

THESE MINUTES ARE DRAFT UNTIL CONFIRMED AT THE NEXT MEETING OF THIS COUNCIL AND/OR COMMITTEE

MINUTES OF PLANNING COMMITTEE MEETING OF THE COUNCIL OF THE CITY OF RANDWICK HELD ON TUESDAY, 8 AUGUST 2017 AT 6:05PM

Present:

The Mayor, Councillor N D'Souza (South Ward)

North Ward	- Councillors K Neilson, L Shurey & K Smith
South Ward	- Councillors R Belleli & P Garcia
East Ward	- Councillors T Bowen (arrived 6.16pm), M Matson & B Roberts (Deputy Chairperson)
West Ward	- Councillors G Moore, S Nash & H Stavrinou (arrived 6.17pm) (Chairperson)
Central Ward	- Councillors A Andrews, T Seng & G Stevenson

Officers present:

General Manager	Mr R Brownlee
Director City Services	Mr J Frangoules
Acting Director City Planning	Mr K Kyriacou
Director Governance & Financial Services	Mr J Smith
Acting Manager Development Assessment	Mr R Quinton
Senior Administrative Coordinator	Ms J Hartshorn
Communications Manager	Mr J Hay

The meeting was adjourned at 6.05pm and was resumed 6.09pm.

Apologies/Granting of Leave of Absences

Nil.

Confirmation of the Minutes

CONFIRMATION OF THE MINUTES OF THE PLANNING COMMITTEE MEETING HELD ON TUESDAY 11 JULY 2017

PL61/17

RESOLUTION: (Belleli/Nash) that the Minutes of the Planning Committee Meeting held on Tuesday 11 July 2017 (copies of which were circulated to all Councillors) be and are hereby confirmed as a correct record of the proceedings of that meeting.

Declarations of Pecuniary and Non-Pecuniary Interests

- a) Cr Matson declared a significant non pecuniary interest in Items D73/17 and D74/17 as a member of the Sydney Central Planning Panel. Cr Matson indicated that he would not take part in the debate or the vote on the matters.
- b) Cr Shurey declared a non-significant non pecuniary interest in Item D62/17 as the speaker is known to her.
- c) Cr Shurey declared a non-significant non pecuniary interest in Item M5/17 as she lives in close proximity to the site.
- d) Cr Neilson declared a non-significant non pecuniary interest in Items D73/17 and D74/17 as an alternate member of the Sydney Central Planning Panel.
- e) Cr Garcia declared a pecuniary interest in Item D72/17 and D73/17 as his parents live in the vicinity to the site. Cr Garcia indicated that he would not take part in the debate or the vote on the matters.
- f) Cr Garcia declared a non-significant non pecuniary interest in Item D68/17 as one of the objectors is known to him.
- g) Cr Nash declared a significant non pecuniary interest in Items D73/17 and D74/17 as a member of the Sydney Central Planning Panel. Cr Nash indicated that he would not take part in the debate or the vote on the matters.
- h) Cr Andrews declared a significant non pecuniary interest in Items D73/17 and D74/17 as an alternate member of the Sydney Central Planning Panel. Cr Andrews indicated that he would not take part in the debate or the vote on the matters.
- i) Cr Andrews declared a significant non pecuniary interest in Item D66/17 as he is good friends with the builder. Cr Andrews indicated that he would not take part in the debate or the vote on the matter.
- j) Cr Andrews declared a significant non pecuniary interest in Item D69/17 as the architect is known to him. Cr Andrews indicated that he would not take part in the debate or the vote on the matter.
- k) Cr Moore declared a non-significant non pecuniary interest in Item D73/17 and D74/17 as an alternate member of the Sydney Central Planning Panel. Cr Moore indicated that he would not take part in the debate or the vote on the matters.
- L) Cr Stavrinis declared a non-significant non pecuniary interest in Item D69/17 as the applicant is known to him.

Address of Council by Members of the Public

Prior to consideration of the Agenda by the Committee, deputations were received in respect of the following matters:

D62/17 5 BELLEVUE STREET, MAROUBRA (DA/621/2012/A)

Applicant Mr Erol Ozdrik (representing the applicant)

D64/17 5-7 STARK STREET, COOGEE (DA/189/2016/A)

Applicant Mr Lewis Adey (representing the applicant)

Cr Bowen arrived at the meeting at this point (6.16pm).

Cr Stavrinis arrived at the meeting at this point (6.17pm).

Cr Roberts (Deputy Chairperson) vacated the Chair and Cr Stavrinis (Chairperson) assumed the Chair from this point (6.18pm).

D65/17 300 CLOVELLY ROAD, CLOVELLY (DA/927/2016)

Objector Mr Jonathan Hockey
Applicant Mr Andrew Martin (representing the applicant)

D66/17 1179 ANZAC PARADE, MATRAVILLE (DA/994/2011/H)

Applicant Mr Mo Shahrokhian (representing the applicant)

D67/17 40 PAULING AVENUE, COOGEE (DA/664/2015/B)

Objector Ms Joanna Lukaszewicz

D68/17 28 DUDLEY STREET, RANDWICK (DA/953/2016)

Objector Ms Maria Moran
Applicant Ms Jennifer Bautovich

D69/17 38 GREGORY STREET, SOUTH COOGEE (DA/10/2017)

Objector Mr Colin Fermanis
Applicant Mr Anthony Betros (representing the applicant)

D70/17 13 DANGAR STREET, RANDWICK (DA/949/2016)

Objector Mr John Denton (representing the objectors)
Applicant Mr Oliver Harvey

D71/17 20 CURTIN CRESCENT, MAROUBRA (DA/367/2017)

Applicant Mr Nicholas Kougelis

RESOLVED: (Procedural Motion) (Seng/Stavrinis) that the Planning Committee meeting was adjourned and the Extraordinary Council meeting be resumed for the benefit of the members of the public gallery.

The meeting was adjourned at 7.09pm and was resumed at 8:07pm.
Cr Nash did not return to the meeting when it was resumed at 8.07pm.

Urgent Business

Nil.

Development Application Reports

D61/17 Development Application Report - 4 Higgs Street, Randwick (DA/145/2015/B)

PL62/17

RESOLUTION: (Garcia/Andrews) that Council, as the consent authority, grants development consent under Section 96 of the Environmental Planning and Assessment Act 1979, as amended, to modify Development consent No. 145/2015/B for the proposed modifications to increase the depth of the excavation to the basement carpark to accommodate car stackers for 4 additional car space, at No. 4 Higgs Street, Randwick in the following manner:

(A) Amend Condition 1 to read:

1. The development must be implemented substantially in accordance with the plans and supporting documentation listed below and endorsed with Council's approved stamp, except where amended by Council in red and/or by other conditions of this consent:

Plan	Drawn by	Dated
Cover Page DA 0000 Revision C	MHNDUNION	21 September 2015
Site and Roof Plan DA 1001 Revision C	MHNDUNION	21 September 2015
Basement Plan DA 2000 Revision C	MHNDUNION	21 September 2015
Ground Floor Plan DA 2001 Revision C	MHNDUNION	21 September 2015
Level 1 Plan DA 2002 Revision C	MHNDUNION	21 September 2015
Level 2 Plan DA 2003 Revision C	MHNDUNION	21 September 2015
Level 3 Plan DA 2004 Revision C	MHNDUNION	21 September 2015
Elevation East DA 4000 Revision C	MHNDUNION	21 September 2015
Elevation West DA 4001 Revision C	MHNDUNION	21 September 2015
Elevation South DA 4002 Revision C	MHNDUNION	21 September 2015
Elevation North DA 4003 Revision C	MHNDUNION	21 September 2015
Section A DA 4100 Revision C	MHNDUNION	21 September 2015
Section B DA 4101 Revision C	MHNDUNION	21 September 2015
Ground Floor and Level 1 Area Diagrams – GFA DA 7000 Revision C	MHNDUNION	21 September 2015
Level 2 and Level 3 Area Diagrams – GFA DA 7000 Revision C	MHNDUNION	21 September 2015
Landscape Plans:		
Ground Level Plan S15-0002 SK1 Issue A	Clouston Associates	20 February 2015
Level 1 Plan S15-0002 SK2 Issue A	Clouston Associates	20 February 2015
Level 2 Plan S15-0002 SK3 Issue A	Clouston Associates	20 February 2015
Level 3 Penthouse Plan S15-0002 SK4 Issue A	Clouston Associates	20 February 2015

BASIX Certificate No.	Dated	Received by Council
603674M	05 March 2015	6 March 2015

Except as amended by the **Section 96 'B' plans shown below, only in so far as they relate to the modifications highlighted on the Section 96 plans and detailed in the Section 96 application:**

Plan	Drawn by	Dated
DA 2000 (F) Basement Plan	MHNDU	8 April 2017
DA 2001 (F) Ground Floor Plan	MHNDU	30 June 2017
DA 2002 (F) Level 1 Plan	MHNDU	30 June 2017
DA 2003 (F) Level 2 Plan	MHNDU	30 June 2017
DA 2004 (F) Level 3 Plan	MHNDU	30 June 2017
DA 4000 (F) Elevation East	MHNDU	30 June 2017
DA 4001 (F) Elevation West	MHNDU	30 June 2017
DA 4002 (F) Elevation South	MHNDU	30 June 2017
DA 4003 (F) Elevation North	MHNDU	30 June 2017
DA 4100 (F1) Section A	MHNDU	30 June 2017
DA 4101 (F) Section B	MHNDU	30 June 2017

Add the following condition:

Carstackers

The PCA shall be satisfied that the proposed car-stacker system has been installed in accordance with the manufacturer's specifications and requirements of Australian

Standard 2890.1:2004 prior to the issuing of any occupation certificate.

MOTION: (Garcia/Andrews) CARRIED UNANIMOUSLY - SEE RESOLUTION.

**D62/17 Development Application Report - 5 Bellevue St, Maroubra
(DA/621/2012/A)**

PL63/17

RESOLUTION: (Andrews/Roberts) that Council, as the consent authority, grants consent under Section 96 of the Environmental Planning and Assessment Act 1979, as amended, to modify Development Consent No. DA/621/2012/A for a Section 96 modification of the approved development to delete Condition 2(b) and 3(b) to allow for the additional terrace area at the second floor level with awning roof and privacy screens.

The consent is modified in the following manner:

Amend Condition 1 to read:

"Approved Plans & Supporting Documentation

The development must be implemented substantially in accordance with the plans and supporting documentation listed below and endorsed with Council's approved stamp, except where amended by Council in red and/or by other conditions of this consent:

Plan	Rev	Drawn by	Dated	Received by Council
48/12 (1 of 9) – Site Plan	B	Classic Plans	12 February 2013	25 February 2013
48/12 (2 of 9) – Ground Floor Plan				
48/12 (3 of 9) – First Floor Plan				
48/12 (4 of 9) – Proposed Addition				
48/12 (5 of 9) – Roof Plan				
48/12 (6 of 9) – Basement Plan & Section.				
48/12 (7 of 9) – Elevations				
48/12 (8 of 9) – Elevations				
48/12 (9 of 9) – Elevation				
DA_ L101 - Landscape plan	A	Lightbox	22 February 2013	26 February 2013

BASIX Certificate	No.	Dated
Alterations and additions	A156839	20 February 2013

As amended by the Section 96 "A" plans and supporting documentation listed below:

Plan	Drawn by	Dated
Sheets 1 to 4 Dwg no 48/12	Classic Plans	6 February 2017

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:."

- **Delete Condition 2b**
- **Delete Condition 3b**

MOTION: (Andrews/Roberts) CARRIED UNANIMOUSLY - SEE RESOLUTION.

**D63/17 Development Application Report - 1528 Anzac Parade, La Perouse
(DA/303/2017)**

PL64/17

RESOLUTION: (Garcia/Andrews) Council, as the consent authority, grants

development consent under sections 80 and 80A of the Environmental Planning and Assessment Act 1979, to development application No. 539/2016 for the works associated with the NSW Golf Course, including the modification of the position and size of the existing 6th Green and provision of new 6th Tees and associated landscaping works, at No.1528 Anzac Parade, La Perouse subject to the following non-standard conditions and the standard conditions contained in the development application compliance report attached to this report:

Nonstandard conditions

Approved Works

2. This development consent and thus approved works are limited to those indicated in colour parts on the Golf Course only. No approval is granted under this consent for any parts of the works that traverses onto Kamay Botany Bay National Park. A separate approval must be obtained for these works in accordance with the EP & A Act 1979.

(NB: The separate approval must include the preparation and submission of a Conservation Risk Assessment (CRA) in the format prescribed by OEH – NPWS for the approval of the NPWS - Harbour Area Manager.

Deed of Agreement

3. Council is to enter with the NSW Golf Club Co Ltd into a Deed of Agreement governing the regulation of public access over that part of the Coastal Walk the subject of the Package 1 works and approved herein, particularly during championship tournaments; and the ongoing maintenance of that part of the Walk.

Mitigation measures – specific to the wetlands

4. The proposed mitigation measures which are detailed and outlined on Page 9 and 10 of the report prepared by Ecological entitled "*Review of Impact Assessment on Sydney Freshwater Wetlands EEC from Coastal Walk Project*" dated 31 March 2017 are to be implemented as part of the demolition, clearing, earth, site preparation and construction works. A qualified Engineer (or relevant) consultant is to certify that these works have been completed in accordance with the recommendations of this report.

Mitigation Measures – Ecological Sustainability

5. A Construction Environmental Management Plan (CEMP) is to be prepared by the applicant to the satisfaction of the Certifier/Council and shall be distributed to all contractor(s) (e.g. demolition, site preparation and construction contractors). The CEMP must clearly identify the location and vegetation to be retained, the extent of EECs and the locations for storage and parking of construction materials and machinery during construction. The document titled *Managing Urban Stormwater Soils and Construction*, 4th Edition, published by Landcom (the 'Blue Book'), should be referred to for achieving effective sediment control on construction sites.

Sediment and Erosion Controls

6. Sediment and erosion control measures, must be implemented prior to the commencement of works in accordance with this consent, to Council's satisfaction. Details are to be included in the Construction Environmental Management Plan and Construction Site Management Plan.

No clearing, demolition, construction and construction-related activities must be commenced until appropriate and effective sediment controls are in place. Regular, daily inspections must be undertaken of all sediment and erosion controls to ensure they remain effective and maintenance and repair of the controls is undertaken promptly.

7. All earthmoving machinery, vehicles, plant, tools, materials, equipment, etc. shall

be washed down and cleaned to the satisfaction of Council's Natural Resources Coordinator at an appropriate location outside the bushland, prior entering the bushland, so as to ensure that no soils, fill, plant propagules, or other foreign matter, are introduced to the bushland from any other location.

8. No temporary or permanent placement or storage of any items of plant, materials, tools, equipment, vehicles, etc. shall occur within the bushland. The only exceptions to this shall be in relation to:
 - protection fencing;
 - silt fencing;
 - protection signage;
 - erosion and siltation controls;
 - concrete slab and kerbing;
 - installation and maintenance of stormwater pit, pipes and outlet on the creekline; and
 - ameliorative works required as a result of a breach of the Bushland Conditions.
9. No temporary or permanent lighting shall be installed which may be directed into the bushland, either in the short or long term, so as to avoid disturbance of native fauna.
10. Any soils in the area should be tested for *P.cinnamomi* prior to any proposed excavation works. Any imported soil must also be tested for *P. cinnamomi* prior to use. Both these measures are to be implemented to the satisfaction of the Certifier.
11. Installation, maintenance and decommissioning of sediment and erosion controls are to be outlined and implemented in accordance with the recommendations of the CEMP.
12. Temporary fencing shall be installed that excludes the passage of native fauna through construction or storage compounds to minimise opportunities for fauna to shelter in machinery or materials stockpiles.
13. Machinery, equipment or materials storage compounds are to be located in areas of pre-existing disturbance (e.g. access tracks, or open grassed areas). The designated location of this area shall be designated within the CEMP and to the satisfaction of the Certifier.
14. Small machinery should be used to reduce the impact on retained vegetation.
15. All replacement landscaping of local native species should utilise species typical of native vegetation communities within the area. All planted flora must be of local provenance, genetically integral and adhere to Flora bank guidelines.
16. All personnel employed in relation to the development and all other persons wishing to enter the bushland, shall complete a site induction, prior to their commencement of work or entry to the bushland. The site induction shall include:
 - details of the location and significance of bushland, including Eastern Suburbs Banksia Scrub;
 - that no disturbance to, or removal of, vegetation or original soils shall occur within bushland, except in accordance with the Bushland Conditions;
 - that no temporary or permanent placement or storage of any items of plant, materials, tools, equipment, vehicles, etc. shall occur within bushland, except in accordance with the Bushland Conditions;
 - that no foreign matter from outside the bushland, including, but not limited to: water, litter, 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, except in accordance with the Bushland Conditions;
- that access to bushland shall be restricted to pedestrian traffic only and, in any case, shall be minimised;
 - the maximum penalties for unauthorised actions which affect the bushland;
 - 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.

Heritage Conservation

17. Should Aboriginal objects be found, the Department of Environment and Heritage (OEH) is to be informed (as required by the provisions of the NSW National Parks and Wildlife Act 1974). Subject to an assessment of the extent, integrity and significance of any exposed objects, applications under either Section 87 or Section 90 of the National Parks and Wildlife Act may be required before works resumes.
18. Prior to commencement of any works on the site, site contractors should be made aware of the possibility that Aboriginal archaeological deposits or objects (such as shell deposits, flaked stone artefacts or engravings etc.) may survive on and around the site.
19. Site contractors are to be advised of their obligations under the National Parks and Wildlife Act 1974 (NSW) and notification procedures, in the event that any Aboriginal cultural material is disturbed or exposed during site works.
20. The La Perouse Local Aboriginal Land Council (LPLALC) should be informed prior to clearing of vegetation and removal of fill and opportunity given for inspection when underlying natural surfaces are exposed.

Vegetation removal

21. Approval is granted for the removal of only that vegetation that is located within the existing/new 6th tees, greens, hole and fairway, where in direct conflict with the works that are shown on **dwg DA-B – Site Analysis**, as defined by 'Extent of works – NSW Golf Club' (indicated with a solid light blue line).

Protection of adjoining vegetation

22. In order to protect all adjoining vegetation, suitable physical protection measures must be provided so as to exclude and delineate these areas from the works, comprising a mixture of fencing, sediment/silt barriers and similar.
23. These measures must be installed prior to the commencement of site works, and must be maintained until completion, with details to be submitted to, and be approved by, the Certifying Authority/PCA, prior to installation.

Replacement Planting

24. Replacement planting must comprise native coastal species which are suitable for the prevailing site conditions, and are to be selected from the Planting Schedule that is shown on the Landscape Plan, dwg DA-F.
25. All replanting/landscaping must result in an appearance and composition that is similar to existing, established themes throughout the surrounding area.
26. Where species used in replanting are registered as being endemic to the Botany Bay National Park, the applicant must provide documentary evidence confirming that they will be/have been sourced from local provenance stock, so as to maintain genetic biodiversity.

Waste Management

27. The applicant is to submit to Council and have approved by Council's Manager of Waste a Waste Management Plan detailing ongoing waste and recycling generation rates, storage and disposal for the proposed works depot.

The Waste Management Plans shall be prepared with reference to the waste management hierarchy established under the Waste Avoidance and Resource Recovery Act 2001. In this regard resource management options must be considered against the following priorities:

- Avoidance - including action to reduce the amount of waste generated.
- Resource recovery - including reuse, recycling, reprocessing and energy recovery, consistent with the most efficient use of the recovered resources
- Disposal - including management of all disposal options in the most environmentally responsible manner.

All wastes generated during the project should be properly assessed, classified and managed in accordance with EPA guidelines to ensure proper treatment, transport and disposal at a landfill legally able to accept those wastes.

28. Any work or occupation on Crown Land cannot commence without a current tenure from the Department of Industry – Lands and Forestry authorising such work or occupation. The applicant shall liaise Department of Industry – Lands and Forestry prior to the commencement of any work / occupation to obtain the necessary requirements and approvals.

A special advisory condition is also recommended as following:

- A14. A separate approval for any development Kamay Botany Bay National Park, must be obtained in accordance with the EP & A Act 1979 prior to the commencement of any activities.
- A15. A Conservation Risk Assessment (CRA) in the format prescribed by OEH – NPWS must completed and submitted for works occurring on NPWS estate for approval by NPWS (Harbour Area Manager).

MOTION: (Garcia/Andrews) CARRIED UNANIMOUSLY - SEE RESOLUTION.

**D64/17 Development Application Report - 5-7 Stark Street, Coogee
(DA/189/2016/A)**

PL65/17

RESOLUTION: (Smith/Andrews) that Council, as the consent authority, grants consent under Section 96 of the Environmental Planning and Assessment Act 1979, as amended, to modify Development Consent No. DA/189/2016/A for a Section 96 modification of the approved development by altering the layout of Unit 1.01 to create 2 separate 2 bedroom units, conversion of the north facing balconies for Units 1.03, 2.03 and 3.02 to bedrooms and new balconies for Units 2.03 and 3.02.

The consent is modified in the following manner:

Amend Condition 1 to read:

"Approved Plans & Supporting Documentation

The development must be implemented substantially in accordance with the plans and supporting documentation listed below and endorsed with Council's approved stamp, except where amended by Council in red and/or by other conditions of this consent:

Plan	Drawn by	Dated
10.1_A to 10.5_A Rev. B	MHNDUNION	2 August 2016
20.1_A to 20.3_A Rev. B	MHNDUNION	2 August 2016
20.6_A to 20.10_A Rev. B	MHNDUNION	2 August 2016

20.4_A Rev. A	MHNDUNION	24 March 2016
Landscape Plans – Sheets 1-2	F & G Design	8 March 2016
Landscape Plans – Sheets 3 – Second Floor		
Landscape Plans – Sheets 3 – Third Floor		
Landscape Plans – Sheets 4		

<i>BASIX Certificate No.</i>	<i>Dated</i>
710108M	10 March 2016

As amended by the Section 96 “A” plans and supporting documentation listed below:

<i>Plan</i>	<i>Drawn by</i>	<i>Dated</i>
10.1_C to 10.2_C	MHNDUNION	16 Dec 2016
10.3_D to 10.5_D	MHNDUNION	14 June 2017
20.1_D	MHNDUNION	14 June 2017
20.3_C	MHNDUNION	16 Dec 2016
20.4_D	MHNDUNION	14 June 2017
20.6_D	MHNDUNION	14 June 2017
20.7_D	MHNDUNION	14 June 2017
20.8_C	MHNDUNION	16 Dec 2016
Landscape Plans Sheets 1 to 2	F & G Design	9 Dec 2016

<i>BASIX Certificate No.</i>	<i>Dated</i>
710108M_03	13 December 2016

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 2k

2k A ceiling fan shall be provided in the dining and living areas, and the bedrooms of Unit G.01.

Amend Condition 24

Landscape Plans

24. The Certifying Authority/PCA must ensure that the Landscape Plans submitted as part of the approved Construction Certificate are substantially consistent with the amended Landscape Plans by F & G Design, sheets 1-5, dated 09/12/16.

Amend Condition 70

Landscaping

71. Prior to issuing any type of Occupation Certificate, certification from a qualified professional in the landscape/horticultural industry must be submitted to, and be approved by, the PCA, confirming the date that the completed landscaping was inspected, and that it has been installed substantially in accordance with the amended Landscape Plans by F & G Design, sheets 1-5, dated 09/12/16.

Add Condition 92

92. Approval is not granted for the changes to Units 1.03, 2.03, and 3.02 shown on the Section 96 “A” plans.

MOTION: (Smith/Andrews) CARRIED UNANIMOUSLY - SEE RESOLUTION.

**D65/17 Development Application Report - 300 Clovelly Road, Clovelly
(DA/927/2016)**

PL66/17

RESOLUTION: (Smith/Andrews) that Council, as the consent authority, grants development consent under Sections 80 and 80A of the Environmental Planning and Assessment Act 1979, as amended, to Development Application No. 927/2016 for demolition of existing structures, construction of 3 storey residential flat building and semi-basement level parking comprising of 8 dwellings, parking for 12 cars, motor bike and bicycle parking, landscaping, fencing and associated works, at No. 300 Clovelly Road, Clovelly, subject to the following non standard conditions and the standard conditions contained in the development application compliance report attached to this report:

Non-standard conditions**Amendment of Plans & Documentation**

2. The approved plans and documents must be amended in accordance with the following requirements:
 - a. Privacy screens having a height of 1.6 metres above floor level must be provided to western side of the rear balconies to units 203 and 302. The privacy screens must be constructed of metal or timber and the total area of any openings within the privacy screen must not exceed 25% of the area of the screen. Alternatively, the privacy screen may be constructed with translucent, obscured, frosted or sandblasted glazing in a suitable frame.
 - b. The balustrade at the western side 1st floor podium shall be relocated so that it is perpendicular to the south western corner of the stairwell running to the western side boundary;
 - c. No consent is granted for fencing to the eastern, western or northern side boundaries. Any new side or rear boundary fencing shall be subject to a separate development application unless the fence design meets the Exempt and Complying development criteria specified under the SEPP Exempt and Complying Codes 2008.
 - d. Air conditioning equipment must not protrude more than 300mm above the roof level, be adequately screened (materials and design of screening to be included in the external Colours, materials & Finishes schedule required to be submitted to Council for approval prior to a Construction certificate being issued for the development.
 - e. 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.
 - f. The proposed verandah roof, is to have a similar colour and finish to the proposed metal wall cladding of the top level of the building, in order to better integrate the wall and roof elements and reduce the dominance of the projecting roof. Amended drawings are to be submitted to and approved by Council's Director City Planning, in accordance with Section 80A (2) of the Environmental Planning and Assessment Act 1979 prior to a construction certificate being issued for the development.
4. 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. Detail 1:50 sections are required

to be submitted, colours and materials for fencing, and samples of materials. The proposed timber cladding to the western elevation shall be replaced with a lighter and more reflective material.

Details of the proposed colours, materials and textures (i.e. a schedule and brochure/s or sample board) are to be submitted to and approved by Council's Manager Development Assessments and or Council's Heritage Planner prior to issuing a construction certificate for the development.

New condition

A salvage plan shall be prepared and submitted to and approved by Council's Director City Planning, in accordance with Section 80A (2) of the Environmental Planning and Assessment Act 1979 prior to a construction certificate being issued for the development. The salvage plan is required to ensure that materials including fireplaces, architraves, skirtings, windows, doors and remnant components of significant heritage fabric are carefully removed and sold or donated to a heritage salvaging yard to facilitate the conservation of other buildings of a similar period.

MOTION: (Smith/Andrews) CARRIED UNANIMOUSLY - SEE RESOLUTION.

D66/17 Development Application Report - 1179 Anzac Parade, Matraville (DA/994/2011/H)

Note: Having previously declared an interest, Cr Andrews left the chamber and took no part in the debate or voting on this matter.

PL67/17

RESOLUTION: (Smith/Seng) that Council, as the consent authority, grant its consent under Section 96 of the Environmental Planning and Assessment Act 1979 as amended to modify Development Consent No DA/994/2011/G for permission to modify the approved development by increase in building footprint at ground and first floor level at 1179 Anzac Parade, Matraville, in the following manner:

Amend Condition No. 1 to read:

1. The development must be implemented substantially in accordance with the plans and supporting documentation listed below and endorsed with Council's approved stamp, except where amended by Council in red and/or by other conditions of this consent:

Plan	Rev.	Drawn by	Stamped
DA01	F	Teknicon Design	22 May 2012
DA02	F	Teknicon Design	22 May 2012
DA03	F	Teknicon Design	22 May 2012
DA04	F	Teknicon Design	22 May 2012
DA05	F	Teknicon Design	22 May 2012

BASIX Certificate	No.	Dated
1179 Anzac Parade Matraville	407165M	05 December 2011

As amended by the **Section 96 'C' plans**

Plan	Drawn by	Dated
DA01 (issue A)	Teknicon Design	18/05/2015
DA02 (issue A)	Teknicon Design	18/05/2015
DA03 (issue A)	Teknicon Design	18/05/2015
DA04 (issue A)	Teknicon Design	18/05/2015
DA05 (issue A)	Teknicon Design	18/05/2015

<i>BASIX Certificate No.</i>	<i>Dated</i>
407165M_04	29/05/2015

As amended by the **Section 96 'E' plans**

<i>Plan</i>	<i>Drawn by</i>	<i>Dated</i>
01516 DA.1 (issue A)	Arkivis	07/03/2016
01516 DA.6 (issue A)	Arkivis	07/03/2016

As amended by the **Section 96 'F' plans**

<i>Plan</i>	<i>Drawn by</i>	<i>Dated</i>
01516 S96.04 (issue B)	Arkivis	20/09/2016
01516 S96.08 (issue B)	Arkivis	20/09/2016

As amended by the **Section 96 'G' plans**

<i>Plan</i>	<i>Drawn by</i>	<i>Dated</i>
S96 03_02 Issue G	Urban Future – D.M	02/12/2016
S96 03_03 Issue G	Urban Future – D.M	02/12/2016
S96 03_04 Issue G	Urban Future – D.M	02/12/2016
S96 04_01 Issue G	Urban Future – D.M	02/12/2016
S96 09_01 Issue G	Urban Future – D.M	02/12/2016

Except as amended by the **Section 96 'H' plans and supporting documentation listed below:**

<i>Plan</i>	<i>Drawn by</i>	<i>Dated</i>
S96 04_01 Issue H	Urban Future – D.M	23/3/2017
S96 03_04 Issue H	Urban Future – D.M	23/3/2017
S96 03_03 Issue H	Urban Future – D.M	23/3/2017
S96 03_02 Issue H	Urban Future – D.M	23/3/2017
S96 03_01 Issue H	Urban Future – D.M	23/3/2017

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:

Retain Condition No. 2b to read:

- 2b** The proposed amendments to the rear first floor level are to be deleted and the rear first floor terraces adjoining the kitchens shall remain as previously approved.

Add Condition No. 65 to read:

- 65** The concrete sewer encasement:
- a) Must remain non-trafficable at all times,
 - b) The concrete structure must be fenced at either end with a fixed, non-operable fence panel (or similar). The panel must be 1.6m high and span from the southern external wall of the dwelling to the southern edge of the structure. Details of which are to be submitted to and approved by Council's Manager Development Assessments prior to issuing a construction certificate for the development.
 - c) The colours, materials and finishes of the structure are to be

compatible with the adjacent development to maintain the integrity and amenity of the building and the streetscape. Furthermore the applicant is responsible for the finishing of all sides of the structure, details of which (i.e. a schedule and brochure/s or sample board) are to be submitted to and approved by Council's Manager Development Assessments prior to issuing a construction certificate for the development.

MOTION: (Smith/Seng) CARRIED UNANIMOUSLY - SEE RESOLUTION.

Cr Stevenson arrived at the meeting at this point (8:22pm).

Cr Andrews returned to the meeting at this point (8.23pm).

**D67/17 Development Application Report - 40 Pauling Avenue, Coogee
(DA/664/2015/B)**

PL68/17

RESOLUTION: (Smith/Shurey) that Council, as the consent authority, refuse its consent under Section 96 of the Environmental Planning and Assessment Act 1979 as amended to modify condition/s of Development Application No. for permission to *Section 96 modification of the approved development by constructing new concrete staircase with privacy screen to the rear pool area, relocation of pool gate and fence and increase the width of spill pool/ballast tank* for 40 Pauling Avenue, Coogee for the following reasons:

1. The proposed development is inconsistent with the relevant objectives of the R2-Low Density Residential zone under Randwick Local Environmental Plan 2012 in that the staircase, landing and privacy screen will result in adverse impacts upon the amenity of the neighbouring property.
2. The proposed privacy screen fails to comply with the relevant objectives and controls under Clause 5.1 of Part C1 of the Randwick Comprehensive Development Control Plan 2013. The proposed privacy screen will result in unreasonable overshadowing upon the adjoining property at No. 42 Pauling Avenue.
3. The proposed staircase and landing fail to comply with the relevant objectives and controls under Clause 5.3 of Part C1 of the Randwick Comprehensive Development Control Plan 2013. The proposed staircase and associated landing will create unreasonable privacy impact upon the adjoining property at No. 42 Pauling Avenue.
4. The proposed privacy screen fails to comply with the relevant objectives under Clause 7.3 of Part C1 of the Randwick Comprehensive Development Control Plan 2013. The overall height of the proposed privacy screen is excessive and will result in adverse impact upon the amenity of the adjoining neighbour at No. 42 Pauling Avenue.

MOTION: (Smith/Shurey) CARRIED UNANIMOUSLY - SEE RESOLUTION.

**D68/17 Development Application Report - 28 Dudley Street, Randwick
(DA/953/2016)**

PL69/17

RESOLUTION: (Andrews/Matson) that Council, as the consent authority, grants development consent under Sections 80 and 80A of the Environmental Planning and Assessment Act 1979, as amended, to Development Application No. DA/953/2016 for new two storey dwelling house with basement parking, new swimming pool and sun shade structure, at No. 28 Dudley Street, Randwick, subject to the following non standard conditions and the standard conditions contained in the development application compliance report attached to this report:

**Non standard conditions
Amendment of Plans & Documentation**

2. The approved plans and documents must be amended in accordance with the following requirements:
- a. The following windows must have a minimum sill height of 1.6m above floor level, or alternatively, the windows shall to be fixed and be provided with translucent, obscured, frosted or sandblasted glazing below this specified height:
 - The two bedrooms and ensuite windows on level 2 to the south west end of the building on the north western side elevation (noted as North elevation on the plan).
 - The bedroom, bathroom and study windows on level 2 to the south west end of the building on the south eastern side elevation (noted as South elevation on the plan).
 - b. The sandstone block retaining wall to the front property boundary where possible shall be retained and protected in conjunction with the construction of the proposed dwelling. Any required repairs to the sandstone block retaining wall to the front boundary are to be carried out in conjunction with the development.

MOTION: (Andrews/Matson) CARRIED UNANIMOUSLY - SEE RESOLUTION.

**D69/17 Development Application Report - 38 Gregory Street, South Coogee
(DA/10/2017)**

Note: Having previously declared an interest, Cr Andrews left the chamber and took no part in the debate or voting on this matter.

PL70/17

RESOLUTION: (Seng/Matson) that the application be deferred for mediation with a view to reducing the height of the roof level to 66.60m.

MOTION: (Seng/Matson) CARRIED - SEE RESOLUTION.

A **DIVISION** was taken and the names of the Councillors voting FOR and AGAINST were as follows:

FOR	AGAINST
Councillor Belleli	Councillor Garcia
Councillor Bowen	Councillor Moore
Councillor D'Souza	Councillor Smith
Councillor Matson	Councillor Stavrinou
Councillor Neilson	
Councillor Roberts	
Councillor Seng	
Councillor Shurey	
Councillor Stevenson	
Total (9)	Total (4)

Cr Andrews returned to the meeting at this point (8.27pm).

**D70/17 Development Application Report - 13 Dangar Street, Randwick
(DA/949/2016)**

PL71/17

RESOLUTION: (Smith/Andrews) that Council, as the consent authority, grants development consent under Sections 80 and 80A of the Environmental Planning and Assessment Act 1979, as amended, to Development Application No. DA/949/2016 for

ground and first floor alterations and additions to the existing dwelling, first floor studio over existing garage, fencing, landscaping and associated works, at No. 13 Dangar Street, Randwick, subject to the following non standard conditions and the standard conditions contained in the development application compliance report attached to this report:

Non standard conditions

Amendment of Plans & Documentation

2. The approved plans and documents must be amended in accordance with the following requirements:
 - a) To ensure privacy levels are maintained the first floor rear balcony shall be screened on both side elevations (north and south elevations) to 1.6m above floor level.
 - b) The proposed pair of windows to the front elevation of the dwelling on either side of the central bay window are to be deleted. The proposed pair of windows will detract from the streetscape presentation of the dwelling which is currently largely intact. Amended drawings are to be submitted to and approved by Council's Director City Planning, in accordance with Section 80A (2) of the Environmental Planning and Assessment Act 1979 prior to a construction certificate being issued for the development.
 - c) A brief archival recording of the rear room on the southern side of the dwelling (existing bed 3), including any original plasterwork, timberwork and the fireplace, shall be prepared and submitted to and approved by Council's Director City Planning, in accordance with Section 80A (2) of the Environmental Planning and Assessment Act 1979 prior to a construction certificate being issued for the development. This recording shall be in accordance with the NSW Heritage Office 2006 Guidelines for Photographic Recording of Heritage Items using Film or Digital Capture. Two copies of the endorsed archival recording shall be presented to Council, one of which shall be placed in the Local History Collection of Randwick City Library.
 - d) The wall height of the proposed garage and studio to the rear laneway and the rear garden, is to be reduced to a height of 3.5m. This consent condition is required to ensure that the scale and bulk of the proposed outbuilding is consistent with Randwick DCP Section 4.9 North Randwick Heritage Conservation Area (4.9.4) - Outbuildings to the rear, and compatible with recent and previous approvals, in the surrounding area. Amended drawings are to be submitted to and approved by Council's Director City Planning, in accordance with Section 80A (2) of the Environmental Planning and Assessment Act 1979 prior to a construction certificate being issued for the development.
 - e) Existing terracotta tiles to the roof of the dwelling are to be retained and not replaced by colorbond roofing. This consent condition is required to maintain the aesthetic significance of the heritage conservation area and to ensure consistency with Randwick DCP Section 2.6 Materials, Finishes and Colour Schemes. Amended drawings are to be submitted to and approved by Council's Director City Planning, in accordance with Section 80A (2) of the Environmental Planning and Assessment Act 1979 prior to a construction certificate being issued for the development.
 - f) Original leadlight glazing from original window and door frames should be reinstalled in any replacement window and door frames.

MOTION: (Matson/Shurey) that the application be deferred for mediation in relation to the identified overhang and the positioning of the upper floor windows.
LOST.

A **DIVISION** was taken and the names of the Councillors voting FOR and AGAINST were as follows:

FOR	AGAINST
Councillor Matson	Councillor Andrews
Councillor Shurey	Councillor Belleli
	Councillor Bowen
	Councillor D'Souza
	Councillor Garcia
	Councillor Moore
	Councillor Neilson
	Councillor Roberts
	Councillor Seng
	Councillor Smith
	Councillor Stavrinou
Total (2)	Total (11)

AMENDMENT: (Matson/Neilson) that the application be approved in accordance with the staff recommendation, subject to the overhang be reduced by 400mm to the satisfaction of the Director City Planning. **LOST.**

A **DIVISION** was taken and the names of the Councillors voting FOR and AGAINST were as follows:

FOR	AGAINST
Councillor Matson	Councillor Andrews
Councillor Neilson	Councillor Belleli
Councillor Shurey	Councillor Bowen
	Councillor D'Souza
	Councillor Garcia
	Councillor Moore
	Councillor Roberts
	Councillor Seng
	Councillor Smith
	Councillor Stavrinou
Total (3)	Total (10)

MOTION: (Smith/Andrews) CARRIED – SEE RESOLUTION.

A **DIVISION** was taken and the names of the Councillors voting FOR and AGAINST were as follows:

FOR	AGAINST
Councillor Andrews	Councillor Matson
Councillor Belleli	
Councillor Bowen	
Councillor D'Souza	
Councillor Garcia	
Councillor Moore	
Councillor Neilson	
Councillor Roberts	
Councillor Seng	
Councillor Shurey	
Councillor Smith	
Councillor Stavrinou	
Total (12)	Total (1)

**D71/17 Development Application Report - 20 Curtin Crescent, Maroubra
(DA/367/2017)**

PL72/17

RESOLUTION: (Andrews/Roberts) that Council, as the consent authority, grants development consent under Sections 80 and 80A of the Environmental Planning and Assessment Act 1979, as amended, to Development Application No. 365/2017 to legitimise the existing carport at the front of site adjacent to the northern boundary at No. 20 Curtin Crescent, Maroubra, subject to the following conditions:

GENERAL CONDITIONS

The development must be carried out in accordance with the following conditions of consent.

These conditions have been applied to satisfy the relevant requirements of the *Environmental Planning & Assessment Act 1979*, *Environmental Planning & Assessment Regulation 2000* and to provide reasonable levels of environmental amenity.

Approved Plans & Supporting Documentation

- The development must be implemented substantially in accordance with the plans and supporting documentation listed below and endorsed with Council's approved stamp, except where amended by Council in red and/or by other conditions of this consent:

<i>Plan</i>	<i>Drawn by</i>	<i>Dated</i>
01 (Revision A)	Plan B	28 March 2017
02 (Revision A)		
03 (Revision A)		

- This approval does not include any building works that have been completed prior to the issue of the subject development consent.

MOTION: (Andrews/Roberts) CARRIED (on the CASTING VOTE of the Chairperson) - SEE RESOLUTION.

A **DIVISION** was taken and the names of the Councillors voting FOR and AGAINST were as follows:

FOR	AGAINST
Councillor Andrews	Councillor Bowen
Councillor Bellei	Councillor Garcia
Councillor D'Souza	Councillor Matson
Councillor Roberts	Councillor Moore
Councillor Seng	Councillor Neilson
Councillor Smith	Councillor Shurey
Councillor Stavrinou (+ casting vote)	Councillor Stevenson
Total (7)	Total (6)

**D72/17 Development Application Report - 150-174 Barker St & 181 Botany St & 1-7,18-21 Jane St & 8-20, 28-42 Young St, Randwick
(DA/662/2016)**

Note: Having previously declared an interest, Cr Garcia left the chamber and took no part in the debate or voting on this matter.

PL73/17

RESOLUTION: (Smith/Andrews) that Council, as the consent authority, grants development consent under Sections 80 and 80A of the Environmental Planning and Assessment Act 1979, as amended, to Development Application No. 662/2016 for

Stage 2 integrated development application for infrastructure works comprising site enabling works including demolition, site remediation, removal of existing trees, subdivision and provision of civil and road infrastructure works including new internal roads, in-ground infrastructure, and construction of a new public park at No. 150-174 Barker St & 181 Botany St & 1-7,18-21 Jane St & 8-20, 28-42 Young St, Randwick, subject to the following conditions:

GENERAL CONDITIONS

The development must be carried out in accordance with the following conditions of consent.

These conditions have been applied to satisfy the relevant requirements of the *Environmental Planning & Assessment Act 1979*, *Environmental Planning & Assessment Regulation 2000* and to provide reasonable levels of environmental amenity.

Approved Plans & Supporting Documentation

1. The development must be implemented substantially in accordance with the plans and supporting documentation listed below and endorsed with Council's approved stamp, except where amended by Council in red and/or by other conditions of this consent:

Plan	Drawn by	Dated
SKC053 - Issue P1 - Infrastructure Staging Plan Sheet 2 -	At&l	20-02-17
SKC052 Issue P1 - Infrastructure Staging Plan Sheet 1	At&l	20-02-17
SKC050 Issue P1 - 1% AEP Peak Water Level Plan	At&l	20-02-17
C087 Issue A - ST3 Street Overtaking Turning Path Plan	At&l	24-11-16
C086 Issue A - ST2 Street Overtaking Turning Path Plan	At&l	24-11-16
C085 Issue B - Lot N1, S2 & S3 Turning Path Plan	At&l	09-09-16
C084 Issue C - ST1 Street Turning Path Plan	At&l	10-04-17
C083 Issue C - Jane Street & ST2 Street Turning Path Plan	At&l	24-11-16
C082 Issue C - Jane Street, RL1 Street & ST3 Street Turning Path Plan Sheet 3	At&l	24-11-16
C081 Issue C - Jane Street, RL1 Street & ST3 Street Turning Path Plan Sheet 2	At&l	28-11-16
C080 Issue D - Jane Street, RL1 Street & ST3 Street Turning Path Plan Sheet 1	At&l	28-11-16
C079 Issue B - Botany Street & DV1 Street Turning Path Plan	At&l	09-09-16
C078 Issue C - DV1 Street, Jane Street & RL1 Street Turning Path Plan Sheet 2	At&l	28-11-16
C077 Issue C - DV1 Street, Jane Street & RL1 Street Turning Path Plan Sheet 1	At&l	28-11-16
C076 Issue B - Young Street, ST1 & DV1 Street Turning Path Plan Sheet 2	At&l	09-09-16
C075 Issue B - Young Street, ST1 & DV1 Street Turning Path Plan Sheet 1	At&l	09-09-16
C074 Issue C - Young Street & ST3 Street Turning Path Plan	At&l	24-11-16
C073 Issue C - Young Street-Middle Street Turning Path Plan	At&l	24-11-16

C072 Issue C - Young Street, ST1 & ST2 Street Turning Path Plan Sheet 2	At&l	24-11-16
C071 Issue C - Young Street, ST1 & ST2 Street Turning Path Plan Sheet 1	At&l	24-11-16
C070 Issue B - Barker Street-Young Street Turning Path Plan	At&l	09-09-16
C062 Issue B - Sedimentation & Erosion Control Details	At&l	09-09-16
C061 Issue D - Sedimentation & Erosion Control Plan Sheet 2	At&l	10-04-17
C060 Issue C - Sedimentation & Erosion Control Plan Sheet 1	At&l	10-04-17
C055 Issue C - Services Co-Ordination Plan Sheet 6	At&l	10-04-17
C054 Issue D - Services Co-Ordination Plan Sheet 5	At&l	10-04-17
C053 Issue D - Services Co-Ordination Plan Sheet 4	At&l	10-04-17
C052 Issue E - Services Co-Ordination Plan Sheet 3	At&l	10-04-17
C051 Issue D - Services Co-Ordination Plan Sheet 2	At&l	10-04-17
C050 Issue C - Services Co-Ordination Plan Sheet 1	At&l	10-04-17
C045 Issue C - Pavement, Signage & Linemarking Plan Sheet 6	At&l	10-04-17
C044 Issue D - Pavement, Signage & Linemarking Plan Sheet 5	At&l	10-04-17
C043 Issue D - Pavement, Signage & Linemarking Plan Sheet 4	At&l	10-04-17
C042 Issue D - Pavement, Signage & Linemarking Plan Sheet 3	At&l	10-04-17
C041 Issue D - Pavement, Signage & Linemarking Plan Sheet 2	At&l	10-04-17
C040 Issue C - Pavement, Signage & Linemarking Plan Sheet 1	At&l	18-11-16
C032 Issue B - Road Longitudinal Sections Sheet 3	At&l	09-09-16
C031 Issue B - Road Longitudinal Sections Sheet 2	At&l	09-09-16
C030 Issue B - Road Longitudinal Sections Sheet 1	At&l	09-09-16
C025 Issue D - Siteworks Stormwater Drainage Plan Sheet 6	At&l	10-04-17
C024 Issue E - Siteworks Stormwater Drainage Plan Sheet 5	At&l	10-04-17
C023 Issue E - Siteworks Stormwater Drainage Plan Sheet 4	At&l	10-04-17
C022 Issue F - Siteworks Stormwater Drainage Plan Sheet 3	At&l	10-04-17
C021 Issue D - Siteworks Stormwater Drainage Plan Sheet 2	At&l	10-04-17
C020 Issue C - Siteworks Stormwater Drainage Plan Sheet 1	At&l	18-11-17
C016 Issue B - Stormwater Details Sheet 2	At&l	09/09/16
C015 Issue B - Stormwater Details Sheet 1	At&l	09/09/16
C010 Issue B - Siteworks Details	At&l	09/09/16
C008 Issue D - Typical Cross Sections Sheet 4	At&l	10-04-17

C007 Issue E - Typical Cross Sections Sheet 3	At&l	10-04-17
C006 Issue D - Typical Cross Sections Sheet 2	At&l	10-04-17
C005 Issue D - Typical Cross Sections Sheet 1	At&l	10-04-17
C003 Issue F - General Arrangement Plan	At&l	10-04-17
C002 Issue C - Notes & Legend	At&l	18/11/17

Heritage conditions

2. There are discrepancies between the demolition and landscape plans regarding retention of the Sales Yard structure within the public park. Amended demolition and landscape plans should clarify which parts of the sales yard structure are to be retained, given that the current development application includes construction and dedication of the new park. Amended drawings are to be submitted to and approved by Council's Director City Planning, in accordance with Section 80A (2) of the Environmental Planning and Assessment Act 1979 prior to a construction certificate being issued for the development.
3. The public park incorporating the Sales Ring precinct is part of a view corridor from Barker Street towards the Big Stable. Further detail is required to clarify the detail of the proposed outdoor garden rooms to the north east of the sales yard structure, including whether or not the proposed garden rooms are to be roofed, and whether other shade structures are proposed within the public park which could impact on the view corridor. Additional drawings are to be submitted to and approved by Council's Director City Planning, in accordance with Section 80A (2) of the Environmental Planning and Assessment Act 1979 prior to a construction certificate being issued for the development.
4. There are discrepancies between the demolition and landscape plans regarding retention of existing trees, particularly in relation to several trees on the eastern boundary of the site adjacent to the Sales Ring and a group of trees along the eastern boundary adjacent to Barker Street. Amended demolition and landscape plans, consistent with the Arborist's Report, should clarify which existing trees are to be retained. Amended drawings are to be submitted to and approved by Council's Director City Planning, in accordance with Section 80A (2) of the Environmental Planning and Assessment Act 1979 prior to a construction certificate being issued for the development.
5. An Interpretation Plan for the public park and sale ring precinct site is to be prepared to guide interpretation of the broader history of the site and the sale ring in particular, especially its use over the last 140 years for horse sales. The Interpretation Plan is to be based on the Interpretation Strategy prepared by OCP Architects and is to include interpretative media, locations for interpretative devices, text, images and design details. The Interpretation Plan is to be submitted to and approved by Council's Director City Planning, in accordance with Section 80A (2) of the Environmental Planning and Assessment Act 1979 prior to a construction certificate being issued for the development. The Interpretation Plan is to be implemented in conjunction with the infrastructure works including the construction of the public park.
6. Landscape and demolition drawings should be provided to indicate the extent of existing sandstone kerbing to be conserved in conjunction with the pouring of new concrete guttering in Young Streets and surrounding streets, where existing road alignments are to be maintained. Any sandstone kerb stones which are removed for protection during construction works are to be salvaged and stored for repair and reuse. Details of the storage location/locations are to be provided in the Demolition and Construction Waste Management Plan (WMP) which must be developed and implemented for the development. Repair of existing sandstone kerbing is to be carefully carried out by a suitably experienced stonemason in order to conserve the integrity of existing kerb

stones and to maximise the extent of sandstone kerbing to be retained. Amended drawings are to be submitted to and approved by Council's Director City Planning, in accordance with Section 80A (2) of the Environmental Planning and Assessment Act 1979 prior to a construction certificate being issued for the development.

7. An Aboriginal Heritage Impact Permit under the *National Parks and Wildlife Act 1974* is required prior to work commencing. A copy of the required archaeological excavation permit under the National Parks and Wildlife Act, shall be submitted to and approved by Council's Director City Planning, in accordance with Section 80A (2) of the Environmental Planning and Assessment Act 1979 prior to a construction certificate being issued for the development.
8. Consultation with the Aboriginal community in relation to the proposal works is required in accordance with the *Aboriginal cultural heritage consultation requirements for proponents 2010*.
9. Heritage Council approval is required as the proposed works will disturb land likely to contain historical archaeological remains. A copy of the excavation permit required under Section 140 of the Heritage Act, 1977, shall be submitted to and approved by Council's Director City Planning, in accordance with Section 80A (2) of the Environmental Planning and Assessment Act 1979 prior to a construction certificate being issued for the development.
10. The two existing round yards on the site shall be dismantled and reconstructed for use as shade structures within the public park given their important interpretative value. Details to be submitted to Council's Heritage Planner for approval prior to the issuing of a construction certificate.
11. Consideration should be given to relocation of a representative example of the twentieth century stable building designed by Timothy Court and Company to Warwick Farm but should be recorded prior to removal.

NSW HERITAGE OFFICE GTAs

12(a) **Development must be in accordance with:**

(g) **Architectural Drawings prepared by:** at & I

Dwg. No.	Drawing Title	Date	Rev
Project Name: Newmarket Green Randwick			
SKC 053	Infrastructure Staging Plan Sheet 2	10/04/2017	P1

- (h) Report entitled Newmarket Green Randwick Infrastructure and Public Realm Works, prepared by Bates Smart, dated September 2016.
- (i) The Big Stable & Newmarket House Conservation Management Plan prepared by OCP Architects Pty Ltd Issue C dated September 2016.
- (j) Aboriginal Archaeological Heritage Assessment Newmarket Green Infrastructure DA prepared by MDCA dated September 2016.
- (k) Statement of Environmental Effects prepared by Urbis dated September 2016
- (l) Submissions to Public Notification of IDA Application.

EXCEPT AS AMENDED by the conditions of this approval:

A schedule of repair and maintenance works shall be submitted to and approved by the Heritage Council or its delegate prior to the construction certificate being

issued for the works related to this application. The approved schedule of works shall be carried out as part of the project prior to the dedication of the proposed road to Randwick Council.

A landscaping plan shall be submitted to and approved by the Heritage Council or its delegate prior to the commencement of the construction works for Stage 1A.

A suitably qualified and experienced heritage consultant must be nominated for this project. The nominated heritage consultant must provide input into the detailed design and supervise the works to minimise impacts to heritage values. The nominated heritage must be consulted prior to the selection of appropriate tradespersons, and must be satisfied that all work has been carried out in accordance with the conditions of this consent.

Heritage Council approval is required at any development application stage where proposed works will disturb land likely to contain archaeological remains and for works within the Big Stable curtilage.

Significant elements are to be adequately protected during the works from potential damage. Protection systems must ensure historic fabric is not damaged or removed.

The Applicant must ensure that if unexpected archaeological deposits or relics not identified and considered in the supporting documents for this approval are discovered, work must cease in the affected area(s) and the Heritage Council of NSW must be notified. Additional assessment and approval may be required prior to works continuing in the affected area(s) based on the nature of the discovery.

Should any Aboriginal 'objects' be uncovered by the work, excavation or disturbance of the area is to stop immediately and the Office of Environment & Heritage is to be informed in accordance with Section 89A of the National Parks and Wildlife Act, 1974 (as amended). Works affecting Aboriginal 'objects' on the site must not continue until the Office of Environment and Heritage has been informed. Aboriginal 'objects' must be managed in accordance with the National Parks and Wildlife Act, 1974.

COMPLIANCE

Officers of the Office of Environment and Heritage, Heritage Division are to be permitted entry to the site at any time as a condition of this approval and may photograph, take samples or request records in relation to any aspects of the approved activity.

The Applicant and the nominated Heritage Consultant may be required to participate in random audits of Heritage Council approvals to confirm compliance with conditions of consent at any time.

SECTION 60 APPLICATION:

An application under section 60 of the Heritage Act 1977 must be submitted to and approved by the Delegate of the Heritage Council of NSW prior to work commencing.

REQUIREMENTS PRIOR TO ABOVE GROUND BUILDING WORKS COMMENCING OR ISSUE OF A CONSTRUCTION CERTIFICATE OR SUBDIVISION

The following conditions of consent must be complied with during the remediation and earth works.

These conditions have been applied to satisfy the relevant requirements of the

Environmental Planning & Assessment Act 1979, Environmental Planning & Assessment Regulation 2000 and to provide reasonable levels of public health, safety and environmental amenity during construction.

12. A SAS section (A) and Summary Site Audit Report (SSAR) is to be provided to the Council prior to the issue of any subdivision certificate/construction certificate for building work (other than shoring work, piling work, retaining structures or any other work which is necessary to carry out remediation works) in each stage of the development, to certify that the site is suitable for its intended uses.

It is noted that any proposed development and remediation strategies must be undertaken in such a manner that minimise the potential for cross contamination of land and ground water during the staged the development.

REQUIREMENTS BEFORE A CONSTRUCTION CERTIFICATE CAN BE ISSUED

The following conditions of consent must be complied with before a 'Construction Certificate' is issued by either Randwick City Council or an Accredited Certifier. All necessary information to demonstrate compliance with the following conditions of consent must be included in the documentation for the construction certificate.

These conditions have been applied to satisfy the relevant requirements of the *Environmental Planning & Assessment Act 1979, Environmental Planning & Assessment Regulation 2000*, Council's development consent conditions and to achieve reasonable levels of environmental amenity.

Consent Requirements

13. The requirements and amendments detailed in the 'General Conditions' must be complied with and be included in the construction certificate plans and associated documentation.

Section 94A Development Contributions

14. In accordance with Council's Section 94A Development Contributions Plan effective from 21 April 2015, based on the development cost of \$18,498,519 the following applicable monetary levy must be paid to Council: \$184,985,19.00

The levy must be paid in **cash, bank cheque** or by **credit card** prior to a construction certificate being issued for the proposed development. The development is subject to an index to reflect quarterly variations in the Consumer Price Index (CPI) from the date of Council's determination to the date of payment. Please contact Council on telephone 9093 6999 or 1300 722 542 for the indexed contribution amount prior to payment.

To calculate the indexed levy, the following formula must be used:

$$\mathbf{IDC = ODC \times CP2/CP1}$$

Where:

IDC = the indexed development cost

ODC = the original development cost determined by the Council

CP2 = the Consumer Price Index, All Groups, Sydney, as published by the ABS in respect of the quarter ending immediately prior to the date of payment

CP1 = the Consumer Price Index, All Groups, Sydney as published by the ABS in respect of the quarter ending immediately prior to the date of imposition of the condition requiring payment of the levy.

Council's Section 94A Development Contribution Plans may be inspected at the Customer Service Centre, Administrative Centre, 30 Frances Street, Randwick or at www.randwick.nsw.gov.au.

Long Service Levy Payments

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

At the time of this development consent, Long Service Levy payment is applicable on building work having a value of \$25,000 or more, at the rate of 0.35% of the cost of the works.

16. Prior to the lodgment of a Construction Certificate Council must be appointed the Principal Certifying Authority for all works the subject of this development application.
17. Prior to the lodgment of a Construction Certificate Council must appoint a suitably qualified Certifying Authority to provide the private certification services for the civil works the subject of this development application. The Certifying Authority shall be selected in consultation with the applicant and shall be to the satisfaction of both the applicant and Council.
18. Prior to the lodgment of a Construction Certificate a detailed Service Agreement between Council, (as the PCA), the Certifying Authority and the applicant must be developed and ratified by all parties. This Service Agreement will specify the level of certification and documentation required prior to the issuing of any Occupation Certificate or any Subdivision Certificate for any stage of the development. Together with all relevant conditions of this development consent the service agreement must be referenced and complied with prior to issuing any Occupation Certificate or Subdivision Certificate. The Service Agreement must reference compliance certificates, works as executed plans/drawings and certification of public utility services as a minimum.

Security Deposit

19. The following damage / civil works security deposit requirement must be complied with, as security for making good any damage caused to the roadway, footway, verge or any public place; and 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*:

\$25,000.00 - Damage / Civil Works Security Deposit

The damage/civil works security deposit may be provided by way of a cash, cheque or credit card payment and is refundable upon a satisfactory inspection by Council upon the completion of the civil works which confirms that there has been no damage to Council's infrastructure.

The owner/builder is also requested 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.

To obtain a refund of relevant deposits, a *Security Deposit Refund Form* is to be forwarded to Council's Director of City Services upon issuing of an occupation certificate or completion of the civil works.

Electricity Substation

20. The applicant must liaise with Ausgrid prior to obtaining a construction certificate (for any above ground works), to determine whether or not an electricity substation is required for the development. Any electricity substation required for the site as a consequence of this development shall be located

within a development lot, (i.e. not in any road reserve or recreational area), and shall be screened from view. The proposed location and elevation shall be shown on relevant construction certificate and landscape plans.

Undergrounding of Power

21. The applicant shall meet the full cost of the removal and/or placing underground of any existing overhead power lines and telecommunication cables located within Young Street, the Jane Street frontage to the site and the southern side of the Barker Street frontage to the site. All redundant power poles are to be removed. The applicant shall liaise directly with the relevant service utility authorities to organise for the wires/cables to be relocated. All wires/cables must be relocated underground to the satisfaction of the relevant service utility authority and all new power lines and telecommunication cables required to serve any further development on the site must be located underground. The Construction Certificate plans must demonstrate compliance with this requirement. No Occupation Certificate or Subdivision Certificate will be issued until it is clearly demonstrated that this condition has been complied with to the satisfaction of Council.

Sydney Water

22. All building, plumbing and drainage work must be carried out in accordance with the requirements of the Sydney Water Corporation.

The approved plans must be submitted to the Sydney Water **Tap in™** online service, to determine whether the development will affect Sydney Water's waste water and water mains, stormwater drains and/or easements, and if any further requirements need to be met.

The **Tap in™** service provides 24/7 access to a range of services, including:

- Building plan approvals
- Connection and disconnection approvals
- Diagrams
- Trade waste approvals
- Pressure information
- Water meter installations
- Pressure boosting and pump approvals
- Change to an existing service or asset, e.g. relocating or moving an asset.

Sydney Water's **Tap in™** online service is available at:
<https://www.sydneywater.com.au/tapin>

The Principal Certifying Authority must ensure that the developer/owner has submitted the approved plans to Sydney Water Tap in online service.

Construction Specification

23. Prior to the lodgement of any Construction Certificate for the proposed works 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, 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 specifically relate to those areas within the development site that are either currently Council controlled assets or are proposed for dedication to Council and shall include level and survey information, materials to be used, construction techniques and testing procedures and shall be prepared in consultation with Council. Particular reference is made to the treatment and reuse of sandstone

kerb in Young Street. Reference is also made to the likely deletion of permeable pavement from the application. The engineering details and specifications must be prepared by suitably qualified engineering consultants who must certify that the details and specifications meet best engineering practice and relevant standards. The applicant must liaise with Council's Development Engineer Coordinator prior to preparation of the subject details/specification. Note: Council will not take dedication of any area/infrastructure that has not been constructed in strict compliance with the approved details/specification.

24. The minimum design serviceable life for all granular road pavement base courses shall be 100 years with a 25 year design serviceable life for asphalt wearing courses, (with the minimum design traffic ESA's determined from the development's traffic modelling) and designed in accordance with AUSTROADS PAVEMENT STRUCTURAL DESIGN GUIDE. All other infrastructure i.e. kerb and gutter, footpaths, pipe drainage etc shall be in accordance with Council standard drawings. Structural elements including retaining walls, customised drainage structures, bridges etc shall have a minimum design serviceable life of 80 years. The specification and engineering details prepared for the Construction Certificate Application/s must demonstrate compliance with this requirement.
25. Council requires that all new stormwater pipelines be of sufficient capacity to provide for a storm recurrence interval of 20 years (5% AEP event) with an overland floodway that is to be capable of containing the critical 1%AEP event (1 in 100 year flood) within the boundaries of the road reserves or drainage easements / reserves. Landscaping and site works over such pipes, easements or reserves 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 road reserves, easements or drainage reserves.
26. Prior to lodging a Construction Certificate the applicant must submit to Council a detailed staging plan for the provision of civil infrastructure within the development site. The staging plan must be prepared in consultation with Council and the applicant shall be responsible for meeting all costs associated with construction of civil infrastructure in accordance with the approved staging plan and the 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.
27. Prior to lodging a Construction Certificate the applicant must submit to Council a detailed staging plan for subdivision of the development site. The staging plan must be prepared in consultation with Council and must include full documentation on the required certification / compliance certificates to be obtained prior to the issuing of each Subdivision Certificate.

Drainage and Flooding

28. Prior to the issuing of a Construction Certificate the applicant must undertake a detailed analysis of the existing flowpath regime through/surrounding and downstream of the development site and compare that with proposed flowpaths post development. The applicant must provide sufficient documentation/evidence to Council to indicate that the proposed development will not increase the depth of overland flow in areas outside the development site and that no property downstream of the development site will be adversely affected as a result of the proposed development for storm events up to the critical 1%AEP (1 in 100 year) storm event.
29. Prior to the issuing of a Construction Certificate the applicant must undertake a

detailed analysis of the existing site stormwater drainage system and the proposed stormwater drainage system, (piped and overland flow). The applicant must provide sufficient documentation/evidence to Council that the proposed site stormwater drainage system will not increase the depth of overland flow in areas outside the development site, will not adversely impact on Council's stormwater drainage infrastructure and that no property downstream of the development site will be adversely affected as a result of the proposed development for storm events up to the 1%AEP event (1 in 100 year ARI event).

30. Prior to the issuing of a Construction Certificate the applicant must provide full details of any proposed private drainage easements or drainage easements over private land in favour of Council.
31. Prior to the issuing of a Construction Certificate for the site the applicant must submit to Council for approval, and have approved, a flood study which determines the critical 1%AEP (1 in 100 year) flood level for all areas within the development site. The applicant must liaise with Council's Development Engineer Coordinator prior to lodgement of the flood study to obtain all of Council's requirements for the study and any supporting data. The floor level of all habitable and storage areas shall be a minimum of 500 millimetres above the calculated 1%AEP (1 in 100 year) flood level or suitably waterproofed up to this same level. The proposed internal driveways (and any other openings into the basement carparks) must be designed with a high point at least 300 mm above the determined 1%AEP (1 in 100 year) flood level. All windows, vents and other openings into the basement carparks must be located at least 500 mm above the determined 1%AEP flood level.
32. The proposed internal roadways, any drainage easements and overland flow routes shall be designed to drain the 1%AEP 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. (i.e. $VD < 0.4$). The Construction Certificate must document how these requirements are to be met.
33. All stormwater runoff being discharged from the site shall be directed to Council's underground drainage system. Details must be included in the Construction Certificate to the satisfaction of Council. All stormwater run-off naturally draining to the site must be collected and discharged through this property's stormwater system. The Construction Certificate plans must demonstrate compliance with this requirement.
34. The internal stormwater drainage systems for development lots within the site must be suitably designed such that stormwater discharge from the development site for all storms up to the 1 in 20 year storm event **does not exceed that which would occur for the 5%AEP (1 in 5 year) storm of 1 hour duration for the existing site conditions**. Onsite stormwater detention system/s must be provided to ensure compliance with the above requirement. All other stormwater run-off from the site for all storms up to the 5% AEP (1 in 20 year) storm is to be retained on the site for gradual release to the street drainage system. An overland escape route or overflow system (to Council's street drainage system) must be provided for storms having an annual exceedance probability (AEP) of 1% (1 in 100 year storm), or, alternatively the stormwater detention system is to be provided to accommodate the 1% AEP (1 in 100 year) storm. The plans/drainage calculations for the Construction Certificate must demonstrate compliance with this requirement.

Arboricultural Impact Assessment

35. Both the Preliminary Arboricultural Report by Tree IQ, rev A, dated 12/02/16, and Covering Arborists Letter by Tree IQ, dated 06/09/16 ("the Arborists

Reports”) must be developed further into a final, detailed Arboricultural Impact Assessment, including a Tree Protection Plan and Specification, along with a separate, detailed Pruning Specification, relating to all of those trees that are being retained at the site, and must maintain existing tree identification numbers.

36. These Reports, Plans & Specifications can only be prepared by an AQF Level 5 Arborist, (who is eligible for membership with a nationally recognized organization/association) and must be submitted to, and be approved by, Council’s Director City Planning.
37. These Plans & Specifications must report on all of those private and public trees that will be directly or indirectly affected by the works, and must detail the measures that will need to be employed both on the plans as well as on-site during the course of the works, to ensure the retention of those trees that have already been identified in the “Arborist Reports”, and at minimum, must elaborate further on the topics that are raised in the Arborists Covering Letter dated 06/09/16.
38. All plans submitted with the Construction Certificate, and all works performed on-site, must comply with the approved Tree Protection Plan, Specification and Pruning Specification at all times, with any works associated with retention of the tree only able to be performed by the site appointed Project Arborist; or; under their direct supervision.
39. Where a refundable deposit/bond needs to be imposed in order to ensure the retention of public trees or other assets, the required fee must be paid at the **Cashier on the Ground Floor of the Administrative Centre, prior to a Construction Certificate being issued for the development**, in order to ensure compliance with the conditions listed in this consent, the approved Plans and Specifications, and ultimately, protection of public assets.

The refundable deposit will be eligible for refund following the issue of a Final Occupation Certificate, subject to completion and submission of Council’s ‘Security Deposit Refund Application Form’, and pending a satisfactory inspection by Council’s Landscape Development Officer (9093-6613).

Any contravention of Council's conditions at any time during the course of the works, or prior to the issue of a Final Occupation Certificate, may result in Council claiming all or part of the lodged security in order to perform any rectification works necessary, as per the requirements of 80A (6) of the Environmental Planning and Assessment Act 1979.

40. The applicant must ensure that all plans are consistent in terms of clearly identifying exactly what trees are being retained and those that are being removed.
41. Separate Plans & Specifications, prepared in the same manner as described above, will also need to be provided for all subsequent applications for each of the future Lots/Stages, and the trees contained therein.
42. **The retention of each of those twelve (12) trees within this site that are included in Volume 4 of Council’s Register of Significant Trees, being T1-5, 12-14, 16, 22, 37 & 160 is non-negotiable, with additional measures to be recommended and imposed where necessary to ensure this.**

Tree Removal

43. The approved Reports, Plans & Specifications must also identify those trees

that are sought for removal in order to accommodate the works, with reasonable justification needing to be provided in each and every case that demonstrates why removal is warranted; why it is the only option available; and why re-designs or similar could not be undertaken so as to result in their retention.

Street Tree Removal

44. The removal, stump-grinding and disposal of trees from public property, only as identified in the approved Street Tree Management Plan, can only be performed by Council or Council's approved contractors, wholly at the applicant's cost, and in this regard, the applicant must contact Council's Landscape Development Officer on 9093-6613 to obtain the total cost for this work.
45. The required fee must be paid into **Tree Amenity Income** at the Cashier on the Ground Floor of the Administrative Centre, **prior to a Construction Certificate being issued for the development**, following which, the applicant must advise Council's Landscape Development Officer (9093-6613) of the receipt number, and giving at least four working weeks-notice (allow longer for public holidays or extended periods of rain) to arrange for their physical removal from site.
46. After this, any further enquiries regarding scheduling/timing or completion of works are to be directed to Council's Coordinator Tree Management 9093-6609.
47. Figures shall be provided listing how many private and public trees will need to be removed, and how many new trees, on both private and public land, will be provided back in their place, to ensure that suitable compensatory planting is provided, and that reasonable levels of environmental amenity are maintained.

REQUIREMENTS TO BE INCLUDED IN THE CONSTRUCTION CERTIFICATE

The requirements contained in the following conditions of consent must be complied with and details of compliance must be included in the construction certificate for the development.

These conditions have been applied to satisfy the relevant requirements of the *Environmental Planning & Assessment Act 1979*, *Environmental Planning & Assessment Regulation 2000*, Council's development consent conditions and to achieve reasonable levels of environmental amenity.

Compliance with the Building Code of Australia

48. In accordance with section 80 A (11) of the *Environmental Planning & Assessment Act 1979* and clause 98 of the *Environmental Planning & Assessment Regulation 2000*, it is a *prescribed condition* that all building work must be carried out in accordance with the provisions of the Building Code of Australia (BCA). Details of compliance with the BCA are to be included in the construction certificate application.

Design Alignment levels

49. The design alignment level for all development lots (the finished level of concrete, paving or the like) at the property boundary for driveways, access ramps and pathways or the like, shall be generally 2.5% above the top of kerb level at all points opposite the kerb.

The design alignment levels at the property boundary as issued by Council and their relationship to the roadway/kerb/footpath must be indicated on the Construction Certificate plans. The design alignment level at the street boundary, as issued by the Council, must be strictly adhered to.

Any enquiries regarding this matter should be directed to Council's Development Engineer on 9093-6881/9093-6923.

Traffic and Parking

50. The Construction Certificate plans must show the proposed location of all access driveways. All internal access driveways must be designed and constructed in accordance with AS 2890.1 (2004) – Off Street Car Parking and the levels of the driveway must match the alignment levels at the property boundary (as specified by Council). The internal driveways and carpark areas must be designed for 2 way traffic movements. Details of compliance are to be included in the construction certificate.
51. The Construction Certificate plans must provide details of all proposed on-street parking spaces. The parking spaces must be in full compliance with the development consent and plans approved for Development Application 88/2016. The Construction Certificate must demonstrate compliance with this requirement.
52. Prior to the issuing of a Construction Certificate the applicant must demonstrate to Council, through the use of detailed swept path analysis, that the internal road design will operate satisfactorily for service and delivery vehicles, (i.e. will satisfy Section 3 of AS 2890.2-2002).
53. Prior to a Construction Certificate being issued for the site the applicant shall submit for approval and have approved by Council's Traffic Engineer a detailed construction traffic management plan. The plan shall demonstrate how construction and delivery vehicles will access the development site during the demolition and construction phase of the development. All traffic associated with the subject development shall comply with the terms of the approved construction traffic management plan.

Landscaping/Planting

54. The Certifying Authority/PCA must ensure that all Landscape documentation for both private and public land that is submitted as part of the approved Construction Certificate, are substantially consistent with the Infrastructure & Public Realm Works by Arcadia Landscape Architecture, dwg's 3.1 – 3.10, Issue 1 dated September 2016; as well as the plans: Public Park, dwg's 4.1 – 4.9, issue 1, dated December 2016 and Appendix, dwg's 100 – 120, issue C, dated September 2016.
55. These Landscape Plans must be revised further to include, but not be limited to, the following additional items:
 - a. Site plans at an appropriate scale showing existing site boundaries, existing private and public trees to be removed or retained (in accordance with the approved Street Tree Management Plan), 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, areas of pavement and landscaped areas.
 - b. A planting plan at a scale of 1:100 or 1:200, with all species to be drawn at their mature size.
 - c. The Planting Plan and Plant Schedule must nominate only those species that will actually be used on-site, with the quantity/density/spacing to be provided.
 - d. New trees which will attain a minimum height of 6m; and/or; a canopy spread of 4m, must be located a minimum distance of 2.5m from all parts of any buildings/dwellings and similar, both to allow for future growth both above and below ground, as well as to avoid them becoming exempt from Council's DCP at maturity due to their close

- e. proximity/inappropriate location.
 - e. Additional notation showing soil and mulch details, irrigation details, edging, paving, fencing details, surface finishes, retaining wall details, furniture and any other landscape elements in sufficient detail to fully describe the proposed landscape works.
 - f. Position of existing and approved site services including water, gas, electricity, sewer, stormwater and similar.
 - g. Sectional elevations through the site showing the existing and proposed groundlines, building elevations, and mature height of proposed planting.
 - h. All planter boxes and garden beds constructed on slab having a suitable soil depth, such as of 600mm for plants and 300mm for lawns.
 - i. All turf must be turf rolls with underlay, with the species to be nominated by Council.
 - j. In order to reduce the amount of storm-water generated by the site, as well as to recharge groundwater supplies, porous/permeable paving shall be used in all hard surfacing not over slab, wherever possible.
 - k. All detention tanks and below ground stormwater infiltration systems located within the landscaped areas shall have a minimum soil cover of 600mm to ensure sufficient soil depth for the establishment of plants.
 - l. Any substation shall be screened from view. The proposed location, elevation and screening method shall be shown.
56. Landscape Plans that have been prepared in the same manner as described above, will also need to be provided for all subsequent applications for each of the future Lots/Stages.

Street Tree Management Plan

57. The applicant must submit to, and have approved by, Council's Director of City Planning; a separate **Street Tree Management Plan**, which clearly identifies those existing street trees (identification numbers to be consistent with the Arborists Reports) located on public property which will be either retained or removed as part of the works.
58. **Prior to the preparation of this Plan**, the applicant will also need to cross-reference all approved plans and conditions of consent in order to determine exactly what impacts will arise from the civil works that will be performed, including but not limited to:
- new public footpaths;
 - kerb and gutter;
 - road widening;
 - storm-water/hydraulic services;
 - under-grounding of power.

New Street Trees

59. The applicant must cover all costs associated with the supply, planting and maintenance of new street trees and all other directly associated works on public property throughout the development site, to Council's satisfaction.
60. In this regard, the applicant must liaise with Council's Landscape Development Officer (9093-6613) as to the preparation of a separate **Street Tree Selection Plan**, which must be submitted to, and be approved by, Council's Director of City Planning, and will need to clearly identify the following for all new street trees:
- Location, quantity/spacing and space available in each verge/footpath (dimensions to be provided);
 - Offsets from driveways/pram ramps, corners, other trees and similar;
 - Species (botanic name);

- Pot/bag size at the time of planting of all tree stock must be a minimum of 75 litres;
 - Presence of under-ground services and similar;
 - Use of root barriers, tree guards, tree squares, staking and tying, mulches, porous/permeable paving/bonded aggregate and similar;
 - Soil improvers/conditioners and any water retention products and fertilizers;
 - Standard planting details for varying conditions throughout the site;
 - Council's preference for a staggered planting arrangement along streetscapes rather than being sited directly opposite each other as shown, so the current plans will need to be amended to demonstrate compliance with this requirement.
61. Council will not accept the use of *Melaleuca quinquinervia* (Broad Leafed Paperbark) as a street tree within public footpaths as has been shown on the submitted Landscape Plans due to concerns over the ability of their root systems to cause future damage to infrastructure, with the applicant to liaise with Council's Landscape Development Officer (9093-6613) in regards to the selection of an alternative species from our Street Tree Masterplan in its place, with the new species to be shown on the approved Street Tree Selection plan.
62. Similarly, there does not appear to be sufficient width in the verges of either Middle Street or DV1 to accommodate the broad canopies of *Ulmus parvifolia* (Chinese Weeping Elms) as has been shown, with the applicant to liaise with Council's Landscape Development Officer (9093-6613) in regards to the selection of an alternative, more upright and compact species from our Street Tree Masterplan in its place, with the new species to be shown on the approved Street Tree Selection plan.
63. All new street trees on public property will have a defects liability period of 12 months, which will apply from the date of issue of the Final Occupation Certificate, with the applicant required to notify Council's Landscape Development Officer of this date for our records.
64. In the time between planting of the trees and completion of the 12 month defects period, the applicant will be responsible for implementing suitable maintenance strategies to ensure their ongoing survival.
65. Prior to the completion of this 12 month defects liability period, Council's Landscape Development Officer (9093-6613) must be contacted to perform a site inspection to assess the health and condition of all newly planted street trees.
66. Following this inspection, the applicant will be advised in writing of any stock that requires maintenance, replacement or similar, with the required works needing to be performed by the applicant, wholly at their cost, to Council's satisfaction.
67. Prior to Council accepting responsibility and ownership of the new street trees, and prior to the issue of a Final Occupation Certificate, Council's Landscape Development Officer must provide written confirmation that the applicant has fulfilled all obligations.

REQUIREMENTS BEFORE REMEDIATION COMMENCES

The following conditions of consent must be complied with before remediation commences.

These conditions have been applied to satisfy the relevant requirements of the *Environmental Planning & Assessment Act 1979, Environmental Planning &*

Assessment Regulation 2000, and Council's development consent conditions and to achieve reasonable levels of environmental amenity.

68. A Site Audit Statement (SAS) issued under section (B) is to be provided to Council prior to the commencement of any remediation works to determine that:
- i. the nature and extent of the contamination has been appropriately determined
- AND
- ii. the investigation/remedial action plan/management plan is appropriate for the purpose stated above
- AND
- iii. the site can be made suitable for the intended uses.
69. The Remedial Action Plan (RAP) indicates possible capping/containment under roads and open spaces that will be dedicated back to Council. An amended RAP must be submitted prior to remediation works commencing to ensure land to be dedicated to Council does not have any capping/containment of contaminated materials. Please be advised that Council will not accept dedication of land that will contain capping/containment of contaminated material.
70. A Site Remediation Management Plan must be prepared prior to the commencement of remediation works by a suitably qualified environmental consultant and be implemented throughout remediation works. The Site Remediation Management Plan shall include measures to address the following matters:
- a) General site management, site security, barriers, traffic management and signage
 - b) Hazard identification and control
 - c) Worker health & safety, work zones and decontamination procedures
 - d) Prevention of cross contamination
 - e) Appropriate site drainage, sediment controls, and if necessary dewatering
 - f) Air quality criteria to be implemented during remediation, in accordance with Part 8 of the WHS Regulation 2011
 - g) Air and water quality monitoring requirements
 - h) Air quality management measures for asbestos to protect on-site workers and the surrounding community during remediation, particularly in relation to dust mitigation
 - i) Site work responses to be implemented during remediation should environmental monitoring criteria be exceeded
 - j) Storage, handling, classification and disposal of hazardous wastes
 - k) contingency plans and incident reporting, including Health and Safety and environmental incident management
 - l) details of provisions for monitoring implementation of remediation works and persons/consultants responsible (to include contact name and numbers)
 - m) Details for deliveries, parking and vehicular access to and from the site, ensuring adequate measure are in place to minimise environmental and neighbourhood disturbance
 - n) Any other proposed preventative response procedures to manage the issue of public exposure to contaminants including but not limited to asbestos
 - o) Containment control zones

A copy of the Auditor approved Site Remediation Management Plan is to be forwarded to Council prior to commencing remediation works.

71. Prior to works commencing a Class "A" licensed asbestos removalist is to be engaged and is required to ensure the following is undertaken during works:

- Develop an Asbestos Removal Control Plan (ARCP). The ARCP shall identify measures to reduce and prevent exposure to asbestos during works,
- ensure that contaminants do not result in a public nuisance or affect the health and safety of the site workers or surrounding community,
- satisfy the relevant conditions of development consent,
- detail the engagement of an independent licensed asbestos assessor to perform air monitoring during the asbestos works,
- Address a range of related requirements specified under Part 8 of the *WHS Regulation 2011* in regard to Class A Licensed asbestos removal work (safety measures to prevent exposure during the work, various notifications requirements etc), and

Ensure appropriate neighbourhood notification is undertaken

REQUIREMENTS PRIOR TO THE COMMENCEMENT OF ANY WORKS

The following conditions of consent must be complied with prior to the commencement of any works on the site. The necessary documentation and information must be provided to the Council or the 'Principal Certifying Authority' (PCA), as applicable.

These conditions have been applied to satisfy the relevant requirements of the *Environmental Planning & Assessment Act 1979*, *Environmental Planning & Assessment Regulation 2000* and to provide reasonable levels of public health, safety and environmental amenity.

Certification, PCA & other Requirements

72. Prior to the commencement of any building works, the following requirements must be complied with:

- a) 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*.

A copy of the construction certificate, the approved development consent plans and consent conditions must be kept on the site at all times and be made available to the Council officers and all building contractors for assessment.

- b) a *Principal Certifying Authority* (PCA) must be appointed to carry out the necessary building inspections and to issue an *occupation certificate*; and
- c) a licensed *principal contractor* must be appointed for the building work, or in relation to residential building work, an *owner-builder* permit may be obtained in accordance with the requirements of the *Home Building Act 1989*, and the PCA and Council are to be notified accordingly; and
- d) the *principal contractor* must be advised of the required *critical stage inspections* and other inspections to be carried out, as specified by the *Principal Certifying Authority*; and
- e) at least two days notice must be given to the Council, in writing, prior to

commencing any works.

Home Building Act 1989

73. In accordance with section 80 A (11) of the *Environmental Planning & Assessment Act 1979* and clause 98 of the *Environmental Planning & Assessment Regulation 2000*, the requirements of the *Home Building Act 1989* must be complied with.

Details of the Licensed Building Contractor and a copy of the relevant Certificate of Home Warranty Insurance or a copy of the Owner-Builder Permit (as applicable) must be provided to the Principal Certifying Authority and Council.

Dilapidation Reports

74. A dilapidation report prepared by a professional engineer, building surveyor or other suitably qualified independent person must be submitted to the satisfaction of the Principal Certifying Authority prior to commencement of any demolition, excavation or building works, in the following cases:

- excavations for new dwellings, additions to dwellings, swimming pools or the like which are proposed to be located within the *zone of influence* of the footings of any dwelling, associated garage or other substantial structure located upon an adjoining premises,
- new dwellings or additions to dwellings sited up to shared property boundaries (e.g. additions to a semi-detached dwelling or terraced dwellings),
- excavations for new dwellings, additions to dwellings, swimming pools or the like which are within rock and may result in vibration and or potential damage to any dwelling, associated garage or other substantial structure located upon an adjoining premises,
- as otherwise may be required by the Principal Certifying Authority.

The report (including photographs) are required to detail the current condition and status of any dwelling, associated garage or other substantial structure located upon the adjoining premises, which may be affected by the subject works. A copy of the dilapidation report is to be given to the owners of the premises encompassed in the report/s before commencing any works.

Construction Noise & Vibration Management Plan

75. 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 requirements of the *Protection of the Environment Operations Act 1997* and NSW EPA Guidelines must be satisfied at all times.

Noise and vibration from any rock excavation machinery, pile drivers and all plant and equipment is to be minimised, by using appropriate plant and equipment, silencers and the implementation of appropriate noise management strategies.

A *Construction Noise Management Plan*, prepared in accordance with the NSW EPA Construction Noise Guideline by a suitably qualified person, is to be implemented throughout the works. A copy of the strategy must be provided to the Principal Certifying Authority and Council prior to the commencement of works on site.

Construction Site Management Plan

76. A *Construction Site Management Plan* must be developed and implemented prior to the commencement of any works. The construction 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;
- provisions for temporary stormwater drainage;
- construction noise and vibration management;
- construction traffic management details.

The site management measures must be implemented prior to the commencement of any site works and be maintained throughout the works, to the satisfaction of Council.

A copy of the Construction Site Management Plan must be provided to the Principal Certifying Authority and Council prior to commencing site works. A copy must also be maintained on site and be made available to Council officers upon request.

Demolition Work Plan

77. A Demolition Work Plan must be prepared for the development in accordance with Australian Standard AS2601-2001, Demolition of Structures and relevant environmental/occupational health and safety requirements.

The Demolition Work Plan must be submitted to the Principal Certifying Authority (PCA), not less than two (2) working days before commencing any demolition work. A copy of the Demolition Work Plan must be maintained on site and be made available to Council officers upon request.

If the work involves asbestos products or materials, a copy of the Demolition Work Plan must also be provided to Council not less than 2 days before commencing those works.

Public Utilities

78. A *Public Utility Impact Assessment* must be carried out to identify all public utility services located on the site, roadway, nature strip, footpath, public reserve or any public areas associated with and/or adjacent to the building works.

Documentary evidence from the relevant public utility authorities confirming that their requirements have been or are able to be satisfied, must be submitted to the Principal Certifying Authority prior to the commencement of any works.

The owner/builder must make the necessary arrangements and meet the full cost for telecommunication companies, gas providers, Energy Australia, Sydney Water and other authorities to adjust, repair or relocate their services as required.

Construction Traffic Management

79. A detailed Construction Site Traffic Management Plan must be submitted to and approved by Council, prior to the commencement of any site work.

The Construction Site Traffic Management Plan must be prepared by a suitably qualified person and must include the following details, to the satisfaction of Council:

- A description of the demolition, excavation and construction works
- A site plan/s showing the site, roads, footpaths, site access points and vehicular movements
- Any proposed road and/or footpath closures
- Proposed site access locations for personnel, deliveries and materials
- Size, type and estimated number of vehicular movements (including removal of excavated materials, delivery of materials and concrete to the site)
- Provision for loading and unloading of goods and materials
- Impacts of the work and vehicular movements on the road network, traffic and pedestrians
- Proposed hours of construction related activities and vehicular movements to and from the site
- Current/proposed approvals from other Agencies and Authorities (including NSW Roads & Maritime Services, Police and State Transit Authority)
- Any activities proposed to be located or impact upon Council's road, footways or any public place
- Measures to maintain public safety and convenience

The approved Construction Site Traffic Management Plan must be complied with at all times, and any proposed amendments to the approved Construction Site Traffic Management Plan must be submitted to and be approved by Council in writing, prior to the implementation of any variations to the Plan.

80. Any necessary approvals must be obtained from NSW Police, Roads & Maritime Services, Transport, and relevant Service Authorities, prior to commencing work upon or within the road, footway or nature strip.

Civil Works

81. A separate written approval from Council is required to be obtained in relation to all works which are located externally from the site within the road reserve/public place, in accordance with the requirements of the Roads Act 1993. Detailed plans and specifications of the proposed works are to be submitted to and approved by the Director of City Services prior to commencing any works within the road reserve/public place.

All works within the road reserve/public place must be carried out to the satisfaction of Council and certification from a certified practicing engineer is to be provided to Council upon completion of the works.

Relevant Council assessment and inspection fees, as specified in Council's adopted Pricing Policy, are required to be paid to Council prior to commencement of the works.

Public Utilities

82. A public utility impact assessment must be carried out on all public utility services located on the site, roadway, nature strip, footpath, public reserve or any public areas associated with and/or adjacent to the building works. The assessment should include relevant information from public utility authorities and exploratory trenching or pot-holing, if necessary, to determine the position and level of services.
83. Documentary evidence from the relevant public utility authorities confirming they have agreed to the proposed works and that their requirements have

been or are able to be satisfied, must be submitted to the Principal Certifying Authority prior to the commencement of any demolition, excavation or building works.

The applicant must make the necessary arrangements and meet the full cost for telecommunication companies, gas providers, Ausgrid, Sydney Water and other service authorities to adjust, repair or relocate their services as required.

Project Arborist

84. Prior to the commencement of any site works, the Certifying Authority/PCA must ensure that an AQF Level 5 Arborist (who is eligible for membership with a nationally recognized organization/association) has been engaged as 'the Project Arborist' for the duration of works, and will be responsible for both implementing and monitoring the conditions of development consent, the Tree Protection Plans and Specifications, Pruning Specifications, and any other instructions issued on-site.
85. The Project Arborist must be present on-site at the relevant stages of works, and must keep a log of the dates of attendance and the works performed, which is to be presented as a Final Compliance Report, for the approval of the PCA, prior to the issue of any Occupation Certificate.

Public Park & Playground

86. The applicant must meet all costs associated with delivering the Public Park, Playground and associated works as is shown in the SEE by Urbis dated September 2016, as well as the Infrastructure & Public Realm Works by Arcadia Landscape Architecture, dwg's 3.1 – 3.10, Issue 1 dated September 2016; and plans: Public Park, dwg's 4.1 – 4.9, issue 1, dated December 2016 and Appendix, dwg's 100 – 120, issue C, dated September 2016, to Council's satisfaction, prior to the issue of any Final Occupation Certificate.
87. In this regard, these reports and plans must be developed further, with the following additional information/details to be included on amended plans, that must be re-submitted to, and be approved by, Council's Director of City Planning, prior to the commencement of any works associated with the public park:
- There must be no 'water-play' or sand elements in the playground at all, so must be completely deleted from all plans;
 - Softfall for all surfacing within the playground equipment fall zones must be EPDM rubber only;
 - At minimum, partial shade elements must be introduced to the roof of the Sales Ring structure to protect users, with details of the material to be used to be provided, along with a shade analysis of how effective the treatment will be during the morning, midday and afternoon periods;
 - Child-proof safety fencing and gates must be provided around the perimeter of the playground/park so as to prevent direct access from the park/playground onto the surrounding road network;
 - It must be demonstrated that the selection of play equipment and design of the playground will cater to the intended demographic, being for a variety of ages and abilities;
 - It must be demonstrated that all equipment, furniture and items are robust, and capable of withstanding intense public use;
 - BBQ's are to be a modular design and include a sink with an electric cooktop;
 - Details of the garden rooms, as well as any overhead pergola structures or similar to ensure that the view corridor from Barker Street towards the Big Stable is maintained;
 - Park Regulation Signage must be provided; with the quantity, location and list of inclusions to comply with Council's Civic Signage Manual;

- Park furniture must be provided to cater to the future needs of users, and will include but not be limited to; seats, benches, tables, bins, bin enclosures, taps, bubblers, lighting;
- Soil improver/conditioner that includes the properties of water retention and nutrients must be introduced throughout all garden and turf areas;
- Details of the controlled access points for Council maintenance vehicles;
- Extent of materials to be re-used/salvaged in the landscape works; including where they have come from and what they will be used for, such as sandstone kerbing, timber and similar;
- Sculptures, artworks and any interpretive elements, describing the history of the site and relationship to the new context;
- Maintenance regime to be used for the re-claimed/recycled timber that is intended to be used in decking, furniture, fencing and similar;
- The design, selection and installation of play equipment must comply with the relevant Australian Standards, with certification confirming such to be provided upon completion;
- Parts lists, suppliers, installers, warranties and similar;
- 'As built' drawings upon completion of the park/playground works.

88. All park and playground works on-site must be completed in accordance with these approved plans, with written confirmation of such needing to be provided from Council's Coordinator Open Space Assets and Landscape Architect, prior to dedication to Council.

Footpaths

89. Exposed aggregate, feature paving and similar treatments within the majority of public footpaths throughout the site, as has been shown on the Landscape Reports & Plans by Arcadia, is not supported and must be deleted, with all treatments and finishes needing to be in accordance with Council's engineering specifications.

Public Domain

90. The exception to this is the Barker Street frontage, where Council will support an upgraded, site-specific paving design/finish for the public footpath to assist with presentation of the site to the public domain, and may also extend into Young Street, as well as any other frontages where deemed appropriate by Council.
91. The applicant must meet all costs associated with providing public footpaths/verges/frontages throughout the site, to Council's satisfaction, and where high-end finishes such as Barker Street are approved for use, a site specific Public Domain Plan must be prepared in consultation with Council's Urban Design Elements Manual. All works carried out on Council property shall be in accordance with Council's requirements for Civil Works on Council property.

Separate, detailed streetscape plans for each of the frontages showing proposed paving design, footpaths/verges, street furniture, signage, grades, finished levels, awnings, pedestrian and vehicle entrances/exits, existing and proposed street trees, tree squares and any other details required by Council's Landscape Architect shall be submitted to, and approved by, Council's Director of City Services, prior to commencement of any public infrastructure works.

In this regard, the applicant will need to liaise with Council's Landscape Architect on 9093-6931, prior to preparation of these plans, in order to obtain any more detailed, site specific landscape design requirements.

Following approval of the streetscape plan; and prior to commencement of the streetscape works, the applicant must also liaise with Council's Capital Works Engineer and Development Engineer regarding scheduling of work including inspections, supervision fees and compliance with Council's requirements for

public liability insurance.

The approved streetscape works must be completed to the satisfaction of Council's Landscape Architect and Capital Works Engineer/Development Engineer, with confirmation of approval to be provided in writing, prior to the issue of any type of Occupation Certificate.

REQUIREMENTS DURING REMEDIATION AND DURING WORK

The following conditions of consent must be complied with during the remediation and earth works.

These conditions have been applied to satisfy the relevant requirements of the *Environmental Planning & Assessment Act 1979*, *Environmental Planning & Assessment Regulation 2000* and to provide reasonable levels of public health, safety and environmental amenity during construction.

92. The remediation of land must be implemented in accordance with a Remedial Action Plan (RAP), as amended and approved pursuant to these conditions, for the subject land and the following matters must be satisfied:

a) A copy of the Remedial Action Plan is to be forwarded to Council. The Remedial Action Plan (together with any proposed amendments) is to be reviewed by the Site Auditor and prior to the commencement of remediation works written confirmation is to be provided to Council from the Site Auditor which confirms that the Remedial Action Plan satisfies the relevant legislative provisions, guidelines and conditions of this consent:

- State Environmental Planning Policy No. 55.
- *Contaminated Land management Act 1997*.
- *Contaminated Land Management Regulation 2013*.
- Managing Land Contamination Guidelines 1998 (NSW EPA).
- Guidelines for the Assessment of On-site Containment of Contaminated Soil (EPA/DEC).
- Randwick City Council Contaminated Land Policy 1999.
- *Protection of the Environment Operations Act 1997*.

b) Should it be proposed to provide on-site containment/capping of asbestos or other contaminants, written details of the proposal must be contained in the Remedial Action Plan and must be referred to Council for consideration and written concurrence must be obtained from Council prior to implementation of the Remedial Action Plan.

A copy of the Management Plan(s) and details of relevant notations/restrictions upon the Certificates of Title must be forwarded to Council prior to the issue of any SAS section A in respect of the site, together with a written statement from the Site Auditor, which confirms that the Management Plan is consistent with the Guidelines for the Assessment of Onsite Containment of Contaminated Soils and any other relevant guidelines and legislative requirements.

c) The strategy for staged remediation of the site is to incorporate measures to ensure that adequate environmental and public health safeguards are implemented and monitored, including (but not be limited to):

- Cross-contamination, of any potential activity, which may result in the contamination of a clean or remediated area from an area that has not been remediated,

- Drainage including cross-contamination via drainage,
- Worker health and safety,
- Worker movement,
- Environmental impact and potential for migration or release of contaminants from the site,
- Groundwater movement across the site.

These shall be effectively addressed in a controlled manner through the development, implementation and monitoring of a detailed Site Management Plan (SMP) to be implemented during site remediation and infrastructure works.

The Site Management Plan for staged signoff is to be developed and implemented by a suitably qualified and experienced Environmental Consultant, to the satisfaction of the Site Auditor and Council. Written confirmation of the Site Auditors review and concurrence is to be forwarded to Council prior to commencement of remediation works.

93. Information and measures are to be documented detailing any staged remediation strategy to the satisfaction of the site auditor and Council prior to the commencement of remediation of the site including but not limited to:

The roles and responsibilities of all of the key stakeholders in the Project Team are to be clearly identified and fully detailed, including Any additional conditions that are specified in the Site Audit Statement(s) and Summary Site Audit Report(s) by the EPA Accredited Site Auditor, form part of this consent and must be complied with prior to the issue of any occupation certificate in relation to the site. All conditions must be discussed by the auditor with the planning authority, and agreed to by the Council prior to the completion of the Site Audit Statement. The following is noted:

- a) The key stakeholders can include, but are not limited to:
- The site owner
 - The Project Manager
 - The Environmental Consultant
 - The Licensed Asbestos Removalist
 - The Remediation Contractor
 - The Waste Transporter
 - The Waste Receiving Contractor(s)
 - The Independent Site Auditor, and
 - The Relevant Regulator Agencies (i.e. Council, EPA NSW Health etc.)
- b) Documentation detailing the staging of the remediation shall be provided (including periodical updates on the status of works).
- c) The Unexpected Finds Protocol is to be expanded to include other potential unexpected finds such as waste fill and underground services.
- d) Any significant amendments or changes to the staged remediation strategy are to be forwarded to Council for concurrence including necessary amendments or additional details required to be included in the strategy arising from the conditions of this consent, prior to the issue of any Site Audit Statement issued under the staged remediation strategy, together with written confirmation of the suitability of the amendments or changes from the Site Auditor.
94. An acid sulphate soil (ASS) management plan is to be developed and implemented as part of any further development application/s submitted in relation to the site, if acid sulphate soils are encountered prior to

commencement of works. Any ASS management plan shall outline mitigation measures to the satisfaction of a suitably qualified environmental consultant and in accordance with the NSW Government ASS Manual (1998)

95. An Environmental Management Plan (EMP) is to be developed in accordance with the Western Australian Department of Health Guidelines for the Assessment, Remediation and Management of Asbestos Contaminated Sites in Western Australia (WA DOH, May 2009) section 5.3 Ongoing Management. Any requirements contained within an Environmental Management Plan (EMP) form part of this consent and must be implemented accordingly. Land where capping and containment is proposed must be specified. Council must be consulted with prior to the development of the EMP and any comments made by Council are required to be taken into consideration prior to finalising the EMP.
96. Any beneficial reuse of material on-site is to be monitored and classified by a suitably experienced environmental specialist, together with the Site Auditor. Such material must be confirmed as suitable for reuse on the site by the Site Auditor prior to placement where it is to be reused either initially by issue of a Clearance Instruction by the Site Auditor and subsequently by issue of a Site Audit Statement (SAS) together with a Summary Site Audit Report (SSAR) in the format defined by the Contaminated Land Management Regulation 2013 and a copy provided to Council.
97. Documentary evidence such as clearance certificates must be obtained from the appointed Licenced Asbestos Removalist and Licenced Asbestos Assessor which confirms confirmation that the relevant requirements of the:
- *Work Health Safety (WHS) Regulation 2011* (in particular, Part 8)
 - *How to Safely Remove Asbestos: Code of Practice* by Safe Work Australia, 2016
 - *Managing Asbestos in or on Soil*, NSW EPA 2014
 - Relevant conditions of consent relating to land contamination and remediation have been satisfied accordingly and the implementation of the development has not impacted or affected the site investigations and associated Management Plans.
98. Remediation work shall be conducted within the following hours:
- | | |
|-----------------|-----------|
| Monday – Friday | 7am – 5pm |
| Saturday | 8am – 5pm |
- No work permitted on Sundays or Public Holidays
99. A sign displaying the (24 hour) contact names and telephone details of the remediation contractor (and the site manager if different to remediation contractor) as well as the Class A Licensed Asbestos Removalist shall be displayed on the site adjacent to the site access. This sign shall be displayed throughout the duration of the remediation works.
100. Any variations to the remediation strategy or, new information which is identified during remediation, demolition or construction works that has the potential to alter previous conclusions about site contamination or the remediation strategy shall be notified to the Site Auditor and Council immediately in writing.

The written concurrence of the site auditor must be obtained prior to implementing any changes to the remediation action plan, strategies or associated conditions of consent.

101. Hazardous or intractable wastes arising from the site works, excavation and remediation process must be removed and disposed of in accordance with the

requirements of WorkCover NSW and the Environment Protection Authority, and with the provisions of:

- *Work Health and Safety Act 2011;*
- *Work Health and Safety Regulation 2011;*
- *Protection of the Environment Operations Act 1997 (NSW) and*
- *NSW EPA Waste Classification Guidelines (2014).*

The works must not cause any environmental pollution, public nuisance or, result in an offence under the *Protection of the Environment Operations Act 1997* or *Work Health & Safety Act 2011* and Regulations.

Any contaminated land must be remediated to satisfy the relevant requirements of the *Contaminated Land Management Act 1997* and the National Environment Protection (Assessment of Site Contamination) Measure (NEPM) 2013 and details of compliance are to be provided to the Site Auditor and Council from a suitably qualified Environmental Consultant upon completion of the remediation works.

REQUIREMENTS DURING CONSTRUCTION & SITE WORK

The following conditions of consent must be complied with during the demolition, excavation and construction of the development.

These conditions have been applied to satisfy the relevant requirements of the *Environmental Planning & Assessment Act 1979*, *Environmental Planning & Assessment Regulation 2000* and to provide reasonable levels of public health, safety and environmental amenity during construction.

Inspections During Construction

102. The building works must be inspected by the *Principal Certifying Authority*, in accordance with sections 109 E (3) of the *Environmental Planning & Assessment Act 1979* and clause 162A of the *Environmental Planning & Assessment Regulation 2000*, to monitor compliance with the relevant standards of construction, Council's development consent and the construction certificate.

Site Signage

103. A sign must be erected and maintained in a prominent position on the site for the duration of the works, which contains the following details:

- name, address, contractor licence number and telephone number of the *principal contractor*, including a telephone number at which the person may be contacted outside working hours, or *owner-builder* permit details (as applicable)
- name, address and telephone number of the *Principal Certifying Authority*,
- a statement stating that "unauthorised entry to the work site is prohibited".

Restriction on Working Hours

104. Building, demolition and associated site works must be carried out in accordance with the following requirements:

Activity	Permitted working hours
All building, demolition and site work, including site deliveries (except as detailed below)	- Monday to Friday - 7.00am to 5.00pm - Saturday - 8.00am to 5.00pm - Sunday & public holidays - No work permitted

Excavating of rock, use of jack-hammers, pile-drivers, vibratory rollers/compactors or the like	<ul style="list-style-type: none"> - Monday to Friday - 8.00am to 5.00pm - Saturday - No work permitted - Sunday & public holidays - No work permitted
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An application to vary the abovementioned hours may be submitted to Council's Manager Health, Building & Regulatory Services for consideration and approval to vary the specified hours may be granted in exceptional circumstances and for limited occasions (e.g. for public safety, traffic management or road safety reasons). Any applications are to be made on the standard application form and include payment of the relevant fees and supporting information. Applications must be made at least 10 days prior to the date of the proposed work and the prior written approval of Council must be obtained to vary the standard permitted working hours.

Demolition Work Requirements

105. The demolition, removal, storage, handling and disposal of products and materials containing asbestos must be carried out in accordance with Randwick City Council's Asbestos Policy and the relevant requirements of SafeWork NSW and the NSW Environment Protection Authority (EPA), including:

- Work Health and Safety Act 2011;
- Work Health and Safety Regulation 2011;
- SafeWork NSW Code of Practice for the Safe Removal of Asbestos;
- Australian Standard 2601 (2001) – Demolition of Structures;
- The Protection of the Environment Operations Act 1997;
- Randwick City Council Asbestos Policy (adopted 13 September 2005).

A copy of Council's Asbestos Policy is available on Council's web site or a copy can be obtained from Council's Customer Service Centre.

Removal of Asbestos Materials

106. Work involving the demolition, storage or disposal of asbestos products and materials must be carried out in accordance with the following requirements:

- Relevant Occupational Health & Safety legislation and WorkCover NSW requirements
- Randwick City Council's Asbestos Policy
- A WorkCover licensed demolition or asbestos removal contractor must undertake removal of more than 10m² of bonded asbestos (or as otherwise specified by WorkCover or relevant legislation). Removal of friable asbestos material must only be undertaken by contractor that holds a current friable asbestos removal licence. A copy of the relevant licence must be provided to the Principal Certifying Authority.
- On sites involving the removal of asbestos, a sign must be clearly displayed in a prominent visible position at the front of the site, containing the words 'DANGER ASBESTOS REMOVAL IN PROGRESS' and include details of the licensed contractor.
- Asbestos waste must be stored, transported and disposed of in compliance with the *Protection of the Environment Operations Act 1997* and the *Protection of the Environment Operations (Waste) Regulation 2005*. Details of the landfill site (which must be lawfully able to receive asbestos materials) must be provided to the Principal Certifying Authority.

- A Clearance Certificate or Statement, prepared by a suitably qualified person (i.e. an occupational hygienist, licensed asbestos assessor or other competent person, must be provided to Council and the Principal certifying authority upon completion of the asbestos related works which confirms that the asbestos material have been removed appropriately and the relevant conditions of consent have been satisfied.

A copy of Council's Asbestos Policy is available on Council's web site or a copy can be obtained from Council's Customer Service Centre.

Public Safety & Site Management

107. Public safety and convenience must be maintained at all times during demolition, excavation and construction works and the following requirements must be complied with:

- a) Public access to the building site and materials must be restricted by existing boundary fencing or temporary site fencing having a minimum height of 1.5m, to Council's satisfaction.

Temporary site fences are required to be constructed of cyclone wire fencing material and be structurally adequate, safe and constructed in a professional manner. The use of poor quality materials or steel reinforcement mesh as fencing is not permissible.

- b) Building materials, sand, soil, waste materials, construction equipment or other articles must not be placed upon the footpath, roadway or nature strip at any time.
- c) The road, footpath, vehicular crossing and nature strip must be maintained in a good, safe, clean condition and free from any excavations, obstructions, trip hazards, goods, materials, soils or debris at all times. Any damage caused to the road, footway, vehicular crossing, nature strip or any public place must be repaired immediately, to the satisfaction of Council.
- d) All building and site activities (including storage or placement of materials or waste and concrete mixing/pouring/pumping activities) must not cause or be likely to cause 'pollution' of any waters, including any stormwater drainage systems, street gutters or roadways.

Note: It is an offence under the Protection of the Environment Operations Act 1997 to cause or be likely to cause 'pollution of waters', which may result in significant penalties and fines.

- e) Sediment and erosion control measures, must be implemented throughout the site works in accordance with the manual for Managing Urban Stormwater – Soils and Construction, published by Landcom, to Council's satisfaction. Details are to be provided in the Construction Site Management Plan and a copy is to be provided to the Principal Certifying Authority and Council.
- f) Site fencing, building materials, bulk bins/waste containers and other articles must not be located upon the footpath, roadway or nature strip at any time without the prior written approval of the Council. Applications to place a waste container in a public place can be made to Council's Health, Building and Regulatory Services department.
- g) A Road / Asset Opening Permit must be obtained from Council prior to carrying out any works within or upon a road, footpath, nature strip or in any public place, in accordance with section 138 of the *Roads Act 1993*

and all of the conditions and requirements contained in the Road / Asset Opening Permit must be complied with. Please contact Council's Road/Asset Openings officer on 9093 6691 for further details.

Support of Adjoining Land, Excavations & Retaining Walls

108. In accordance with section 80 A (11) of the *Environmental Planning & Assessment Act 1979* and clause 98 E of the *Environmental Planning & Assessment Regulation 2000*, it is a prescribed condition that the adjoining land and buildings located upon the adjoining land must be adequately supported at all times.
109. 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 must 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.

Details of proposed retaining walls, shoring, piling or other measures are to be submitted to and approved by the Principal Certifying Authority.

110. Prior to undertaking any demolition, excavation or building work in the following circumstances, a report must be obtained from a *professional engineer* which details the methods of support for the dwelling or associated structure on the adjoining land, to the satisfaction of the *Principal Certifying Authority*:
- when undertaking excavation or building work within the zone of influence of the footings of a dwelling or associated structure that is located on the adjoining land;
 - when undertaking demolition work to a wall of a dwelling that is built to a common or shared boundary (e.g. semi-detached or terrace dwelling);
 - when constructing a wall to a dwelling or associated structure that is located within 900mm of a dwelling located on the adjoining land;
 - as may be required by the *Principal Certifying Authority*.

The demolition, excavation and building work and the provision of support to the dwelling or associated structure on the adjoining land, must also be carried out in accordance with the abovementioned report, to the satisfaction of the *Principal Certifying Authority*.

Building Encroachments

111. There must be no encroachment of any structures or building work onto Council's road reserve, footway, nature strip or public place.

Road/Asset Opening Permit

112. A *Road / Asset Opening Permit* must be obtained from Council prior to commencing any excavations or works within or upon a road, footpath, nature strip or in any public place, in accordance with section 138 of the *Roads Act 1993* and all of the conditions and requirements contained in the *Road / Asset Opening Permit* must be complied with.

For further information, please contact Council's Road / Asset Opening Officer on 9093 6691 or 1300 722 542 **Site Seepage & Stormwater**

113. Details of the proposed connection and or disposal of any site seepage, groundwater or construction site stormwater to Council's stormwater drainage

system must be submitted to and approved by Council's Development Engineering Coordinator, prior to commencing these works, in accordance with section 138 of the *Roads Act 1993*.

Details must include the following information:

- Site plan
- Hydraulic engineering details of the proposed disposal/connection of groundwater or site stormwater to Council/s drainage system
- Volume of water to be discharged
- Location and size of drainage pipes
- Duration, dates and time/s for the proposed works and disposal
- Details of water quality and compliance with the requirements of the *Protection of the Environment Act 1997*
- Details of associated plant and equipment, including noise levels from the plant and equipment and compliance with the requirements of the *Protection of the Environment Act 1997* and associated Regulations and Guidelines
- Copy of any required approvals and licences from other Authorities (e.g. A water licence from the Department of Planning/Department of Water & Energy).
- Details of compliance with any relevant approvals and licences

Traffic Management

114. Adequate provisions must be made to ensure pedestrian safety and traffic flow during the site works and traffic control measures are to be implemented in accordance with the relevant provisions of the Roads and Traffic Manual "Traffic Control at Work Sites" (Version 4), to the satisfaction of Council.
115. All work, including the provision of barricades, fencing, lighting, signage and traffic control, must be carried out in accordance with the NSW Roads and Traffic Authority publication - 'Traffic Control at Work Sites' and Australian Standard AS 1742.3 – Traffic Control Devices for Works on Roads, at all times.
116. All conditions and requirements of the NSW Police, Roads & Maritime Services, Transport and Council must be complied with at all times.

Nature strips/verges

117. New nature-strips upon public footways must be evenly graded and turfed with Kikuyu Turf rolls, including turf underlay, wholly at the applicant's cost, to Council's satisfaction, prior to the issue of any Occupation Certificate.
118. Where planting within public verges or similar areas is proposed, the applicant must provide details and plans that must be submitted to, and be approved by, Council's Director of City Planning, meeting all of Council's requirements. The applicant must liaise with Council's Landscape Development Officer on 9093-6613 in this case.

Tree Removal

119. Approval is granted only for the removal of those trees that have been identified for removal in the approved Tree Protection Plan and Specification.
120. The removal of any other trees outside of those identified in the approved Plan and Specification will require separate application and approval from Council.

Pruning

121. Permission is granted for the minimal and selective pruning of those trees being retained, only where it is performed in accordance with the approved Tree Pruning Specification, and only where needed to avoid damage to a tree;

- or; interference with the approved works.
122. This pruning may be performed prior to the commencement of site works, if necessary, so as to minimize the chance of damage being caused to the trees by machinery and similar during demolition activities.
123. This approval does not imply any right of entry onto a neighbouring private property, nor does it allow pruning beyond a common boundary; however, where such measures are desirable in the best interests of correct pruning procedures, and ultimately, the ongoing health of a tree, the applicant must negotiate with the neighbour/tree owner for access to perform this work.
124. All pruning can only be undertaken by the Project Arborist; or; they will be required to directly supervise a consulting Arborist (minimum qualification of AQF Level III in Arboriculture), and must comply with the requirements of Australian Standard AS 4373-2007 'Pruning of Amenity Trees,' and NSW Work Cover Code of Practice for the Amenity Tree Industry (1998).
125. Where pruning to any of those 12 trees that are included in Council's Register of Significant Trees has been approved, the Project Arborist must contact Council's Landscape Development Officer on 9093-6613 (giving at least 5 working days-notice) to arrange a joint site meeting, **prior to pruning**, to confirm the exact location and extent of pruning that is permissible, with the Project/consulting Arborist to comply with any instructions issued by Council's Officer.
126. The same situation described above will also apply where the pruning of any other street/park trees is sought.

REQUIREMENTS PRIOR TO THE ISSUE OF AN OCCUPATION CERTIFICATE

The following conditions of consent must be complied with prior to the 'Principal Certifying Authority' issuing an 'Occupation Certificate'.

Note: For the purpose of this consent, any reference to 'occupation certificate' shall also be taken to mean 'interim occupation certificate' unless otherwise stated.

These conditions have been applied to satisfy the relevant requirements of the *Environmental Planning & Assessment Act 1979*, *Environmental Planning & Assessment Regulation 2000*, Council's development consent and to maintain reasonable levels of public health, safety and amenity.

Occupation Certificate Requirements

127. An Occupation Certificate must be obtained from the Principal Certifying Authority prior to any occupation of the building work encompassed in this development consent (including alterations and additions to existing buildings), in accordance with the relevant provisions of the *Environmental Planning & Assessment Act 1979*.

Council's Infrastructure, Vehicular Crossings & Road Openings

128. All relevant civil works and service installations must be completed to the satisfaction of the Principal Certifying Authority and the Certifying authority prior to the issuing of an Occupation Certificate or Subdivision Certificate for the development site. The adopted Service Agreement must be referenced and evidence of strict compliance must be documented with any application for Occupation Certificate or Subdivision Certificate. All civil works and service installation must be undertaken at full cost to the applicant.

Service Authorities

Sydney Water

129. A compliance certificate must be obtained from Sydney Water, under Section 73 of the Sydney Water Act 1994. Sydney Water's assessment will determine the availability of water and sewer services, which may require extension, adjustment or connection to their mains, and if required, will issue a Notice of Requirements letter detailing all requirements that must be met. Applications can be made either directly to Sydney Water or through a Sydney Water accredited Water Servicing Coordinator (WSC).

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

The Section 73 Certificate must be submitted to the Principal Certifying Authority and the Council **prior to issuing an *Occupation Certificate* or *Subdivision Certificate***, whichever the sooner.

Landscape Certification

130. Prior to issuing any type of Occupation Certificate, certification from a qualified professional in the landscape/horticultural industry must be submitted to, and be approved by, the PCA, confirming the date that the completed landscaping was inspected, and that it has been installed substantially in accordance with the Infrastructure & Public Realm Works by Arcadia Landscape Architecture, dwg's 3.1 – 3.10, Issue 1 dated September 2016; and plans: Public Park, dwg's 4.1 – 4.9, issue 1, dated December 2016 and Appendix, dwg's 100 – 120, issue C, dated September 2016, and any relevant conditions of consent.
131. Suitable strategies shall be implemented to ensure that the landscaping is maintained in a healthy and vigorous state until maturity, for the life of the development.

Site Arborist Certification

132. Prior to the issue of any Occupation Certificate, the Project Arborist must submit to, and have approved by, the PCA, written certification which confirms compliance with the conditions of consent, Tree Protection Plan & Specification and Pruning Specification; the dates of attendance and works performed/supervised relating to retention of those trees identified in the Tree Protection Plan and Specification.

Public Park/Playground

133. The approved Public Park & Playground works must be completed in accordance with the relevant conditions of consent and any approved plans, to the satisfaction of Council's Coordinator of Open Space Assets and Landscape Architect, who must provide written confirmation of their approval, prior to the issue of any type of Occupation Certificate.

Street Tree Certification

134. Prior to the issue of any Final Occupation Certificate, Council's Landscape Development Officer must provide written confirmation that all works relating to implementation of the Street Tree Management Plan and Street Tree Selection Plan have been completed to Council's satisfaction.

Traffic Control Measures

135. Prior to the issuing of an Occupation Certificate the applicant must have met the Roads and Maritime Services' terms and conditions for additional clearways / timed parking restrictions in Avoca Street (near the intersection with Barker Street).
136. Prior to the issuing of an Occupation Certificate the applicant must have met the Randwick Traffic Committee's terms and conditions for additional clearways

/ timed parking restrictions in Barker Street (near the intersection with Avoca Street).

137. Prior to the issuing of an Occupation Certificate the applicant must have met the Council's and the Randwick Traffic Committee's terms and conditions for a pedestrian crossing in Barker Street (near the intersection of Barker and Young Street).

REQUIREMENTS PRIOR TO ABOVE GROUND BUILDING WORKS COMMENCING OR ISSUE OF A CONSTRUCTION CERTIFICATE OR SUBDIVISION

The following conditions of consent must be complied with during the remediation and earth works.

These conditions have been applied to satisfy the relevant requirements of the *Environmental Planning & Assessment Act 1979*, *Environmental Planning & Assessment Regulation 2000* and to provide reasonable levels of public health, safety and environmental amenity during construction.

138. A SAS section (A) and Summary Site Audit Report (SSAR) is to be provided to the Council prior to the issue of any subdivision certificate/construction certificate for building work (other than shoring work, piling work, retaining structures or any other work which is necessary to carry out remediation works) in each stage of the development, to certify that the site is suitable for its intended uses.

It is noted that any proposed development and remediation strategies must be undertaken in such a manner that minimise the potential for cross contamination of land and ground water during the staged the development.

138. A formal application for a subdivision certificate is required to be submitted to and approved by Council and all relevant conditions of this development consent are required to be satisfied. Council will not accept dedication of any infrastructure that has not been constructed in strict compliance with the approved specification and Construction Certificate plans.
139. Details of critical stage inspections carried out by the Certifying Authority, together with any other certification relied upon, must be provided to Council.
140. The applicant shall create suitable right of carriageway, easements for services and internal stormwater lines, as required. The applicant shall be advised that the minimum easement width for any internal stormwater line is 0.9 metres.

REQUIREMENTS PRIOR TO THE ISSUE OF AN OCCUPATION CERTIFICATE

The following conditions of consent must be complied with prior to the 'Principal Certifying Authority' issuing an 'Occupation Certificate'.

Note: For the purpose of this consent, any reference to 'occupation certificate' shall also be taken to mean 'interim occupation certificate' unless otherwise stated.

These conditions have been applied to satisfy the relevant requirements of the *Environmental Planning & Assessment Act 1979*, *Environmental Planning & Assessment Regulation 2000*, Council's development consent and to maintain reasonable levels of public health, safety and amenity.

141. Fill material including top soils for landscaping and materials used in open spaces that are imported to the site must satisfy the requirements of the NSW *Protection of the Environment Operations (Waste) Regulation 2005* and the NSW Environment Protection Authority (EPA) Waste Classification Guidelines (2014). Fill material must meet the relevant requirements for Virgin

Excavated Natural Material (VENM) or Excavated Natural Material (ENM) or be the subject of a (general or specific) Resource Recovery Exemption from the EPA.

Details of the importation of fill and compliance with these requirements must be provided to the satisfaction of the Environmental Consultant and Site Auditor.

REQUIREMENTS AT COMPLETION OF ALL REMEDIATION WORKS

These conditions have been applied to satisfy the relevant requirements of the *Environmental Planning & Assessment Act 1979*, *Environmental Planning & Assessment Regulation 2000* and to provide reasonable levels of public health, safety and environmental amenity.

142. In keeping with the NSW EPA Auditor Guidelines, upon the completion of all Site Audit Statements being issued for the staged development, one overarching site audit statement is to be issued stating the entire development site is suitable for the intended use.

OPERATIONAL CONDITIONS

The following operational conditions must be complied with at all times, throughout the use and operation of the development.

These conditions have been applied to satisfy the relevant requirements of the *Environmental Planning & Assessment Act 1979*, *Environmental Planning & Assessment Regulation 2000*, Council's development consent and to maintain reasonable levels of public health and environmental amenity.

Defects Liability

143. A defects liability period in respect of each item of the Developer's Works shall apply. The period of the defects liability period shall be 365 days beginning on the date on which the relevant item of the Developer's Works has achieved Practical Completion. If the Council notifies the Developer of a defect in the Developer's Works then the Developer must at the Developer's expense, remedy that defect to the satisfaction of Council within the time frame specified in Council's notice.

ADVISORY NOTES

The following information is provided for your assistance to ensure compliance with the *Environmental Planning & Assessment Act 1979*, *Environmental Planning & Assessment Regulation 2000*, or other relevant legislation and Council's policies. This information does not form part of the conditions of development consent pursuant to Section 80A of the Act.

- A1 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 requirements is an offence, which renders the responsible person liable to a maximum penalty of \$1.1 million. Alternatively, Council may issue a penalty infringement notice (for up to \$6,000) for each offence. Council may also issue notices and orders to demolish unauthorised or non-complying building work, or to comply with the requirements of Council's development consent.

- A2 This determination does not include an assessment of the proposed works under the Building Code of Australia (BCA) and other relevant Standards. All new building work (including alterations and additions) must comply with the

BCA and relevant Standards and you are advised to liaise with your architect, engineer and building consultant prior to lodgement of your construction certificate.

A3 In accordance with the requirements of the *Environmental Planning & Assessment Act 1979*, building works, including associated demolition and excavation works (as applicable) must not be commenced until:

- A *Construction Certificate* has been obtained from an Accredited Certifier or Council,
- An Accredited Certifier or Council has been appointed as the *Principal Certifying Authority* for the development,
- Council and the Principal Certifying Authority have been given at least 2 days notice (in writing) prior to commencing any works.

A4 Council's Building Certification & Fire Safety team can issue your *Construction Certificate* and be your *Principal Certifying Authority* for the development, to undertake inspections and ensure compliance with the development consent, relevant building regulations and standards of construction. For further details contact Council on 9093 6944.

A5 A Local Approval application must be submitted to and be approved by Council prior to commencing any of the following activities on a footpath, road, nature strip or in any public place:

- Install or erect any site fencing, hoardings or site structures
- Operate a crane or hoist goods or materials over a footpath or road
- Placement of a waste skip or any other container or article.

For further information please contact Council on 9093 6944.

A6 Specific details of the location of the building/s should be provided in the Construction Certificate to demonstrate that the proposed building work will not encroach onto the adjoining properties, Council's road reserve or any public place.

A7 Prior to commencing any works, the owner/builder should contact *Dial Before You Dig* on 1100 or www.dialbeforeyoudig.com.au and relevant Service Authorities, for information on potential underground pipes and cables within the vicinity of the development site.

A8 This consent does not authorise any trespass or encroachment upon any adjoining or supported land or building whether private or public. Where any underpinning, shoring, soil anchoring (temporary or permanent) or the like is proposed to be carried out upon any adjoining or supported land, the land owner or principal contractor must obtain:

- the consent of the owners of such adjoining or supported land to trespass or encroach, or
- an access order under the *Access to Neighbouring Land Act 2000*, or
- an easement under section 88K of the *Conveyancing Act 1919*, or
- an easement under section 40 of the *Land & Environment Court Act 1979*, as appropriate.

Section 177 of the *Conveyancing Act 1919* creates a statutory duty of care in relation to support of land. Accordingly, a person has a duty of care not to do anything on or in relation to land being developed (the supporting land) that removes the support provided by the supporting land to any other adjoining land (the supported land).

- Underground assets may exist in the area that is subject to your application. In the interests of health and safety and in order to protect damage to third party assets please contact Dial before you dig at www.1100.com.au or telephone on 1100 before excavating or erecting structures (This is the law in NSW). If alterations are required to the configuration, size, form or design of the development upon contacting the Dial before You Dig service, an amendment to the development consent (or a new development application) may be necessary. Individuals owe asset owners a duty of care that must be observed when working in the vicinity of plant or assets. It is the individual's responsibility to anticipate and request the nominal location of plant or assets on the relevant property via contacting the Dial before you dig service in advance of any construction or planning activities.
- 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.
- Further information and details on Council's requirements for trees on development sites can be obtained from the recently adopted Tree Technical Manual, which can be downloaded from Council's website at the following link, <http://www.randwick.nsw.gov.au> - Looking after our environment - Trees - Tree Management Technical Manual; which aims to achieve consistency of approach and compliance with appropriate standards and best practice guidelines.

MOTION: (Smith/Andrews) CARRIED UNANIMOUSLY - SEE RESOLUTION.

D73/17 Development Application Report - SCPP Report - 150-174 Barker St & 181 Botany St & 1-7,18-21 Jane St & 8-20, 28-42 Young St, Randwick (DA/664/2016)

Note: Having previously declared interests in this matter, Crs Andrews, Garcia, Matson and Moore left the chamber and took no part in the debate or voting on this matter.

PL74/17

RESOLUTION: (Smith/Seng) that the SCPP assessment report for DA/664/2016 - Lot E1 on the Newmarket site at 164-174 Barker Street, Randwick be received and noted.

MOTION: (Smith/Seng) CARRIED UNANIMOUSLY - SEE RESOLUTION.

Cr Garcia returned to the meeting at this point (8.41pm).

D74/17 Development Application Report - SCPP 30-36 Dangar Street, Randwick (DA/132/2017)

Note: Having previously declared interests in this matter, Crs Andrews, Matson and Moore left the chamber and took no part in the debate or voting on this matter.

PL75/17

RESOLUTION: (Smith/Shurey) that the SCPP assessment report for DA/132/2017 at 30-36 Dangar Street, Randwick be received and noted.

MOTION: (Smith/Shurey) CARRIED UNANIMOUSLY - SEE RESOLUTION.

Crs Andrews, Matson and Moore returned to the meeting at this point (8.42pm).

Miscellaneous Reports

M4/17 Miscellaneous Report - Report variation to Development Standard under State Environmental Planning Policy NO.1 (SEPP1) and

clause 4.6 between 01 June to 26 July 2017 (F2008/00122)

PL76/17

RESOLUTION: (Moore/Smith) that the report be received and noted.

MOTION: (Moore/Smith) CARRIED - SEE RESOLUTION.

M5/17 Miscellaneous Report - Site Compatibility Certificate Application for Maroubra Bowling Club Site. (F2004/08420)

PL77/17

RESOLUTION: (Shurey/Andrews) that Council endorse the draft letter sent to the Department of Planning and Environment on 21 July 2017.

MOTION: (Shurey/Andrews) CARRIED UNANIMOUSLY - SEE RESOLUTION.

Notice of Rescission Motions

Nil.

The meeting closed at 8:44pm.

The minutes of this meeting were confirmed at the Planning Committee Meeting of the Council of the City of Randwick held on Tuesday, 14 November 2017.

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CHAIRPERSON