.*
59. *Appropriate protective measures should be included in the Master Program and Site Co-ordination Plan to ensure that significant built and landscape elements are not damaged during the infrastructure works. These should be submitted to Council for approval prior to the commencement of works. Significant fabric (such as kerbs, gutters and significant paving) in the vicinity of the development and wherever construction vehicles are used should be protected during excavation and construction work.*
60. *Alteration of any sandstone kerbing should be undertaken in accordance with the conservation policies for sandstone kerbing contained within the Conservation Management Plan and the Specific Elements Conservation Policy (SECP) for the Road Network at the Prince Henry site. Where the removal of sandstone kerbs is unavoidable, these should be retained for use in appropriate locations elsewhere on the site.*
61. *Kerbs dating from c1937 and earlier, associated with significant roads, should remain in situ if compatible with the proposed alignments of roads.*
62. *A survey of individual elements, such as significant sections of sandstone kerbs and pathways, should be undertaken, and recorded on a keyed plan to ensure that their specific location is identified, and management policies for individual elements can be developed accordingly.*

The Geological Resource

63. *Protective measures should be put in place to ensure that all unauthorized pedestrian and vehicular traffic are kept away from the Critical Exposure Area and the Cleared Area during the works. This may include a temporary boundary fence along the boundary with 'Area 3' for the duration of the proposed works in order to protect it from unintended disturbance. This fence should not require any excavation or disturbance to the surface.*
64. *Any work program for excavation within the Palaeovalley Area should include a detailed Work Method Statement that ensures that:*
- *excavation does not greatly impact upon the heritage values of the Palaeovalley Area; and*
 - *uncovered significant geological information or specimens are recorded and saved.*
65. *Access to the site should be given to qualified researchers during excavation within the Palaeovalley Area. (This should include Dr JW Pickett (Department of Mineral*

Resources) and Dr H Martin (UNSW) as well as others who may be nominated by the NSW Geological Heritage Committee of the Geological Society of Australia.)

66. *Significant test drilling within the Palaeovalley Area should be recorded on a list. This list, together with corresponding drill logs, should be provided to Londonderry Core Library of the Department of Mineral Resources along with any cuttings or core requested by the Core Library.*

Assets and Infrastructure Conditions

SECURITY DEPOSIT CONDITIONS

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

67. *The following security deposit requirements are to be complied with prior to a construction certificate being issued for the development, as security for making good any damage caused by the carrying out of the works authorised by this development consent to the roadway, footway, verge or any public place in the vicinity of the development; and as security for completing any public work required by this development consent; 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.

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

68. *Prior to the issuing of a construction certificate for the Stage 1 site the applicant shall submit to Council for approval, and have approved, engineering details, specifications, plans and quality plans for all filling/excavation works, drainage construction 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. (Note: The engineering specifications for any road construction shall be generally in accordance with the civil infrastructure specification submitted with the development application.*
69. *The drainage construction specification and details referred to in the previous condition shall include the following:*

- *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.*

70. *The minimum design serviceable life for all road pavements shall be 40 years, (with the minimum design traffic for the pavement design being 2,000,000 ESAs). All other infrastructure i.e. kerb and gutter, footpaths, retaining walls, pipe drainage etc shall have a minimum design serviceable life of 80 years.*

71. *All civil infrastructure that is to be dedicated to Council must be constructed strictly in accordance with the Council approved specification and in compliance with the above minimum design serviceable life requirements. The reuse of existing materials, (e.g. sandstone kerb), will only be considered if the materials are reconstructed in*

accordance with the approved specification and design life standards are guaranteed. Council will not accept care and control of any existing infrastructure which is at the end of its serviceable life and is likely to require restoration or replacement in the near to medium future.

- 72. The applicant must delete any reference to kerb blisters within the proposed road pavements where the blisters are proposed for either street tree planting or as a surround for vehicular crossings and/or private driveways. Council will consider granting approval for only those kerb blisters that are located at road intersections or proposed pedestrian ways/pedestrian desire lines. The parking lanes shall be constructed in general accordance with the approved design specification for the proposed travel lanes. The applicant shall liaise with Council's Development Engineer regarding kerb blisters prior to lodgement of a Construction Certificate for the roads. Any construction certificates or future development applications for this site must demonstrate compliance with this requirement.*
- 73. Those retaining walls that are supporting the proposed road reserves shall either be deleted and replaced with a suitable batter, (maximum grade 1 in 6), or alternatively the applicant must dedicate land for road widening, (minimum 1.6 metres at the top of the wall), to enable Council to maintain the granular backfill and undertake eventual replacement. At the base of the retaining walls Council requires unimpeded vehicular access and a 3 metre wide easement to maintain or replace the retaining wall. Also no vehicular access over the retaining wall would be permitted so private access would be via the three-metre wide retaining wall easement along the base of the wall.*
- 74. At locations where pedestrian footpaths are immediately adjacent to the travelling lane of any road a pedestrian safety fence is required that will prevent pedestrians accidentally stepping onto the road travelling lane. Turfed nature strips and/or parking lanes provide an adequate buffer to the travelling lanes. All costs associated with installation of the pedestrian safety fence are to be met by the applicant. Any construction certificate application for this site must demonstrate compliance with this requirement.*
- 75. The applicant shall meet the full cost to overlay both sides of Anzac Parade with 50mm depth of Asphaltic Concrete for the entire Anzac Parade site frontage, such works must be undertaken prior to the release of any plan of subdivision for the Stage 1 works and/or the issuing of an occupation certificate for any residential dwelling within the Stage 1 site. Road edge profiling and linemarking is required as part of overlay works.*
- 76. The applicant shall meet the full cost for Council, or a Council approved contractor, to undertake street tree planting and suitable landscaping of the Anzac Parade. Plans detailing the landscaping work shall be prepared by the applicant in consultation with Council and submitted to the DAIS for approval prior to the issuing of a construction certificate.*
- 77. The applicant shall meet the full cost for Council, or a Council approved contractor, to construct a minimum 1.8 metre wide pedestrian footpath along the entire Anzac parade site frontage. 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.*

The applicant is advised that as part of any development consent for the proposed Stage 2 Development Application the applicant will be conditioned to extend the subject Anzac Parade footpath into Jennifer Street, linking with the Jennifer Street Quadriplegic Society Building. The Jennifer Street footpath works will also require the applicant to construct kerb and gutter/associated roadworks for the full Jennifer Street site frontage, (kerb and gutter is required to achieve the verge formation to construct the footpath).

78. *The applicant is to install appropriate treatment along Anzac Parade, including pedestrian fencing on the centre median of Anzac Parade, to control and confine pedestrian road crossings to the proposed marked foot crossing near the Anzac Parade - Pine Avenue roundabout. Details of the pedestrian safety treatment are to be submitted to the Certifying Authority and Council for approval, and be approved, prior to the issuing of a construction certificate for any works within the Stage 1 development site. This pedestrian safety treatment is required to improve the pedestrian safety adjacent to the development site given that the proposed pedestrian crossing on Anzac Parade will be located away from the existing pedestrian desire line.*
79. *Prior to the lodgement of a Construction Certificate for any part of the development site the applicant shall submit to Council for approval, and have approved, a detailed design for that portion of EX1 between NR3 and NR1. The detailed design shall reflect the "Prince Henry Roads Retaining Wall" detail dated 26/6/03 (sketch3/4) as modified by Council's recommendation in the letter to the applicant dated 13/8/2003. The applicant must contact Council's Development Engineer prior to undertaking the subject detailed design to obtain Council's requirements for this section of EX1.*
80. *Prior to the lodgement of a Construction Certificate for any part of the development site the applicant shall submit to Council for approval, and have approved, a detailed design for the section of EX3 (Pine Avenue), between Anzac Parade and EX5. The detailed design shall reflect Council's recommendation in the letter to the applicant dated 13/8/2003. The applicant must contact Council's Development Engineer prior to undertaking the subject detailed design to obtain Council's requirements for this section of EX3.*
81. *Prior to the lodgement of a Construction Certificate for any part of the development site the applicant shall submit to Council for approval, and have approved, a detailed design for the intersection of EX3 and EX5. The detailed design shall reflect Council's recommendation in the letter to the applicant dated 13/8/2003. The applicant must contact Council's Development Engineer prior to undertaking the subject detailed design to obtain Council's requirements for this section of EX3 and EX5.*
82. *Heritage pavement alignment inlay strips in the road pavements shall be deleted as they have the potential to cause safety problems for motorists, particularly at night and if the pavement is wet.*
83. *Prior to the lodgement of a Construction Certificate for any part of the development site the applicant shall submit to Council for approval, and have approved, a detailed design for the intersection of those community roads (within stage 1) with road NR1 to provide a parallel connection of the community roads with NR1. The redesign/adjustment is to ensure traffic safety and achieve the built form for this locality required under the adopted master plan, draft DCP and draft LEP. The total*

area of bushland adjacent should not be reduced as a result of the adjustment to the road intersections.

84. *The proposed Bus Bay on the western side of Anzac Parade, south of the Anzac Parade – Pine Avenue roundabout, shall be indented into the road verge so as not to obscure the vision of vehicles accessing the roundabout. Buses must not be permitted to stop on the travelling lanes at this location.*
85. *The proposed bus stops within NR3 must be designed such that buses can stop and stand clear of the travel lanes when letting off passengers. Design details are to be submitted to the certifying authority for approval with the construction certificate application.*
86. *The roundabout at the intersection of Anzac Parade and Little Bay Road must be modified to ensure that eastbound vehicles in Little Bay Road turning left into the northbound carriageway of Anzac Parade have adequate sight distance to oncoming traffic in the northbound carriageway of Anzac Parade and can turn into a separate lane. This will require modification of the proposed linemarking near the roundabout and appropriate parking restrictions will need to be applied to achieve the required objective. The applicant shall submit design details demonstrating compliance with this requirement to Council for approval, and have the details approved by both Council and the relevant section of the Roads and Traffic Authority prior to the issuing of a construction certificate for any works within the Stage 1 development site.*
87. *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.*
88. *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 pursuant to the requirements of this development consent 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.*
89. *All Energy Australia Service Turrets shall be recessed wholly into the property boundaries/behind the prevailing property alignment, 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. The applicant is advised that should Energy Australia require the turrets to be located within the road reserve the applicant will be required to dedicate land to Council, the dimensions of such dedication/s shall be as required to satisfy all of Energy Australia's requirements.*
90. *Road intersections shall be designed with a minimum turning radius of 10.5 metres. 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 issuing of a Construction Certificate for construction of the roads.*

91. *The applicant shall provide asset data, and transfer all data, in relation to all infrastructure and assets intended to be transferred into Council management, into Council's asset management systems. The data shall be collected in a suitable form and transferred into Council's assets management systems at the applicants cost. The applicant is advised to contact Council's Assets Co-Coordinator to discuss Council's requirements for the asset data.*
92. *All quality tests and infrastructure certifications shall be submitted for Council's acceptance prior to Council releasing the plan of subdivision or the acceptance of infrastructure that is to be transferred to Council's care and control (which ever occurs the first in time).*
93. *The applicant shall meet the full cost for the design and construction of all new civil infrastructure, traffic facilities and alterations to existing infrastructure associated with development of the Stage 1 site, (including works in Anzac Parade). Particular reference is made to the roundabouts in Anzac Parade, footpath in Anzac Parade and the provision of dedicated cycleways.*

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".

94. *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.*
95. *A Construction Traffic Management Plan for this application must be prepared and approved by Council and RTA/Regional Traffic Committee (if required) prior to the commencement of any site construction works. The approved Construction Traffic Management Plan shall be complied with at all times.*
96. *All kerb ramps must be designed and constructed to RTA Technical Direction TDT 2002/08.*
97. *The minimum design traffic for the flexible pavement design for all internal roads shall be 2,000,000 ESAs.*
98. *Prior to the issuing of a construction certificate the applicant shall submit to Council for approval, and have approved, design details for the proposed on road cycleway, (in particular details of the linemarking). Design of the cycleway shall be in accordance with the Austroad Guidelines. If the applicant cannot satisfy the relevant guidelines a 3 metre wide shared pedestrian/cycleway shall be designed and constructed at full cost to the applicant.*
99. *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.*

100. *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:

101. *The design alignment level at the Anzac Parade 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.

102. *The above alignment levels and the site inspection by Council's Department of Asset & Infrastructure Services will be issued at a prescribed fee of \$9,800.00 calculated at \$27.50 (inclusive of GST) per metre of the Anzac Parade site frontage. This amount is to be paid prior to a construction certificate being issued for the development.*
103. *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

104. *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 such construction works on the development site. The cutting and filling work must be carried out by the Council, or by a contractor appointed by the applicant with the approval of the Council, at the applicant's cost.*

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

105. *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.*
106. *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.*
107. *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/substations located within the future or existing Council road reserve. Any kiosk/substation shall be located to the satisfaction and approval of Council and Energy Australia.

108. *Prior to issuance of a construction certificate for any relevant part of the development, the applicant must submit to the certifying authority documentary evidence from each relevant public utility authority confirming that those requirements which the public utility authority requires to be satisfied prior to issue of a construction certificate, have been satisfied.*
109. *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.*
110. *All street lighting must be provided on light standards approved, owned, and serviced/maintained by Energy Australia. Any construction certificate application for the Stage 1 development site must demonstrate compliance with this requirement.*
111. *Prior to relevant 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.

All site services shall be provided underground.

112. *Any electricity substation/kiosk required for the site must be located to Council's satisfaction and is to be screened from view. The location of the substation/kiosk within the site, together with the required screening, shall be subject to requirements of Energy Australia. The proposed location and elevation shall be shown on all detailed landscape drawings and specifications.*
113. *A Section 73 Compliance Certificate under the Sydney water Act 1994 must be obtained. Application must be made through an authorised Water Servicing Coordinator. Please refer to "Your Business" section of Sydney Water's web site at www.sydneywater.com.au then the "e-developer" icon or telephone 13 20 92.*

Following application a "Notice of Requirements" will detail water and sewer extensions to be built and charges paid. Please make early contact with the Coordinator, since building of water/sewer extensions can be time consuming and may impact on other services and building, driveway or landscape design.

The Section 73 Certificate must be submitted to the Principal Certifying Authority prior to release of the plan of subdivision.

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

114. *Prior to the issuing of a Construction Certificate for construction of the roads the applicant shall submit to the Principal 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:

115. *Prior to the issuing of a Construction Certificate for construction of the roads the applicant shall submit to the Principal Certifying Authority for approval, and have approved, a detailed stormwater drainage plan. The applicant must liaise with Council, prior to preparation of the drainage plan, to obtain Council's requirements for drainage works within, and adjacent to the development site.*

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.*
- *Gross pollutant trap details (GPT). Note that any proposed 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).*
- *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.

116. *The calculations, drawings, plans, longitudinal sections and details for the roads and stormwater drainage shall be submitted to and approved by the Principal Certifying*

Authority prior to the issuing of a Construction Certificate. 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 shall be capable of discharging a minimum 1 in 20 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.*
- 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.*

Prior to the final inspection or the release of the linen plan, or as may be agreed with the Principal Certifying Authority, a copy of the approved plans and details shall be submitted to Council.

117. 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 $VD < 0.4$). The maximum ponding depth of water in the proposed Crescent Park WSUD swale is not to exceed 300mm.

118. On-site detention must be provided for any part of the site draining in a general westerly direction towards Anzac Parade to ensure that the maximum discharge from this area/s is not to exceed that which would occur during a 1 in 5 year storm of 1 hour duration for the existing site conditions. All other stormwater run-off from the above area/s for all storms up to the 1 in 20 year storm is to be retained on the site for gradual release to the kerb and gutter or drainage system as required by the Director of Assets and Infrastructure Services. Provision is to be made for satisfactory overland flow should a storm in excess of the above parameters occur. The

calculations, drawings, plans, longitudinal sections and details for the roads and stormwater drainage shall demonstrate compliance with this requirement.

119. *All interallotment stormwater drainage lines must be designed, as a minimum, to accommodate stormwater flows generated by the 1 in 20 year storm event. Suitable width easements are to be created over the line of any interallotment drainage system in conjunction with any plan of subdivision for the development site, (the pipeline is to be centrally located within the easement). In the situation where no legal overland flow route exists for flows generated by storm events greater than the 1 in 20 year storm event the interallotment drainage line and the required drainage easement must be capable of containing within the easement and discharging storm water flows generated by storm events up to the 1 in 100 year storm event.*

The minimum easement width shall be 1.0 metre for light-weight pipes up to and including 300mm in diameter. Easement widths for drainage lines that are not light-weight, (e.g concrete), and larger than 300mm in diameter should be sufficient to enable maintenance equipment to access the pipeline.

Stormwater design details, together with proposed easement widths, shall be submitted to the certifying authority for approval, and be approved, prior to the issuing of a construction certificate.

120. *A work-as-executed plan, prepared and signed by a registered surveyor and a suitably qualified hydraulic engineer, must be submitted to the Principal Certifying Authority 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 and Council's Director of Assets and Infrastructure Services.*

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 and release of the linen plan, or the period as may be agreed with the Principal Certifying Authority, a copy of all WAE civil drawings, approved civil drawings, stormwater calculations (on hard copy and on disk) are to be submitted to Council.

121. *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 any 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)*
122. *Any existing Council controlled stormwater pipeline/s 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 Principal Certifying Authority for approval, and be approved, prior to the commencement of any site construction works. Design/construction details for any pipeline reconstruction works deemed necessary by Council, in consultation with the applicant, shall be submitted to the Principal Certifying Authority for approval, and be approved, prior to the commencement of any site construction works.*

The applicant shall liaise with Council's Development Engineer to reach an agreed position on the need for existing Council stormwater pipelines that are located under a road pavement to be reconstructed with a new stormwater drainage pipeline.

123. *Prior to the finalisation of works, the applicant shall submit to the Principal Certifying Authority CCTV videos of all existing and to be dedicated Council stormwater pipelines for the drainage of stormwater through the site and Garden 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.

124. *Any Gross Pollutant Traps (GPTs) shall be regularly inspected, maintained and cleaned by the applicant, to the Council's satisfaction for a minimum period of 12 months from the date of completion of all civil works.*
125. *Construction zone run-off controls (haybales, sedimentation basins etc.) are to be inspected regularly and during and after rainfall to assess performance. Weekly reports on effectiveness/maintenance of all sedimentation controls and practices are to be provided to the Principal Certifying Authority.*

Open Space/Public Domain Conditions

126. *Prior to the commencement of road construction works a Public Domain Plan for the site 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 and any future development application submissions should be in general accordance with the approved Public Domain Plan.

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

127. *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.*
128. *The dedication and transfer to the Council of roads and drainage within the development site is to occur before the issuance of a construction certificate for any*

habitable building within the development 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 protection of bushland, including Eastern Suburbs Banksia Scrub and the Little Bay Geological site:

129. *The Applicant shall provide a written report of any breaches of the Bushland 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 Bushland 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.

130. *All personnel employed in relation to the development shall receive a site induction prior to their commencement of work, which shall include:*

- *that no disturbance to, or removal of, vegetation or soils shall occur within bushland stands 1, 2 & 3, except 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 bushland stands 1, 2 & 3;*
- *that access to bushland stands 1, 2 & 3, shall be restricted to pedestrian traffic only and, in any case, shall be minimised;*
- *that no foreign matter, including, but not limited to: water, cement wash, concrete, fill, soils, mulch, building materials, chemicals, petroleum-based products, paint, etc., shall be disposed of in, or placed in, or where they may enter, bushland stands 1, 2 & 3;*
- *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.

131. *No disturbance to, or removal of, any vegetation or soils shall occur within bushland stands 1, 2 & 3, as a result of the proposed development. The only exceptions to this shall be installation of protection fencing, as identified elsewhere in these conditions.*

In all instances where disturbance to, or removal of, vegetation or soils has occurred within bushland stands 1, 2 & 3, all affected areas shall be immediately repaired to their state prior to commencement of development, as far as possible. Pedestrian traffic to bushland stands 1, 2 & 3, relating to the proposed development shall be minimised.

132. *No foreign matter, including, but not limited to: cement wash, concrete, fill, soils, mulch, building materials, chemicals, petroleum-based products, paint, etc., shall be disposed of in, or placed in, or where they may enter, bushland stands 1, 2 & 3. In all instances where such substances have been disposed of in, have been placed in, or have entered, bushland stands 1, 2 & 3, all affected areas shall be immediately repaired to their state prior to commencement of development, as far as possible.*
133. *No temporary or permanent placement or storage of any items of plant, materials, tools, equipment, vehicles, etc. shall occur within bushland stands 1, 2 & 3, in relation to the proposed development. The only exceptions to this shall be in relation to installation of protection fencing, as identified elsewhere in these conditions. In all instances where items have been placed or stored within bushland stands 1, 2 & 3, all affected areas shall be immediately repaired to their state prior to commencement of development, as far as possible.*
134. *A continuous, temporary 1800mm high cyclone wire protection fence shall be installed on the boundary or within 5 metres outside the boundary of bushland stands 1, 2 & 3.*
135. *Silt fencing shall be attached along the full length of the protection fencing and shall be maintained so as to ensure that no foreign matter, including: sediment, concrete, fill, soils, mulch, etc. passes the protection fence at any time. Silt fencing shall be attached within 24 hours of any given section of the protection fence being installed.*
136. *Council approved warning signs shall be permanently attached (and immediately repaired and replaced as necessary) to the protection fence at a maximum of 20 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 an endangered ecological community in stands 1, 2 & 3;*
 - *that no disturbance to, or removal of, vegetation or soils shall occur within bushland stands 1, 2 & 3;*
 - *that no temporary or permanent placement or storage of any items of plant, materials, tools, equipment, vehicles, etc. shall occur within bushland stands 1, 2 & 3;*
 - *that no foreign matter, including water, cement wash, concrete, fill, soils, mulch, building materials, chemicals, petroleum-based products, paint, etc., shall be disposed of or placed in or where they may enter bushland stands 1, 2 & 3,;*
 - *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.*

137. Council's Bushland Management Technician shall inspect and, when satisfied, provide written confirmation that the protection fencing, silt fencing and warning signs have been appropriately installed, prior to commencement of any demolition, construction or earthworks.
138. No water, including, but not limited to: run-off, stormwater, pool water, sprinklers, etc., shall be piped into, directed into, or otherwise allowed to enter bushland stands 1, 2 & 3, as may occur due to the proposed development. All hard surfaces adjacent to bushland stands 1, 2 & 3, shall be designed to fall away from the bushland stands 1, 2 & 3.

Measures shall be undertaken to ensure that no stormwater is capable of entering bushland stands 1, 2 & 3, via existing pipes at any time in the future. The Applicant shall submit to Council details of any methods to be employed to undertake such measures, which are to be acceptable to Council, prior to a construction certificate being issued for this application.

139. A refundable deposit, in the form of cash or cheque, for the amount of \$10,000.00, 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, subject to the works required and/or authorised by this development consent, no detrimental environmental effect occurs to bushland, including Eastern Suburbs Banksia Scrub. The refundable deposit will be released at the time of completion of all works, providing that no detrimental environmental effect has occurred within bushland, including Eastern Suburbs Banksia Scrub, throughout the development works. Any contravention of Council's conditions relating to bushland, including Eastern Suburbs Banksia Scrub, at any time during the development may result in the Council claiming all or part of the lodged security to the extent necessary to enable Council to carry out necessary repair or ameliorative works.

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

140. Approval is granted for the removal from the Stage 1 site of those trees identified for removal in the Tree Report prepared by Treescan Urban Forest Management and dated April 2003. The construction certificate application shall make detailed reference to those trees that are to be removed and clearly identify those trees that are to be retained and protected in conjunction with the proposed works.
141. All street tree planting within the site must be undertaken within street verges excepting where trees could be safely accommodated in any Council approved kerb blisters. The applicant should liaise with Council's Tree Preservation Management Officer to obtain Council's recommended street tree species for the site.

Tree Protection Measures

142. The trees identified for retention in the Tree Report prepared by Treescan Urban Forest Management, (Appendix E of the SEE, dated April 2003), must be retained and suitably protected in conjunction with the proposed works. Detailed tree protection measures aimed at ensuring the long term health and stability of the trees to be retained must be submitted to the Principal Certifying Authority for approval, and be approved, prior to the issuing of a construction certificate for the Stage 1 site. Any remediation works on the trees to be retained, (i.e works undertaken to improve the

existing condition and long term health of the tree(s), must be supervised by a suitably qualified person/s.

Advisory Conditions

1. *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.*
2. *Vehicle crossings in two-way roads shall not be located immediately adjacent to the travelling lanes of the road. Vehicular crossings on two-way roads shall only be permitted where the crossing delivers the vehicle onto the parking lane section of the carriageway. This is to ensure a reasonable level of safety for drivers egressing properties.*
3. *The Applicant shall ensure that a minimum carriageway width of 8.75 metres is provided in road NR1 from the Private Driveway located at the eastern boundary of the proposed Northern Bushland Park to the intersection of road NR2 in order to provide a consistent, safe and self policing traffic environment. Vehicular access to the five (5) residential properties in this section of NR1 shall be from the rear of the properties via PD2. Amended plans that demonstrate compliance with the terms of this condition shall be submitted to Council for approval, and be approved, prior to approval of a construction certificate for the site.*

MOTION: (Daley/Bastic) SEE RESOLUTION.

(Crs Matson, Whitehead & Greenwood requested that their names be recorded as opposed to the resolution.)

8.11 DIRECTOR PLANNING & COMMUNITY DEVELOPMENT'S REPORT 116/2003 - SEPP 65 - DESIGN REVIEW PANEL INTRODUCTION OF NEW FEE. (98/S/3165)

336 **RESOLUTION: (Andrews/Daley) that Council:**

- a) *Endorse for public exhibition the inclusion of the proposed \$440 fee, to be payable on all DA and Pre-DA SEPP 65 amended applications, in Council's Fees and Charges Policy Statement 2003/2004; and*
- b) *Agree that, should there be no submissions to the exhibition, Council's Fees and Charges Policy Statement may be finalised with this amendment.*

MOTION: (Andrews/Daley) SEE RESOLUTION.

8.12 DIRECTOR PLANNING & COMMUNITY DEVELOPMENT'S REPORT 118/2003 - PRINCE HENRY SITE - DRAFT LOCAL ENVIRONMENTAL PLAN (AMENDMENT NO. 28) AND DRAFT DEVELOPMENT CONTROL PLAN. (98/S/4151)

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

- 1a) *Council endorse the draft Local Environmental Plan and the draft Development Control Plan for public exhibition in accordance with the requirements of the*

Environmental Planning and Assessment Act 1979 and in accordance with the DUAP Best Practice Guideline “LEPs and Council Land – Guideline for Councils using delegated powers to prepare LEPs involving land that is or was previously owned or controlled by Council”;

- b) *Council note that the draft LEP and DCP maps should be amended to re-align the road layout in Precinct 1 so that the three community roads connecting with the road titled NR1 on its southern side have parallel connections with this street and do not have any significant change on the adjacent bushland area, and that this amendment may be undertaken following exhibition of the draft plans; and*
 - c) *Note that Council will consider extending the proposed heritage listing in Randwick LEP 1998 as identified in the Conservation Management Plan for the Prince Henry Conservation Area, for those areas outside the Prince Henry LEP and DCP area (being UNSW and The Coast Golf Course), when these are being considered for any future draft LEP.*
2. *The Director consult with the Mayor in relation to the deferred commencement condition contained in the Director of Planning & Community Development’s Report No. 115a/2003 concerning the roundabout and its impact on the premises on the western side of Anzac Parade and the Mayor will review any issues arising with the Ward Councillors.*

MOTION: (Bastic/Andrews) SEE RESOLUTION.

AMENDMENT: (Matson/Greenwood) that before the Director resolves this matter, she convenes a meeting with the commercial & retail owners in the area and interested Councillors to discuss the deferred commencement condition dealing with the roundabout to ensure that there is a universal acceptance of Council’s answer that was put forward by the speaker this evening (Mr Frank Tong) in relation to the effect of the roundabout on businesses in the location. **LOST.**

8.13 DIRECTOR PLANNING & COMMUNITY DEVELOPMENT'S REPORT 119/2003 - DCP NO. 11 - 3-21 WOLSELEY ROAD AND DCP NO. 15 - MAROUBRA JUNCTION COMMERCIAL CENTRE. (98/S/2550 xr 98/S/3666)

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

- a) *DCP No. 11 – 3-21 Wolseley Road be repealed and the relevant public notices be issued in accordance with the Environmental Planning and Assessment Regulations 2000; and*
- b) *Upon gazettal of Randwick Local Environmental Plan 1998 (Amendment No. 33) and commencement of the Maroubra Town Centre Development Control Plan, DCP No. 15 – Maroubra Junction Commercial Centre be repealed and the relevant public notices be issued in accordance with the Environmental Planning and Assessment Regulations 2000.*

MOTION: (Andrews/Daley) SEE RESOLUTION.

9. MOTIONS PURSUANT TO NOTICE.

9.1 BY COUNCILLOR MATSON – LACK OF NOTIFICATION PRIOR TO REMOVAL OF STREET TREES IN ATHOL STREET, COOGEE. (R/0045/03 xr 98/S/0178)

MOTION: (Matson/Greenwood) that Council:

- a) Review its procedures for notification of street tree removals and set a benchmark of one hundred percent notification to all dwellings; and
- b) A report be brought before the next Council meeting detailing why immediately affected residents were not notified of the imminent removal of a significant street tree. **LOST.**

9.2 BY COUNCILLOR MATSON – MALABAR HEADLAND DEVELOPMENT APPLICATION. (98/S/0976 xr 98/S/0178)

This Motion Was Ruled Out Of Order By The Mayor.

10. CONFIDENTIAL REPORT.

10.1 DIRECTOR PLANNING & COMMUNITY DEVELOPMENT'S REPORT 117/2003 - 35 KNOX STREET, CLOVELLY. (D/0323/2003)

11. COMMITTEE-OF-THE-WHOLE.

The Mayor invited members of the Public Gallery to address the Council on the proposal by the Council to proceed into a closed Committee-of-the-Whole. No persons indicated they wished to avail themselves of this opportunity.

RESOLVED: (Daley/White) that the Extraordinary Meeting of the Council be adjourned at 8.50 p.m. and that the Council meet and sit as a Committee-of-the-Whole.

The Mayor declared the Extraordinary Meeting of the Council resumed at 8.56 p.m.

12. REPORT OF COMMITTEE-OF-THE-WHOLE.

12.1 REPORT OF THE DIRECTOR, GOVERNANCE, MANAGEMENT & INFORMATION SERVICES TO THE EXTRAORDINARY MEETING OF THE COUNCIL, RELATING TO THE COUNCIL MEETING AS A COMMITTEE-OF-THE-WHOLE ON TUESDAY, 16TH DECEMBER, 2003.

The Director, Governance, Management & Information Services reported that the following matter had been considered and the following recommendation to the Council had been formulated by the Committee-of-the-Whole.

1. EXCLUSION OF PRESS AND PUBLIC.

At the commencement of the meeting, the Committee-of-the-Whole **RESOLVED**, pursuant to Section 10 A(2)(g) of the Local Government Act, 1993, that the press and public be excluded from the whole of this meeting of the Committee as the matter under consideration concerned advice concerning litigation, or advice that would otherwise be privileged from production in legal proceedings on the grounds of legal professional privilege and on which

publicity or disclosure of the proceedings of the Committee would, in the opinion of the Committee, be prejudicial and on balance would be contrary to the public interest.

2. RECOMMENDATION.

**DIRECTOR PLANNING & COMMUNITY DEVELOPMENT'S REPORT
117/2003 - 35 KNOX STREET, CLOVELLY. (D/0323/2003)**

That Council continues to defend the Section 123 appeal in relation to this matter.

12.2 ADOPTION OF THE REPORT OF THE COMMITTEE-OF-THE-WHOLE.

339 **RESOLUTION:** *(Daley/Procopiadis) that the recommendation made by the Committee-of-the-Whole at its meeting held on 16th December, 2003 be adopted.*

MOTION: (Daley/Procopiadis) SEE RESOLUTION.

13. NOTICE OF RESCISSION MOTIONS.

Nil.

There being no further business, His Worship the Mayor, Cr D. Sullivan, declared the meeting closed at 8.59.p.m.

THE MINUTES OF THIS MEETING WERE CONFIRMED AT THE ORDINARY MEETING OF THE COUNCIL OF THE CITY OF RANDWICK HELD ON TUESDAY, 24TH FEBRUARY, 2004.

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CHAIRPERSON