

## Joint Regional Planning Panel (Sydney East Region)

<b>JRPP No</b>	<b>2012SYE073</b>
<b>DA Number</b>	<b>DA/221/2012</b>
<b>Local Government Area</b>	<b>Randwick City Council</b>
<b>Proposed Development</b>	<b>Construction of Asian interment area at Eastern Suburbs Memorial Park including retaining walls, water retention tank, landscaping structures, Buddhist shrine, landscaping, drainage, circulation paths, chapel and columbarium (Heritage Conservation Area)</b>
<b>Street Address</b>	<b>12 Military Road, Matraville</b>
<b>Applicant/Owner</b>	<b>Eastern Suburbs Memorial Park</b>
<b>Number of Submissions</b>	<b>Zero (0)</b>
<b>Recommendation</b>	<b>Approval with Conditions</b>
<b>Report by</b>	<b>Development Assessment Officer– Randwick City Council</b>

### Assessment Report and Recommendation

#### 1. Executive Summary

Council is in receipt of a development application involving the construction of an Asian interment area within the Eastern Suburbs Memorial Park, Lot 101 in DP 805244, No. 12 Military Road, Matraville. Associated works involve extensive landscaping across the site including changes to existing water features, the construction of retaining walls; stormwater infrastructure and the installation of a water retention tank; the installation of a chapel and columbarium, and the installation of structures relating to various denominations.

The land parcel has a total area of 51,180m<sup>2</sup> and is located on the north-western side of Military Road, near the intersection with Bumborah Point Road. The site was previously occupied by the former Bunnerong Power Station. The site forms part of the Eastern Suburbs Memorial Park (ESMP), which primarily accommodates cemetery and crematorium uses. The proposed development will occur within the southern section of the site known as the "Asian Sector". To the east and south of the site on the opposite side of Military Road is the existing ESMP Cemetery and Crematorium facility. Adjoining the site to the west are industrial and port uses.

The site is located within Zone No. 5 (Special Uses Zone) under Randwick LEP 1998 (Consolidation). The site is identified as being affected by acid sulphate soils type 4 and is located within the Former Bunnerong Power Station (Heritage) Conservation Area.

The subject application was advertised and notified to the adjoining and nearby properties from 26 April 2012 to 10 May 2012 in accordance with Development Control Plan – Public Notification of Development Proposals and Council Plans. No submissions were received at the conclusion of the public consultation process.

The proposal has been reviewed by Council's development engineer, building officer, environmental health officer and heritage planner. Comments received have been included in this report and conditions have been included in the Recommendation of this report.

The application is referred to the Joint Regional Planning Panel for determination, pursuant to Schedule 4A of the Environmental Planning and Assessment Act 1979: the Crown is the applicant and the estimated capital investment value exceeds five million dollars (\$13,120,299.00)

## **2. Description of locality and site:**

The subject site is described as Lot 101 in DP 805244, No. 12 Military Road, Matraville. The land parcel has a total area of 51,180m<sup>2</sup> and is located on the north-western side of Military Road, near the intersection with Bumborah Point Road. The site was previously occupied by the former Bunnerong Power Station.

The site forms part of the Eastern Suburbs Memorial Park (ESMP), which primarily accommodates cemetery and crematorium uses. The proposed development will occur within the southern section of the site known as the "Asian Sector". The southern section is separated from its northern counterpart by a recently completed administration building. There is an existing loop road providing access from Military Road to the southern sector. Remnant lily ponds and landscaping associated with the former power station garden are located within the subject development zone. The western part of the site falls significantly in a series of steps and terraces.

To the east and south of the site on the opposite side of Military Road is the existing ESMP Cemetery and Crematorium facility. Adjoining the site to the west are industrial and port uses.

The site is identified as being affected by acid sulphate soils type 4 and is located within the Former Bunnerong Power Station (Heritage) Conservation Area.







*Photograph B: View east to Administration Building.*



*Photograph C: View to the north, existing retaining wall and terraced area.*



*Photograph D: View to north of western site boundary.*



*Photograph E: View to west of Military Road and south east corner of the site.*

### **3. Relevant History**

#### **3.1 Previous development approvals relating to the site:**

There are a number of development applications that have been approved in relation to the subject site. DA/201/2009 and DA/770/2010 are considered particularly relevant as these approvals relate to works that are similar to the subject application, albeit slightly more limited in scope.

<b>Application Number</b>	<b>Description of Works</b>
DA/1175/1998	Change of use to a cemetery and construction of an administration building. Approved 17 August 1999
DA/242/2000	Provision of new burial areas and construction of landscape works and vehicular and pedestrian access. Approved 8 September 2000, and subject to a number of Section 96 modifications
DA/1177/2003	Construction of an amenities block and a store room. Approved 16 March 2004, and subject to a Section 96



	modification
DA/201/2009	Provision of new burial and cremation plot areas within the Eastern Suburbs Memorial Park, including construction of toilet facilities, retaining and feature walls, footpaths, water ponds, landscape planting and associated site works. Approved 21 October 2009, and subject to a Section 96 modification
DA/675/2010	Construction of memorial chapel and rotunda at Eastern Suburbs Memorial Park (Heritage Conservation Area). Approved 24 September 2010.
DA/770/2010	Stormwater management works and associated landscaping in Southern (Asian) Sector of the Eastern Suburbs Memorial Park. Approved 22 December 2010.

#### 4. Proposed Works

In summary, the subject application is for the provision of a new burial and cremation plot areas and associated landscape works in the Southern (Asian) Sector of the Eastern Suburbs Memorial Park ("memorial area"). The proposed works that form part of the application relate to landscaping, retaining walls and earthworks; the construction of buildings and associated structures; and infrastructure works.

The applicant has provided a plan showing existing structures (retaining walls and pathways) that will be retained and incorporated into the proposed memorial area (refer: DD-A-107). Existing unapproved structures do not form part of the recommended approval.

Component	Description of Works
Landscaping, retaining walls and earthworks	<ul style="list-style-type: none"> <li>Relatively minor cut and fill earthworks within the site to create level terraces for burial plots, new walkways and landscape features.</li> <li>Fill earthworks along the western boundary of the site that will be an average of 1.9m in height, with a maximum height of approximately 3.3m, to create the Niche Wall Garden.</li> <li>Excavation to a depth of approximately 3m to construct the stormwater retention tank below the columbarium.</li> <li>Modifications to the permitter of existing water features.</li> <li>The removal of existing vegetation and a comprehensive planting schedule.</li> </ul>
Construction of buildings and associated structures	<ul style="list-style-type: none"> <li>Columbarium: Single storey open structure located in the south-west corner of the development site. The proposed stormwater retention tank is to be located below at sub ground level (See further detail, below). <ul style="list-style-type: none"> <li>Building height: 7.5m (RL15.010)</li> <li>Building footprint: 405m<sup>2</sup></li> </ul> </li> <li>Chapel: A single storey chapel with capacity for 100 people, bathrooms and food serveries - no food preparation (see further detail below). <ul style="list-style-type: none"> <li>Maximum height: 6m (RL15.010)</li> <li>Building footprint: 237m<sup>2</sup></li> </ul> </li> </ul>

Component	Description of Works
	<ul style="list-style-type: none"> <li>• Amitabah, Quan Ying and Di Zhang Wang Shrine: Located to the south of the existing water features in the north east of the site.</li> <li>• Public bathrooms: Accessible male and female bathrooms located on the eastern boundary of the site.</li> <li>• Niche wall garden structure: decorative wall and adjoining walkway located along the western boundary of the site.</li> <li>• Various statues and ornaments that form part of the memorial area's themes.</li> <li>• New walkways and retaining walls.</li> </ul>
Infrastructure works	<ul style="list-style-type: none"> <li>• Installation of stormwater infrastructure across the site to drain new impervious surfaces and surface flow including intakes, pipes and associated components.</li> <li>• Construction of a stormwater detention tank below the Columbarium.</li> </ul>

#### 4.1 Columbarium and chapel

The proposal involves the construction of a single story columbarium in the south western corner of the site that will provide 2304 niches. The proposed structure is located against the western side boundary of the site at the southern end of the Niche Wall structure that runs along the western boundary. The columbarium has a height from ground level of approximately 7.5m (to RL15.010) and a building footprint of 405m<sup>2</sup>. The columbarium against the western boundary site and 1m of the southern (Military Road) boundary of the site. The proposed stormwater detention tank is located beneath the floor of the columbarium.

Attached to the columbarium, tho the east, is a single storey chapel with capacity for 100 people, bathrooms and facilities for the service of food. No food preparation facilities are provided. The proposed chapel has a floor area of 237m<sup>2</sup> and a maximum height from ground level of approximately 6m (to RL 15.010).

Pedestrian access to the columbarium and chapel complex is provided from via the network of pedestrian walkways through the site. Accessible access is provided via the walkway off the existing loop road, the entrance tow which is located in proximity to the children's memorial area extension.



*Proposed columbarium and chapel complex, viewed from the north east.*

## **5. Referrals:**

### **5.1 Environmental Health**

As the site is noted as being potentially contaminated (Acid Sulphate Soil Category 4), the application has been referred to Council's Environmental Health Department for assessment. Appropriate conditions are to be recommended to be imposed so as to address remediation and validation of the site. The comments provided are extracted and provided below.

#### ***Background***

*The site was subject to a previous approval under DA/201/2009 for similar works over essentially the same area of land. Extensive reporting was undertaken as part of that application and as such reports such as contamination have been simply updated to reflect the new scheme. The scheme differs in that it provides more fully for an Asian theme including a shrine, chapel and columbarium being facilities designed to service existing and future users." Page 1, Paragraph 5 of SEE dated march 2012 prepared by Andrew Martin Planning Pty Ltd.*

*A letter from the environmental consultant confirms the original investigations and reports are applicable and apply to the current application. The issue of Acid Sulphate Soils has been addressed by the environmental consultant and it has been determined that a management plan is not required.*

*The following referral (as copied below) was originally completed in 10 June 2009. As the circumstances and the relevant legislation and guidelines have not changed, it is considered to be most appropriate to reuse the same conditions.*

#### ***Proposal***

*The proposal is for the development of additional cremation plots, walled area of burial plots in the lawn area and landscaping works.*

#### ***Key Issues: Land contamination***

*EIS have prepared an environmental site assessment for the proposed works titled " Report to Eastern Suburbs Memorial Park on Environmental*



*Site Assessment & Remedial Action Plan for Proposed extensions to Eastern Suburbs Memorial Park at 12 Military Rd Matraville NSW" dated February 2009 Ref: E22026K-RPT4.*

*In summary, the subject land is within the eastern suburbs memorial park, downstream of the cemetery and was formerly part of the former Bunnerong power station. Soil contamination has been identified including asbestos contamination. Three remedial options are listed in the environmental report. The SEE proposes to follow remediation option 3, i.e. to remove the impacted soils from the site. The groundwater is also contaminated with heavy metals. "heavy metal concentrations encountered in the groundwater at the site are considered to be the result of regional groundwater conditions rather than a site specific issue" 3 reasons are listed. In addition, "elevated nitrate concentrations encountered in groundwater sample BH8 could potentially be attributed to the buried No remediation of the groundwater is proposed.*

*Additional information dated 24.06.09 was submitted by the environmental consultant assessing the public and environmental health implications of the groundwater contamination on the site. Please refer to D00806805. This explains that the groundwater contamination may remain untreated without any adverse implications to the surrounding environment or public health.*

*Appropriate conditions are to be recommended to be imposed so as to address remediation and validation of the site.*

## **5.2 Heritage Planner**

The application has been referred to Council's Heritage Planner for assessment. The comments provided are extracted and provided below. Overall, council's heritage planner is satisfied that, while the scope of proposed works will result in significant changes to the site, the final form of development will be consistent with the character of the locality.

### ***The Site***

*The subject site is located on the northern side of Military Road and is part of the Bunnerong Power Station Conservation Area. The conservation area comprises two sectors roughly triangular in shape with the Administration Building at their junction. The southern sector is accessed by a loop road parallel to Military Road.*

### ***Background***

*The original application for the former Power Station site proposed provision of new burial areas, landscaping works, access roads and vehicular and pedestrian entries to the site (Stage 1 of Master Plan). Subsequent modifications have been made to vehicular access, stormwater design, landscaping and distribution of burial and cremation plots. The first works on the site comprised streetscape works to Military Road and the burial ground for stillborns and neo-natals, with the Administration Building completed in 2001.*

### ***The Proposal***

*The current application proposes changes to the Master Plan proposal for landscaping and distribution of burial and cremation plots in the southern (Asian) sector site. The proposed changes affect the area generally on the western side of the loop road. Landscaping works include construction of retaining walls along and parallel to the western boundary and along the*

southern (Military Road) boundary. Fill behind new and existing retaining walls will create level terraces for landscaping and future burials. The proposal includes a range of grave site types, niche walls (along the western boundary), columbaria, associated landscape elements including steps, pathways, terraces and lawns, and associated buildings including a chapel, columbaria, shrine, pavilion and several gateway structures.

Works will occur in three separate zones. The northern zone will include the Dragon Garden graves, shrine, sculpture lawn and landscaping around the heritage ponds. The central zone will include the Moon Garden graves, three traditional Chinese graves and an area of lawn graves. The southern zone will include the chapel and columbarium, pavilion, an area of lawn graves, and an extension to the children's memorial area.

### **Submission**

The application has been accompanied by a Statement of Heritage Impact prepared by Rappoport Pty Ltd. In terms of historical development, the SHI notes that Bunnerong Power Station was constructed between 1926 and 1929 and was for 30 years the largest electricity provider in the southern hemisphere, making an important contribution to the development of NSW. Bunnerong Power Station was decommissioned in the 1970s, and demolition works occurred between 1979 and 1986, although the Switching House and Mess Building remained until 1996. The SHI notes that evidence of the former Power Station remain within the Former Bunnerong Power Station heritage conservation area including the outflow canal and concrete boundary retaining walls, as well as stone walls and terraces which were part of the Switching Station and its gardens, maintained and enjoyed by the power station workers. The SHI considers that the site has aesthetic, social and technical/research significance for its association with the Power Station and its current use as a Memorial Park/Cemetery. In terms of aesthetic significance, the site is an open landscape with considerable visual appeal and includes a number of mature trees and landscape elements with concrete retaining walls as a major element in long distance views from the west. In terms of social significance, the formal entry, lily ponds and terraced gardens represent the employees' involvement and pride in their workplace, while the paperbark grove is significant as the site of the workers recreation area.

In terms of heritage impact the SHI notes that the gardens and ponds created by the power station workers are to be retained as well as low stone, brick and concrete walls of this period. While some walls will be covered in order to accommodate stormwater drainage and changes to ground levels, they will be retained intact below new fill. The SHI notes that the proposed layout respects the remnant footprint of the demolished Mess Building, and that the view of the concrete retaining wall from the west will be retained, although the wall will be increased in height. The SHI suggests that the openness of the landscape will be retained with the exception of a few ceremonial structures and higher walls. The SHI notes that the proposal will retain the trees between the loop road and Military Road and will make use of natural sandstone and granite to respect existing landscape elements. The SHI concludes that the proposal is a respectful development of the site and that suitable interpretation material could be used to assist in keeping alive the memory of power station workers who established and maintained the gardens, and the impact the power station had on the development of NSW. The SHI recommends relation to archival recording, interpretation and potential archaeological deposits.

### **Controls**

*The Statement of Significance for the conservation area included in the Development Control Plan Eastern Suburbs Memorial Park notes that the site has aesthetic significance as an open landscape with considerable visual appeal, as well as having historic, social and technical/research significance. The DCP includes specific objectives and development controls/performance criteria in relation to conservation, requiring the conservation of particular landscape elements which contribute to the significance of the conservation area.*

### **Comments**

*The southern sector of the site was formerly occupied by the power station Switch House and retains a number of landscape elements established in conjunction with the power station including the lily ponds, terraced gardens, picnic area and paperbark plantings. The site for the proposed works is on the opposite side of the access drive from the paper barks, but includes the lily and fish ponds and the terraced gardens. The ponds in the northern corner of the site are to be retained, although a more formal landscape treatment is proposed, following the lines of the existing sandstone retaining walls, pathways, stairways and planting beds. An appropriate consent condition should be included in relation to repair and maintenance of existing elements. The footprint of the former Switch House and is to be generally retained in the Dragon Garden Graves area. New retaining walls are generally to be constructed in stone faced masonry. Existing ground levels will generally be retained except at the most westerly edge of the site. The drawings which have been submitted indicate that a number of trees in the northern corner of the site are to be removed. Council's historic aerial photographs indicate however that these trees were not part of the early gardens plantings on the site. Although the proposed development will considerably change the character of the site, the provision of burial and cremation plots will retain a degree of openness as well as the significant pond and garden area in the northern corner of the site.*

*A previous SEE for the site noted that consultation was carried out with the La Perouse Aboriginal Land Council to determine if the site was likely to be a place of Aboriginal heritage significance. The proposed excavation was to be monitored by a representative of the Land Council. The SEE refers to a letter of support for the proposal from the La Perouse Aboriginal Land Council, but a copy of this letter could not be located. An appropriate consent condition should be included.*

### **Recommendation**

- *That the suggested conditions are included with any consent.*

## **5.3 Development Engineer and Landscape Development Officer**

The subject application has been referred to Council's Development Engineering Section for assessment. The comments provided are extracted below:

*An application has been received for the provision of new burial and cremation plot areas and associated landscape works in the Southern (Asian) Sector of the Eastern Suburbs Memorial Park ("memorial area"). The proposed works that form part of the application relate to landscaping, retaining walls and earthworks; the construction of buildings and associated structures; and infrastructure works.*



### **Drainage Comments**

*On site stormwater detention is required for this development.*

**The Planning Officer is advised that the submitted drainage plans should not be approved in conjunction with the DA, rather, the Development Engineer has included a number of conditions in this memo that relate to drainage design requirements. The applicant is required to submit detailed drainage plans to the certifying authority for approval prior to the issuing of a construction certificate.**

### **Traffic Comments**

*The subject proposal includes a chapel with seating for 100 (building footprint of 237m<sup>2</sup>) people and the proposal will provide for additional cremation and burial plots. In accordance with DCP requirements, an additional 12 parking spaces should be provided.*

*An Assessment of Traffic and Parking Implications, prepared by TAR Technologies, has been provided in support of the proposed development that confirms that no additional parking is required as a result of the proposed development.*

*The existing kerb side parking spaces along Military Road and parking within the wider ESMP site are considered to be adequate to support the proposed development. The proposed chapel is not considered a major traffic generator as such because the people attending a service within the chapel would be the same people attending the burial service. The chapel therefore adds to the services offered by the cemetery trust however it does not increase the numbers of people attending burial services at the cemetery.*

### **Service Authority Comments**

*At the Health, Building and Planning Committee meeting on 8 November 2005, it was resolved on the motion of Councillors Nash and Belelli that:*

- (a) the applicants of development applications be required to meet all costs associated with replacing overhead wires with underground cables in the vicinity of the development site when the cost of works on the site exceeds \$2 million;*
- (b) the applicants of development applications be required to meet all costs associated with replacing overhead wires with Aerial Bundled Cables in the vicinity of the development site, when the cost of works on the site exceeds \$1 million up to \$2 million; and*
- (c) the Director, City Planning investigate the feasibility of funding the undergrounding of existing overhead cables for new development under the new options provided for in the Environmental Planning & Assessment Act (Developer Contributions) Act 2005.*

*Given that the proposed works will be in excess of \$2 million the applicant will be required to meet all costs associated with replacing the overhead wires with underground cables in the vicinity of the development site.*

### **Landscape Comments**

### **Public trees & entry/exit road trees**

Growing on the Military Road verge, just to the east of the existing exit, there is a large and mature *Washingtonia robusta* (Washington Palm) of around 15 metres in height which is covered by the TPO, and as it is part of a row of six (6) Heritage Listed palms of this species along this frontage (items 46 g-l), so will need to be protected, as will the 8m x 10m *Ficus microcarpa* var. 'Hillii' (Hills Weeping Fig), just to the northwest of the palm described above, within the site, in a garden bed that surrounds the western and southern sides of the existing ESMP administration building.

The recently planted *Araucaria heterophylla* (Norfolk Island Pines) and *Lomandra longifolia* (Mat Rush) within the garden 'blisters' along the northern side of Military Road, as well as the closely planted rows of *Cupaniopsis anacardioides* (Tuckeroo's) on either side of the existing footpath, will all need to be maintained due to their location on public property and the contribution they provide to this previously stark streetscape, and while there are no external works, given the large scope of this project, and the fact they are located adjacent the main vehicle entry and exit points, precautionary conditions will need to be imposed.

A similar situation also applies to the parallel planted, north-south rows of mature and *Melaleuca quinquinervia* (Broad Leafed Paperbarks) and *Ficus macrocarpa* var. 'Hillii' (Hills Weeping Figs) within the central median of the internal road, Morrison Way, which should also not be affected given an absence of any works in this immediate area, but given their significance to the site, protection measures will be needed.

### **Landscape Plan 301**

With the exception of the four *Washingtonia robusta* (*Washingtonia* Palms, T28, 30, 31 & 32), of between 8-10 metres in height, as well as the *Syzygium paniculatum* (Brush Cherry, T29) to the west of the proposed Shrine Temple, no objections would be raised to removing the remaining vegetation in this zone, due to a combination of their small size, minimal environmental or amenity contribution, direct conflict with the proposed works, and to accommodate the new plantings that are more suited to the specific landscape theme that is being proposed.

These include various *Cupressus sempervirens* (Italian Cypress), *Cupressus macrocarpa* (Monterey Cypress), *Cupaniopsis anacardioides* (Tuckeroo), *Acmena smithii* (Lilly Pilly) and *Platanus x hybrida* (London Plane Trees).

### **Landscape Plan 302**

Continuing west, roughly centrally across the width of the site, the *Dracaena draco* (Dragon Tree, T20) and two *Araucaria heterophylla* (Norfolk Island Pines, T17 & 19) must be retained as existing site features as has been shown, with the single specimen Tuckeroo, *Phoenix canariensis* (Canary Island Date Palm, T25) and closely planted row of three (3) *Hibiscus patersonii* (Norfolk Island Hibiscus, T21-23) able to be removed.

The smaller *Araucaria heterophylla* (Norfolk Island Pine, T16) and mature *Harphephyllum caffrum* (Kaffir Plum, T14) just to the north of the existing Children's Memorial Area can be removed as shown, as several other trees in this same area will be retained so as to maintain acceptable levels of amenity.

*Tree 18, a mature Eucalyptus robusta (Swamp Mahogany) that was previously growing to the south of the proposed Moon Garden Graves has already been removed.*

### **Landscape Plan 303**

*Beyond the western edge of the existing Children's Memorial Area, the ground level falls steeply away, with several sandstone walls creating separate terraces, which are largely inaccessible due to overgrown vegetation, and is where a dense grove of the most established trees within this part of the site have been planted.*

*These trees form a structural element for the grounds, assist with visual screening of the unsightly industry associated with the port, and also perform as a wind-break, all of which create a sense of enclosure and a tranquil setting for this highly sensitive area.*

*The plans show that two of the larger and more dominant trees in this area and one lesser tree will be removed, being Harpephyllum caffrum (Kaffir Plums, T12, 12B & 14), which can be supported on the basis that the two larger trees both have several inclusions or fused major branches, with two of the suppressed and more upright Kaffir Plums (T13 & 15) to be retained in this same area, which should flourish once competition is eliminated.*

*All other vegetation in these terraces, to the south of those trees described above, being T88-12B can be removed as shown, as can the other group to the west of the proposed Childrens Memorial Area Extension, being T12A-T11.*

*There is a row of native trees around the southeast corner of the site, that follows the arc of Military Road, being T1-10, comprising mostly 6-10m tall Eucalyptus robusta (Swamp Mahogany's), with T1-2 at the western end of this group able to be removed as shown due to their poor form and to accommodate works associated with the proposed Columbarium & Chapel.*

*The retention of T4-10 is supported as they would maintain a buffer between the site and busy roadway, and due to being endemic species, would also maintain a food and habitat source for native fauna in the notoriously windy and barren area.*

### **Arborists Report & ESBS**

*While this site is located in an area where a legislated endangered ecological community may exist, given the high levels of disturbance and weed infestations, the findings of the Arborists Report are supported, in that; no species which are representative of ESBS were found, and therefore, this issue should not pose a constraint to the development in anyway.*

### **Landscaping & Planting Comments**

*The undulating topography of this site and the resulting need for level changes and terraces to maximise the usable area, as well as facilitate access throughout, may affect the ability to successfully retain some of the trees that have been nominated for preservation, particularly given the close placement of new retaining walls and buildings, with a site specific Tree Protection Plan needing to be provided to clearly illustrate how these trees will be successfully incorporated into the works.*



*While the landscaping will drastically improve those currently vacant and unused areas, concerns are held for the exotic plant selection associated with the 'Asian' theme of this sector, as despite being highly decorative and ornamental, they may not be able to withstand the harsh and persistent coastal winds from nearby Botany Bay.*

*This factor and its effect on these foreign species may be minimised by the incorporation of strategically selected and located native coastal trees into the planting palette to act as a windbreak.*

## **6. Notification and submissions:**

The subject application was advertised and notified to the adjoining and nearby properties from 26 April 2012 to 10 May 2012 in accordance with Development Control Plan – Public Notification of Development Proposals and Council Plans. No submissions were received at the conclusion of the public consultation process.

## **7. Zoning and Statutory Controls:**

The subject site is located within Zone No. 5 (Special Uses Zone) under Randwick Local Environmental Plan 1998.

The following planning legislation, instruments and guidelines are applicable to the proposed development:

- Environmental Planning and Assessment Act 1979, as amended
- Environmental Planning and Assessment Regulation 2000, as amended
- State Environmental Planning Policy (SEPP) No. 55 Remediation of Land
- Randwick Local Environmental Plan (RLEP) 1998
- Draft Randwick Local Environmental Plan (DRLEP) 2008
- Randwick Development Control Plan (RDCP) Eastern Suburbs Memorial Park

## **8. Section 79C Assessment:**

### **8.1 State Environmental Planning Policy (SEPP) No. 55 Remediation of Land**

SEPP 55 aims to promote the remediation of contaminated land for the purpose of reducing risk of harm to human health or any other aspect of the environment.

The site was previously occupied by the Bunnerong Power Station and is considered to carry contamination potential. A report prepared by Environmental Investigation Services (EIS) has been submitted along with an Environmental Management Plan (EMP), which is to be implemented during and following completion of the site works. The EMP identifies areas of the site where on-going management of the site contamination risks are required and documents appropriate actions for these areas. Measures are also included in the event that future works are necessary within these sections of the site. It is recommended that any requirements contained within the Environmental Management Plan (EMP) which forms part of the Validation Report, forms part of this consent and must be implemented accordingly.

An "Acid Sulphate Addendum Letter" prepared by EIS, dated 5 April, has also been submitted that addresses the risk of encountering acid sulphate soils and the need to prepare an acid sulphate soil management plan. EIS concludes that, following investigations, the risk of encountering acid sulphate soil in the

proposed development area is low and an acid sulphate soil plan is not considered necessary.

The report has been reviewed by Council's Environmental Health Officer. The site is considered to be suitable for the proposed use, subject to specific remediation conditions.

## **8.2 Randwick Local Environmental Plan (RLEP) 1998**

The site is located within Zone No. 5 (Special Uses Zone) under Randwick LEP 1998 (Consolidation). Cemetery development is permissible with Council's consent. The site forms part of the Eastern Suburbs Memorial Park, which is primarily characterised by cemetery and crematorium uses. The proposal will deliver a significant upgrade to the visual appearance of the site by providing new landscaping, and improve the functioning of the ESMP by introducing additional burial and cremation plot areas. All proposed buildings and structures are considered ancillary to the dominant use of the site. As such, the development is considered to satisfy the zoning objectives stipulated under Clause 17(1).

- **Clause 20F Floor space ratios**

Clause 20F(5) specifies the maximum FSR for any boarding house, dwellings or multi-unit housing provided on land within Special Uses Zones. The proposed development does not include any residential elements.

- **Clause 22 Services**

Clause 22 requires the provision of water supply and sewage and drainage connection to support a development. Standard conditions are recommended to require appropriate civil services to be provided to the site.

- **Clause 37A Development in Special Uses Zone**

Clause 37A requires new development within Special Uses Zone to be compatible with the character of the locality and not adversely affect the amenity of nearby and adjoining development. The proposal is considered to be satisfactory in this regard for the following reasons:

- The proposed land use on the site is consistent with the surrounding cemetery establishments in the Eastern Suburbs Memorial Park.
- The proposed landscaping will significantly upgrade the visual appearance of the site and is suitable to its intended cemetery function.
- There are no residential uses in the vicinity to the site.

- **Clause 40 Excavation and filling of land**

Clause 40 requires Council to consider the likely effects on existing drainage patterns and soil stability in the locality as a result of any proposed earthworks. The proposal involves modifications to the landform of the site mainly by backfilling to achieve additional soil depth. Council's Development Engineer has assessed the proposal and raised no objections on drainage grounds, subject to conditions. These conditions have been included in the "Recommendation" section of this report.

- **Clause 40A Master plans**

Clause 40A requires the preparation and submission of a master plan for developments on site with a land area of more than 10,000m<sup>2</sup>. Notwithstanding, sub-clause (4) stipulates circumstances where the master planning requirements may be waived:

*(a) that the proposed development is of a minor nature only or is ancillary to the current use of the land, or*

Comment: The proposal will intensify the operation of the ESMP with significant landscape works and the proposed works are consistent with the existing use of the site.

*(b) that adequate guidelines and controls applying to the land are already in place.*

Comment: There is no master plan currently adopted for the subject site. However, the Eastern Suburbs Memorial Park DCP specifies detailed development controls and guidelines that are applicable to the site. Therefore, a master plan is not required in this instance.

- **Clause 42B Contaminated land**

Clause 42B provides that Council must not grant consent to the development of contaminated land unless the land will, after being remediated, be suitable for the purpose for which development is proposed to be carried out. The site is considered to be suitable for the proposed cemetery use, subject to conditions. Refer to the "SEPP 55" section of this report for details.

- **Clause 43 Heritage conservation**

The site is located within the Former Bunnerong Power Station Conservation Area. In accordance with Clause 43(2) the proposed works require development consent from Council. In accordance with clause 43(4), prior to granting consent, Council must consider the effect of the proposed development on the heritage significance of the heritage conservation area concerned.

A heritage impact assessment (SHI) has been prepared by Rappoport Pty Ltd (March 2012) and provided in support of the proposed works. The report concludes that *"the proposed development would result in a respectful development of the Eastern Suburbs Memorial Park... The proposed works have been designed with [the remnant retaining walls, paths and ponds] in mind and the final plans involve retaining these features after the completion of the earthworks, drainage and landscaping."* Furthermore, the SHI states that *"the proposed design respects the remnant footprint of the demolished ancillary buildings from the power station era."* See aerial photograph c 1955, below.

The application has been referred to the Heritage Planner for assessment who is satisfied that, while the scope of proposed works will result in significant changes to the site, the final form of development will be consistent with the character of the locality (see the above section for detailed comments).

The proposal is not listed in Schedule 4 of the Randwick LEP 1998 (Consolidation) as a known or potential archaeological site. Notwithstanding, conditions have been included in the recommendation of this report should any Aboriginal objects be found.





### 8.3 Draft Randwick Local Environmental Plan 2008

The Draft Randwick Local Environmental Plan 2012 is a matter for consideration in the assessment of the subject development application under Section 79C of the Environmental Planning and Assessment Act 1979 (as amended).

The following table considers the proposed development having regard to the zoning provisions and development standards contained in draft LEP that are of particular relevance to the subject development application:

Description	LEP Standard	Proposed	Compliance
<p>Zoning: Infrastructure SP2 Cemetery.</p> <p>Is development permitted under zoning?</p>	<p>Permitted with consent: The purpose shown on the Land Zoning Map including any development that is ordinarily incidental or ancillary to that purpose.</p>	<p>Expansion of existing ESMP Cemetery.</p>	<p>Yes.</p>
<p>Heritage:</p> <ul style="list-style-type: none"> <li>• Draft Heritage Item</li> <li>• Draft Heritage Conservation Area</li> <li>• In vicinity of draft</li> </ul>	<p>5.10 Heritage conservation, (1) Objectives; (2) Requirement for consent; (4)</p>	<p>The proposal would require consent in accordance with 5.10(2)(b) and (e) as it involves altering</p>	<p>Yes.</p> <p>See Clause 43 of the RLEP 1998, above.</p>

Description	LEP Standard	Proposed	Compliance
item or area	Effect of proposed development on heritage significance; (5) Heritage assessment.	structures (retaining walls and ponds) and erecting new buildings with a heritage conservation area.  The consent authority must, before granting consent under this clause in respect of a heritage item, consider the effect of the proposed development on the heritage significance of the item concerned.	
Acid sulphate soils. • Class 2 • Class 4 • Class 5	6.5 Acid sulphate soils (1) objectives, (2) requirement for consent (Class 2, 4, 5), (3) Acid Sulphate Soil Management plan must be submitted.	The proposed development involves cut and fill earthworks exceeding 2m in depth.	Yes.  See Clause 40 of the RLEP 1998, above.
Development Control Plan	6.11(1) preparation of a site specific development control plan. (2)(a) site area of 10,000m <sup>2</sup> or greater.	The subject site exceeds 10,000m <sup>2</sup> in area.	A site specific DCP has been developed for the site: DCP – Eastern Suburbs Memorial Park.

#### 8.4 Randwick Development Control Plan (RDCP) Eastern Suburbs Memorial Park

The Eastern Suburbs Memorial Park DCP applies to the proposed development. The relevant provisions of the DCP are addressed as follows:

Control	Requirements	Comments
Site planning	Development must be generally consistent with the master plan prepared by Pittendrigh Shinkfield & Bruce as shown in Figure 3	The subject proposal will not alter the existing loop road that provides access from Military Road to the southern section of the site.  It is noted that the current design scheme contains numerous variations to the layout shown in Figure 3 of the DCP. The DCP nominates areas to the north-west of the loop road for mausoleum burial units and the

Control	Requirements	Comments
		<p>placement of neo-natal burial areas to the south of the loop road. The western boundary of the site is shown as being heavily planted with Norfolk pine trees and no development/structures are shown at the southern end of the site where the columbarium and chapel are to be located.</p> <p>The variations to the DCP requirements are justified for the following reasons:</p> <ul style="list-style-type: none"> <li>• Notwithstanding variations to the master plan contained in schedule 3, the proposed development is considered to achieve a coherent and attractive site layout while ensuring that the proposal responds to the specific cultural requirements of the intended demographic.</li> <li>• The topography and configuration of the site present suitable conditions for the proposed alternative memorial solutions. The SHI notes that the proposed layout respects the remnant footprint of the demolished Mess Building.</li> <li>• The proposed landscape design will generally follow the existing topography of the site without unreasonable amounts of cut or fill.</li> <li>• The design will maintain a sense of openness over the development site.</li> <li>• The children's memorial area located to the south of the loop road and shown on the master plan will be maintained and extended.</li> </ul> <p>Overall, the proposal is considered to respect the local site conditions and provide a pleasant and attractive landscape ambience to the cemetery. The development is considered to satisfy the objectives for site planning stipulated in the DCP.</p>
	Building, streetscape and landscape design must relate appropriately to the topography, built and landscape character of the	The proposed development zone is separated from the Military Road frontage by the existing loop road. The existing twin row of mature paper bark trees adjacent to the street frontage

Control	Requirements	Comments
	locality	<p>will be retained. The visual bulk of proposed buildings located in the south western corner of the site (columbarium and chapel) will be softened by new landscaping and extensive landscaping works are proposed around the southern perimeter of the site. Accordingly, no adverse impacts on the Military Road streetscape are expected.</p> <p>The proposal represents a substantial improvement to the current state of the site and will deliver a suitable landscape ambience to the cemetery memorial. The proposed works generally respect the existing topography of the site without significant additional excavation.</p>
	The development must include a safe and legible pedestrian and vehicular access and circulation system.	The application includes a Circulation Diagram, which demonstrates the provision of a combination of main circulation pathways and informal meandering garden paths throughout the development site. The circulation design is highly permeable and legible for visitors. Where possible, given the topographical constraints of the site, accessible access is provided.
	The site layout must take into account, retain and integrate any item or natural feature of identified conservation value	The proposal will reinstate and upgrade the existing lily ponds and terraced gardens associated with the former power station switch house as appropriate. The proposed design respects the remnant footprint of the demolished ancillary buildings from the power station era. The impact of the proposed works on the historical significance of the site are considered acceptable, as discussed within the relevant section of this report.
	The siting and building layout must maximise solar access and ventilating breezes	Proposed buildings and landscaped areas will receive good levels of solar access throughout the day and will be well ventilated.
Conservation	Conserve those items of significance to the character of the Heritage Conservation Area	<p>The proposal will reinstate and upgrade the existing lily ponds and parts of the terraced gardens associated with the former power station switch house.</p> <p>The proposed design respects the remnant footprint of the demolished</p>

Control	Requirements	Comments
		<p>ancillary buildings from the power station era.</p> <p>Specific conditions are recommended to ensure adequate tree protection measures are undertaken to retain the significant vegetation within and in the vicinity to the development site.</p> <p>The impact of the proposed works on the historical significance of the site are considered acceptable, as discussed within the relevant section of this report.</p>
	Be sited to minimise disruption to existing elements of conservation value	The proposal will not detrimentally disrupt elements of heritage values. The impact of the proposed works on the historical significance of the site are considered acceptable, as discussed within the relevant section of this report.
	Limit building height to 2 storeys	All proposed structures are limited to single storey scale.
	Any major excavation must be monitored by the Aboriginal Land Council.	Correspondence from the La Perouse Local Aboriginal Land Council has been provided and no objection has been raised subject to appropriate conditions being attached to any development approval.
Internal roads and manoeuvring areas	Internal roads must be designed to allow for car parking in designated adjoining areas and at the kerb side where the road width is not less than 5m	No changes to the alignment of the existing internal loop road are proposed.
Parking	Parking rates for restaurant, crematorium and chapel and community facilities are stipulated in the DCP	<p>The subject proposal includes a chapel with seating for 100 (building footprint of 237m<sup>2</sup>) people and the proposal will provide for additional cremation and burial plots. In accordance with DCP requirements, an additional 12 parking spaces should be provided.</p> <p>An Assessment of Traffic and Parking Implications, prepared by TAR Technologies, has been provided in support of the proposed development that confirms that no additional parking is required as a result of the proposed development.</p> <p>The existing kerb side parking spaces</p>



Control	Requirements	Comments
		along Military Road and parking within the wider ESMP site are considered to be adequate to support the proposed development. . The proposed chapel is not considered a major traffic generator as such because the people attending a service within the chapel would be the same people attending the burial service. The chapel therefore adds to the services offered by the cemetery trust however it does not increase the numbers of people attending burial services at the cemetery.
Barrier free access	Details of allowance for access in accordance with the requirements of the Building Code of Australia and AS1428.1 – Design for Access and Mobility must be incorporated in the development application	<p>Given the sloping topography of the site, some of the circulation routes have steps and are not readily accessible by people with disabilities.</p> <p>Notwithstanding, a accessible pathway is provided from the south eastern entry point through to the columbarium, chapel and niche wall along the western boundary of the site. A large amount of plot areas will be accessible.</p> <p>An Access Review has been carried out by Morris-Goding Accessibility Consulting (March 2012) and recommendations made to ensure adequate access can be provide throughout the site. Recommended conditions require that access and facilities for people with disabilities must be provided in accordance with the relevant requirements of the Building Code of Australia, Disability (Access to Premises – Buildings) Standards 2010, relevant Australian Standards</p> <p>The design is considered to have maximised equitable access for people with disabilities and is satisfactory in this regard.</p>
Site management and services	If any fill materials are unearthed during landscaping works they should be buried and not left on the surface	The proposed development has been reviewed by Council's environmental health officer and specific conditions are recommended to ensure proper remediation of the site and the management of potentially contaminated soil. Refer to above comments in relation to State
	Any imported fill should either be tested for a range	

Control	Requirements	Comments
	of organic and inorganic contaminants to confirm its suitability for on-site use or be accompanied by a certificate stating it is of virgin excavated origin.	Environmental Planning Policy (SEPP) No. 55 Remediation of Land
	Major earthworks design should be developed in a manner that minimises the potential for groundwater expressions arising in the site's final developed form.	The proposed landscape works will not result in untreated soil surfaces and the proposal is not considered to involve "major earthworks" or have significant adverse impacts on the groundwater rock stratum.
Erosion and sedimentation control	Submission of an erosion and sediment control plan with the development application	Concept soil erosion and sediment plans have been provided and specific conditions are recommended to ensure adequate erosion and sediment controls are implemented during works on the site.
Excavation and fill	Development applications involving building construction or significant earthworks must be accompanied by geotechnical assessment, assessment of the likely impacts on existing trees on or adjacent to site and details of the amount of cut and fill.	Landscaping works associated with the proposed development are not considered to involve "significant earthwork" however the construction of a number of buildings is proposed. The proposed works have been reviewed by Council's development engineer and building officer and appropriate conditions in relation to site stability and the preparation of geotechnical investigations have been included in the recommendation of this report.  Adequate tree protection conditions will be imposed in any consent granted by Council.

## 8.5 Development Control Plan: Parking

The subject proposal includes a chapel with seating for 100 (building footprint of 237m<sup>2</sup>) people and the proposal will provide for additional cremation and burial plots. In accordance with DCP requirements, an additional 12 parking spaces should be provided.

An Assessment of Traffic and Parking Implications, prepared by TAR Technologies, has been provided in support of the proposed development that confirms that no additional parking is required as a result of the proposed development.

In accordance with comments received from Council's development engineer, the existing kerb side parking spaces along Military Road and parking within the wider ESMP site are considered to be adequate to support the proposed development. The proposed chapel is not considered a major traffic generator as such because the people attending a service within the chapel would be the same people

attending the burial service. The chapel therefore adds to the services offered by the cemetery trust however it does not increase the numbers of people attending burial services at the cemetery.

## 8.6 Randwick Section 94A Development Contributions Plan

In accordance with Council's Section 94A Development Contributions Plan effective from 2 July 2007, the following monetary levy must be paid to Council.

Category	Cost	Applicable Levy	S94A Levy
Development Cost More than \$200,000	\$13,120,299	1.0%	<b>\$130,120.00</b>

## 8.7 Site Suitability

The site forms part of the Eastern Suburbs Memorial Park, which is primarily characterised by cemetery and crematorium uses. The proposal will deliver a significant upgrade to the visual appearance of the site by providing new landscaping, and improve the functioning of the ESMP by introducing additional burial and cremation plot areas.

The site is identified to be affected by acid sulphate soils type 4. Council's Acid Sulphate Soils policy stipulates the following requirements:

Type 4:

Further investigation is required to determine acid sulphate soils impacts for the following works:

Works beyond 2m below natural ground surface.

Works by which the water table is likely to be lowered beyond 2m below natural ground surface.

The site was previously occupied by the switch house of the former Bunnerong Power Station. The site has been subjected to some prior earth modifications. Notwithstanding, the submitted section drawings show that the proposal will not require significant excavation. The main earth works relate to backfilling with clean soil however some excavation is proposed, particularly in order to construct the OSD tank below the columbarium.

An "Acid Sulphate Addendum Letter" prepared by EIS, dated 5 April, has also been submitted that addresses the risk of encountering acid sulphate soils and the need to prepare an acid sulphate soil management plan. EIS concludes that, following investigations, the risk of encountering acid sulphate soil in the proposed development area is low and an acid sulphate soil plan is not considered necessary.

The site is also considered to carry contamination potential. Specific conditions are recommended to require adequate site remediation measures to be undertaken during the construction phase. Subject to the recommended conditions, the site is considered to be suitable for the proposed development.

## 8.8 Section 79C Environmental Assessment Summary

The site has been inspected and the application has been assessed having regard to Section 79C of the Environmental Planning and Assessment Act, 1979, as amended.

Matters for Consideration	Comments
---------------------------	----------

<b>Environmental Planning Instruments</b>	
Section 79C(1)(a)(i) – Provisions of any environmental planning instrument	<p><b>Randwick Local Environmental Plan 1998 (Consolidation).</b></p> <p>The site is zoned Special Uses Zone None No. 5 under Randwick Local Environmental Plan 1998 and the proposal is permissible with Council's consent.</p> <p>The proposal is consistent with the aims of RLEP 1998 and the specific objectives of the zone in that the proposed activity and built forms are ancillary to the existing use of the site and will enhance and compliment the aesthetic character, environmental qualities and social amenity of the locality.</p>
Section 79C(1)(a)(ii) – Provisions of any draft environmental planning instrument	Refer to table above
Section 79C(1)(a)(iii) – Provisions of any development control plan	The proposal generally satisfies the objectives of the DCP Eastern Suburbs Memorial Park and the provisions of other policy documents relevant relevant to the development.
Section 79C(1)(a)(iiia) – Provisions of any Planning Agreement or draft Planning Agreement	Not applicable.
Section 79C(1)(a)(iv) – Provisions of the regulations	The relevant clauses of the Regulations have been satisfied.
Section 79C(1)(b) – The likely impacts of the development, including environmental impacts on the natural and built environment and social and economic impacts in the locality	<p>The environmental impacts of the proposed development on the natural and built environment, which are otherwise not addressed in this report, are discussed in the paragraphs below.</p> <p>The proposed development is consistent with the dominant character in the locality and the existing and anticipated use of the site. The proposal is not considered to result in detrimental social or economic impacts on the locality.</p>
Section 79C(1)(c) – The suitability of the site for the development	The site is located in proximity to existing services and the public road network. Appropriate conditions have been provided to address the potential need for remedial works. The site has sufficient area to accommodate the proposed land use and associated structures. Therefore, subject to recommended conditions, the site is considered suitable for the proposed development.
Section 79C(1)(d) – Any submissions made in accordance with the EP&A Act or EP&A Regulation	The subject application was advertised and notified in accordance with Development Control Plan – Public Notification of Development Proposals and Council Plans. No submissions were received at the conclusion of the public consultation process.
Section 79C(1)(e) – The	The proposal promotes the objectives of the zone and

Matters for Consideration	Comments
<b>Environmental Planning Instruments</b>	
public interest	will not result in any significant adverse environmental, social or economic impacts on the locality. The proposed development is considered to achieve a coherent and attractive site layout while ensuring that the proposal responds to the specific cultural requirements of the intended demographic. Accordingly, the proposal is considered to be in the public interest.

## 9. Conclusion

The proposal is permissible with the consent of Council on the subject site and generally complies with the aims and objectives contained in the RLEP and the Eastern Suburbs Memorial Park DCP.

The proposal will have minimal adverse impacts on surrounding properties and the streetscape. The non-compliances with policy controls will not give rise to any adverse environmental or amenity impacts. The application is considered suitable for approval subject to conditions

## RECOMMENDATION

- A. That the Joint Regional Planning Panel as the responsible authority grant its development consent under Section 80(3) of the Environmental Planning and Assessment Act 1979 (as amended) to Development Application No DA/221/2012 for the construction of Asian interment area at Eastern Suburbs Memorial Park including retaining walls, water retention tank, landscaping structures, Buddhist shrine, landscaping, drainage, circulation paths, chapel and columbarium within the Eastern Suburbs Memorial Park, Lot 101 in DP 805244, No. 12 Military Road, Matraville



## DEVELOPMENT CONSENT 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:

#### Stormwater Management Works Plans

<i>Plan</i>	<i>Rev.</i>	<i>Drawn by</i>	<i>Stamped</i>
C100.01	Q	Acor Consultants Pty Ltd	5 April 2012
C100.02	B	Acor Consultants Pty Ltd	5 April 2012
C100.03	B	Acor Consultants Pty Ltd	5 April 2012
C100.04	C	Acor Consultants Pty Ltd	5 April 2012
C100.05	C	Acor Consultants Pty Ltd	5 April 2012

#### Western Boundary (Niche Wall) Cross Sections

<i>Plan</i>	<i>Rev.</i>	<i>Drawn by</i>	<i>Stamped</i>
C101.01	L	Acor Consultants Pty Ltd	5 April 2012
C101.02	K	Acor Consultants Pty Ltd	5 April 2012

#### Western Boundary Longitudinal Section

<i>Plan</i>	<i>Rev.</i>	<i>Drawn by</i>	<i>Stamped</i>
101.04	H	Acor Consultants Pty Ltd	5 April 2012

#### Stormwater Detention Tank Details

<i>Plan</i>	<i>Rev.</i>	<i>Drawn by</i>	<i>Stamped</i>
102.01	P	Acor Consultants Pty Ltd	5 April 2012

#### Military Road Site Plan And Long Sections

<i>Plan</i>	<i>Rev.</i>	<i>Drawn by</i>	<i>Stamped</i>
C110.01	K	Acor Consultants Pty Ltd	5 April 2012

#### Erosion and Sediment Control Plans/Details

<i>Plan</i>	<i>Rev.</i>	<i>Drawn by</i>	<i>Stamped</i>
C120.01	G	Acor Consultants Pty Ltd	5 April 2012
C120.02	B	Acor Consultants Pty Ltd	5 April 2012
C120.03	A	Acor Consultants Pty Ltd	5 April 2012

#### Precinct plans (layout, finishes and sections)

<i>Plan</i>	<i>Rev.</i>	<i>Drawn by</i>	<i>Stamped</i>
DD-A-101	6	Argo Architects, Master Planers	5 April 2012

DD-A-102	6	Argo Architects, Master Planers	5 April 2012
DD-A-103	5	Argo Architects, Master Planers	5 April 2012
DD-A-104	4	Argo Architects, Master Planers	5 April 2012
DD-A-105	7	Argo Architects, Master Planers	5 April 2012
DD-A-108	3	Argo Architects, Master Planers	5 April 2012
DD-A-201	2	Argo Architects, Master Planers	5 April 2012
DD-A-202	3	Argo Architects, Master Planers	5 April 2012

### Existing Structures and survey

<b><i>Plan</i></b>	<b><i>Rev.</i></b>	<b><i>Drawn by</i></b>	<b><i>Stamped</i></b>
DD-A-107	3	Argo Architects, Master Planers	5 April 2012
73761 1/1		Rygate and Company Pty. Ltd.	5 April 2012
72747 1/7		Rygate and Company Pty. Ltd.	5 April 2012
72747 2/7		Rygate and Company Pty. Ltd.	5 April 2012
72747 3/7		Rygate and Company Pty. Ltd.	5 April 2012
72747 4/7		Rygate and Company Pty. Ltd.	5 April 2012

### Columbarium and Chapel Plans

<b><i>Plan</i></b>	<b><i>Rev.</i></b>	<b><i>Drawn by</i></b>	<b><i>Stamped</i></b>
DD-A-09	1	Argo Architects, Master Planers	5 April 2012
DD-A-312	2	Argo Architects, Master Planers	5 April 2012
DD-A-313	2	Argo Architects, Master Planers	5 April 2012
DD-A-314	2	Argo Architects, Master Planers	5 April 2012
DD-A-315	2	Argo Architects, Master Planers	5 April 2012

### Structures

<b><i>Plan</i></b>	<b><i>Rev.</i></b>	<b><i>Drawn by</i></b>	<b><i>Stamped</i></b>
DD-A-401	3	Argo Architects, Master Planers	5 April 2012
DD-A-402	4	Argo Architects, Master Planers	5 April 2012
DD-A-403	3	Argo Architects, Master Planers	5 April 2012
DD-A-404	3	Argo Architects, Master Planers	5 April 2012
DD-A-303	1	Argo Architects, Master Planers	5 April 2012
DD-A-304	1	Argo Architects, Master Planers	5 April 2012
DD-A-305	1	Argo Architects, Master Planers	5 April 2012
DD-A-306	1	Argo Architects, Master Planers	5 April 2012
DD-A-307	1	Argo Architects, Master Planers	5 April 2012
DD-A-308	1	Argo Architects, Master Planers	5 April 2012

		Planers	
DD-A-309	2	Argo Architects, Master Planers	5 April 2012
DD-A-310	1	Argo Architects, Master Planers	5 April 2012
DD-A-311	2	Argo Architects, Master Planers	5 April 2012
DD-A-316	1	Argo Architects, Master Planers	5 April 2012
DD-A-317	2	Argo Architects, Master Planers	5 April 2012

### Landscaping works

<i>Plan</i>	<i>Rev.</i>	<i>Drawn by</i>	<i>Stamped</i>
001	D	Site Image	5 April 2012
SS11.2385/001	E	Site Image	5 April 2012
SS11.2385/102	E	Site Image	5 April 2012
SS11.2385/103	E	Site Image	5 April 2012
SS11.2385/104	E	Site Image	5 April 2012
SS11.2385/105	D	Site Image	5 April 2012
SS11.2385/106	D	Site Image	5 April 2012
SS11.2385/201	A	Site Image	5 April 2012
SS11.2385/202	A	Site Image	5 April 2012
SS11.2385/203	B	Site Image	5 April 2012
SS11.2385/204	B	Site Image	5 April 2012
SS11.2385/205	B	Site Image	5 April 2012
SS11.2385/206	B	Site Image	5 April 2012
SS11.2385/301	B	Site Image	5 April 2012
SS11.2385/302	B	Site Image	5 April 2012
SS11.2385/303	B	Site Image	5 April 2012

### 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 an Accredited Certifier or Randwick City Council. 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

- 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

- In accordance with Council's Section 94A Development Contributions Plan effective from 2 July 2007, based on the development cost of \$13,120,299.00 the following applicable monetary levy must be paid to Council: \$131,202.99

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.

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](http://www.randwick.nsw.gov.au).

#### **Long Service Levy Payments**

4. 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.*

#### **Security Deposits**

5. The following security deposits requirement must be complied with prior to a construction certificate being issued for the development, as security for making good any damage caused to Council's assets and infrastructure; 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*:

- \$5,000.00 - Damage / Civil Works Security Deposit

The security deposits 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 works which confirms that there has been no damage to Council's assets and infrastructure.

The developer/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 and other assets 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 Development Engineer upon issuing of an occupation certificate or completion of the civil works.

#### **Sydney Water Requirements**

6. 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 a Sydney Water Quick Check agent, 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.

If suitable, the plans will be appropriately stamped. For details please refer to the Sydney Water web site at [www.sydneywater.com.au](http://www.sydneywater.com.au) for:

- Quick Check agents details - see *Building and Developing* then Quick Check and

- Guidelines for Building Over/Adjacent to Sydney Water Assets – see *Building and Development* then *Building and Renovating*, or telephone 13 20 92.

The Principal Certifying Authority must ensure that a Sydney Water Quick Check Agent has appropriately stamped the plans prior to issuing the construction certificate.

### **Heritage Conservation**

7. The colours, materials and finishes of the proposed structures and landscape elements are to be compatible with surrounding built and landscape elements particularly comprising retaining walls and ponds. Details of the proposed colours, materials and textures (i.e a schedule and brochure/s or sample board) are to be submitted to and approved by Council's Director 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. An archival recording of the site 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.
9. A comprehensive Interpretation Strategy and Plan for the southern part of the site is to be prepared including identification of Historical Themes, Audiences and Resources, and Interpretative Recommendations. Full details of the Interpretation Strategy and Plan 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. The recommendations of the Interpretative Strategy and Plan are to be implemented in conjunction with the proposed development.
10. Any required repair and maintenance works to the existing sandstone retaining walls and to existing steps and pathways which are to be retained, are to be carried out in conjunction with the proposed development. Such conservation works are to be identified in construction certificate drawings and are to be carried out using technically sound and appropriate techniques.

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

#### **Security Deposit**

11. 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:

- \$5000.00 - 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**

12. 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 the site and shall be screened from view. The proposed location and elevation shall be shown on relevant construction certificate and landscape plans.
13. 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 a Sydney Water Quick Check agent, 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.

If suitable, the plans will be appropriately stamped. For details please refer to the Sydney Water web site at [www.sydneywater.com.au](http://www.sydneywater.com.au) for:

- Quick Check agents details - see *Building and Developing* then Quick Check and
- Guidelines for Building Over/Adjacent to Sydney Water Assets – see *Building and Development* then *Building and Renovating*, or telephone 13 20 92.

The Principal Certifying Authority must ensure that a Sydney Water Quick Check Agent has appropriately stamped the plans.

### **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*, Councils development consent conditions and to achieve reasonable levels of environmental amenity.



**Compliance with the Building Code of Australia & Relevant Standards**

14. In accordance with section 80A (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).
15. Access and facilities for people with disabilities must be provided in accordance with the relevant requirements of the Building Code of Australia, Disability (Access to Premises – Buildings) Standards 2010, relevant Australian Standards and conditions of consent, to the satisfaction of the Certifying Authority.

**Site stability and construction work**

16. A report must be obtained from a suitably qualified and experienced *professional engineer*, which includes the following details, to the satisfaction of the Certifying Authority for the development:-
  - a) Geotechnical details which confirm the suitability and stability of the site for the development and relevant design and construction requirements to be implemented to ensure the stability and adequacy of the development and adjacent land.
  - b) Details of the proposed methods of excavation and support for the adjoining land (including any public place) and buildings.
  - c) Details to demonstrate that the proposed methods of excavation, support and construction are suitable for the site and should not result in any damage to the adjoining premises, buildings or any public place, as a result of the works and any associated vibration.
  - d) The adjoining land and buildings located upon the adjoining land must be adequately supported at all times throughout demolition, excavation and building work, to the satisfaction of the *Principal Certifying Authority*.
  - e) Written approval must be obtained from the owners of the adjoining land to install any ground or rock anchors underneath the adjoining premises (including any public roadway or public place) and details must be provided to the *Certifying Authority*.

**Traffic conditions**

17. Adequate provisions are to be made to provide pedestrian visibility and safety. All new walls (and/or landscaping) adjacent to vehicular crossings should not exceed a height of 600mm above the internal driveway level for a distance of 1.5m within the site or new walls (including landscaping) should splayed 1.5 metres by 1.5 metres. Details of compliance, to the satisfaction of the certifying authority, are to be included in the construction certificate documentation.
18. The vehicular access driveways, internal circulation ramps and the carpark areas, (including, but not limited to, the ramp grades, carpark layout and height clearances) are to be in accordance with the requirements of AS2890.1:2004. The Construction Certificate plans must demonstrate compliance with these requirements.

### **Design Alignment levels**

19. The design alignment level (the finished level of concrete, paving or the like) at the property boundaries for driveways, access ramps, steps and pathways or the like, must be obtained in writing from Council's Development Engineer Coordinator prior to the issuing of a Construction Certificate.

The design alignment level/s at the property boundary as issued by Council and their relationship to the roadway/kerb/footpath must be indicated on the building plans for the construction certificate. The design alignment level at the street boundary, as issued by the Council, must be strictly adhered to.

Any enquiries regarding this matter should be directed to Council's Development Engineer on 9399 0924.

20. The design alignment levels (concrete/paved/tiled level) issued by Council and their relationship to the roadway/kerb/footpath must be indicated on the building plans for the construction certificate. The design alignment level at the street boundary, as issued by the Council, must be strictly adhered to.
21. The alignment levels and the site inspection by Council's Development Engineering Section will be issued at a prescribed fee of \$200. This amount is to be paid prior to a construction certificate being issued for the development.
22. **Stormwater drainage plans have not been approved as part of this development consent.** Engineering calculations and plans with levels reduced to Australian Height Datum in relation to site drainage shall be prepared by a suitably qualified Hydraulic Engineer and submitted to and approved by the certifying authority prior to a construction certificate being issued for the development. A copy of the engineering calculations and plans are to be forwarded to Council, prior to a construction certificate being issued, if the Council is not the certifying authority. The drawings and details shall include the following information:
- a) A detailed drainage design supported by a catchment area plan, at a scale of 1:100 or as considered acceptable to the Council or an accredited certifier, and drainage calculations prepared in accordance with the Institution of Engineers publication, Australian Rainfall and Run-off, 1987 edition.
  - b) A layout of the proposed drainage system including pipe sizes, type, grade, length, invert levels, etc., dimensions and types of all drainage pipes and the connection into Council's stormwater system.
  - c) The separate catchment areas within the site, draining to each collection point or surface pit are to be classified into the following categories:
    - i. Roof areas
    - ii. Paved areas
    - iii. Grassed areas
    - iv. Garden areas

- e) Where buildings abut higher buildings and their roofs are "flushed in" to the higher wall, the area contributing must be taken as: the projected roof area of the lower building, plus one half of the area of the vertical wall abutting, for the purpose of determining the discharge from the lower roof.
- f) Proposed finished surface levels and grades of car parks, internal driveways and access aisles which are to be related to Council's design alignment levels.
- g) The details of any special features that will affect the drainage design eg. the nature of the soil in the site and/or the presence of rock etc.

#### *Internal and External Drainage*

23. The site stormwater drainage system and extension of Council's existing drainage system in Military Road is to be provided in accordance with the following requirements;

- a) The stormwater drainage system must be provided in accordance with the relevant requirements of Building Code of Australia and the conditions of this consent, to the satisfaction of the *Certifying Authority* and details are to be included in the construction certificate.
- b) The applicant shall construct a minimum 375mm diameter rubber ringed reinforced concrete pipeline under the kerb alignment (edge of road) in Military Road from the point of discharge from the subject Site to the existing underground drainage system at the intersection of Military Road and Bumborah Point Road. The Site discharge pipeline shall be connected to the extended underground drainage system via a new kerb inlet pit. All costs associated with the construction of this pipeline and new pit shall be met by the applicant. All construction works within Council's road reserve shall be carried out in accordance with Council's policy for "Vehicular Access and Road and Drainage Works". Plans, longitudinal sections, specification and stormwater drainage calculations for any pipeline within a Council road reserve shall be submitted to Council for approval. **The new pipeline and associated pit/s in Military Road must be constructed prior to commissioning of the proposed internal drainage system.**
- c) On-site detention shall be provided for all Site stormwater being discharged to Military Road. The detention system on the Site shall be capable of detaining the critical 100 year ARI storm event (1%AEP) from the contributing catchment in its fully developed state. The permissible discharge from the contributing catchment on the Site shall not exceed the discharge that would occur from the subject catchment during a 5 year ARI storm of 1 hour duration for the existing site conditions.

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

The applicant ensure that all overland flows up to and including the 1 in 100 year storm events are directed to the detention systems on the Site. A clear overland flow path shall be provided from the detention system on the Site to Military Road.

- d) Determination of the required cumulative storage (in the on-site detention system) must be calculated by the mass curve technique as detailed in Technical Note 1, Chapter 14 of the Australian Rainfall and Run-off Volume 1, 1987 Edition.

Where possible any detention tanks should have an open base to infiltrate stormwater into the ground. Infiltration should not be used if ground water and/or any rock stratum is within 2.0 metres of the base of the tank.

- e) A reflux valve shall be provided (within the site) over the pipeline discharging from the site into Council's underground drainage system to ensure that stormwater from Council drainage system does not surcharge back into the site stormwater system.
- f) Any new kerb inlet pits (constructed within Council's road reserve) are to be constructed generally in accordance with Council's standard detail for the design of kerb inlet pits (drawing number SD6 which is available from Council).
- g) Generally all internal pipelines must be capable of discharging a 1 in 20 year storm flow. However the minimum pipe size for pipes that accept stormwater from a surface inlet pit must be 150mm diameter. The site must be graded to direct any surplus run-off (i.e. above the 1 in 20 year storm) to the proposed drainage (detention/infiltration) system.
- h) A sediment/silt arrestor pit (or equivalent) must be provided within the site near the street boundary prior to discharge of the stormwater to Council's drainage system.
- i) The floor level of all habitable, retail, commercial and storage areas located adjacent to any detention systems with above ground storage must be a minimum of 300mm above the maximum water level for the design storm or alternately a permanent 300mm high water proof barrier is to be provided.
- j) The maximum depth of ponding in any above ground detention areas and/or infiltration systems with above ground storage shall be as follows (as applicable):
  - i. 150mm in uncovered open car parking areas (with an isolated maximum depth of 200mm permissible at the low point pit within the detention area)
  - ii. 300mm in landscaped areas (where child proof fencing is not provided around the outside of the detention area and sides slopes are steeper than 1 in 10)
  - iii. 600mm in landscaped areas where the side slopes of the detention area have a maximum grade of 1 in 10
  - iv. 1200mm in landscaped areas where a safety fence is provided around the outside of the detention area

- v. Above ground stormwater detention areas must be suitably signposted where required, warning people of the maximum flood level.

*Note: Above ground storage of stormwater is not permitted within basement car parks or store rooms.*

- k) A childproof and corrosion resistant fastening system shall be installed on access grates over pits/trenches where water is permitted to be temporarily stored.
- l) A 'V' drain (or equally effective provisions) are to be provided to the perimeter of the property, where necessary, to direct all stormwater to the detention area.
- m) The site stormwater system must be regularly cleaned and maintained to ensure it operates as required by the design.
- n) Site discharge pipelines shall cross the verge at an angle no less than 45 degrees to the kerb line.

#### **Waste Management**

- 24. A Waste Management Plan detailing the waste and recycling storage and removal strategy for all of the development, is required to be submitted to and approved by Council's Director of City Services.

The Waste Management plan is required to be prepared in accordance with Council's Waste Management Guidelines for Proposed Development and must include the following details (as applicable):

- The use of the premises.
- The type and quantity of waste to be generated by the development.
- Demolition and construction waste, including materials to be re-used or recycled.
- Details of the proposed recycling and waste disposal contractors.
- Waste storage facilities and equipment.
- Access and traffic arrangements.
- The procedures and arrangements for on-going waste management including collection, storage and removal of waste and recycling of materials.

*Further details of Council's requirements and guidelines, including pro-forma Waste Management plan forms can be obtained from Council's Customer Service Centre.*

#### **Landscaping & Environmental amenity:**

- 25. Landscaping at this site is installed substantially in accordance with the Landscape Plans, dwg no 301-303, SS11-2385, revision B, dated 14.03.12, Landscape Plan Setout, dwg no's 202-206, and Softscape Plans, dwg 101-106, by Site Image Landscape Architects, subject to the following additional requirements being included on amended plans which must be submitted to, and be approved by the PCA, prior to the issue of a Construction Certificate (with copies of the approved plans to be forwarded to Council if not the PCA, prior to the commencement of site works):

- a. The landscape plans must specify species to be used that are generally known not to have the ability to escape cultivation and

establish outside the site, including the proposed aquatic plants.

- b. Species selection must be restricted to those which will tolerate the prevailing site and soil conditions, including persistent winds from the west and south, and harsh afternoon sun during summer months, and must require minimal watering once established.
- c. Where those exotic species which are unable to be sourced, or, prove unsuccessful, they must be replaced with more hardy species that will achieve a similar size at maturity and perform a similar function within the design.
- d. In order to reduce the amount of storm-water generated by the site, as well as to recharge groundwater supplies, where possible porous/permeable paving shall be used in all hard surfacing not over slab..
- e. The plans will need to demonstrate that the use of Water Sensitive Urban Design Guidelines has been considered and implemented as part of the terracing, pathways and landscape works.
- f. Any new trees which will achieve a height of 6 metres or more, and/or; a canopy spread of 4m or more, must be located a minimum distance of 2.5 metres away from any existing/new buildings, so as to prevent future maintenance issues.

**Tree Protection Measures (within the Development Site)**

- 26. The grove of large, mature and significant *Ficus macrocarpa* var. 'Hillii' (Hills Weeping Figs), as well as the twin rows of *Melaleuca quinquinervia* (Broad Leafed Paperbarks), all growing within the open grassed area, to the west of the internal roadway, Morrison Way, must be retained in their entirety, with no storage of materials or machinery or site office/sheds, nor is cement to be mixed or chemicals spilt/disposed of, and no stockpiling of soil or rubble to be undertaken within this grass area.
- 27. In order to also ensure retention of the *Ficus microcarpa* var. 'Hillii' (Hills Weeping Fig), within the site, just east of the vehicle exit, in a garden bed that surrounds the existing ESMP administration building, as well as Trees **T5-10, 13, 15, 17, 19-20 & 28-32** throughout the rest of the site, as identified on the submitted Tree Schedule and Landscape Plans, the following measures are to be undertaken:
  - a. All documentation submitted for the Construction Certificate application must show the position and diameter of their trunks and canopies, tree number, and accurate measurements/distances to any proposed works.
  - b. Prior to the issue of a Construction Certificate, the applicant must prepare a site specific **Tree Protection Plan** that precisely details the measures that will be implemented to ensure their preservation, and must provide discussions and recommendations on relevant topics that will have a direct or indirect impact, such as, but not limited to:
    - Species/tree number, their location and relationship to the



- proposed works,
  - changes in ground level,
  - excavations for footings/placement of structures, site services,
  - root and canopy pruning,
  - physical protection measures,
  - amendments required to the architectural or landscape plans, and;
  - any other issues deemed necessary.
- c. The report must be prepared by a professional Consulting Arborist, who holds a minimum of AQF Level V in Arboriculture (and is also a registered member of a nationally recognised organisation/association), and must be submitted to, and be approved by, the Certifying Authority, with a copy to be forwarded to Council if not the Certifier.
- d. The measures described in the approved Tree Protection Plan must be implemented and complied with at all times on-site, with any amendments that are required to the architectural and landscape plans to be made.

#### **Tree Protection Measures (Street Trees)**

28. The large and mature *Washingtonia robusta* (Washingtonia Palm) within the Military Road verge, just east of the main vehicle exit, is included in **Council's Register of Significant Trees**, and therefore, **must remain unaffected by the works**, with no storage of materials or machinery or site office/sheds, nor is cement to be mixed or chemicals spilt/disposed of and no stockpiling of soil or rubble within 5 metres of its trunk.
29. The recently planted *Araucaria heterophylla* (Norfolk Island Pines) within garden beds on Military Road, as well as the rows of *Cupaniopsis anacardioides* (Tuckeroo's), on either side of the public footpath, must also be retained, with any damage to these trees or public land to be re-instated to Council's satisfaction, at the applicants cost, prior to the issue of a Final Occupation Certificate. Note: the applicant is not authorized to perform any works to the trees located on public property.
30. That part of the nature-strip upon Council's footway which is damaged during the construction of the proposed works shall be excavated to a depth of 150mm, backfilled with topsoil equivalent with 'Organic Garden Mix' as supplied by Australian Native Landscapes, and re-turfed with Kikuyu turf or similar. Such works shall be completed at the applicant's expense prior to the issue of a final Occupation Certificate.
31. Prior to the issue of a Final (or any type of interim) Occupation Certificate, certification from an AQF Level V consulting Arborist (as described above), must be submitted to, and be approved by, the PCA (with a copy to be forwarded to Council if not the Certifier), which confirms that all measures and recommendations from the approved Tree Protection Plan were complied with during the course of the works, and that that the relevant trees have been retained on site.

#### **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*', 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 and Building Inspection Requirements**

32. 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 *principal contractor* must be appointed for the building work and the requirements of the *Home Building Act 1989* must be satisfied 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.

33. Notwithstanding any other condition of this consent nothing prevents the issuing of a staged construction certificate for various stages of construction. An occupancy certificate can only be provided for each of the staged construction certificates if all of the necessary stormwater works have been completed to the satisfaction of the PCA. The minimum extent of works to be completed are:

- Construction of the on site stormwater detention tank
- Construction of the primary site stormwater collection pipeline as noted on civil drawings C100.03, C100.04 and C100.05.

### **Geotechnical Report**

34. A report or written correspondence must be obtained from a suitably qualified professional geotechnical engineer shall be submitted to the certifying authority prior to the issuing of a construction certificate, confirming the suitability and stability of the site for the proposed buildings and certifying the suitability and adequacy of the proposed design and construction of the building for the site.

### ***Home Building Act 1989***

35. 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 relevant 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**

36.A dilapidation report prepared by a *professional engineer* or suitably qualified and experienced building surveyor shall be submitted to the *certifying authority* prior to the commencement of demolition, excavation or building works detailing the current condition and status of all buildings and ancillary structures located upon all of the premises adjoining the subject site (e.g. dwellings, residential flat buildings, commercial/industrial building, garages, carports, verandah's, fences, retaining walls, swimming pools and driveways etc).

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

### **Construction Site Management Plan**

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

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**

37. 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 include the following information (as applicable):

- The name, address, contact details and licence number of the Demolisher /Asbestos Removal Contractor
- Details of hazardous materials (including asbestos)
- Method/s of demolition (including removal of any asbestos)
- Measures and processes to be implemented to ensure the health & safety of workers and community
- Measures to be implemented to minimise any airborne dust and asbestos
- Methods and location of disposal of any hazardous materials (including asbestos)
- Other relevant details, measures and requirements to be implemented
- Details of re-use, recycling and disposal of waste materials
- Date the demolition works will commence

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.

### **Notes**

- *It is the responsibility of the persons undertaking demolition work to obtain the relevant WorkCover licences and permits.*
- *Refer to the conditions within the "Requirements During Construction & Site Work", for further details and requirements relating to demolition work, removal of any asbestos and public safety.*

### **Construction Noise & Vibration Management Plan**

38. A Construction Noise & Vibration Management Plan, prepared in accordance with the Department of Climate Change Guidelines for Construction Noise and Assessing Vibration, by a suitably qualified person, is to be developed and implemented prior to commencing site work and throughout the course of construction.

- a) 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.

Noise and vibration from any rock excavation machinery, pile drivers and all plant and equipment must be minimised, by using

appropriate plant and equipment, silencers and the implementation of noise management strategies.

- b) The *Construction Noise & Vibration Management Plan* must include details of measurements, analysis and relevant criteria and demonstrate that the noise and vibration emissions from the work satisfy the relevant provisions of the *Protection of the Environment Operations Act 1997*, current DECC Guidelines for Construction Noise and Assessing Vibration and Councils conditions of consent.
- c) A further report/correspondence must be obtained from the consultant as soon as practicable upon the commencement of works, which reviews and confirms the implementation and suitability of the noise and vibration strategies in the *Construction Noise & Vibration Management Plan* and which demonstrates compliance with relevant criteria.
- d) Any recommendations and requirements contained in the *Construction Noise & Vibration Management Plan* and associated reports are to be implemented accordingly and should noise and vibration emissions not comply with the terms and conditions of consent, work must cease forthwith and is not to recommence until details of compliance are submitted to Council and the PCA.

A copy of the *Construction Noise & Vibration Management Plan* and associated acoustic/vibration report/s must be maintained on-site and a copy must be provided to Council and the Principal Certifying Authority accordingly.

#### **Public Liability**

- 39. The owner/builder is required to hold Public Liability Insurance, with a minimum liability of \$10 million and a copy of the Insurance cover is to be provided to the Principal Certifying Authority and Council.

#### **Construction Traffic Management**

- 40. A detailed *Construction Site Traffic Management Plan* must be submitted to and approved by Council, prior to 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 & Traffic Authority, 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
41. 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**

42. 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**

43. 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.

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 demolition, excavation or building works.

44. The owner/builder 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.

#### **Environmental amenity and public health safety.**

45. Site remediation must be carried out in accordance with the following requirements (as applicable):
- a) Remediation works shall be carried out in accordance with the requirements of the *Contaminated Land Management Act 1997*, environmental planning instruments applying to the site, guidelines made or approved by the NSW Department of Environment &

Climate Change (formerly EPA) and the NSW Department of Infrastructure Planning & Natural Resources (formerly Planning NSW), Randwick City Council's Contaminated Land Policy 1999 and the *Protection of the Environment Operations Act 1997*.

- b) Any requirements contained within an Environmental Management Plan (EMP) which forms part of the Validation Report, forms part of this consent and must be implemented accordingly. Council **must** be consulted with prior to the development of any EMP and comments made by Council are required to be taken into consideration prior to finalising the EMP.
- c) Any variations to the proposed remediation works or remediation action plan must be approved by the Council in writing before such works commencing. A written statement is to be provided to the Council by the environmental consultant prior to the commencement of such works detailing the amended remediation action plan/works and provide any necessary explanation.
- d) The Environmental Consultant, in their assessment of appropriate soil investigation levels, must take into account all environmental concerns (for example, the potential effects on wildlife) and the protection of ground and surface water.
- e) Should any underground tanks be discovered they shall be removed in accordance with relevant NSW DECC/EPA Guidelines; Australian Institute of Petroleum's (AIP) Code of Practice for the Design, Installation and Operation of Underground Petroleum Storage Systems (CP4-1998); and WorkCover NSW requirements. In the event of conflict between AIP Code of Practice and WorkCover requirements the latter shall prevail.
- f) Any odours from excavated materials shall be mitigated by the use of an odour suppressant, such as Biosolve, and shall not give rise to an offensive odour as defined in the *Protection of the Environment Operations Act 1997*. Stockpiles shall also be covered and dampened down to reduce odour and dust impacts.

On-site land farming of contaminated soil is not permitted, except with the written approval of Council's Manager of Health, Building & Regulatory Services.

- g) Any fill importation to the site is to be monitored and classified by the environmental consultant appointed for remediation of the site. Only 'Virgin Excavated Natural Material' (VENM) is to be imported to the site, as defined within the NSW DECC Waste Classification Guidelines 2008.
- h) 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:
  - general site management, site security, barriers, traffic management and signage
  - hazard identification and control



- worker health & safety, work zones and decontamination procedures
- cross contamination
- site drainage and dewatering
- air and water quality monitoring
- disposal of hazardous wastes
- contingency plans and incident reporting
- details of provisions for monitoring implementation of remediation works and persons/consultants responsible

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

- i) All trucks and service vehicles leaving the site shall go through a suitably constructed on site truck wash down area, to ensure no tracking of material occurs from the site onto roads adjoining the site. Details are to be submitted to Council in the Site Management Plan.
- j) Prior to the commencement and throughout the duration of the remediation and construction works adequate sediment and stormwater control measures shall be in place and maintained on site at all times. Sediment laden stormwater shall be controlled using measures outlined in the manual Managing Urban Stormwater Soils and Construction produced by the NSW Department of Housing.
- k) Remediation work shall be conducted within the following hours:  
Monday – Friday        7am – 5pm  
Saturday                8am – 5pm  
No work permitted on Sundays or Public Holidays
- l) A sign displaying the (24 hour) contact details of the remediation contractor (and the site manager if different to remediation contractor) shall be displayed on the site adjacent to the site access. This sign shall be displayed throughout the duration of the remediation works.
- m) Any 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 Council immediately in writing.

The written concurrence of the Council must be obtained prior to implementing any changes to the remediation action plan or strategies.

- 46. The Validation Report must, where no guideline made or approved under the NSW Contaminated *Land Management Act* is available (as with asbestos), clearly state the source of the standard adopted in determining the suitability of the land for the intended development and use and must also demonstrate its suitability to Council.

In relation to any asbestos contamination, a comprehensive remediation strategy and remedial action plan must be developed, to the satisfaction of the environmental consultant and NSW Department of Health or other

suitably qualified and experienced specialist to the satisfaction of the Council.

The remediation strategy and remedial action plan must demonstrate that the land will be remediated in accordance with relevant guidelines (if any) and to a level or standard where no unacceptable health risk remains from asbestos exposure, which shall be verified upon completion of the remediation works to the satisfaction of the environmental consultant.

47. 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) 1999 and details of compliance are to be provided to Council from a suitably qualified Environmental Consultant upon completion of the remediation works.
48. A Validation Report shall be prepared by a suitably qualified Environmental Consultant and be submitted to Council upon completion of the remedial works, and **prior to commencing any building works**. The Validation report shall be prepared in accordance with relevant NSW Department of Environment & Climate Change guidelines, including the guideline "Consultants Reporting on Contaminated Sites", and shall include:
  - Description and documentation of all works performed.
  - Results of validation testing and monitoring.
  - Validation results of any imported fill onto the site.
  - Demonstrate how all agreed clean-up criteria and relevant regulations have been satisfied.
  - Confirmation and justification as to the suitability of the site for the proposed use and the potential for off-site migration of any residual contaminants.
49. 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 *NSW Occupational Health & Safety Act (2000) & Regulations (2001)*.
50. Hazardous or intractable wastes arising from the demolition, excavation and remediation process being removed and disposed of in accordance with the requirements of WorkCover NSW and the Environment Protection Authority, and with the provisions of:
  - *New South Wales Occupational Health and Safety Act, 2000;*
  - *The Occupational Health and Safety (Hazardous Substances) Regulation 2001;*
  - *The Occupational Health and Safety (Asbestos Removal Work) Regulation 2001;*
  - *Protection Of the Environment Operations Act 1997 (NSW) and*
  - *NSW DECC Waste Classification Guidelines (2008).*"

#### **Aboriginal Land Council**

51. Prior to the commencement of any works the La Perouse Aboriginal Land Council must be advised of the program of excavation works.
52. Provision must be made for excavation works to be attended and inspected by a representative of the La Perouse Aboriginal Land Council.

53. Should any Aboriginal objects (such as shell middens, stone artifacts, human remains etc.) be uncovered at any stage of the works, all work in the affected area will immediately cease and the La Perouse Aboriginal Land Council and NSW Office of Environment and Heritage must be contacted

#### **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**

54. 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.

#### **Building & Demolition Work Requirements**

55. All work and activities must be carried out in accordance with the relevant regulatory requirements and Randwick City Council policies, including:

- Work Health and Safety Act 2011 & Regulations
- Occupational Health and Safety (Hazardous Substances) Regulation 2001
- Occupational Health and Safety (Asbestos Removal Work) Regulation 2001
- WorkCover 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
- Protection of the Environment Operations (Waste) Regulation 2005
- Relevant Office of Environment & Heritage / Environment Protection Authority (EPA) and WorkCover NSW Guidelines.
- Randwick City Council Asbestos Policy (adopted 13 September 2005)

*A copy of Council's Asbestos Policy is available on Council's web site at [www.randwick.nsw.gov.au](http://www.randwick.nsw.gov.au) in the Building & Development section or a copy can be obtained from Council's Customer Service Centre.*

#### **Removal of Asbestos Materials**

56. Any work involving the demolition, storage or disposal of asbestos products and materials must be carried out in accordance with the following requirements:
- 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 10m<sup>2</sup> 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 removal contractor, building consultant, architect or experienced licensed building contractor), 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 at [www.randwick.nsw.gov.au](http://www.randwick.nsw.gov.au) in the Building & Development Section or a copy can be obtained from Council's Customer Service Centre.*

#### **Excavations, Back-filling & Retaining Walls**

57. 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.

#### **Support of Adjoining Land**

58. 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.

### **Sediment & Erosion Control**

59. 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 must be shown in a *Sediment and Erosion Control Plan*, including; a site plan; indicating the slope of land, access points & access control measures, location and type of sediment & erosion controls, location of existing vegetation to be retained, location of material stockpiles and storage areas, location of building operations and equipment, methods of sediment control, details of drainage systems and details of existing and proposed vegetation.

A copy of the Sediment and Erosion Control Plan must be provided to the Principal Certifying Authority and Council. A copy must also be maintained on site and be made available to Council officers upon request.

### **Dust Control**

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

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

*Dust control measures and practices may include:-*

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

### **Temporary Site Fencing**

61. Temporary site safety fencing or site hoarding must be provided to the perimeter of the site throughout demolition, excavation and construction works, to the satisfaction of Council, in accordance with the following requirements:

- a) Temporary site fences or hoardings must have a height of 1.8 metres and be a cyclone wire fence (with geotextile fabric attached to the inside of the fence to provide dust control), or heavy-duty plywood sheeting (painted white), or other material approved by Council.
- b) Hoardings and site fencing must be designed to prevent any substance from, or in connection with, the work from falling into the public place or adjoining premises and if necessary, be provided with artificial lighting.

- c) All site fencing and hoardings must be structurally adequate, safe and be constructed in a professional manner and the use of poor quality materials or steel reinforcement mesh as fencing is not permissible.
- d) An overhead ('B' Class) type hoarding is required is be provided to protect the public (unless otherwise approved by Council) if:
  - materials are to be hoisted (i.e. via a crane or hoist) over a public footway;
  - building or demolition works are to be carried out on buildings which are over 7.5m in height and located within 3.6m of the street alignment;
  - it is necessary to prevent articles or materials from falling and causing a potential danger or hazard to the public or occupants upon adjoining land;
  - as may otherwise be required by WorkCover, Council or the PCA.

*Notes:*

- *Temporary site fencing may not be necessary if there is an existing adequate fence in place having a minimum height of 1.5m.*
- *If it is proposed to locate any site fencing, hoardings, amenities or articles upon any part of the footpath, nature strip or public place at any time, a separate Local Approval application must be submitted to and approved by Council's Health, Building & Regulatory Services before placing any fencing, hoarding or other article on the road, footpath or nature strip.*

**Public Safety & Site Management**

62. Public safety and convenience must be maintained at all times during demolition, excavation and construction works and the following requirements must be complied with to the satisfaction of Council:
- a) 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.
  - b) 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.
  - c) Building operations such as brick cutting, washing tools or equipment and mixing mortar are not permitted on public footpaths, roadways, nature strips, in any public place or any location which may lead to the discharge of materials into the stormwater drainage system.
  - d) Access gates and doorways within site fencing, hoardings and temporary site buildings or amenities must not open outwards into the road or footway.

- e) Bulk bins/waste containers 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.
- f) 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.

### Site Signage

63. 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

64. 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)	<ul style="list-style-type: none"> <li>• Monday to Friday - 7.00am to 5.00pm</li> <li>• Saturday - 8.00am to 5.00pm</li> <li>• Sunday &amp; public holidays - No work permitted</li> </ul>
Additional requirements for all development	<ul style="list-style-type: none"> <li>• Saturdays and Sundays where the preceding Friday and/or the following Monday is a public holiday - No work permitted</li> </ul>

*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.*

### Survey Requirements

65. A Registered Surveyor's check survey certificate or other suitable documentation must be obtained at the following stage/s of construction to demonstrate compliance with the approved setbacks, levels, layout and height of the building to the satisfaction of the Principal Certifying Authority (PCA):

- prior to construction (pouring of concrete) of footings and boundary retaining structures,
- prior to construction (pouring of concrete) of each floor slab,
- upon completion of the building, prior to issuing an *Occupation Certificate*,
- as otherwise may be required by the PCA.

The survey documentation must be forwarded to the Principal Certifying Authority and a copy is to be forwarded to the Council, if the Council is not the Principal Certifying Authority for the development.

#### **Building Encroachments**

66. 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**

67. Any openings within or upon the road, footpath, nature strip or in any public place (i.e. for proposed drainage works or installation of services), must be carried out in accordance with the following requirements, to the satisfaction of Council:
- a) 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.
  - b) Council's Road / Asset Opening Officer must be notified at least 48 hours in advance of commencing any excavation works and also immediately upon completing the works (on 9399 0691 or 0409 033 921 during business hours), to enable any necessary inspections or works to be carried out.
  - c) Relevant *Road / Asset Opening Permit* fees, construction fees, inspection fees and security deposits, must be paid to Council prior to commencing any works within or upon the road, footpath, nature strip or other public place,
  - d) The owner/developer must ensure that all works within or upon the road reserve, footpath, nature strip or other public place are completed to the satisfaction of Council, prior to the issuing of a *final occupation certificate* or occupation of the development (whichever is sooner).
  - e) Excavations and trenches must be back-filled and compacted in accordance with AUSPEC standards 306U.
  - f) Excavations or trenches located upon a road or footpath are required to be provided with 50mm depth of cold-mix bitumen finish, level with the existing road/ground surface, to enable Council to readily complete the finishing works at a future date.
  - g) Excavations or trenches located upon turfed areas are required to be back-filled, compacted, top-soiled and re-turfed with Kikuyu turf.



- h) The work and area must be maintained in a clean, safe and tidy condition at all times and the area must be thoroughly cleaned at the end of each days activities and upon completion.
- i) The work can only be carried out in accordance with approved hours of building work as specified in the development consent, unless the express written approval of Council has been obtained beforehand.
- j) Sediment control measures must be implemented in accordance with the conditions of development consent and soil, sand or any other material must not be allowed to enter the stormwater drainage system or cause a pollution incident.
- k) The owner/developer must have a Public Liability Insurance Policy in force, with a minimum cover of \$10 million and a copy of the insurance policy must be provided to Council prior to carrying out any works within or upon the road, footpath, nature strip or in any public place.

#### **Traffic Management**

- 68. 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.
- 69. 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. All conditions and requirements of the NSW Police, Roads & Maritime Services, Transport and Council must be complied with at all times.

#### **Stormwater Drainage**

- 70. Adequate provisions must be made to collect and discharge stormwater drainage during construction of the building to the satisfaction of the principal certifying authority.

The prior written approval of Council must be obtained to connect or discharge site stormwater to Council's stormwater drainage system or street gutter.

- 71. A separate written approval from Council is required to be obtained in relation to any proposed discharge of groundwater into Council's drainage system external to the site, in accordance with the requirements of Section 138 of the Roads Act 1993.

#### **Tree Removal**

- 72. With the exception of the trees referred to in the 'Tree Protection Measures' conditioned elsewhere in this report, no objections are raised to removing any of the other remaining trees within this part of the site due to a combination of their small size, insignificance, or, so as to accommodate the proposed works and new landscape treatment as shown.

73. To ensure correct identification, all plans must use the numbers that have been assigned in the Existing Tree Schedule, and are to be marked/tagged prior to any removals taking place. Council's Landscape Development Officer (9399-0613) must confirm this on-site prior to performing any removal works.

#### **Tree Pruning**

74. Should the applicant seek to prune any of those existing trees that are being retained, Council's Landscape Development Officer must be contacted on 9399-0613 to arrange a joint inspection to determine the exact extent and location of pruning that is permitted. Where permission is granted, it must be minimal and selective, and only so as to avoid damage to the trees, or, interference with the works, with Council's instructions to be complied with at all times.
75. All pruning must be undertaken by a Practising Arborist who holds a minimum of AQF Level III in Arboriculture, and who is also a registered member of a nationally recognised organisation/association, with all pruning to be performed to Australian Standard AS 4373-1996 'Pruning of Amenity Trees.'

#### **Aboriginal objects**

76. Should Aboriginal objects be found, the Department of Environment and Conservation (DEC) 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.

### **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**

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

An Occupation Certificate must not be issued for the development if the development is inconsistent with the development consent. The relevant requirements of the *Environmental Planning & Assessment Act 1979* and conditions of development consent must be satisfied prior to the issuing of an occupation certificate.

### **Fire Safety Certificates**

78. Prior to issuing an interim or final Occupation Certificate, a single and complete *Fire Safety Certificate*, encompassing all of the essential fire safety measures contained in the *fire safety schedule* must be obtained and be submitted to Council, in accordance with the provisions of the *Environmental Planning and Assessment Regulation 2000*. The *Fire Safety Certificate* must be consistent with the *Fire Safety Schedule* which forms part of the Construction Certificate.

A copy of the *Fire Safety Certificate* must be displayed in the building entrance/foyer at all times and a copy must also be forwarded to Fire and Rescue NSW.

### **Structural Certification**

79. A Certificate must be obtained from a *professional engineer*, which certifies that the building works satisfy the relevant structural requirements of the Building Code of Australia and approved design documentation, to the satisfaction of the *Principal Certifying Authority*. A copy of which is to be provided to Council.

### **Sydney Water Certification**

80. A *section 73 Compliance Certificate*, under the *Sydney Water Act 1994* must be obtained from Sydney Water Corporation. An Application for a Section 73 Certificate must be made through an authorised Water Servicing Coordinator. For details, please refer to the Sydney Water web site [www.sydneywater.com.au](http://www.sydneywater.com.au) > *Building and developing* > *Developing your Land* > *Water Servicing Coordinator* or telephone 13 20 92.

Please make early contact with the Water Servicing Co-ordinator, as building of water/sewer extensions may take some time and may impact on other services and building, driveway or landscape design.

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.

### **Noise Control Requirements & Certification**

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

In this regard, the operation of the plant and equipment shall not give rise to an  $L_{Aeq, 15 \text{ min}}$  sound pressure level at any affected premises that exceeds the background  $L_{A90, 15 \text{ min}}$  noise level, measured in the absence of the noise source/s under consideration by more than 5dB(A) in accordance with relevant NSW Office of Environment and Heritage (EPA) Noise Control Guidelines.

82. A report must be obtained from a suitably qualified and experienced consultant in acoustics, which demonstrates and certifies that noise and vibration from any plant and equipment (e.g. mechanical ventilation systems and air-conditioners) satisfies the relevant provisions of the *Protection of the Environment Operations Act 1997*, NSW Office of Environment and Heritage (EPA) Noise Control Manual, Industrial Noise Policy and Council's development consent.

A copy of the report must be provided to the *Principal Certifying Authority* and Council prior to an occupation certificate being issued.

**Council's Infrastructure, Vehicular Crossings & Road Openings**

83. The owner/developer must meet the full cost for Council or a Council approved contractor to construct a minimum 375mm diameter rubber ringed reinforced concrete pipeline under the kerb alignment (edge of road) in Military Road from the point of discharge from the subject development site to the existing underground drainage system at the intersection of Military Road and Bumborah Point Road. The works shall include all necessary drainage pits and reinstatement of kerb and gutter, road pavement and footpath as required.
84. Prior to issuing a final occupation certificate or occupation of the development (whichever is sooner), the owner/developer must meet the full cost for Council or a Council approved contractor to repair/replace any damaged sections of Council's footpath, kerb & gutter, nature strip etc which are due to building works being carried out at the above site. This includes the removal of cement slurry from Council's footpath and roadway.
85. All external civil work to be carried out on Council property (including the installation and repair of roads, footpaths, vehicular crossings, kerb and guttering and drainage works), must be carried out in accordance with Council's Policy for "Vehicular Access and Road and Drainage Works" and the following requirements:
  - a) All work on Council land must be carried out by Council, unless specific written approval has been obtained from Council to use non-Council contractors.
  - b) Details of the proposed civil works to be carried out on Council land must be submitted to Council in a Pre-paid Works Application Form, prior to an occupation certificate being issued for the development, together with payment of the relevant fees.
  - c) If it is proposed to use non-Council contractors to carry out the civil works on Council land, the work must not commence until the written approval has been obtained from Council and the work must be carried out in accordance with the conditions of consent, Council's design details and payment of a Council design and supervision fee.
  - d) The civil works must be completed in accordance with Council's conditions of consent and approved design and construction documentation, prior to occupation of the development, or as otherwise approved by Council in writing.
86. The naturestrip upon Council's footway shall be excavated to a depth of 150mm, backfilled with topsoil equivalent with 'Organic Garden Mix' as supplied by Australian Native Landscapes, and re-turfed with Kikuyu Turf or similar. Such works shall be installed prior to the issue of a final Occupation Certificate.

**Service Authorities**

**Sydney Water Requirements**

87. A section 73 Compliance Certificate, under the Sydney Water Act 1994 must be obtained from Sydney Water Corporation. An Application for a

Section 73 Certificate must be made through an authorised Water Servicing Coordinator. For details, please refer to the Sydney Water web site [www.sydneywater.com.au](http://www.sydneywater.com.au) > Building and developing > Developing your Land > Water Servicing Coordinator or telephone 13 20 92.

Please make early contact with the Water Servicing Co-ordinator, as building of water/sewer extensions may take some time and may impact on other services and building, driveway or landscape design.

The Section 73 Certificate must be submitted to the Principal Certifying Authority and the Council prior to issuing an Occupation Certificate.

88. The applicant shall meet the full cost for the overhead power lines located along the Military Road site frontage to be relocated underground. The applicant shall liaise directly with the relevant service utility authorities to organise for the cables to be relocated. All cables must be relocated underground to the satisfaction of the relevant service utility authority prior to the issuing of an occupation certificate for the development.

#### **Stormwater Drainage**

89. A "restriction on the use of land" and "positive covenant" (under section 88E of the Conveyancing Act 1919) shall be placed on the title of the subject property to ensure that the onsite detention/infiltration system is maintained and that no works which could affect the design function of the detention/infiltration system are undertaken without the prior consent (in writing) from Council. Such restriction and positive covenant shall not be released, varied or modified without the consent of the Council.

Notes:

- a. The "restriction on the use of land" and "positive covenant" are to be to the satisfaction of Council. A copy of Council's standard wording/layout for the restriction and positive covenant may be obtained from Council's Development Engineer.
  - b. The works as executed drainage plan and hydraulic certification must be submitted to Council prior to the "restriction on the use of land" and "positive covenant" being executed by Council.
90. A works-as-executed drainage plan prepared by a registered surveyor and approved by a suitably qualified and experienced hydraulic consultant/engineer must be forwarded to the Principal Certifying Authority and the Council. The works-as-executed plan must include the following details (as applicable):
- The location of any detention basin/s with finished surface levels;
  - Finished site contours at 0.2 metre intervals;
  - Volume of storage available in any detention areas;
  - The location, diameter, gradient and material (i.e. PVC, RC etc) of all stormwater pipes;
  - The orifice size/s (if applicable);
  - Details of any infiltration/absorption systems; and
  - Details of any pumping systems installed (including wet well volumes).
91. The applicant shall submit to the Principal Certifying Authority (PCA) and Council, certification from a suitably qualified and experienced Hydraulic Engineer, which confirms that the design and construction of the stormwater drainage system complies with the Building Code of Australia,

Australian Standard AS3500.3:2003 (Plumbing & Drainage- Stormwater Drainage) and conditions of this development consent.

The certification must be provided following inspection/s of the site stormwater drainage system by the Hydraulic Engineers to the satisfaction of the PCA.

92. The applicant shall submit to the Principal Certifying Authority (PCA) and Council certification from a suitably qualified and experienced professional Engineer, to the satisfaction of the Principal Certifying Authority confirming that the basement tanking/waterproofing and any sub-soil drainage systems (as applicable) have been provided in accordance with the conditions of consent and relevant Standards.

**Landscaping**

93. Prior to the issue of a Final (or any type of interim) Occupation Certificate, certification from a qualified professional in the landscape/horticultural industry must be submitted to, and be approved by, the PCA, confirming that landscaping at this site has been installed substantially in accordance with the Landscape Plans, dwg no 301-303, SS11-2385, revision B, dated 14.03.12, Landscape Plan Setout, dwg no's 202-206, and Softscape Plans, dwg 101-106, by Site Image Landscape Architects, as well as the relevant conditions, with the owner/s to implement strategies to ensure that it is maintained in a healthy and vigorous state until maturity.

**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.

**Fire Safety Statements**

94. A single and complete *Fire Safety Statement* (encompassing all of the fire safety measures upon the premises) must be provided to the Council in accordance with the requirements of the *Environmental Planning & Assessment Regulation 2000*.

The *Fire Safety Statement* must be provided on an annual basis each year following the issue of the *Fire Safety Certificate*, and other period if any of the fire safety measures are identified as a *critical fire safety measure* in the *Fire Safety Schedule*.

The *Fire Safety Statement* is required to confirm that all the fire safety measures have been assessed by a properly qualified person and are operating in accordance with the standards of performance specified in the *Fire Safety Schedule*.

A copy of the *Fire Safety Statement* must be displayed in the building entrance/foyer at all times and a copy must also be forwarded to Fire & Rescue NSW.

### **Environmental Amenity**

95. External lighting to the premises must be designed and located so as to minimise light-spill beyond the property boundary or cause a public nuisance.
96. Street numbering must be provided to the front of the premises in a prominent position, in accordance with the Australia Post guidelines and AS/NZS 4819 (2003) to the satisfaction of Council.

In this regard, an Application must be submitted to and approved by Council's Director of City Planning, together with the required fee, for the allocation of appropriate street and unit numbers for the development.

### **Stormwater Detention System**

97. The detention area must be regularly cleaned and maintained to ensure it functions as required by the design.

### **GENERAL 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 requirements. 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 \$1,500) 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.

- A1 Demolition, building or excavation work 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.
- A2 This determination does not include an assessment of the proposed works under the Building Code of Australia (BCA), Disability (Access to Premises – Buildings) Standards 2010 and other relevant Standards. All new building work (including alterations and additions) must comply with the BCA and relevant Standards. You are advised to liaise with your architect, engineer and building consultant prior to lodgement of your construction certificate.
- A3 Any proposed amendments to the design and construction of the building may require a new development application or a section 96 amendment to the existing consent to be obtained from Council, before carrying out such works

- A4 Council's *Building Approvals & Certification team* can issue Construction Certificates 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's *Building Approvals & Certification team* on 9399 0944.
- A5 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, to the satisfaction of the Certifying Authority.
- A6 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).

- A7 External paths and ground surfaces are to be constructed at appropriate levels and be graded and drained away from the building and adjoining premises, so as not to result in the entry of water into the building, or cause a nuisance or damage to any adjoining land.
- A8 Finished ground levels external to the building are to be consistent with the development consent and are not to be raised, other than for the provision of approved paving or the like on the ground.
- A9 Prior to commencing any works, the owner/builder should contact *Dial Before You Dig* on 1100 or [www.dialbeforeyoudig.com.au](http://www.dialbeforeyoudig.com.au) and relevant Service Authorities, for information on potential underground pipes and cables within the vicinity of the development site.
- A10 A Local Approval application must be submitted to and be approved by Council's Building Approvals & Certification team 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's Building Approvals & Certification team on 9399 0944.



A11 The necessary development consent and a construction certificate or a complying development certificate (as applicable) must be obtained for proposed external plant and equipment, if not included in this consent.

A12 An application must be submitted to an approved by Council prior to the installation and operation of any proposed greywater or wastewater treatment systems, in accordance with the *Local Government Act 1993*.

Greywater/Wastewater treatment systems must comply with the relevant requirements and guidelines produced by NSW Health, NSW Office of Environment and Heritage and other relevant regulatory requirements.

A13 Swimming/spa pool plant and equipment shall not be operated during the following hours if the noise emitted can be heard within a habitable room in any other residential premises, or, as otherwise specified in relevant Noise Control Regulations:

- before 8.00am or after 8.00pm on any Sunday or public holiday; or
- before 7.00am or after 8.00pm on any other day.

A14 Air conditioning plant and equipment shall not be operated during the following hours if the noise emitted can be heard within a habitable room in any other residential premises, or, as otherwise specified in relevant Noise Control Regulations:

- before 8.00am or after 10.00pm on any Saturday, Sunday or public holiday; or
- before 7.00am or after 10.00pm on any other day.

A15 The design of the building must not be inconsistent with the development consent and any proposed variations to the building to achieve the BASIX commitments may necessitate a new development consent or amendment to the existing consent to be obtained, prior to a construction certificate being issued.