

4. Recommendation

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That the Sydney Eastern City Planning Panel, as the consent authority, grants development consent under Sections 4.16 and 4.17 of the Environmental Planning and Assessment Act 1979, as amended, to Development Application No. 208/2018 for demolition of 92 dwellings and ancillary structures, removal of vegetation and site remediation at 1-47, 2-66A and 64R Eurimbla Avenue, 2-14 Magill Street, 49-101 Botany Street, and Part Lot 1 DP 870720 Adjacent to Hospital Road, RANDWICK NSW 2031, subject to the following conditions:

GENERAL CONDITIONS

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

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

Approved Plans & Supporting Documentation

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

<i>Plan</i>	<i>Drawn by</i>	<i>Dated</i>
RCR-BVN-AR-00-DWG U1-XX-03 (Issue A)	Terroir	14 March 2018

Transport NSW

2. The development must comply with the conditions recommended in the letter prepared by the Transport for NSW dated 20 June 2018.

Land Contamination & Remediation

3. A *Detailed Site Contamination Investigation Report* must be submitted to the satisfaction of an independent Auditor upon completion of the demolition works.

The detailed investigation must be undertaken by an independent appropriately qualified environmental consultant and provide information on land and ground water contamination and also migration in relation to past and current activities and uses that may have occurred on the site.

The report is to be prepared in accordance with Council's Contaminated Land Policy 1999 and relevant Guidelines made or approved by the NSW Office of Environment and Heritage (OEHL/EPA), including the Guidelines for Consultants Reporting on Contaminated Sites and the National Environment Protection (Assessment of Site Contamination) Measure (NEPM) 2013. Also, as detailed in the Planning Guidelines to SEPP 55 – Remediation of Land, the report is to assess the nature, extent and degree of contamination upon the land. The recommendations outlined in the Preliminary Site Investigation for Contamination (prepared by Douglas Partners (Project 72505.12 dated Feb 2018) are also to be addressed within the scope of the detailed site assessment.

- a) Should the *Detailed Site Investigation Report* demonstrate that the land and groundwater is not contaminated, the conclusion to the report must

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clearly state that **'the land is suitable for its intended land use, posing no immediate or long term risk to public health or the environment and is fit for occupation by persons, together with clear justification for the statement.** The report must demonstrate that any site contamination satisfies the relevant criteria in the National Environment Protection (Assessment of Site Contamination) Measure 2013 and it is not necessary to carry out any remediation work.

The written advice to Council must be provided upon completion of the demolition works, which confirms that Council does not require further investigations or site remediation work to be undertaken.

b) 2) Should the *Detailed Site Investigation Report* identify that the land is contaminated and the land requires remedial works to meet the relevant criteria in the National Environment Protection (Assessment of Site Contamination) Measure (NEPM) 2013, the following matters must be complied with: -

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i. A *Remediation Action Plan* (RAP) is required to be submitted to the satisfaction of Council prior to commencing any remediation works. The RAP is also required to be reviewed by an independent Office of Environment and Heritage (OEH/EPA) Accredited Site Auditor and a written statement is to be provided to the Council with the RAP from the Site Auditor, which confirms that the Remediation Action Plan satisfies the relevant legislative guidelines and requirements and that the land is able to be remediated to the required level and will be suitable for the intended development and use.

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ii. The RAP is to be prepared in accordance with the relevant Guidelines made or approved by Office of Environment and Heritage (OEH/EPA), including the Guidelines for Consultants Reporting on Contaminated Sites.

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This RAP is to include procedures for the following:

- Excavation, removal and disposal of contaminated soil,
- Validation sampling and analysis,
- Prevention of cross contamination and migration or release of contaminants,
- Site management planning,
- Ground water remediation, dewatering, drainage, monitoring and validation,
- Unexpected finds.

iii. An Office of Environment and Heritage (OEH/EPA) Accredited Site Auditor, accredited under the *Contaminated Land Management Act 1997*, must be appointed to assess the suitability of the site for its intended development and use.

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iv. A Site Audit Statement and Summary Site Audit Report must be submitted to Council prior to issuing a Crown certificate for building works (other than site retaining walls that are necessary to facilitate excavation and remediation works). The Site Audit Statement and Report must confirm that the land has been remediated and the site is suitable for the intended development and satisfies the relevant criteria in the NEPM 2013.

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Council is required to be consulted with prior to the development of any Environmental Management Plan (EMP) and the comments made by Council are required to be taken into consideration prior to finalising the EMP.

- v. Remediation works are to be carried out in accordance with the requirements of the *Contaminated Land Management Act 1997*, environmental planning instruments applying to the site, guidelines made by the NSW OEA/EPA and Department of Planning, Randwick City Council's Contaminated Land Policy 1999 and the *Protection of the Environment Operations Act 1997*.

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- vi. Should the approved remediation strategy include the 'capping' or 'containment' of any contaminated land, details are to be included in the Site Audit Statement (SAS) and Environmental Management Plan (EMP) to the satisfaction of the Site Auditor.

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Details of the SAS and EMP (which includes capping and containment of contaminated land) are also required to be included on the Certificate of Title for the subject land under the provisions of section 88 of the *Conveyancing Act 1919*.

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- vii. The Site Audit Statement 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.

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In relation to any asbestos contamination, a comprehensive remediation strategy and remedial action plan must be developed and implemented, to the satisfaction of a suitably qualified and experienced specialist and the Site Auditor.

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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 Site Auditor.

Site Remediation

4. 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, and
- details of provisions for monitoring implementation of remediation works including details of the person/consultant responsible.

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

REQUIREMENTS PRIOR TO COMMENCEMENT OF SITE WORKS

The following conditions of consent must be complied with prior to the commencement of site works.

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

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

Compliance Fee

6. A development compliance and enforcement fee of \$5,000.00 shall be paid to Council in accordance with Council's adopted Fees & Charges Pricing Policy, prior to the issue of a Crown Certificate for development.

Long Service Levy Payments

7. 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 6.8 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.

Sydney Water Requirements

8. 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 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.

A Sydney Water Quick Check Agent must appropriately stamp the building plans prior to commencing any work.

Security Deposit

9. The following damage / civil works security deposit requirement must be complied with as security for making good any damage caused to the roadway, footway,

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

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

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

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

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

Traffic conditions

10. Adequate provisions are to be made to provide pedestrian visibility and safety. All new walls (and/or landscaping) adjacent to any proposed construction traffic 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.

Waste Management

11. A Waste Management Plan including a salvage plan detailing the waste and recycling storage and removal strategy for each stage of the demolition, is required to be submitted to Council.

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 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.
- Identify materials including, fireplaces, architraves, skirting, windows, doors and remnant components of fabrics that could be removed and sold or donated to recycled building suppliers.

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

Tree Protection Measures

12. In order to ensure retention of those ~~four~~ trees located in Hospital Road, being **T45-47 & 52**, as recommended in the Arboricultural Impact Assessment by EcoLogical, dated 13/04/18 (*'the Arborists Report'*) in good health, the following measures are to be undertaken:
 - a. All documentation submitted prior to the commencement of site works, must show their retention, with the position and diameter of both their trunks and canopies to be clearly and accurately shown on all plans in relation to the works.
 - b. The site specific 'Tree Protection Plan' and 'Tree Protection Guidelines' that

are detailed in Chapter 5 and Appendix A respectively of the Arborists Report must be complied with at all times.

- c. Prior to the commencement of any site works, an AQF Level 5 Arborist (who is eligible for membership with a nationally recognized organization/association) shall be engaged as 'the Project Arborist' for the duration of works, and will be responsible for both implementing and monitoring the conditions of development consent, the Tree Protection Plan, Pruning, and any other instructions issued on-site.
 - d. The Project Arborist must be present on-site at the relevant stages of works, and must keep a log of the dates of attendance and the works performed, which is to be presented as a Final Compliance Report prior to completion of site works.
 - e. In the event of any discrepancy between the Arborists Report and the conditions of consent, the Arborist must contact Council's Landscape Development Officer on 9093-6613 to reach agreement on the outcome before proceeding further with any works.
 - f. These four trees are to be physically protected in accordance with Section 5.1 of the Arborist Report, with Hold Points, Inspections and a Sign Off regime to be approved by the Project Arborist, within the Schedule of Works for the site, in accordance with Table 3 of the Arborists Report.
 - g. If additional trunk or branch protection is required, this can be provided by way of wrapping layers of geo-textile, underfelt or Hessian around affected areas, to which lengths of evenly spaced hardwood timbers shall be placed around their circumference, and are then to be secured by 8 gauge wires or steel strapping at 300mm spacing. NO nailing to the trunk.
 - h. Within the TPZ's, there is to be no storage of materials, machinery or site office/sheds, nor is cement to be mixed or chemicals spilt/disposed of and no stockpiling of soil or rubble, with all Site Management Plans needing to acknowledge these requirements.
 - i. Where roots are encountered which are in direct conflict with the approved works, they may be cut cleanly by hand (using only hand held tools, not machinery), with the affected area to be backfilled with clean site soil as soon as practically possible.
13. 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 appointed certifier, 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 SafeWork licences and permits.*

Noise & Vibration Management Plan

14. A ~~Construction~~ Noise & Vibration Management Plan, prepared in accordance with the Office of Environment & Heritage - Environment Protection Authority for Construction Noise and Assessing Vibration, by a suitably qualified person, is to be developed and implemented prior to commencing ~~site~~demolition/remediation works ~~and throughout the course of construction.~~

- a) Noise and vibration emissions during the ~~construction of the building and associated site~~demolition/remediation 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 NSW Environmental Protection Authority 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

15. 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 Council.

Public Utilities

16. A *Public Utility Impact Assessment* must be carried out on all public utility services on the site, roadway, nature strip, footpath, public reserve or any public areas associated with and/or adjacent to the development/building works and include relevant information from public utility authorities and exploratory trenching or pot-holing, if necessary, to determine the position and level of service.
17. The applicant must meet the full cost for telecommunication companies, gas providers, Ausgrid, and Sydney Water to adjust/repair/relocate their services as required. The applicant must make the necessary arrangements with the service authority.
18. The applicant must accurately locate all Council owned and / or controlled drainage infrastructure within and adjacent to the development site. All drainage infrastructure must be retained and protected to Council's satisfaction.

Prior to the commencement of site works the applicant must consult with Council's Drainage Engineer regarding the location of the existing Council drainage infrastructure. Proposed protection measures for the drainage infrastructure must be submitted to Council for approval, and be approved, prior to the commencement of site works. The approved protection measures must be complied with at all times.

Construction Traffic Management

19. A detailed Construction Traffic Management Plan (CTMP) must be submitted to and approved by Manager Integrated Transport prior to the commencement of any site work. The CTMP must be prepared in consultation with Council's Integrated Transport Team.

Unless prior approval is provided in writing by Council, all trucks ~~must exiting~~ the site ~~via Botany Street exit only~~ and all trucks must turn right into Botany Street and travel north to Alison Road.

Unless prior approval is provided in writing by Council, all trucks ~~must entering~~ the site ~~via Botany Street entry only~~ and all trucks must turn left into the site from Botany Street. The applicant must liaise with Council's Transport Engineer regarding travel routes for entering trucks prior to preparation of the CTMP. Council prefers the use of High Street and Botany Street, (north of the site), for entering trucks over Barker and Botany Street, (south of the site).

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

- A description of the demolition, excavation and construction works
- A site plan/s showing the site, roads, footpaths, site access points and vehicular movements
- Any proposed road and/or footpath closures
- Proposed site access locations for personnel, deliveries and materials

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

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

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

Removal of trees from private property

21. The applicant must submit ~~for approval~~ to Council's Landscape Development Officer, an addendum to the existing Tree Assessment Schedule (Table 2 of the Arborists Report), in the same format, prior to commencing any site works, documenting exactly what trees are proposed to be removed as part of the approved works. ~~In this regard, larger/mature trees that are not located within the site of the proposed Acute Services Building shall be retained given their ongoing amenity and environmental values. Any larger trees within the site of the Acute Services Building shall also be assessed for potential retention based on the proposed footprint of the building.~~

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.

Demolition Work Requirements

22. 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;
 - Work Health and Safety Regulation 2011;
 - SafeWork NSW Code of Practice for the Safe Removal of Asbestos;
 - Australian Standard 2601 (2001) – Demolition of Structures;
 - The Protection of the Environment Operations Act 1997;
 - Environment Protection Authority (EPA) and SafeWork NSW Guidelines.

Removal of Asbestos Materials

23. 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 SafeWork NSW requirements
- Randwick City Council's Asbestos Policy (13 September 2005)
- A SafeWork licensed demolition or asbestos removal contractor must undertake removal of more than 10m² of bonded asbestos (or as otherwise specified by SafeWork 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 Council.
- 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 Council.
- A Clearance Certificate or Statement, prepared by a suitably qualified person (i.e. an occupational hygienist, licensed asbestos assessor or other competent person), must be provided to Council 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 in the Building & Development Section or a copy can be obtained from Council's Customer Service Centre.

Sediment & Erosion Control

24. 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.

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 Council. A copy must also be maintained on site and be made available to Council officers upon request.

Dust Control

25. 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.

Temporary Site Fencing

26. 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.

Notes:

- *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 before placing any fencing, hoarding or other article on the road, footpath or nature strip.*

Public Safety & Site Management

27. Public safety and convenience must be maintained at all times during demolition and excavation works and the following requirements must be complied with:
- a) Materials including sand, soil, waste materials, demolition 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) 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

28. 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
- name, address and telephone number of the project manager or other person responsible for the management of all site activities,
- a statement stating that “unauthorised entry to the work site is prohibited”.

Restriction on Working Hours

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

Activity	Permitted working hours
All demolition, site vegetation clearance, remediation and site works, including site deliveries (except as detailed below)	<ul style="list-style-type: none"> • Monday to Friday - 67.00am to 65.00pm • Saturday - 8.00am to 5.00pm • Sunday & public holidays - No work permitted
Excavating or sawing of rock, use of jack-hammers, pile-drivers, vibratory rollers/compactors or the like	<ul style="list-style-type: none"> • Monday to Friday - 8.00am to 57.00pm only • Saturday - No work permitted No work permitted • Sunday & public holidays - No work permitted
Additional requirements for all development	<ul style="list-style-type: none"> • Saturdays and Sundays where the preceding Friday and/or the following Monday is a public holiday - No work permitted

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An application to vary the abovementioned hours may be submitted to Council's Manager Health, Building & Regulatory Services for consideration and approval to vary the specified hours may be granted in exceptional circumstances and for limited occasions (e.g. for public safety, traffic management or road safety reasons). Any applications are to be made on the standard application form and include payment of the relevant fees and supporting information. Applications must be made at least 10 days prior to the date of the proposed work and the prior written approval of Council must be obtained to vary the standard permitted working hours.

Building Encroachments

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

Tree Management

31. Approval is also granted for removal of the following vegetation so as to accommodate demolition and associated works in these same areas as shown, subject to retention of the ~~four (4)~~ trees that are listed in the Tree Protection condition earlier in this report:

- ~~These eleven (11) trees~~ Trees located exclusively in Hospital Road, being **T48-51**, and **T53-59**, as identified in Table 2 (page 10) of the Arboricultural Impact Assessment by EcoLogic, dated 13/04/18;
- Any of those trees (not yet surveyed/assessed) that are located wholly within private properties in Eurimbla Avenue, Botany Street and Magill Street, subject to compliance with the 'Removal of trees on private property' condition earlier in this report.

Pruning of street trees

32. This application does not authorise any works to street trees located on those public verges around the perimeter of the site, being Eurimbla Avenue, High Street, Botany Street and Magill Street.
33. Should clearance pruning or similar be necessary in order to avoid damage to Council's street trees; or, interference with the approved works, then the applicant must contact Council's Landscape Development Officer on 9093-6613 to arrange a joint inspection. If approval is given, it can only be performed by Council, wholly at the applicants cost, with payment to be received prior to the completion of works.

Road / Asset Opening Permit

34. 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.

The owner/builder 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 completion of works.

For further information, please contact Council's Road / Asset Opening Officer on 9093 6691 or 1300 722 542.

Site Works & Remediation

35. All hazardous or intractable wastes arising from the works must be removed, managed and disposed of in accordance with the requirements of WorkCover NSW and the Environment Protection Authority, including:
- *Work Health and Safety Act 2011 and associated Regulations;*
 - *Protection of the Environment Operations Act 1997 (NSW) and*
 - *NSW EPA Waste Classification Guidelines (2014).*
36. Fill material that is imported to the site must satisfy the requirements of the NSW *Protection of the Environment Operations (Waste) Regulation 2014* and the NSW Environment Protection Authority (EPA) *Waste Classification Guidelines (2014)*. Fill material must meet the relevant requirements for Virgin Excavated Natural Material (VENM) or be the subject of a (general or specific) Resource Recovery Exemption from the EPA.
- Details of the importation of fill and compliance with these requirements must be provided to the satisfaction of the Environmental Consultant and Site Auditor.
37. Site remediation must be carried out in accordance with the following requirements (as applicable):
- a) 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 Construction Site Management Plan.
 - b) 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.

- ~~e) Demolition, site vegetation clearance and remediation work shall be conducted within the following hours:
Monday – Friday 7am – 5pm
Saturday 8am – 5pm
No work permitted on Sundays or Public Holidays~~
- ~~d) Trucks and other vehicles are permitted to enter and exit the site during the following hours:
Monday – Friday 6am – 6pm
Saturday 6am – 6pm
No work permitted on Sundays or Public Holidays~~
- ~~e)c) 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.~~

38. The applicant must prepare a 'Compensatory Tree Planting Plan', which details the location of 30 x 100 litre (pot/bag size at the time of planting) trees to be installed within the site, along both the Botany Street and High Street frontages, for the extent of the proposed 'material handling area' and liaise with Council's Landscape Development Officer (9093-6613) to ensure these trees will provide adequate screening & environmental amenity. These trees must be installed upon completion of site remediation, sewer and stormwater works in these respective areas.

Species selection is limited to the following:

- Backhousia citriodora
- Banksia serrata
- Eucalyptus haemastoma
- Elaeocarpus eumundii

REQUIREMENTS PRIOR TO THE ISSUE OF A CROWN COMPLETION CERTIFICATE/COMPLETION OF SITE WORKS

The following conditions of consent must be complied with prior to the occupation 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, safety and amenity.

Sydney Water Certification

~~38-39.~~ 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 > 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.

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A copy of the Section 73 Certificate must be submitted to the Council.

A copy of Works-As-Executed plans, specifications and details must be provided to Council, if the works differs from the approved plans and specifications.

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Noise Control Requirements & Certification

~~39. The operation of plant and equipment must 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.~~

Remediation Work

40. A report or statement must be obtained from the appointed NSW Site Auditor which confirms that the relevant conditions of consent and site remediation requirements have been satisfied accordingly and the implementation of the development has not impacted or affected the relevant site investigations, Site Remediation Strategy and Reports.

Council's Infrastructure, Vehicular Crossings, street verge

41. The applicant must meet the full cost for Council or a Council approved contractor to repair/replace any damaged sections of Council's footpath, kerb & gutter, nature strip etc. which are due to building works being carried out at the above site. This includes the removal of cement slurry from Council's footpath and roadway.

42. 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 "Crossings and Entrances – Contributions Policy" and "Residents' Requests for Special Verge Crossings Policy" and the following requirements:

- a) Details of the proposed civil works to be carried out on Council land must be submitted to Council in a Civil Works Application Form. Council will respond, typically within 4 weeks, with a letter of approval outlining conditions for working on Council land, associated fees and workmanship bonds. Council will also provide details of the approved works including specifications and construction details.
- b) Works on Council land, must not commence until the written letter of approval has been obtained from Council and heavy construction works within the property are complete. The work must be carried out in accordance with the conditions of development consent, Council's conditions for working on Council land, design details and payment of the fees and bonds outlined in the letter of approval.
- c) The civil works must be completed in accordance with the above, prior to the completion of works, or as otherwise approved by Council in writing.

Site Arborist Certification

43. Prior to commencement of works, the Project Arborist must submit to, and have approved by Council's Landscape Development Officer, written certification which confirms compliance with the conditions of consent, Tree Protection Plan, the dates

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of attendance on-site and any works performed/supervised relating to the retention of **T45-47 & 52**, in Hospital Road.

44. Prior to the issue of any Crown Completion Certificate/Completion of site works, the applicant must submit to Council's Landscape Development Officer, written confirmation that the requirements of the 'Compensatory Tree Planting' condition have been complied with, with the applicant/owner to ensure they are maintained in a healthy and vigorous state, until maturity.

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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 4.17 of the Act.

A1 The requirements and provisions of the *Environmental Planning & Assessment Act 1979* and *Environmental Planning & Assessment Regulation 2000*, must be fully complied with at all times.

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

A2 Any proposed amendments to the DA approval may require a new development application or a section 4.55 amendment to the existing consent to be obtained from Council, before carrying out such works.

A3 A Local Approval application must be submitted to and be approved by Council prior to commencing any of the following activities on a footpath, road, nature strip or in any public place: -

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

For further information please contact Council on 9093 6944.

A4 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).

- A5 There are to be no emissions or discharges from the premises, which will give rise to an environmental or public nuisance or result in an offence under the *Protection of the Environment Operations Act 1997* and *Regulations*.
- A6 Underground assets (e.g. pipes, cables etc.) may exist in the area that is subject to your application. In the interests of health and safety and in order to protect damage to third party assets please contact Dial before you dig at www.1100.com.au or telephone on 1100 before excavating or erecting structures (This is the law in NSW). If alterations are required to the configuration, size, form or design of the development upon contacting the Dial before You Dig service, an amendment to the development consent (or a new development application) may be necessary. Individuals owe asset owners a duty of care that must be observed when working in the vicinity of plant or assets. It is the individual's responsibility to anticipate and request the nominal location of plant or assets on the relevant property via contacting the Dial before you dig service in advance of any construction or planning activities.
- A7 The applicant is to advise Council in writing and/or photographs of any signs of existing damage to the Council roadway, footway, or verge prior to the commencement of any building/demolition works.
- A8 Further information and details on Council's requirements for trees on development sites can be obtained from the recently adopted Tree Technical Manual, which can be downloaded from Council's website at the following link, <http://www.randwick.nsw.gov.au> - Looking after our environment – Trees – Tree Management Technical Manual; which aims to achieve consistency of approach and compliance with appropriate standards and best practice guidelines.