



**Land and Environment
Court**
of New South Wales

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DX 264, Sydney

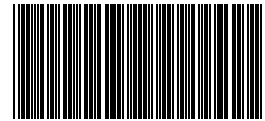
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Your Ref:



D0001MPRB6

19 October 2022

NOTICE OF ORDERS MADE

Case number 2021/00238291
Case title Auspat International No.2 Pty Ltd v Randwick City Council

On 19 October 2022 the following orders (and/or directions) were made:

The Court orders that:

(1) The amended written request under clause 4.6 of the Randwick Local Environmental Plan 2012, prepared by Planning Ingenuity dated 1 June 2020 seeking a variation to the development standard for building height under clause 4.3, is upheld.

(2) The appeal is upheld.

(3) Development Application 698/2020, as amended, is a Stage 1 concept development application which seeks a part 3, part 4 storey residential flat building with parking, tree removal, landscaping and associated civil works on Lot 11 DP 1237484, also known as 11 Jennifer Street, Little Bay, is determined by the grant of consent, subject to conditions in Annexure A.

(4) The applicant is to pay the respondents costs thrown away as a result of the amendments of the application for development consent, granted leave on 22 March 2022 and 16 June 2022, pursuant to s 8.15(3) of the Environmental Planning and Assessment Act 1979.

(5) The exhibits are returned.

For the Registrar

Annexure A

DETERMINATION OF DEVELOPMENT APPLICATION BY GRANT OF CONSENT

Development Application No: DA/698/2020

Development: Concept development application for a part 3, part 4 storey residential flat building, basement car parking, and associated works, including the establishment of a conservation area at 11 Jennifer Street, Little Bay

Site: 11 Jennifer Street, LITTLE BAY NSW 2036

The above development application has been determined by the granting of consent subject to the conditions specified in this consent.

Date of determination: 19 October 2022

Date from which consent takes effect: Date of determination.

TERMINOLOGY

In this consent:

- (a) Any reference to a Construction, Compliance, Occupation or Subdivision Certificate is a reference to such a certificate as defined in the *Environmental Planning and Assessment Act 1979*.
- (b) Any reference to the “applicant” means a reference to the applicant for development consent or any person who may be carrying out development from time to time pursuant to this consent.
- (c) Any reference to the “site”, means the land known as 11 Jennifer Street, Little Bay NSW 2036

The conditions of consent are as follows:

Concept 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.

This concept development consent does not authorise the carrying out of development on any part of the Site: s4.22(4)

Approved Plans & Supporting Documentation

1. The concept development approved by this consent is the development shown in the plans and supporting documentation listed below, except where amended by Council in red and/or by other conditions of this consent:

Plan	Drawn by	Dated
DA 0.1 – Title Sheet – Rev B	Hill Thalys	25 May 2022
DA 2.03 – Public views analysis – Rev B	Hill Thalys	25 May 2022
DA 2.04 – Private views analysis – Rev B	Hill Thalys	25 May 2022
DA 2.10 –Ground Floor Envelope Plan – Rev G	Hill Thalys	26 August 2022
DA 2.11 –Level 1 Envelope Plan– Rev G	Hill Thalys	26 August 2022
DA 2.12 – Level 2 Envelope Plan Rev E	Hill Thalys	26 August 2022
DA 2.13 –Level 3 Envelope Plan – Rev F	Hill Thalys	26 August 2022
DA 2.14 – Indicative Basement Parking – Rev D	Hill Thalys	25 May 2022
DA 2.15 –	Hill Thalys	26 August 202

Landscaped Area – Rev F		
DA 2.16 Sun Access to Communal Open Space – Rev C	Hill Thalys	25 May 2022
DA 2.17 – Sun Access to Communal Open Space – Rev G	Hill Thalys	25 May 2022
DA 2.19 – Indicative apartment mix – Rev C	Hill Thalys	26 August 2022
DA 2.21 – West Elevation – Jennifer St – Rev E	Hill Thalys	25 May 2022
DA 2.22 – North Elevation – Rev E	Hill Thalys	25 May 2022
DA 2.23 – East Elevation – Rev E	Hill Thalys	25 May 2022
DA 2.24 – North Elevation/ Section – Rev F	Hill Thallis	25 May 2022
DA 2.25 – Section/South Elevation – Rev C	Hill Thallis	25 May 2022
Biodiversity Development Assessment Report	Keystone Ecological Pty Limited	3 June 2022
Bushland Management Plan	Keystone Ecological Pty Limited	26 May 2022
Stage 1 Design Principles Built Form	Land and Environment Court joint urban designers and planners’ report “annexure C”	Filed 6 September 2022

The following conditions relate to any future Stage 1 Development Application and Consent and require any such consent to meet the following requirements:

Amendment of Plans & Documentation

2. The approved plans and documents must be amended in accordance with the following requirements:
 - a) All building envelopes are to be dimensioned so that no ground level slab exceeds 1m above existing ground level at any point.
 - b) Additional drawings are to be provided to illustrate how adequate articulation will be achieved for the northern street elevation of the northern building.
 - c) The plans are to be amended so that the cores of all buildings are to provide direct access to the central courtyard space between the buildings.
3. No Communal Open Space is to be provided within the front or eastern side setbacks of the proposal. Landscape concept plans are to provide more useable recreational areas in the central courtyard space and sections are to be provided to the satisfaction of Council illustrating how separation and privacy between ground level private open space for apartments and the central communal open space is achieved.
4. The applicant shall be responsible for the construction of a footpath along the western frontage of the site within the public road reserve. That footpath is to be constructed to no less a standard than the pedestrian path located on the opposite side of Jennifer Street (western side).
5. No OSD tank will be permitted in the front setback area on the Jennifer Street frontage or along the Crown Road frontage.
6. Any stage 1 development application for this Site must demonstrate that it has achieved the Stage 1 Design Principles Built Form (as per the Land and Environment Court joint urban designers and planners' report annexure C filed 6 September 2022).
7. Prior to the issue of any construction certificate of the Stage 1 development consent, the applicant shall:
 - a) Execute and lodge a s88E instrument for registration on title with the NSW Land Registry Services in respect of a public covenant, in Randwick Council's favour, requiring compliance with the approved Bushland Management Plan as amended in accordance with the conditions of this consent; and
 - b) Execute and lodge a s88 instrument for registration on title that prohibits entry onto the property and/or the keeping of domestic cats by any owner or occupier of the development due to the risks to the environmentally sensitive ESBS area.

- c) Prepare and lodge a Translocation Plan for the endangered Maroubra Woodland Snail consistent with the BMP, for approval by Council.

8. Heritage Conditions Requirements

Aboriginal Archaeology

- a. 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.
- b. Prior to the commencement of works approved by any Stage 1 development consent, all contractors and relevant personnel involved are to be made aware of the existence of Aboriginal archaeological remains at the Prince Henry site by way of an induction process and of the possibility that more as yet undiscovered Aboriginal cultural material may exist there.
- c. Site contractors are to be advised of their obligations under the National Parks and Wildlife Act 1974 (NSW) and notification procedures in the event that any Aboriginal cultural material is disturbed or exposed during site works.

Historical Archaeology

- d. Prior to the commencement of any subsurface disturbance (excavation) carried out for the purposes of an application for or pursuant to any Stage 1 development consent, all those involved are to be made aware of the potential for historical archaeological relics to survive within the area. This is to be done through a site induction, which also notifies all involved of their obligations under the Heritage Act 1977 (NSW).
- e. In the event that historical archaeological remains or deposits are exposed during the works referred to in 8(d), the excavation works shall cease immediately and an evaluation of their potential extent and significance should be undertaken, and the Heritage Council of NSW be notified under the requirements of the Heritage Act.

ESBS Vegetation Management

- 9. The owner/s and all and any successors in title of the site shall comply with the requirements of the approved Bushland Management Plan and these conditions of development consent. Where the BMP is inconsistent with these conditions of development consent the conditions of consent shall prevail.

10. The maximum allowable FSR on the site is 0.75:1.
11. Pursuant to s4.17(5) of the *Environmental Planning and Assessment Act 1979*:
 - a) Concept Development Consent DA/66/2018 is to be surrendered prior to the making of any Stage 1 development application following this consent.
 - b) Development Consent DA/101/2018 is to be surrendered prior to the issue of any construction certificate following the grant of a Stage 1 consent.
12. Any Stage 1 consent is to be subject to a condition requiring that a fence is to surround the area set aside for the protection of the ESBS. The fence is to be designed to restrict access to people and dogs but to be of such material to allow the movement of native fauna. Panels 3-5 metres wide of chain mail mesh ~ 1.5 – 1.8 m high, with shoe-box size solid wooden structures on the ground every second panel to facilitate movement by small mammals and reptiles, and a minimum of 4 wooden two-way possum bridges (2 along the northern interface and 1 each along the eastern and western edges respectively to enable crossings by small arboreal mammals. Signs shall be erected informing people that access is not permitted and of the need to protect the endangered fauna and flora in the area.
13. ESBS seed bank investigation

Any Stage 1 consent is to be subject to a condition requiring the areas identified as ESBS in the BMP to be assessed for stored seeds of ESBS community plants prior to their removal. All aspects of the assessment process must be undertaken by an ecologist with past experience in soil translocation. After removal of all weed species. The soil will be carefully stripped of foreign fill materials which will be removed to a registered water disposal facility. After all foreign fill has been removed from the site the top 200mm of natural soil must be rotary hoed. The soil will be watered deeply and left fallow for 2 months. Soils which demonstrate the presence of Positive diagnostic ESBS species will be considered ESBS donor sites and translocated to the recipient areas as “Derived Community” subsoil.
14. **No** revegetation shall be undertaken onsite within that area which contains the ESBS.
15. Any Stage 1 consent is to be subject to a condition requiring the applicant to ensure the following Weed Management is undertaken as part of, and in conjunction with, the BMP.

Timing

- Primary weeding must be completed across the site prior to clearing and Soil Translocation,
- Secondary weeding must be completed prior to weeds reaching maturity and/or flowering,
- Maintenance weeding must be completed prior to weeds reaching maturity and/or flowering

Weeding techniques

- All weeding must be undertaken as taught by TAFE NSW in its current Conservation and Land Management course. To ensure that native plants are not killed during the weeding effort.

16. Translocation Plan Timing

- a. The Translocation Plan must include the following points:
 - I. after primary weeding of the entire site,
 - II. after Clearing of "Weeds and Exotics areas"
 - III. after Removal of fill material from "Weeds and Exotics areas"
 - IV. after Seed bank viability/ESBS testing
 - V. before Clearing of Coastal Headland Banksia Heath,
 - VI. a 12-tonne excavator with tilting head must be used to strip and relocate the soil, no skid steer loaders are to be used,
 - VII. A 2-tonne tipper or equivalent must be used to transport the soil.
- b. Soil Translocation must include the following,
 - I. Recipient area preparation,
 - i. Install silt fencing along the downslope side of the recipient areas.
 - ii. remove all fill material from the Recipient areas and
 - iii. remove 100mm of potentially contaminated natural soil from below the fill material, or until bedrock is encountered,
 - II. Donor area preparation,
 - a. Determine extent of donor sites of ESBS lower stratum ie past "exotic and weeds" areas,
 - b. Collect seed from all plants process and store in accordance with Flora Bank Guidelines and attach the Guidelines as an Appendix,
 - c. Trench halfway around Xanthorrhoea sp, water with hormone and back fill with natural soils, wait 2 months,
 - d. Complete trenching and relocate Xanthorrhoea sp at the time that soil is translocated,
 - e. Clear Coastal Headland Banksia Heath,
 - f. Pile all cleared native shrub and tree plant material,
 - g. Rake and pile mulch layer,

- h. Strip sub-soils from Coastal Headland Banksia Heath if available and relocate to recipient site,
 - i. Strip organic horizon from ESBS remnant and pile for no more than 4 hours,
- III. Recipient site
- a. The recipient area must have adequate soil depth to support the plant community, ie soil of at least 600mm depth of lower strata will be required to be installed at the recipient site.
 - b. Install 100mm of ESBS topsoil (Organic horizon) on top of the lower stratum.
 - c. Complete 50m² sections at a time so that the excavator does not have to track over the translocated soils.
 - d. Relocate lower ESBS soils (if clearly defined) in the horizons that they were excavated.
 - e. Install organic horizon over the top of the re-installed lower horizons.
 - f. Install/orientate/transplant by hand, all forbs and grasses which are translocated with the soil,
 - g. Install Xanthorrhoea sp, water and maintain.
 - h. Install/evenly spread all branches and trees cleared in ESBS and Coastal Headland Banksia Heath areas,
 - i. Broadcast seed after a rain event exceeding 100mm in a weeklong period between March and September.

17. Post Soil Translocation

Any Stage 1 consent is to be subject to a condition requiring the applicant to ensure the following is undertaken as part of, and in conjunction with, the BMP.

- a. As the soil translocation is completed all cleared native vegetation will be relocated to the soil translocation areas to assist in the creation of animal refugia and perches and assist in the creation of soil horizons.
 - I. Delineate the areas of bushland to be cleared, by a registered surveyor and permanent markers,
 - II. Collect and store all seed, as per Flora Bank Guidelines, which must be appended to the VMP,
 - III. Fell trees and shrub layer and excavate tree roots and relocate to translocation areas, in accordance with the soil translocation guidelines,
 - IV. By hand do not use excavators to dismantle/shear trees. The trees are to remain in as a large as pieces as possible.

Bush regeneration contractor qualifications

- All staff must be TAFE qualified bush regenerators

18. Pathogens and site sanitation

Any Stage 1 consent is to be subject to a condition requiring the applicant to ensure the following is undertaken with respect ongoing site maintenance, as part of, and in conjunction with, the BMP:

In order to limit the spread of Pathogens and to ensure Site Sanitation:

- a. All machinery must be cleaned and inspected by the ecologist prior to delivery to site.
 - b. Upon every site entry and exit, disinfection with spray and ongoing during the course of the day
 - c. The following additional methods are required:
 - Phytophthora: as described in VMP 6.2.2.6. Hygiene Protocols
 - Myrtle Rust and Armillaria fungus: as taught at NSW TAFE,
 - Weeds: all tools must be cleaned at the beginning of every day's work
19. The ecological Inductions will require that permits from Department Planning Industry and Environment are required to be obtained prior to work in the CEEC.
20. Only exotic vegetation should be removed from site to a registered waste facility the remainder should remain within the soil Translocation recipient areas.
21. Prior to the grant of a Stage 1 development consent the Applicant must retire biodiversity credits of a number and class specified in Table 1 and Table 2 below, to the satisfaction of Council. The retirement of these credits must be carried out in accordance with the NSW Biodiversity Offsets Scheme and can be achieved by:
- a) purchasing and retiring suitable biodiversity credits by sourcing credits from the Biodiversity Credit market; or
 - b) making payments into the Biodiversity Conservation Fund

Table 1. Ecosystem credits required to be retired

Impacted Plant Community Type	Like-for-like credit retirement options				
	Class	Trading Group	HBT	IBRA region / sub-region	Number of ecosystem credits
PCT 1822 Coastal Headland Banksia heath	Sydney Coastal Heaths. This includes PCT 772 PCT 1822	Sydney Coastal Heaths ≥50% and <70%	No	Pittwater, Cumberland, Sydney, Cataract, Wyong or Yengo.	9

				or Any IBRA sub-region that is within 100 kilometres of the outer edge of the impacted site.	
Variation options					
	Formation	Trading group	HBT	IBRA region / sub-region	Number of ecosystem credits
	Heathlands	Tier 3 or higher threat status	No	IBRA region: Sydney Basin or Any IBRA sub-region that is within 100 kilometres of the outer edge of the impacted site.	9

Table 2. Species credits required to be retired

<i>Meridolum maryae</i> Maroubra Woodland Snail	Species		IBRA region	Number of species credits
	<i>Meridolum maryae</i> Maroubra Woodland Snail		Any in NSW	10
	Variation options			
	Kingdom	Any species with same or higher category of listing under Part 4 of the Biodiversity Conservation Act	IBRA region	Number of species credits
	Fauna	Endangered	Pittwater, Cumberland, Sydney,	10

			Cataract, Wyong or Yengo. or Any IBRA sub- region that is within 100 kilometres of the outer edge of the impacted site.	
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Parking & Traffic conditions

22. Adequate provisions are to be made to provide pedestrian visibility and safety. All new walls (and/or landscaping) adjacent to vehicular crossings not exceeding 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.
23. Vehicular access driveways, internal circulation ramps and the carpark areas, (including, but not limited to, the ramp grades, carpark layout aisle widths and height clearances) are to be designed in accordance with the requirements of Australian Standard 2890.1:2004 (off street parking) and Australian Standard 2890.6 (disability parking).
24. Parking (including motorbike and bicycle parking) shall be provided in accordance with the parking rates outlined in Part B7 of Randwick Council's DCP 2013.

Stormwater Management

25. Concept drainage plans shall be submitted demonstrating how stormwater runoff will be managed for the redeveloped portion of the site. The drainage plans shall indicate the following:
 - Location and level of any existing and proposed stormwater pipes and drainage pits within the site
Location and approximate area of any existing and proposed on-site detention facilities within the site
 - Discharge points to Council controlled stormwater system
 - Location of any infiltration areas, sediment/ silt arrestor pits, or discharge control pits
 - Any overland flow paths
 - Council controlled pipelines in vicinity of the site and any

existing/proposed drainage easements across adjoining land.

and are to accord with the following:

- a) Stormwater runoff from the site shall discharge to a dispersion system adjacent to the eastern boundary at the lowest part of the developed portion of the site so as to replicate existing drainage patterns and ensure natural drainage is maintained to the adjacent St Michaels Golf Club.
 - b) An on-site stormwater detention system must be provided to ensure that the maximum discharge from the site does not exceed that which occurs in the pre-development state. All other stormwater run-off from the site for all storms up to the 1% AEP (1 in 100 year) storm is to be retained on the site for gradual release dispersion system, to the satisfaction of the certifying authority.
 - c) Generally, all internal pipelines must be capable of discharging a 1 in 20-year storm flow. However, the minimum pipe size for pipes that accept stormwater from a surface inlet pit must be 150mm diameter. The site must be graded to direct any surplus run-off (i.e. above the 1 in 20-year storm) to the proposed drainage (detention/infiltration) system.
 - d) Any onsite detention/infiltration systems shall be located in areas accessible by residents and must not result in the loss of any additional ESBS beyond what is proposed on the court approved plans.
26. A report obtained from a qualified, experienced Hydrogeological/Geotechnical Engineer must be provided assessing the site and the potential impact of groundwater and the water table upon the development.
- The report must confirm whether or not the site is or may be affected by *groundwater* or *fluctuating water table* and the report must include details of the measures to be implemented to effectively manage any groundwater.
27. Generally, where the site is affected by groundwater/seepage water the following will be required:
- a) Ground/seepage water and sub-soil drainage must not be connected or discharged to Council's street gutter or drainage system, unless specific written approval has been obtained from Council beforehand, and

- b) Ground/seepage water and sub-soil drainage must be restricted from entering the basement level/s and the stormwater drainage system, by tanking and waterproofing the basement areas of the building, and
- c) Adequate provisions must be made for the groundwater to drain around the basement level/s and ensure that the basement will not impede the movement of the ground water through the development site. Subsurface drainage patterns shall be maintained as far as practical.
- d) Details of the proposed methods of managing groundwater, tanking and waterproofing must be prepared by a suitably qualified and experienced Hydrogeological Engineer and be submitted to and approved by the Principal Certifier, prior to issuing of any Stage 2 construction certificate. **A copy of the proposed method for tanking the basement levels must be forwarded to Council if Council is not the Principal Certifier**

Landscaping

- 28. A separate detailed Landscape Plan, prepared by a qualified professional in the Landscape industry (must be a member of a nationally recognised organisation/association) must also be provided for the whole of the site.
- 29. For any proposed '**green roof**', the following details must be included:
 - Soil depth (including RL's);
 - Planting Plan including species (botanic name), pot size at the time of planting, quantity/density, size/spread at maturity, along with drainage details, lighting, decorative pebble/gravel/mulch and any other relevant materials and finishes;
 - Selection of only hardy and resilient, low growing, low maintenance species, which are not reliant on high quantities of moisture for survival and compatible with the ESBS habitat;
 - A dense, mass planted, arrangement, to ensure full coverage of this surface area upon maturity,
 - Visual/graphic representations from the streetscape and other vantage points, showing the planting at maturity, and how it will relate to the car lift, the building and other landscaping in the front setback;
 - Whether or not irrigation will be provided, which must be connected to the site's rainwater tanks;
 - Details of the intended maintenance regime, including access, anchor points and similar.
- 30. To ensure the selection of materials that are sympathetic to the natural settings of the site and adjoining ESBS, the following additional information must also be included on the Landscape Plans, with these

items to firstly require the written approval of Council's Landscape Development Officer (9093-6613):

- i. Details of the design and materials to be used for any new fencing around the perimeter area for the ESBS;

Waste Management

31. An Operational Waste Management Plan (OWMP) detailing the waste and recycling storage and removal strategy for the development is to be provided.

The operational Waste Management Plan is required to be prepared in accordance with Part B6 of the RDCP and Randwick Council's Waste Management Guidelines for Proposed Development and must include but not be limited to the following details (as applicable):

- The use of the premises and the number and size of occupancies.
- The type and quantity of waste to be generated by the development.
- Waste storage facilities and equipment.
- Future 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 website at;

https://www.randwick.nsw.gov.au/_data/assets/pdf_file/0007/22795/Waste-Management-Plan-Guidelines.pdf

32. Waste Bin storage rooms designed in general accordance with Council's Waste Management Guidelines are to be provided and shall be sized to accommodate the required number of waste bins based on the following waste bin rates;

- 1 x 240L bin per 2 units for garbage (red lid)
- 1 x 240L bins per 2 units for recycling (yellow lid)
- 1 x 240L bin per 15 units for FOGO (green lid)

NOTE: Other bin sizes may be available (eg 660L) however access requirements and means to transport heavier bins kerbside for collection

will then need to be further considered. The applicant shall liaise with Council's Coordinator of Strategic Waste and/or Development Engineer on this matter.

33. Future provision must be made for bulky waste. Bulky waste storage rooms/areas shall be designed to accommodate a total of 25m³ for the entire site and shall have a minimum dimension of 3m

Sydney Water Requirements

34. All building, plumbing and drainage work proposed in any Stage 1 development application must be in accordance with the requirements of the Sydney Water Corporation.

Proposed Stage 1 plans must be submitted to the Sydney Water **Tap in™** online service, to determine whether the development will affect Sydney Water's wastewater and water mains, stormwater drains and/or easements, and if any further requirements need to be met.

*The Sydney Water **Tap in™** online service replaces the Quick Check Agents as of 30 November 2015*

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

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

Sydney Water's **Tap in™** online service is available at:

<https://www.sydneywater.com.au/SW/plumbing-building-developing/building/sydney-water-tap-in/index.htm>

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

Sydney Water Certification

35. 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.

The Section 73 Certificate must be submitted to the Principal Certifier and the Council prior to submission of any subsequent stage 1 application.

Consent Requirements

36. DELETED.

External Colours, Materials & Finishes

37. The colours, materials and finishes of the external surfaces to any future buildings as part of any Stage 1 Development Application are to be in accordance with the approved Design Principles.

Section 7.12 Development Contributions

38. In accordance with Council's Development Contributions Plan effective from 21 April 2015, based on the development cost of \$31,263,110 the following applicable monetary levy must be paid to Council: \$312,631.11.

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

Please contact Council on telephone 9093 6999 or 1300 722 542 for the indexed contribution amount prior to payment.

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

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

Where:

IDC = the indexed development cost

ODC = the original development cost determined by the Council

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

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

Note this condition does not preclude Council from imposing a condition of development consent in respect of any staged development application pursuant to s7.12 where it is assessed that a further contribution, based on the additional development costs over those costs indicated in the concept approval, is warranted.

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

Land Contamination

39. No development works are to be undertaken on the site until such time as a stage 1 development application has been submitted to and approved by the relevant consent authority.

Note: The stage 1 application must include documentation that demonstrates compliance with the requirements of *State Environmental Planning Policy (Resilience and Hazards) 2021*.

To address the requirements of *State Environmental Planning Policy (Resilience and Hazards) 2021* the hierarchy of assessment may include but not be limited to the following:

- Preliminary Environmental Site Investigation (PESI) (Also known as Stage 1)
- Detailed Environmental Site Investigation (DESI) (Also known as Stage 2)
- Remediation Action Plan (RAP)
- Review by an approved NSW EPA Site Auditor / NSW EPA Approved Environmental Consultant
- Site Validation Report prior to the issue of an Occupational Certificate
- Site Audit Statement (if required) prior to the issue of an Occupational Certificate