

**“Attachment A”**

**DA/631/2018/A, DEVELOPMENT APPLICATION 481-499 Malabar Road, MAROUBRA**

**Condition of consent**

- **Amend Condition No.'s 1, 2, 18, 19, 20, 29, 44c, 44d, 49, 102, 113 & 116 to read:**

1. The development must be implemented substantially in accordance with the plans and supporting documentation listed below and endorsed with Council's approved stamp:

Statement of Environmental Effects, Ethos Urban (25 September 2018) Statement of Environmental Effects – Addendum, Ethos Urban (11 December 2018)  
Statement of Environmental Effects – Addendum, Ethos Urban (29 April 2019)

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Architectural Drawing, Group GSA:

DA2 - 0000	COVER SHEET Rev D	
DA2 - 0001	BASIX NOTES Rev C	
DA2 - 1000	DEMOLITION PLAN Rev B	
DA2 - 1100	SITE PLAN Rev B	
DA2 - 1101	STAGING PLAN Rev B	
DA2 - 1102	SITE ANALYSIS Rev A	
DA2 - 2000	BASEMENT PLAN Rev D	
DA2 - 2010	OVERALL GROUND FLOOR PLAN Rev C	
DA2 - 2011	OVERALL LEVEL 01 FLOOR PLAN Rev B	
DA2 - 2012	OVERALL LEVEL 02 FLOOR PLAN Rev B	
DA2 - 2013	OVERALL LEVEL 03 FLOOR PLAN Rev B	
DA2 - 2014	OVERALL ROOF PLAN Rev C	
DA2 - 2020	BLD A - GROUND FLOOR PLAN Rev C	
DA2 - 2021	BLD A - LEVEL 1-2 PLAN Rev C	
DA2 - 2022	BLD A - LEVEL 3 PLAN Rev C	
DA2 - 2023	BLD A - ROOF PLAN Rev B	
DA2 - 2030	BLD B - GROUND FLOOR PLAN Rev D	
DA2 - 2031	BLD B - LEVEL 1 PLAN Rev C	
DA2 - 2031A	BLD B - LEVEL 2 PLAN Rev C	
DA2 - 2032	BLD B - LEVEL 3 PLAN Rev C	
DA2 - 2033	BLD B - ROOF PLAN Rev B	
DA2 - 2040	RACF - GROUND FLOOR PLAN Rev C	
DA2 - 2041	RACF - LEVEL 1 PLAN Rev B	
DA2 - 2042	RACF - LEVEL 2 PLAN Rev B	
DA2 - 2043	RACF - LEVEL 3 PLAN Rev B	
DA2 - 2044	RACF - ROOF PLAN Rev C	
DA2 - 3010	BLD A - NORTH ELEVATION Rev C	
DA2 - 3011	BLD A - EAST ELEVATION Rev C	
DA2 - 3012	BLD A - SOUTH ELEVATION Rev C	
DA2 - 3013	BLD A - WEST ELEVATION	Rev C
DA2 - 3014	BLD B - NORTH ELEVATION	Rev C
DA2 - 3015	BLD B - EAST ELEVATION	Rev C
DA2 - 3016	BLD B - SOUTH ELEVATION	Rev C
DA2 - 3017	BLD B - WEST ELEVATION	Rev C
DA2 - 3018	RACF - NORTH ELEVATION	Rev C
DA2 - 3019	RACF - EAST ELEVATION	Rev C
DA2 - 3020	RACF - SOUTH ELEVATION	Rev C
DA2 - 3021	RACF - WEST ELEVATION	Rev C
DA2 - 3022	ROSSITER LN ELEVATION	Rev C
DA2 - 3023	MALABAR ROAD ELEVATION Rev C	
DA2 - 3024	MONS AVENUE ELEVATION Rev D THROUGH	
DA2 - 3025	SITE LANE ELEVATION 01	Rev B

DA2 - 3026	THROUGH SITE LANE ELEVATION 02	Rev B
DA2 - 3027	BLD A - INTERNAL ELEVATIONS	Rev A
DA2 - 3110	SECTIONS - BUILDING A	Rev B
DA2 - 3111	SECTIONS - BUILDING A	Rev B
DA2 - 3112	SECTIONS - BUILDING B	Rev B
DA2 - 3113	SECTIONS - BUILDING B	Rev B
DA2 - 3114	SECTIONS - RACF BUILDING	Rev B
DA2 - 3115	SECTIONS - RACF BUILDING	Rev B
DA2 - 3116	SECTIONS - RACF BUILDING	Rev B INTERNAL
DA2 - 3117	SECTIONS	Rev B
DA2 - 8800	SIGNAGE DETAILS	Rev C
DA2 - 9100	GFA DIAGRAMS (SEPP)	Rev B GFA
DA2 - 9101	DIAGRAMS (SEPP)	Rev B GFA
DA2 - 9102	DIAGRAMS (SEPP)	Rev B GFA
DA2 - 9103	DIAGRAMS (SEPP)	Rev B
DA2 - 9104	GFA DIAGRAMS (SEPP)	Rev B GFA
DA2 - 9105	DIAGRAMS (SEPP)	Rev B
DA2 - 9110	CROSS VENTILATION DIAGRAM	Rev C
DA2 - 9111	SOLAR COMPLIANCE DIAGRAM	Rev D
DA2 - 9120	SHADOW ANALYSIS – PROPOSED	Rev D
DA2 - 9121	SHADOW ANALYSIS – EXISTING	Rev A
DA2 - 9122	SUN EYE VIEW - 150-170 MONS AVE - EXISTING	Rev B
DA2 - 9123	SUN EYE VIEW - 150-170 MONS AVE - EXISTING	Rev A
DA2 - 9124	SUN EYE VIEW - 150-170 MONS AVE - DA APPROVED + PROPOSED	Rev A
DA2 - 9126	SUN EYE VIEW - 150-170 MONS AVE - DA APPROVED + PROPOSED	Rev A
DA2 - 9133	SHADOW STUDY UNIT 1 (150-170 MONS AVE)	Rev A
DA2 - 9134	SHADOW STUDY UNIT 1 (150-170 MONS AVE)	Rev B
DA2 - 9135	SHADOW STUDY UNIT 1 (150-170 MONS AVE)	Rev B
DA2 - 9150	21 JUNE 08 00 AM (150-170 MONS AVE)	Rev B
DA2 - 9151	21 JUNE 08 30 AM (150-170 MONS AVE)	Rev B
DA2 - 9152	21 JUNE 09 00 AM (150-170 MONS AVE)	Rev B
DA2 - 9153	21 JUNE 09 30 AM (150-170 MONS AVE)	Rev B
DA2 - 9154	21 JUNE 10 00 AM (150-170 MONS AVE)	Rev B
DA2 - 9155	21 JUNE 10 30 AM (150-170 MONS AVE)	Rev B
DA2 - 9156	21 JUNE 11 00 AM (150-170 MONS AVE)	Rev B
DA2 - 9157	21 JUNE 11 30 AM (150-170 MONS AVE)	Rev B
DA2 - 9158	21 JUNE 12 00 PM (150-170 MONS AVE)	Rev B
DA2 - 9159	21 JUNE 12 30 PM (150-170 MONS AVE)	Rev B
DA2 - 9160	21 JUNE 13 00 PM (150-170 MONS AVE)	Rev B
DA2 - 9161	21 JUNE 13 30 PM (150-170 MONS AVE)	Rev B
DA2 - 9162	21 JUNE 14 00 PM (150-170 MONS AVE)	Rev B
DA2 - 9163	21 JUNE 14 30 PM (150-170 MONS AVE)	Rev B
DA2 - 9164	21 JUNE 15 00 PM (150-170 MONS AVE)	Rev B

Architecture and Urban Design Report, Group GSA (Rev 5, 24/6/2019)

Landscape Plans, Sym Studio, comprising:

CHC-DD-001 Coversheet Revision P15

CHC-DD-002 Historic Research Revision P14 CHC-

DD-003 Design Principles Revision P8

CHC-DD-004 Design Response Revision P8

CHC-DD-005 Area Calculations Revision P8

CHC-DD-006 Indicative Landscape Materials & Finishes Revision P8

CHC-DD-101 Illustrative Masterplan Revision P8

CHC-DD-102 Illustrative Masterplan - Dementia Courtyard Revision P8

CHC-DD-103 Indicative Plant Palette Revision P12  
 CHC-DD-104 Landscape Planting Plan Revision P14  
 CHC-DD-104(1) Landscape Planting Plan Revision P14  
 CHC-DD-104(2) Landscape Planting Plan Revision P14  
 CHC-DD-104(3) Landscape Planting Plan Revision P15  
 CHC-DD-104(4) Landscape Planting Plan Revision P15  
 CHC-DD-105 Area Calculations Revision P13  
 CHC-DD-106 Landscape Technical Masterplan Revision P16  
 CHC-DD-106(1) Landscape Technical Masterplan Revision P16  
 CHC-DD-106(2) Landscape Technical Masterplan Revision P16  
 CHC-DD-106(3) Landscape Technical Masterplan Revision P16  
 CHC-DD-106(4) Landscape Technical Masterplan Revision P16  
 CHC-DD-106(5) Landscape Technical Masterplan Revision P16  
 CHC-DD-106(6) Landscape Technical Masterplan Revision P16  
 CHC-DD-106(7) Landscape Technical Masterplan Revision P16  
 CHC-DD-106(8) Landscape Technical Masterplan Revision P16  
 CHC-DD-107 Landscape Section AA Revision P12  
 CHC-DD-107(1) Landscape Section AA Revision P13  
 CHC-DD-107(2) Landscape Section AA Revision P13  
 CHC-DD-108 Landscape Section BB (Previously titled BB & CC) Revision P12  
 CHC-DD-108(1) Landscape Section BB Revision P13  
 CHC-DD-109 Landscape Section CC Revision P12  
 CHC-DD-109(1) Landscape Section CC Revision P13  
 CHC-DD-110(1) Indicative Landscape Materials & Finishes Revision P13  
 CHC-DD-111(1) Lighting Concept Plan Revision P14  
 CHC-DD-111(2) Lighting Indicative Imagery Revision P13  
 Civil and Stormwater Concept Design Report, Bonacci (Rev 4, 26 April 2019) Bonacci Site works and Stormwater Drainage Plan, Bonacci (C030 – Rev P9, 25/06/2019)  
 Bonacci Site works and Stormwater Drainage Details – Sheet 2, Bonacci (C032 – Rev P4, 25/06/2019) – annexed to the Joint Expert Report – Civil – filed 25/06/2019)  
 Access Assessment prepared by Accessible Building Solutions; (Revision C, date 17/06/2019)  
 Traffic Assessment including Draft Plan of Management, Traffix (Rev 5, June 2019)  
 Geotechnical Investigation, Douglas Partners (29 March 2018)  
 Geotechnical and Contamination Supplementary Letter, Douglas Partners (24 April 2019)  
 Contamination Assessment, Douglas Partners (2 May 2018)  
 Contamination Assessment, Douglas Partners (2 May 2018)  
 Contamination Assessment, Douglas Partners (2 May 2018)  
 Contamination Assessment, Douglas Partners (2 May 2018)  
 Social Impact Assessment and Open Space Study, Cred Consultants (23 April 2019)  
 Aboricultural Impact Assessment, Tree IQ (Rev D, 26 April 2019)  
 Operational Waste Management Plan, Waste Audit & Consultancy Services (April 2019)  
 Services Due Diligence, JHA (Revision F, 24 May 2018)  
 Section J Compliance Statement, Wood & Grieve Engineers (24 April 2019)  
 BCA Statement, Blackett Maguire + Goldsmith (24 April 2019)  
 Noise Assessment, Wilkinson Murray (Version B, 26 April 2019)  
 BASIX Report, Wood & Grieve Engineers (Revision 2, 24 April 2019)

**EXCEPT where amended by:**

- Council in red on the approved plans; and/or
- Other conditions of this consent; and/or
- the following Section 4.55 'A' plans and supporting documents only in so far as they relate to the modifications highlighted on the Section 4.55 'A' plans and detailed in the Section 4.55 'A' application:

<i>Plan</i>	<i>Drawn by</i>	<i>Dated</i>	<i>Received by Council</i>
Basix Notes DA2 - 0001 (Issue D)	Group GSA	26/09/2025	5 November 2025
Demolition Plan DA2 - 1000 (Issue C)		26/09/2025	
Site Plan DA - 1100 (Issue C)		26/09/2025	
Staging Plan DA - 1101 (Issue C)		26/09/2025	
Basement Plan DA - 2000 (Issue E)		26/09/2025	
Overall Ground Floor Plan DA - 2010 (Issue D)		26/09/2025	
Overall Level 01 Floor Plan DA - 2011 (Issue C)		26/09/2025	
Overall Level 02 Floor Plan DA - 2012 (Issue C)		26/09/2025	
Overall Level 03 floor Plan DA - 2013 (Issue C)		26/09/2025	
Overall Level 04 floor Plan DA - 2013A (Issue A)		26/09/2025	
Overall Roof Plan DA - 2014 (Issue D)		26/09/2025	
BLD A - Ground Floor Plan DA - 2020 (Issue D)		26/09/2025	
BLD A - Level 1-2 Plan DA - 2021 (Issue D)		26/09/2025	
BLD A - Level 3 Plan DA - 2022 (Issue D)		26/09/2025	
BLD A - Roof Plan DA - 2023 (Issue C)		26/09/2025	
BLD B - Ground Floor Plan DA - 2030 (Issue E)		26/09/2025	
BLD B - Level 1 Plan DA - 2031 (Issue D)		26/09/2025	
BLD B - Level 2 Plan DA - 2031A (Issue D)		26/09/2025	
BLD B - Level 3 Plan DA - 2032 (Issue D)		26/09/2025	
BLD B - Roof Plan DA - 2033 (Issue C)		26/09/2025	
RAC & ALA - Ground Floor Plan DA - 2040 (Issue D)	26/09/2025		
RAC & ALA - Level 1 DA - 2041 (Issue C)	26/09/2025		
RAC & ALA - Level 2 DA - 2042 (Issue C)	26/09/2025		
RAC & ALA - Level 3 DA - 2043 (Issue C)	26/09/2025		
RAC & ALA - Level 4 DA - 2043A (Issue A)	26/09/2025		

RACF Roof Plan DA - 2044 (Issue D)		26/09/2025	
BLD A - North Elevation DA - 3010 (Issue D)		26/09/2025	
BLD A - East Elevation DA - 3011 (Issue D)		26/09/2025	
BLD A - South Elevation DA - 3012 (Issue D)		26/09/2025	
BLD A - West Elevation DA - 3013 (Issue D)		26/09/2025	
BLD B - North Elevation DA - 3014 (Issue D)		26/09/2025	
BLD B - East Elevation DA - 3015 (Issue D)		26/09/2025	
BLD B - South Elevation DA - 3016 (Issue D)		26/09/2025	
BLD B - West Elevation DA - 3017 (Issue D)		26/09/2025	
RACF - North Elevation DA - 3018 (Issue D)		26/09/2025	
RACF - East Elevation DA - 3019 (Issue D)		26/09/2025	
RACF - South Elevation DA - 3020 (Issue D)		26/09/2025	
RACF - West Elevation DA - 3021 (Issue D)		26/09/2025	
Rossiter Ln Elevation DA - 3022 (Issue D)		26/09/2025	
Malabar Road Elevation DA - 3023 (Issue D)		26/09/2025	
Mons Avenue Elevation DA - 3024 (Issue E)		26/09/2025	
Through Site Lane Elevation 01 DA - 3025 (Issue C)		26/09/2025	
Through Site Lane Elevation 02 DA - 3026 (Issue C)		26/09/2025	
BLD A – Internal Elevations DA - 3027 (Issue B)		26/09/2025	
Sections – Building A DA - 3110 (Issue C)		26/09/2025	
Sections – Building A DA - 3111 (Issue C)		26/09/2025	
Sections – Building B DA - 3112 (Issue C)		26/09/2025	
Sections – Building B DA - 3113 (Issue C)		26/09/2025	
Sections – RACF Building DA - 3114 (Issue C)		26/09/2025	
Sections – RACF Building DA - 3115 (Issue C)		26/09/2025	
Sections – RACF Building DA - 3116 (Issue C)		26/09/2025	
Internal Section DA - 3117 (Issue C)		26/09/2025	
Signage Details DA - 8800 (Issue D)		26/09/2025	
Landscape Report prepared by Place Design Group, Document No. 240586 (Revision A), dated 26/09/2025 and received by Council on 5 November 2025.			

Arboricultural Impact Assessment Tree Protection Specification report prepared by Tree IQ, Project No. 481/MALA/AIA/E, dated 23 September 2025 (Revision E) and received by Council on 5 November 2025.
Civil and Stormwater Engineer Design Report prepared by WSP, dated October 2025 and received by Council on 5 November 2025.
Flood Review Report prepared by WMS Civil/Water/Environment, Ref/20371-L01-1, dated 1 October 2025 and received by Council on 5 November 2025.
Traffic Impact Assessment prepared by Traffix – Traffic and Transport Planners, Reference: 25.166r01v03, dated 24/09/2025 and received by Council on 5 November 2025
Operational Waste Management Plan for Catholic Healthcare at Maroubra NSW, UFD (3 Oct 2025)
Noise Impact Assessment Report prepared by Pulse White Noise Acoustic, report reference: 250349 (Rev. R1), dated 19 September 2025 and received by Council on 5 November 2025.
Design Development Report prepared by Formiga1, project No. S250702, dated 23 September 2025 (Revision B) and received by Council on 5 November 2025.
Landscape Report prepared by Place Design Group, Document No. 240586 (Revision A), dated 26/09/2025 and received by Council on 5 November 2025.
Operational East Management Plan prepared by Universal Foodservice Design, dated 3 October 2025 and received by Council on 5 November 2025.
Design Development Report prepared by Formiga1, project No. S250702, dated 23 September 2025 (Revision B) and received by Council on 5 November 2025.
Accessibility Design Review Report prepared by Sam Dikstenin from Philip Chun Building Compliance, dated 19 September 2025 and received by Council on 5 November 2025.
Section J4 Report prepared by Cundall, Doc Ref: RPT-SY-001 (Revision A), dated 30 September 2025 and received by Council on 5 November 2025.

<i>BASIX Certificate No.</i>	<i>Dated</i>	<i>Received by Council</i>
1818349M	22 October 2025	5 November 2025

**CONDITION 2 IS NO LONGER REQUIRED AND SHALL BE AMENDED TO READ AS FOLLOWS:**

**External Colours, Finishes and Materials**

2. The development must be carried out in accordance with the revised external colours, finishes and materials schedule and the updated Building C1–C2 bridge drawings submitted as part of the *Response to Submissions* report. These documents include the lightweight palisade bridge design, coordinated bronze/mid-tone finishes, matte/satin coatings, and associated façade and balustrade treatments.

No changes to external materials or colours may occur without the written approval of Council.

**AMEND CONDITION 18 TO REQUIRE REMOVAL OF THE STREET TREE 'TF', AS WELL AS UPDATE THE TREE FEES, AND WILL NOW READ AS FOLLOWS:**

- Street Tree
18. The applicant must submit a payment of \$7,330.00 (including GST) to cover the costs for Council-to:
    - a) Remove, stump-grind and dispose of the *Banksia integrifolia* (Coastal Banksia, TF) from Council's Mons Street frontage, adjacent the existing pedestrian crossing and pram ramp, to allow for the new Through Site Link and external civil works that will all need to be constructed in this same area as shown.
    - b) Supply, plant and maintain 4 x 25 litre *Banksia serrata* (Saw Toothed Banksia's), along the length of the Malabar Road frontage, spaced evenly between the existing street trees, street corners and new vehicle access/crossing, as well as 3 x 25 litre *Banksia integrifolia* (Coastal Banksia's) along the length of the Mons Avenue frontage, being one near the corner of Malabar

Road, one between the Ambulance entry/exit, then one more towards the eastern site boundary/Through Site Link upon the completion of all works.

This fee must be paid into Tree Amenity Income at the Cashier on the Ground Floor of the Administrative Centre prior to a Construction Certificate being issued for the development.

The applicant must contact Council's Landscape Development Officer on 9093-6613 (quoting the receipt number) and giving at least four working weeks-notice (allow longer for public holidays or extended periods of rain) to arrange for removal of the tree prior to commencement of works, and then planting of the new trees upon the completion.

After this, any further enquiries regarding scheduling/timing or completion of tree works are to be directed to Council's South Area Tree Preservation & Maintenance Coordinator on 9093-6843.

**AMEND CONDITION 19 NOW TO ACCURATELY DESCRIBE THE STREET TREES ALONG BOTH FRONTAGES, AS WELL AS REFERENCE THESE CURRENT PLANS AND ARBORIST REPORT:**

**Street Tree Protection**

19. In order to ensure retention of the two *Banksia serrata* (Saw Toothed Banksia's, being Trees A, and D) on the Malabar Road verge, and the two *Banksia integrifolia* (Coastal Banksia's), being Trees B in Malabar Road and Tree E in Mons Avenue, as shown on the Masterplan – Tree Management Plan by Place Design Group, page 12, the following measures are to be undertaken:
- b. Any excavations associated with the installation of new services, pipes, stormwater systems or similar over either of these frontages must be performed in accordance with Appendix 4, Section 1.12 – 'Underground Services' of the Arboricultural Impact Assessment & Tree Protection Specification by Tree IQ, rev E dated 23/09/25 ("*the Arborist Report*"), with all services plans to be both prepared and installed on-site in accordance with these requirements.
  - c. The Construction Certificate plans must show that the location and design of the single vehicle entry/exit in Malabar Road will be consistent with the Overall Ground Floor Plan by Group GSA, dwg no: DA2 – 2010, issue D dated 26/09/25; with the same applying to the Ambulance Parking area off Mons Avenue, to the west of TE in this same area.
  - f. Any excavations associated with either the demolition of existing structures, or, for new boundary fencing or similar, within their TPZ's, must be performed in accordance with Appendix 4, Tree Protection Specification, Sections 1.10 - 1.13 of 'the Arborist Report'.
  - g. Prior to the commencement of any site works, each of their trunks must be physically protected by complying with Appendix 4, Section 1.9, Trunk Protection of the Arborist Report, with the activities listed in Section 1.3 to be prohibited, unless specific written approval has been provided by the Project Arborist.

Condition Reason: Protection of existing environment public infrastructure, community assets and significant trees.

**AMEND CONDITION 20 POINT 'D' TO REFERENCE THE CURRENT VERSION OF THE ARBORIST REPORT:**

**Protection of neighbouring trees**

20. In order to also ensure retention of the variety of trees that are located wholly on adjoining private properties, close to common boundaries, being Trees G-N in good health, the following measures are to be undertaken:
- a) All documentation submitted for the Construction Certificate application must show their retention, with the position and diameter of both their trunks, canopies, SRZ's, TPZ's and tree identification numbers to be clearly and accurately shown on all plans in relation to the works.
  - b) Prior to the commencement of any site works, the Certifying Authority/PCA must ensure that an AQF Level 5 Arborist (who is eligible for membership with a nationally recognized organization/association) has been engaged as '*the Project Arborist*' for the duration of

works, and will be responsible for both implementing and monitoring the conditions of development consent and Tree Protection Specification contained in the Arborist Report, along with any other instructions issued on-site.

- c) The Project Arborist must be present on-site at the relevant stages of works, and must keep a log of the dates of attendance and the works performed, which is to be presented as a Final Compliance Report, for the approval of the PCA, prior to any Occupation Certificate.
- d) Any excavations associated with either the demolition of existing structures, or, for new boundary fencing or similar, within their TPZ's, must be performed in accordance with Appendix 4, Tree Protection Specification, Sections 1.10 - 1.13 of the Arborist Report.
- e) The PCA and Project Arborist must ensure compliance with all of these requirements, both on the plans as well as on-site during the course of construction, and prior to issuing any Occupation Certificate.

Condition Reason: Protection of existing environment public infrastructure, community assets and significant trees.

**AMEND CONDITION 29 TO READ:**

29. Prior to the issuing of a Construction Certificate the applicant must submit to Council for approval, and have approved, a Car Parking Management Plan (including details of line marking and signage). The primary purpose of the Car Parking Management Plan is to ensure that staff vehicles, visitor vehicles and resident vehicles are accommodated onsite (not in the streets surrounding the development site). The Car Parking Management Plan strategy shall focus on staff parking arrangements during staff change over periods, (worst case scenario) and must be prepared in full consultation with Council. The Car Parking Management Plan must include a review mechanism and the approved Car Parking Management Plan must form part of the development consent and must be complied with at all times.

**AMEND CONDITION 44c. TO READ:**

44c. Should stormwater be discharged to Council's street drainage system, an on-site stormwater detention system must be provided to ensure that the maximum discharge from the site does not exceed that which would occur during a **10% AEP (1 in 10 year)** storm of one hour duration for existing site conditions. All other stormwater run-off from the site for all storms up to the 5% AEP (1 in 20 year) storm is to be retained on the site for gradual release to the street drainage system, to the satisfaction of the certifying authority. If discharging to the street gutter the PSD shall be restricted to the above or **25 L/S**, whichever the lesser.

Compliance with the above requirements can also be demonstrated using the Initial Loss–Continuing Loss method outlined in Australian Rainfall and Runoff 2019 version 4.2 (2024 update). ARR 2019 version 4.2 climate change guidance is to be applied to the design rainfalls. If this option is chosen the applicant must obtain approval for the design calculations from Council's Development Engineer Coordinator prior to lodging a Construction Certificate.

An overland escape route or overflow system (to Council's street drainage system) must be provided for storms having an annual exceedance probability (AEP) of 1% (1 in 100 year storm), or, alternatively the stormwater detention system is to be provided to accommodate the 1% AEP (1 in 100 year) storm.

**AMEND CONDITION 44d. TO READ:**

44d. Determination of the required cumulative storage (in the on-site detention and/or infiltration 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.

Alternatively, the required stormwater detention storage volume may be determined using Australian Rainfall and Runoff 2019 version 4.2 (2024 update) hydrograph-based analysis, adopting the Initial Loss–Continuing Loss method, critical duration assessment and BoM 2016

design rainfalls. If this option is chosen the applicant must obtain approval for the design calculations from Council's Development Engineer Coordinator prior to lodging a Construction Certificate.

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.

**AMEND CONDITION 49 TO REFERENCE THE AMENDED LANDSCAPE SCHEME SUBMITTED WITH THIS MODIFICATION:**

**Landscape Plans**

49. Written certification from a qualified professional in the Landscape industry (must be eligible for membership with a nationally recognised organisation/association) must state that the Landscape Plans submitted for the Construction Certificate are substantially consistent with the Landscape Planning Submission by Place Design Group, rev A dated 26/09/25, with both this written statement and plans to then be submitted to, and be approved by, the Principal Certifier.

Condition Reason: To ensure residential amenity and that appropriate landscaping is provided.

**AMEND CONDITION 102 TO READ:**

102. Prior to the issuing of an occupation certificate, the owner/developer must meet the full cost for a Council approved contractor to:
- a) Construct full width concrete heavy duty vehicular crossings and laybacks at kerb opposite the vehicular entrances to the site in Malabar Road and Mons Avenue, to Council's specifications and requirements.
  - b) Remove any redundant concrete vehicular crossing and layback and to reinstate the area with concrete footpath, turf and integral kerb and gutter to Council's specification.
  - c) Construct kerb and gutter for the full Rossiter Lane site frontage to Council's specifications and requirements.
  - d) Re-construct any damaged sections of kerb and gutter for the full Malabar Road and Mons Avenue site frontages to Council's specifications and requirements, (including roadworks as required).
  - e) Carry out a full depth, minimum 1.0 metre wide, road construction in front of the new kerb and gutter along the full Rossiter Lane site frontage, to Council's specifications and requirements.
  - f) Construct a new concrete footpath along the full Rossiter Lane site frontage.
  - g) Remove the existing concrete footpaths and to construct new concrete footpaths along the full Malabar Road and Mons Avenue site frontages. Any unpaved areas on the nature strip must be turfed and landscaped to Council's specification.
  - h) Extend the existing stormwater pipeline on the northern side of Mons Avenue, in a westerly direction going from the existing pit opposite the eastern boundary of 150-170 Mons Avenue to a suitable point in front of the development site. The extent of the extension will be a minimum of 60 metres. The scope of works shall include, but not be limited to, construction of the stormwater pipeline and new drainage pit, reinstatement of driveways and kerb and gutter, reinstatement of the naturestrip and roadworks to Council's satisfaction.

**AMEND CONDITION 113 TO REFERENCE THE CURRENT LANDSCAPE PLANS, AND WILL NOW READ AS FOLLOWS:**

**Landscaping Certification**

113. Prior to any Occupation Certificate, certification from a qualified professional in the Landscape industry must be submitted to, and be approved by, the Principal Certifier, confirming the date that the completed landscaping was inspected, and that it has been installed in accordance with the Landscape Planning Submission by Place Design Group, rev A dated 26/09/25, and any relevant conditions of consent.

Condition Reason: To ensure landscaping is implemented in accordance with the consent and

maintained for the life of the development.

**AMEND CONDITION 116 TO REFERENCE THE CURRENT ARBORIST REPORT, AND WILL NOW READ AS FOLLOWS:**

**Project Arborist Certification**

116. Prior to the issue of any Occupation Certificate, the Project Arborist must submit to, and have approved by, the Principal Certifier, written certification which confirms compliance with the conditions of development consent, Appendix 4 - Tree Protection Specification of 'the Arborist Report', the dates of attendance on-site and works performed in relation to the trees listed in the Tree Protection conditions.

Condition Reason: To demonstrate compliance with the Tree Protection conditions and requirements of the adopted Arborist Report relating to the preservation of trees.

• **THE FOLLOWING CONDITIONS ARE DELETED:**

- **Condition 5**
- **Condition 28**

• **ADDITIONAL CONDITIONS 1A, 140, 141, 142, 143, 144, 145 & 146 are ADDED TO REGULATE SIGNAGE AND LIGHTING:**

**Concept Consent Alignment (s 4.24(4) EP&A Act)**

- 1A. In accordance with s 4.24(4) of the EP&A Act, the Applicant must obtain approval for a modification of the existing Concept Development Consent (DA/409/2018) to remove any inconsistency with this detailed consent (as modified) under DA/631/2018. Evidence of the approved modification/surrender must be provided to the Principal Certifier prior to the issue of any Construction Certificate.

**OCCUPATION AND ONGOING USE**

Condition

- 
- |      |   |
|------|---|
| 140. | <b>External Lighting</b><br>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.   |
| 141. | <b>Illuminated Signage – Hours of Operation</b><br>All illuminated signage associated with the development must be fitted with a timer or automatic control device. Illumination is permitted only between the hours of 7:00am and 10:00pm, seven days per week.<br><br>The signage must not be illuminated outside these hours to protect the amenity of surrounding residential properties and avoid unnecessary light spill. |
| 142. | <b>Signage</b><br>The level of illumination shall be limited in accordance with AS 4282 – 1997 – control of Obtrusive Effects of Outdoor Lighting.  |
| 143. | <b>Signage</b><br>No flashing lights shall be used in and around the advertising signage.   |
| 144. | <b>Signage</b><br>The illuminated signage shall be internally illuminated only and must not have any flashing function.   |
| 145. | <b>Signage</b><br>The intensity of the light in the illuminated signs shall be designed so as not to cause a nuisance to nearby residents or motorists and to ensure that light overspill does not affect the amenity of the area.  |
-

146.

**Signage – Materials and Finishes**

The signage must be constructed of durable, high-quality materials and incorporate colours and finishes that are consistent with the architectural palette of the building to ensure visual integration with the approved built form.

Condition Reason: To ensure the signage complements the building design, maintains visual cohesion and preserves the amenity of the residential context.

**Note: Refer below for court approved conditions of consent.**

## COURT APPROVED CONDITIONS OF CONSENT

### 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:

Statement of Environmental Effects, Ethos Urban (25 September 2018) Statement of Environmental Effects – Addendum, Ethos Urban (11 December 2018)  
Statement of Environmental Effects – Addendum, Ethos Urban (29 April 2019)

#### Architectural Drawing, Group GSA:

DA2 - 0000	COVER SHEET Rev D	
DA2 - 0001	BASIX NOTES Rev C	
DA2 - 1000	DEMOLITION PLAN Rev B	
DA2 - 1100	SITE PLAN Rev B	
DA2 - 1101	STAGING PLAN Rev B	
DA2 - 1102	SITE ANALYSIS Rev A	
DA2 - 2000	BASEMENT PLAN Rev D	
DA2 - 2010	OVERALL GROUND FLOOR PLAN Rev C	
DA2 - 2011	OVERALL LEVEL 01 FLOOR PLAN Rev B	
DA2 - 2012	OVERALL LEVEL 02 FLOOR PLAN Rev B	
DA2 - 2013	OVERALL LEVEL 03 FLOOR PLAN Rev B	
DA2 - 2014	OVERALL ROOF PLAN Rev C	
DA2 - 2020	BLD A - GROUND FLOOR PLAN Rev C	
DA2 - 2021	BLD A - LEVEL 1-2 PLAN Rev C	
DA2 - 2022	BLD A - LEVEL 3 PLAN Rev C	
DA2 - 2023	BLD A - ROOF PLAN Rev B	
DA2 - 2030	BLD B - GROUND FLOOR PLAN Rev D	
DA2 - 2031	BLD B - LEVEL 1 PLAN Rev C	
DA2 - 2031A	BLD B - LEVEL 2 PLAN Rev C	
DA2 - 2032	BLD B - LEVEL 3 PLAN Rev C	
DA2 - 2033	BLD B - ROOF PLAN Rev B	
DA2 - 2040	RACF - GROUND FLOOR PLAN Rev C	
DA2 - 2041	RACF - LEVEL 1 PLAN Rev B	
DA2 - 2042	RACF - LEVEL 2 PLAN Rev B	
DA2 - 2043	RACF - LEVEL 3 PLAN Rev B	
DA2 - 2044	RACF - ROOF PLAN Rev C	
DA2 - 3010	BLD A - NORTH ELEVATION Rev C	
DA2 - 3011	BLD A - EAST ELEVATION Rev C	
DA2 - 3012	BLD A - SOUTH ELEVATION Rev C	
DA2 - 3013	BLD A - WEST ELEVATION	Rev C
DA2 - 3014	BLD B - NORTH ELEVATION	Rev C
DA2 - 3015	BLD B - EAST ELEVATION	Rev C
DA2 - 3016	BLD B - SOUTH ELEVATION	Rev C
DA2 - 3017	BLD B - WEST ELEVATION	Rev C
DA2 - 3018	RACF - NORTH ELEVATION	Rev C
DA2 - 3019	RACF - EAST ELEVATION	Rev C
DA2 - 3020	RACF - SOUTH ELEVATION	Rev C
DA2 - 3021	RACF - WEST ELEVATION	Rev C
DA2 - 3022	ROSSITER LN ELEVATION	Rev C

DA2 - 3023 MALABAR ROAD ELEVATION Rev C  
 DA2 - 3024 MONS AVENUE ELEVATION Rev D THROUGH  
 DA2 - 3025 SITE LANE ELEVATION 01 Rev B  
 DA2 - 3026 THROUGH SITE LANE ELEVATION 02 Rev B  
 DA2 - 3027 BLD A - INTERNAL ELEVATIONS Rev A  
 DA2 - 3110 SECTIONS - BUILDING A Rev B  
 DA2 - 3111 SECTIONS - BUILDING A Rev B  
 DA2 - 3112 SECTIONS - BUILDING B Rev B  
 DA2 - 3113 SECTIONS - BUILDING B Rev B  
 DA2 - 3114 SECTIONS - RACF BUILDING Rev B  
 DA2 - 3115 SECTIONS - RACF BUILDING Rev B  
 DA2 - 3116 SECTIONS - RACF BUILDING Rev B INTERNAL  
 DA2 - 3117 SECTIONS Rev B  
 DA2 - 8800 SIGNAGE DETAILS Rev C  
 DA2 - 9100 GFA DIAGRAMS (SEPP) Rev B GFA  
 DA2 - 9101 DIAGRAMS (SEPP) Rev B GFA  
 DA2 - 9102 DIAGRAMS (SEPP) Rev B GFA  
 DA2 - 9103 DIAGRAMS (SEPP) Rev B  
 DA2 - 9104 GFA DIAGRAMS (SEPP) Rev B GFA  
 DA2 - 9105 DIAGRAMS (SEPP) Rev B  
  
 DA2 - 9110 CROSS VENTILATION DIAGRAM Rev C  
 DA2 - 9111 SOLAR COMPLIANCE DIAGRAM Rev D  
 DA2 - 9120 SHADOW ANALYSIS – PROPOSED Rev D  
 DA2 - 9121 SHADOW ANALYSIS – EXISTING Rev A  
 DA2 - 9122 SUN EYE VIEW - 150-170 MONS AVE - EXISTING Rev B  
 DA2 - 9123 SUN EYE VIEW - 150-170 MONS AVE - EXISTING Rev A  
 DA2 - 9124 SUN EYE VIEW - 150-170 MONS AVE - DA APPROVED + PROPOSED Rev A  
 DA2 - 9126 SUN EYE VIEW - 150-170 MONS AVE - DA APPROVED + PROPOSED Rev A  
 DA2 - 9133 SHADOW STUDY UNIT 1 (150-170 MONS AVE) Rev A  
 DA2 - 9134 SHADOW STUDY UNIT 1 (150-170 MONS AVE) Rev B  
 DA2 - 9135 SHADOW STUDY UNIT 1 (150-170 MONS AVE) Rev B  
 DA2 - 9150 21 JUNE 08 00 AM (150-170 MONS AVE) Rev B  
 DA2 - 9151 21 JUNE 08 30 AM (150-170 MONS AVE) Rev B  
 DA2 - 9152 21 JUNE 09 00 AM (150-170 MONS AVE) Rev B  
 DA2 - 9153 21 JUNE 09 30 AM (150-170 MONS AVE) Rev B  
 DA2 - 9154 21 JUNE 10 00 AM (150-170 MONS AVE) Rev B  
 DA2 - 9155 21 JUNE 10 30 AM (150-170 MONS AVE) Rev B  
 DA2 - 9156 21 JUNE 11 00 AM (150-170 MONS AVE) Rev B  
 DA2 - 9157 21 JUNE 11 30 AM (150-170 MONS AVE) Rev B  
 DA2 - 9158 21 JUNE 12 00 PM (150-170 MONS AVE) Rev B  
 DA2 - 9159 21 JUNE 12 30 PM (150-170 MONS AVE) Rev B  
 DA2 - 9160 21 JUNE 13 00 PM (150-170 MONS AVE) Rev B  
 DA2 - 9161 21 JUNE 13 30 PM (150-170 MONS AVE) Rev B  
 DA2 - 9162 21 JUNE 14 00 PM (150-170 MONS AVE) Rev B  
 DA2 - 9163 21 JUNE 14 30 PM (150-170 MONS AVE) Rev B  
 DA2 - 9164 21 JUNE 15 00 PM (150-170 MONS AVE) Rev B

Architecture and Urban Design Report, Group GSA (Rev 5, 24/6/2019)

Landscape Plans, Sym Studio, comprising:

CHC-DD-001 Coversheet Revision P15

CHC-DD-002 Historic Research Revision P14 CHC-

DD-003 Design Principles Revision P8

CHC-DD-004 Design Response Revision P8

CHC-DD-005 Area Calculations Revision P8

CHC-DD-006 Indicative Landscape Materials & Finishes Revision P8

CHC-DD-101 Illustrative Masterplan Revision P8  
 CHC-DD-102 Illustrative Masterplan - Dementia Courtyard Revision P8  
 CHC-DD-103 Indicative Plant Palette Revision P12  
 CHC-DD-104 Landscape Planting Plan Revision P14  
 CHC-DD-104(1) Landscape Planting Plan Revision P14  
 CHC-DD-104(2) Landscape Planting Plan Revision P14  
 CHC-DD-104(3) Landscape Planting Plan Revision P15  
 CHC-DD-104(4) Landscape Planting Plan Revision P15  
 CHC-DD-105 Area Calculations Revision P13  
 CHC-DD-106 Landscape Technical Masterplan Revision P16  
 CHC-DD-106(1) Landscape Technical Masterplan Revision P16  
 CHC-DD-106(2) Landscape Technical Masterplan Revision P16  
 CHC-DD-106(3) Landscape Technical Masterplan Revision P16  
 CHC-DD-106(4) Landscape Technical Masterplan Revision P16  
 CHC-DD-106(5) Landscape Technical Masterplan Revision P16  
 CHC-DD-106(6) Landscape Technical Masterplan Revision P16  
 CHC-DD-106(7) Landscape Technical Masterplan Revision P16  
 CHC-DD-106(8) Landscape Technical Masterplan Revision P16  
 CHC-DD-107 Landscape Section AA Revision P12  
 CHC-DD-107(1) Landscape Section AA Revision P13  
 CHC-DD-107(2) Landscape Section AA Revision P13  
 CHC-DD-108 Landscape Section BB (Previously titled BB & CC) Revision P12  
 CHC-DD-108(1) Landscape Section BB Revision P13  
 CHC-DD-109 Landscape Section CC Revision P12  
 CHC-DD-109(1) Landscape Section CC Revision P13  
 CHC-DD-110(1) Indicative Landscape Materials & Finishes Revision P13  
 CHC-DD-111(1) Lighting Concept Plan Revision P14  
 CHC-DD-111(2) Lighting Indicative Imagery Revision P13  
 Civil and Stormwater Concept Design Report, Bonacci (Rev 4, 26 April 2019) Bonacci Site works and Stormwater Drainage Plan, Bonacci (C030 – Rev P9, 25/06/2019)  
 Bonacci Site works and Stormwater Drainage Details – Sheet 2, Bonacci (C032 – Rev P4, 25/06/2019) – annexed to the Joint Expert Report – Civil – filed 25/06/2019)  
 Access Assessment prepared by Accessible Building Solutions; (Revision C, date 17/06/2019)  
 Traffic Assessment including Draft Plan of Management, Traffix (Rev 5, June 2019)  
 Geotechnical Investigation, Douglas Partners (29 March 2018)  
 Geotechnical and Contamination Supplementary Letter, Douglas Partners (24 April 2019)  
 Contamination Assessment, Douglas Partners (2 May 2018)  
 Contamination Assessment, Douglas Partners (2 May 2018)  
 Contamination Assessment, Douglas Partners (2 May 2018)  
 Contamination Assessment, Douglas Partners (2 May 2018)  
 Social Impact Assessment and Open Space Study, Cred Consultants (23 April 2019)  
 Aboricultural Impact Assessment, Tree IQ (Rev D, 26 April 2019)  
 Operational Waste Management Plan, Waste Audit & Consultancy Services (April 2019)  
 Services Due Diligence, JHA (Revision F, 24 May 2018)  
 Section J Compliance Statement, Wood & Grieve Engineers (24 April 2019)  
 BCA Statement, Blackett Maguire + Goldsmith (24 April 2019)  
 Noise Assessment, Wilkinson Murray (Version B, 26 April 2019)  
 BASIX Report, Wood & Grieve Engineers (Revision 2, 24 April 2019)

### **Amendment of Plans & Documentation**

2. Prior to the issue of a Construction Certificate, the Applicant must provide amended plans for Level 03 of Buildings A2 and B (being the top floor of each building) detailing a balustrade of 1.2 metres from finished floor level with obscured glass set in 1 metre from the outside building edge. The amended plans must show, within that 1 metre setback, a planter box with hedge screen planting to a minimum height of 1.2 metres from finished floor level.

### **REQUIREMENTS BEFORE A CONSTRUCTION CERTIFICATE CAN BE ISSUED**

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

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

### **Consent Requirements**

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

### **4. NOT USED.**

### **Compliance Fee**

5. 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 Construction Certificate for development.

### **Long Service Levy Payments**

6. 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.*

### **Safety in Open Space Areas**

7. Prior to the issue of a construction certificate, an Open Space Plan of Management must be submitted to and approved by Council's Director of City Planning which addresses the principles of Crime Prevention Through Environmental Design (CPTED) particularly as it relates to safety and security of the communal open space within the site, and safety and security of public pedestrians accessing the site through the public domain. The Plan of Management must be based on the Open Space Plan of Management which forms Appendix E to the Joint Experts Report – Planning, Architecture and Urban Design filed in Land and Environment Court Proceedings 381498 of 2018 and include details of the following:
  - a. an updated landscape plan which demonstrates how the design of the north-south link will integrate and connect with the public realm at the boundary of the site, including in relation to signage, lighting and paving materials;
  - b. Details regarding whether any limitations will be placed on public access to the site, for example a "no skateboard" or "no scooter" policy and proposed measures to educate the public on these restrictions and enforce the restrictions.
  - c. Details of any proposed signage at the public access points to the property and within the publicly available open space.

### **Land Contamination & Remediation**

8. Following the completion of demolition and prior to any excavation or construction of above-ground works, the Applicant shall carry out:

- a) A site contamination investigation of those areas not previously investigated underneath

buildings, by an independent and appropriately qualified environmental consultant and a report must be submitted to and approved by Council's Director of City Planning.

The report must provide details on the extent, nature and degree of any contamination upon the land and ground water, having regard to past and current activities and uses that may have occurred on the site.

The report must include details of any required remediation works, having regard to the development and works encompassed in this consent.

The report is to be prepared in accordance with the following requirements and guidelines (as applicable):

- Council's Contaminated Land Policy 1999
- Relevant Guidelines made or approved by the Environment Protection Authority, including the Guidelines for Consultants Reporting on Contaminated Sites
- National Environment Protection (Assessment of Site Contamination) Measure (NEPM) 1999.
- NSW Planning Guidelines to SEPP 55 – Remediation of Land,

The report must demonstrate that the land is suitable (or will be suitable after specified remediation works have been carried out) for its intended use and the works encompassed in this consent. Relevant reports and other documentary evidence must be provided to Council's satisfaction.

b) Should the report referred to above in sub-clause 1)a) identify that the land is contaminated and the land requires remedial works to ensure that the land will be suitable for its intended use and meet the relevant criteria in the National Environment Protection (Assessment of Site Contamination) Measure (NEPM) 1999, the following matters must be satisfied (as applicable):-

- 1) A Remediation Action Plan (RAP) is required to be submitted to Council prior to commencing any site or remediation works. The RAP is to be prepared in accordance with the relevant Guidelines made or approved by NSW Office of Environment and Heritage/Environment Protection Authority, including the Guidelines for Consultants Reporting on Contaminated Sites.
- 2) A written statement is to be provided to the Council from the Environmental Consultant, which confirms that the Remediation Action Plan satisfies the relevant legislative requirements and guidelines and that the land is able to be remediated to the required level and the land will be suitable for the intended development and use.
- 3) Remediation works are required to be carried out in accordance with the relevant requirements of the *Contaminated Land Management Act 1997*, Guidelines made by the Environment Protection Authority and Department of Infrastructure Planning & Natural Resources, Randwick City Council's Contaminated Land Policy 1999, the *Protection of the Environment Operations Act 1997* and conditions of development consent.
- 4) The requirements contained within any applicable Site Contamination Report, Remediation Action Plan, Site Management Plan or other strategy associated with the site contamination report and/or remediation strategy approved by Council, form part of this consent and must be complied with.
- 5) Upon completion of remediation works, a Validation Report must be prepared by a suitably qualified Environmental Consultant and be submitted to the satisfaction of Council prior to commencing any building works upon the site. The validation report is required to confirm and provide details to demonstrate that the site is suitable for the proposed development and use.

c) Should the report referred to above in sub-clause 1)a) identify that the land is not

contaminated or, the land is contaminated but no remediation works are proposed to be carried out (having regard to the extent and nature of the proposed development), the following requirements must be satisfied:

- 1) Prior to issuing a construction certificate for the development, details must be submitted to the satisfaction of Council's Director of City Planning in writing, to demonstrate that the land is (or will be) suitable for the intended development and use.
- 2) The report and details must be provided by a suitably qualified Environmental Consultant and any requirements, procedures, plans or strategies specified in the report and approved by Council form part of this consent and are required to be complied with.
- 3) Copies of relevant reports, documentary evidence, certification and validation must be provided to Council's satisfaction.

9. The design, construction and operation of the catering kitchen ,cafe, food storage room and any coffee bar/s must comply with the following general requirements (as applicable):-

- a) Floors of kitchens, food preparation areas and the like are to be constructed of materials which are impervious, non slip and non abrasive. The floor is to be finished to a smooth even surface, graded and drained to a floor waste connected to the sewer. The intersection of walls with floor and plinths is to be coved, to facilitate cleaning.
- b) Walls of the kitchen and food preparation areas and the like are to be of suitable construction finished in a light colour with glazed tiles, stainless steel, laminated plastics or similar approved material adhered directly to the wall adjacent to cooking and food preparation facilities or areas, to provide a smooth even surface.
- c) The glazed tiling or other approved material is to extend up to the underside of any mechanical exhaust ventilation hoods and a minimum of 450mm above bench tops, sinks, wash hand basins and equipment.
- d) Walls where not tiled are to be cement rendered or be of rigid smooth faced non-absorbent material (i.e. fibrous cement sheeting, plasterboard or other approved material) and finished to a smooth even surface, painted with a washable paint of a light colour or other approved materials.
- e) The ceilings of kitchens, food preparation areas, storerooms and the like are to be of rigid smooth-faced, non absorbent material i.e., fibrous plaster, plasterboard, fibre cement sheet, cement render or other approved material. 'Drop-down' ceiling panels are not to be provided to food preparation and cooking areas.
- f) All stoves, refrigerators, bain-maries, stock pots, washing machines, hot water heaters, large scales, food mixers, food warmers, cupboards, counters, bars etc must be supported on wheels, concrete plinths a minimum 75mm in height, metal legs minimum 150mm in height, brackets or approved metal framework of the like.
- g) Cupboards, cabinets, benches and shelving may be glass, metal, plastic, timber sheeting or other approved material. The use of particleboard or similar material is not permitted unless laminated on all surfaces.
- h) Adequate fly screens and doors with self-closing devices, are to be provided to all external door and window openings. An electronic insect control device must also be provided within the food premises.
- i) A mechanical ventilation exhaust system is to be installed where cooking or heating processes are carried out in the kitchen or in food preparation areas, in accordance with the relevant requirements of Clause F4.12 of the BCA and Australian Standard AS 1668 Parts 1 & 2.
- j) Emission control equipment shall be provided in mechanical exhaust systems serving the

cooking appliances, to effectively minimise the emission of odours, vapours and oils.

- k) Wash hand basins must be provided in convenient positions located in the food preparation areas, with hot and cold water, together with a sufficient supply of soap and clean towels. The hot and cold water must be supplied to the wash hand basins through a suitable mixing device.
- l) Cool rooms or freezers must have a smooth epoxy coated concrete floor, which is to be sloped to the door. A floor waste connected to the sewer is to be located outside the cool room/freezer. The floor waste should be provided with a removable basket within a fixed basket arrestor and must comply with Sydney Water requirements.
- m) Cool rooms and freezers must be able to be opened from the inside without a key and fitted with an alarm (bell) that can only be operated from within the cool room/freezer.
- n) Any space or gaps between the top of any cool room or freezer and the ceiling must be fully enclosed and kept insect and pest proof (e.g. plasterboard partition with gaps sealed).

The Construction Certificate plans must demonstrate compliance with the above requirements.

- 10. The coffee bar is to be used for the sale of drinks and food only. There is to be no food preparation within this food area.
- 11. Prior to a construction certificate being issued for the 'fit-out' of the food business, a certificate or statement must be obtained from a suitably qualified and experienced Food Safety Consultant or Council's Environmental Health Officer, which confirms that the proposed design and construction of the food storage room and coffee bar satisfies the relevant requirements of the Food Act 2003, Food Standards Code and AS 4674 (2004) - Design, construction and fit-out of food premises.
- 12. Prior to the issuing of an occupation certificate, the premises must be inspected by The NSW Food Authority to ascertain compliance with relevant Food Safety Standards and the written approval of NSW Food Authority (being the relevant Food Authority for this food business) must be obtained prior to the operation of the food business.
- 13. Prior to commencement of any food business operations, the food premises must be registered with the NSW Food Authority in accordance with the Food Safety

#### **Security Deposits**

- 14. 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 4.17 of the *Environmental Planning and Assessment Act 1979*:

- \$9,000.00 - 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**

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

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

*The 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 Certifying Authority must ensure that the developer/owner has submitted the approved plans to Sydney Water Tap in online service prior to the issue of a construction certificate.

### **Electricity Substation**

16. 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.

### **Telecommunications infrastructure**

17. Prior to the issue of a Construction Certificate in connection with this development, the developer (whether or not a constitutional corporation) is to provide evidence satisfactory to the Certifying Authority that arrangements have been made for:

- (i) The installation of fibre-ready facilities to all individual lots and/or premises in a real estate development project so as to enable fibre to be readily connected to any premises that is being or may be constructed on those lots. Demonstrate that the carrier has confirmed in writing that they are satisfied that the fibre ready facilities are fit for purpose, and;
- (ii) The provision of fixed-line telecommunications infrastructure in the fibre-ready facilities to all individual lots and/or premises in a real estate development project demonstrated through an agreement with a carrier.

NOTE: Real estate development project has the meanings given in section 372Q of the Telecommunications Act.

### **Street Tree Planting**

18. The applicant must submit a payment of **\$858.00** (including GST) to cover Council's costs to supply, plant and maintain 5 x 25 litre *Banksia serrata* (Saw Toothed Banksia's), along the length of the Malabar Road frontage, spaced evenly between existing street trees and the Loading Dock, as well as 3 x 25 litre *Banksia integrifolia* (Coastal Banksia's) along the length of the Mons Avenue frontage, being one near the corner of Malabar Road, one between the Porte Cochere, then one more towards the eastern site boundary, upon the completion of all works.

This fee must be paid into **Tree Amenity Income** at the Cashier on the Ground Floor of the Administrative Centre **prior to a Construction Certificate being issued for the development.**

**The applicant must contact Council's Landscape Development Officer on 9093-6613 (quoting the receipt number), and giving at least four working weeks-notice (allow longer for public holidays or extended periods of rain) to arrange for planting of the new trees upon the completion of all site works.**

**After this, any further enquiries regarding scheduling/timing or completion of tree works are to be directed to Council's South Area Tree Preservation & Maintenance Coordinator on 9093-6843.**

#### **Street Tree Protection**

19. In order to ensure retention of the three *Banksia serrata* (Saw Toothed Banksia's, Trees A, B and-D) and the *Banksia integrifolia* (Trees C and E) as shown on the Landscape Planting Plan CHC-DD-104 Revision P 14 the following measures are to be undertaken:
- a. All documentation submitted for the Construction Certificate application must show their retention, with the position and diameter of both their trunks, canopies, SRZ's, TPZ's and tree identification numbers to be clearly and accurately shown on all plans in relation to the works.
  - b. Any excavations associated with the installation of new services, pipes, stormwater systems or similar over either of these frontages must be located wholly outside of their TPZ's, as detailed in Appendix 3, Tree Assessment Schedule of the Arboricultural Impact Assessment by Tree IQ, dated 26/4/19 ("the Arborist Report"), with all services plans to be both prepared and installed on-site in accordance with these requirements.
  - c. The Construction Certificate plans must show that the points of vehicle entry/exit for the development will be consistent with what is shown on the Ground Overall Plan, dwg DA2, comprising one halfway along the length of the Malabar Road frontage, for the Loading Dock; then two crossings for the Porte Cochere in Mons Avenue, to the west of the existing Coastal Banksia in this same area.
  - d. Prior to the commencement of any site works, the Certifying Authority/PCA must ensure that an AQF Level 5 Arborist (who is eligible for membership with a nationally recognized organization/association) has been engaged as 'the Project Arborist' for the duration of works, and will be responsible for both implementing and monitoring the conditions of development consent and Tree Protection Specification contained in the Arborist Report, along with any other instructions issued on-site.
  - e. The Project Arborist must be present on-site at the relevant stages of works, and must keep a log of the dates of attendance and the works performed, which is to be presented as a Final Compliance Report, for the approval of the PCA, prior to any Occupation Certificate.
  - f. Any excavations associated with either the demolition of existing structures, or, for new boundary fencing or similar, within their TPZ's, must be performed in accordance with Appendix 5, Tree Protection Specification, Sections 1.10 - 1.13 of the Arborist Report.
  - g. Prior to the commencement of any site works, each of their trunks must be physically protected by complying with Appendix 5, Section 1.9, Trunk Protection of the Arborist Report, with the activities listed in Section 1.3 to be prohibited, unless specific written approval has been provided by the Project Arborist.
  - h. Other than the approved works, the applicant is not authorised to perform any other works to these public trees, and must contact Council's Landscape Development Officer on 9093-6613 should clearance pruning or similar works appear necessary. If approval is given, it can only be performed by Council, wholly at the applicants cost, with payment to be receipted, prior to pruning and/or any Occupation Certificate.
  - i. Both the PCA and Project Arborist must ensure compliance with all of these requirements, both on the plans as well as on-site during the course of construction,

and prior to issuing any Occupation Certificate.

- j. A refundable deposit in the form of cash, credit card or cheque for an amount of **\$5,000.00** must be paid at the Cashier on the Ground Floor of the Administrative Centre, **prior to a Construction Certificate being issued for the development**, in order to ensure compliance with the conditions listed in this consent, and ultimately, preservation of the trees.

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

Any contravention of Council's conditions relating to the trees at any time during the course of the works, or prior to any Occupation Certificate, may result in Council claiming all or part of the lodged security in order to perform any rectification works necessary, as per the requirements of 80A

(6) of the Environmental Planning and Assessment Act 1979.

#### **Protection of neighbouring trees**

20. In order to also ensure retention of the variety of trees that are located wholly on adjoining private properties, close to common boundaries, being Trees G-N in good health, the following measures are to be undertaken:

- a. All documentation submitted for the Construction Certificate application must show their retention, with the position and diameter of both their trunks, canopies, SRZ's, TPZ's and tree identification numbers to be clearly and accurately shown on all plans in relation to the works.
- b. Prior to the commencement of any site works, the Certifying Authority/PCA must ensure that an AQF Level 5 Arborist (who is eligible for membership with a nationally recognized organization/association) has been engaged as *'the Project Arborist'* for the duration of works, and will be responsible for both implementing and monitoring the conditions of development consent and Tree Protection Specification contained in the Arborist Report, along with any other instructions issued on-site.
- c. The Project Arborist must be present on-site at the relevant stages of works, and must keep a log of the dates of attendance and the works performed, which is to be presented as a Final Compliance Report, for the approval of the PCA, prior to any Occupation Certificate.
- d. Any excavations associated with either the demolition of existing structures, or, for new boundary fencing or similar, within their TPZ's, must be performed in accordance with Appendix 5, Tree Protection Specification, Sections 1.10 - 1.13 of the Arborist Report.
- e. The PCA and Project Arborist must ensure compliance with all of these requirements, both on the plans as well as on-site during the course of construction, and prior to issuing any Occupation Certificate.

#### **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.

21. **Compliance with the Building Code of Australia & Relevant Standards** In accordance with section 4.17 (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).

22. 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.

#### **BASIX Requirements**

23. In accordance with section 4.17 (11) of the *Environmental Planning & Assessment Act 1979* and clause 97A of the *Environmental Planning & Assessment Regulation 2000*, the requirements and commitments contained in the relevant BASIX Certificate must be complied with.

The required commitments listed and identified in the BASIX Certificate must be included on the construction certificate plans, specifications and associated documentation, to the satisfaction of the Certifying Authority.

*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.*

#### **Site stability, Excavation and Construction work**

24. Prior to the issue of a construction certificate, a report must be obtained from a suitably qualified and experienced *professional engineer/s*, 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**

25. 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.
26. 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.
27. Prior to the issuing of a Construction Certificate the applicant must submit to Council for approval, and have approved, a detailed parking layout of the entire development site, (including all the proposed bike parking areas). The parking layout must document car space allocations, in particular the location and number of spaces for staff parking.
28. Prior to the issuing of a Construction Certificate the applicant must submit to Council for

approval, and have approved, traffic control measures for managing potential vehicle conflicts at the interface of the entrance to the basement carpark and the proposed porte cochere. The traffic control measures must be prepared in consultation with Council.

29. Prior to the issuing of a Construction Certificate the applicant must submit to Council for approval, and have approved, a Car Parking Management Plan generally in accordance with the Traffic Joint Report filed 27 June 2019 and which also includes details of line marking and signage. The primary purpose of the Car Parking Management Plan is to ensure that staff vehicles, visitor vehicles and resident vehicles are accommodated onsite (not in the streets surrounding the development site). The Car Parking Management Plan strategy shall focus on staff parking arrangements during staff change over periods, (worst case scenario) and must be prepared in full consultation with Council. The Car Parking Management Plan must include a review mechanism and the approved Car Parking Management Plan must form part of the development consent and must be complied with at all times.

#### **Design Alignment levels**

30. The design alignment level (the finished level of concrete, paving or the like) at the various property boundaries with frontage to public roads for driveways, access ramps and pathways or the like, must be obtained in writing from Council's Development Engineer Coordinator prior to lodgment of any Construction Certificate Application. The Construction Certificate plans must demonstrate compliance with the issued alignment levels.

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

Any request to vary the design alignment level/s must be forwarded to and approved in writing by Council's Development Engineers and may require a formal amendment to the development consent via a Section 4.55 application.

Enquiries regarding this matter should be directed to Council's Development Engineer on 9093-6924.

31. The above alignment levels and the site inspection by Council's Development Engineering Section will be issued at a prescribed fee of **\$4337** calculated at \$53.00 per metre of site frontage to Mons Avenue. This amount is to be paid prior to a construction certificate being issued for the development.
32. The gradient of the internal access driveway must be designed and constructed in accordance with AS 2890.1 (2004) – Off Street Car Parking and the levels of the driveway must match the alignment levels at the property boundary (as specified by Council). Details of compliance are to be included in the construction certificate.

The height of the building must not be increased to satisfy the required driveway gradients.

#### **Stormwater Drainage & Flood Management**

33. Prior to issuing of a Construction Certificate, the applicant must submit to Council for information purposes, a flood study that documents the critical 1%AEP flood levels for the site and the Probable Maximum Flood (PMF) levels for the site. The subject development is defined as a Critical Facility and all floor levels and openings must be in general accordance with Table A - Floor Levels for Buildings from Part B8 Water Management, Randwick Comprehensive DCP 2013. The flood study must be consistent with the final flood study lodged with the Development Application and must form part of the Construction Certificate application. Details demonstrating compliance with this condition are to be included in the construction certificate documentation.
34. The proposed internal driveway shall be designed with a high point at least 300 mm above determined 1%AEP Flood level. Details demonstrating compliance with this condition are to be included in the construction certificate documentation.
35. Windows, vents and other openings into the basement carpark (excluding the driveway opening) are to be located at least 300 mm above the determined 1%AEP flood level. Details demonstrating compliance with this condition are to be included in the construction certificate

documentation.

36. The ground floor level located along all site frontages shall be designed to *structurally* withstand hydrostatic pressure/stormwater inundation from floodwater during the probable maximum flood (PMF) event as defined in the Floodplain Management Manual (New South Wales Government, January 2001). Structural Engineering certification confirming that this condition has been complied with shall be submitted to the certifying authority with the construction certificate.

This requirement does not necessitate the development being flood proof/water tight up to the PMF event, rather the requirement is to ensure that the development will not be *structurally* damaged in manner that could endanger lives during the PMF event.

#### **Drainage and Flooding**

37. Prior to the issuing of a Construction Certificate the applicant must undertake a detailed analysis of the existing flowpath regime through/surrounding and downstream of the development site and compare that with proposed flowpaths post development. The applicant must provide sufficient documentation/evidence to Council to indicate that the proposed development will not increase the depth of overland flow in areas outside the development site and that no property downstream of the development site will be adversely affected as a result of the proposed development for storm events up to the critical 1% AEP (1 in 100 year) storm event.
38. Prior to the issuing of a Construction Certificate the applicant must undertake a detailed analysis of the existing site stormwater drainage system and the proposed stormwater drainage system, (piped and overland flow). The applicant must provide sufficient documentation/evidence to Council that the proposed site stormwater drainage system will not increase the depth of overland flow in areas outside the development site, will not adversely impact on Council's stormwater drainage infrastructure and that no property downstream of the development site will be adversely affected as a result of the proposed development for storm events up to the 1%AEP event (1 in 100 year ARI event).
39. Prior to the issuing of a Construction Certificate the applicant must provide full details of any proposed private drainage easements or drainage easements over private land in favour of Council.
- 40. Not used.**
41. The proposed internal roadways, any drainage easements and overland flow routes shall be designed to drain the 1%AEP storm event and to consider personal and structure safety and the hazard factor, (product of velocity and depth of flow) This safety factor shall not exceed a value of 0.4 at any location. (i.e.  $VD < 0.4$ ). The Construction Certificate must document how these requirements are to be met.
42. All stormwater runoff being discharged from the site shall be directed to Council's underground drainage system. Details must be included in the Construction Certificate to the satisfaction of Council. All stormwater run-off naturally draining to the site must be collected and discharged through this property's stormwater system. The Construction Certificate plans must demonstrate compliance with this requirement.
43. 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 Drainage**

44. The site stormwater drainage system 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 stormwater must be discharged (by gravity) either:
  - i. Directly to the kerb and gutter in front of the subject site in Mons Avenue and / or
  - ii. Directly into Council's underground drainage system located in Mons Avenue via a new kerb inlet pit and extension of the nearest stormwater in Mons Avenue up to the development site.
- c) Should stormwater be discharged to Council's street drainage system, an on-site stormwater detention system must be provided to ensure that the maximum discharge from the site does not exceed that which would occur during a **10% AEP (1 in 10 year)** storm of one hour duration for existing site conditions. All other stormwater run-off from the site for all storms up to the 5% AEP (1 in 20 year) storm is to be retained on the site for gradual release to the street drainage system, to the satisfaction of the certifying authority. If discharging to the street gutter the PSD shall be restricted to the above or **25 L/S**, whichever the lesser.

An overland escape route or overflow system (to Council's street drainage system) must be provided for storms having an annual exceedance probability (AEP) of 1% (1 in 100 year storm), or, alternatively the stormwater detention system is to be provided to accommodate the 1% AEP (1 in 100 year) storm.

- d) Determination of the required cumulative storage (in the on-site detention and/or infiltration 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) Should a pump system be required to drain any portion of the site the system must be designed with a minimum of two pumps being installed, connected in parallel (with each pump capable of discharging at the permissible discharge rate) and connected to a

control board so that each pump will operate alternatively. The pump wet well shall be sized for the 1% AEP (1 in 100 year), 2 hour storm assuming both pumps are not working.

The pump system must also be designed and installed strictly in accordance with Randwick City Council's Private Stormwater Code.

- f) Should a charged system be required to drain any portion of the site, the charged system must be designed such that;
- i. There are suitable clear-outs/inspection points at pipe bends and junctions.
  - ii. The maximum depth of the charged line does not exceed 1m below the gutter outlet.
- g) If connecting to Council's underground drainage system, a reflux valve shall be provided (within the site) over the pipeline discharging from the site to ensure that stormwater from Council drainage system does not surcharge back into the site stormwater system.
- h) 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).
- i) 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.
- j) A sediment/silt arrestor pit must be provided within the site near the street boundary prior to discharge of the stormwater to Council's drainage system and prior to discharging the stormwater to any absorption/infiltration system.

Sediment/silt arrestor pits are to be constructed generally in accordance with the following requirements:

- The base of the pit being located a minimum 300mm under the invert level of the outlet pipe.
- The pit being constructed from cast in-situ concrete, precast concrete or double brick.
- A minimum of 4 x 90 mm diameter weep holes (or equivalent) located in the walls of the pit at the floor level with a suitable geotextile material with a high filtration rating located over the weep holes.
- A galvanised heavy-duty screen being provided over the outlet pipe/s (Mascot GMS multipurpose filter screen or equivalent).
- The grate being a galvanised heavy-duty grate that has a provision for a child proof fastening system.
- A child proof and corrosion resistant fastening system being provided for the access grate (e.g. spring loaded j-bolts or similar).
- Provision of a sign adjacent to the pit stating, "This sediment/silt arrestor pit shall be regularly inspected and cleaned".

*Sketch details of a standard sediment/silt arrestor pit may be obtained from Council's Drainage Engineer.*

- k) The floor level of all habitable, retail, commercial and storage areas located adjacent to any detention and/or infiltration 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.

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

- l) 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.*

- m) A childproof and corrosion resistant fastening system shall be installed on access grates over pits/trenches where water is permitted to be temporarily stored.
- n) 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/infiltration area. Mulch or bark is not to be used in on-site detention areas.
- o) Site discharge pipelines shall cross the verge at an angle no less than 45 degrees to the kerb line and must not encroach across a neighbouring property's frontage unless approved in writing by Council's Development Engineering Coordinator.

#### **Site seepage & Dewatering**

45. As the proposed basement level/s may extend into the water table (or be affected by fluctuations of the water table or by seepage flows), the following requirements apply:

- a. The design and construction of the basement level/s must preclude the need for dewatering after construction.

That part of the development that may be impacted by the water table or seepage flows must include a water proof retention system (i.e. a fully tanked structure) with adequate provision for future fluctuations of water table levels. (It is recommended that a minimum allowance for a water table variation of at least +/-1.0 metre beyond any expected fluctuation be provided). The actual water table fluctuation and fluctuation safety margin must be determined by a suitably qualified professional.

- b. Groundwater management systems shall be designed to transfer groundwater around, through or under the proposed development without a change in the range of the natural groundwater level fluctuations in the locality.

Where an impediment to the natural flowpaths is created as a result of the nature of the construction methods utilised or the bulk of the below-ground structure, artificial drains such as perimeter drains and through drainage may be utilised. These systems may only be utilised where it can be demonstrated that the natural groundwater flow regime is restored both up-gradient and down-gradient of the site, without any adverse effects on surrounding property or infrastructure.

Groundwater management systems:

- i. Are to be designed to be easily maintained.
  - ii. Should have a design life of 100 years.
- c. The basement level/s of the building must be designed by a structural engineer who is qualified and experienced in the design of structures below a water table. Details of the proposed methods of managing groundwater, tanking and waterproofing must be submitted to and approved by the certifying authority, prior to issuing the **construction certificate**. A copy of the engineer's qualifications and experience must also be submitted to the Certifying Authority.

In the event of the development being modified in a manner that changes building/structural loads or alters the basement design, a suitably qualified and experienced structural engineer must certify that the design of the basement remains adequate for the site conditions.

46. Prior to the issue of a construction certificate, a report must be submitted to and approved by the Certifying Authority, detailing the proposed methods of excavation (including support), managing groundwater and dewatering the site.

The report is to be prepared by a suitably qualified and experienced Geotechnical and/or Hydrogeological Engineer and include:

- a. Details of compliance with relevant approvals and licences (e.g. Council's conditions of consent and **Water Licence from the Office of Water**).
- b. The proposed method of excavation, shoring/piling and dewatering.
- c. Assessment of the potential risk of off-site impacts such as damage to surrounding buildings or infrastructure due to differential sediment compaction and surface settlement during and following pumping of groundwater. *Note: The assessment must demonstrate that the proposed method of excavation and dewatering will not pose an unacceptable risk of damage.*
- d. The zone of any possible settlement.
- e. Details of the proposed temporary disposal of groundwater and/or construction site stormwater to Council's drainage system. *Note: Prior to discharging groundwater (or site stormwater) into Council's stormwater drainage system, separate written approval must be obtained from Council in accordance with Section 138 of the Roads Act 1993.*
- f. The location of any proposed re-injection points in relation to the property boundaries (where re-injection equipment is to be located on land other than the subject premises, the written consent of the owner must also be provided to Council).
- g. Details of groundwater quality and proposed disposal of any potentially contaminated groundwater in an environmentally sensitive manner. The details must demonstrate compliance with relevant requirements and approvals of the Office of Environment & Heritage, Council and the Protection of the Environment Operations Act 1997.
- h. The program to monitor fluctuations of the water table during dewatering/ construction to ensure that the conditions of consent and other relevant requirements are satisfied.
- i. The location of all proposed monitoring and pumping equipment in relation to the property boundaries (where monitoring or pumping equipment is to be located on land other than the subject premises, the written consent of the owner must also be provided to Council).
- j. Details of any consultation and arrangements made with owners of any potentially affected nearby premises (i.e. in relation to access, monitoring and rectification of possible damage to other premises)
- k. Certification that the proposed methods of dewatering and excavation are:
  - i. appropriate and in accordance with 'best practice' principles; and
  - ii. should not result in any unacceptable levels of settlement or damage of the adjoining or nearby buildings within the zone of influence.

A copy of the approved report must be submitted to Council, (for Council's record keeping purposes and as confirmation that this condition has been complied with), prior to the commencement of any site construction works.

Any practices or recommendations made by the consulting engineer/s in the approved report must be implemented accordingly and the dewatering process must be monitored by the consulting engineer/s to the satisfaction of the Principal Certifying Authority.

### **Waste Management**

47. 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 Planning prior to the issue of a Construction Certificate.

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 and the number and size of occupancies.
- 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.*

48. The waste storage areas are to be provided with a tap and hose and the floor is to be graded and drained to the sewer to the requirements of Sydney Water.

### **Landscaping Plans**

49. Written certification from a qualified professional in the Landscape/Horticultural industry (must be eligible for membership with a nationally recognised organisation/association) must state that the Landscape Plans submitted for the Construction Certificate are substantially consistent with the Landscape Plans by Sym Studio, dwg's CHC-DD-001 – 111(2)02, dated 24/04/19, subject to the following amendments being made on a revised plan:

- The 17 x *Banksia integrifolia* (BAN int) that are currently shown around the southwest site corner and the Porte Cochere, beyond the property boundary, out on public land, must be deleted, with all plantings to be contained wholly within the subject site;
- All new tree plantings within the site which will achieve a height of 6m or more at maturity must be sited a minimum distance of 2.5 metres from any parts of the new buildings, to ensure suitable separation for future growth both above and below ground, as well as to prevent them becoming exempt from the provisions of Council's DCP due to their close proximity to these buildings.

The revised plans and statement must to be submitted to, and be approved by, the PCA/Certifying Authority prior to the commencement of any works.

### **Public Utilities**

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

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

### **Undergrounding of Site Power**

51. Power supply to the proposed development shall be provided via an underground (UGOH) connection from the nearest mains distribution pole in Malabar Road and / or Mons Avenue. No Permanent Private Poles are to be installed with all relevant documentation submitted for the construction certificate to reflect these requirements. The applicant/owner is to liaise with an Ausgrid Accredited Service Provider to carry out the works to the requirements and satisfaction of Ausgrid and at no cost to Council.

## 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

52. 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 any applicable 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.

### Home Building Act 1989

53. In accordance with section 4.17 (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 prior to the commencement of any building works.

### Dilapidation Reports

54. A dilapidation report (incorporating photographs of relevant buildings) must be obtained from a *Professional Engineer*, detailing the current condition and status of all of the buildings and structures located upon all of the properties adjoining the subject site and any other property or public land which may be affected by the works, to the satisfaction of the *Principal Certifying Authority*.

The dilapidation report must be submitted to the Council, the *Principal Certifying Authority* and the owners of the adjoining/nearby premises encompassed in the report, prior to commencing any site works (including any demolition work, excavation work or building work).

### Construction Site Management Plan

55. 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**

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

- a) 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.

- b) Any materials containing asbestos (including Fibro) must be safely removed and disposed of in accordance with the NSW Work Health and Safety Regulation 2017, SafeWork NSW Code of Practice for the Safe Removal of Asbestos, Protection of Environment Operations (Waste) Regulation 2014 and Council's Asbestos Policy.

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

57. A *Construction Noise & Vibration Management Plan*, prepared in accordance with the Environment Protection Authority (EPA) 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, in accordance with the following requirements:

- a) Noise and vibration emissions during the construction of the building and associated site works must not 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 EPA 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**

58. Prior to 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**

59. An application for a 'Works Zone' and Construction Traffic Management Plan must be submitted to Councils Integrated Transport Department, and approved by the Randwick Traffic Committee, for a 'Works Zone' to be provided in Malabar Road and/or Mons Avenue for the duration of the demolition & construction works.

The 'Works Zone' must have a minimum length of 12m and extend for a minimum duration of three months. The suitability of the proposed length and duration is to be demonstrated in the application for the Works Zone. The application for the Works Zone must be submitted to Council at least six (6) weeks prior to the commencement of work on the site to allow for assessment and tabling of agenda for the Randwick Traffic Committee.

The requirement for a Works Zone may be varied or waived only if it can be demonstrated in the Construction Traffic Management Plan (to the satisfaction of Council's Traffic Engineers) that all construction related activities (including all loading and unloading operations) can and will be undertaken wholly within the site. The written approval of Council must be obtained to provide a Works Zone or to waive the requirement to provide a Works Zone prior to the commencement of any site work.

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

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

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

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

61. 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**

62. 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**

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

The 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.

### **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**

64. Building works are required to be inspected by the *Principal Certifying Authority*, in accordance with 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**

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

- Work Health and Safety Act 2011;
- Work Health and Safety Regulation 2017;
- 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;
- Protection of Environment Operations (Waste) Regulation 2014;
- Randwick City Council Asbestos Policy.

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

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

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

- Work Health & Safety legislation and SafeWork NSW requirements
- Preparation and implementation of a *demolition work plan*, in accordance with AS 2601 (2001) – Demolition of structures; NSW Work Health and Safety Regulation 2017 and Randwick City Council's Asbestos Policy. A copy of the demolition work plan must be provided to Principal Certifying Authority and a copy must be kept on site and be made available for Council Officer upon request.
- A SafeWork NSW licensed demolition or asbestos removal contractor must undertake removal of more than 10m<sup>2</sup> of bonded asbestos (or as otherwise specified by SafeWork NSW 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 20014*. Details of the disposal of materials containing asbestos (including receipts) must be provided to the Principal Certifying Authority and 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 and the Principal Certifying Authority as soon as practicable after 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**

67. 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**

68. In accordance with section 4.17 (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**

69. 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 included in the Construction Site Management Plan and a copy 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**

70. 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.*

### **71. Temporary Site Fencing**

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.*

### **72. Public Safety & Site Management**

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) All building and site activities (including storage or placement of materials or waste and concrete mixing/pouring/pumping activities) must not cause or be likely to cause 'pollution' of any waters, including any stormwater drainage systems, street gutters or roadways.  
  
*Note: It is an offence under the Protection of the Environment Operations Act 1997 to cause or be likely to cause 'pollution of waters', which may result in significant penalties and fines.*
- 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**

73. 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**

74. 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>
Excavating or sawing of rock, use of jack-hammers, pile-drivers, vibratory rollers/compactors or the like	<ul style="list-style-type: none"> <li>• Monday to Friday - 8.00am to 3.00pm only</li> <li>• Saturday - No work permitted</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>
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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.*

**75. Survey Requirements**

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.

**76. Building Encroachments**

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

**77. Land Contamination & Remediation**

Fill material that is imported to the site must satisfy the requirements of the NSW *Protection of the Environment Operations (Waste) Regulation 2005* and the NSW Environment Protection Authority (EPA) Waste Classification Guidelines (2008). 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 a suitably qualified Environmental Consultant or Site Auditor.

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

79. Any hazardous and/or intractable wastes arising from the works are to be managed and disposed of in accordance with the requirements of WorkCover NSW and the Office of Environment and Heritage/Environment Protection Authority, including the provisions of:

- Work Health and Safety Act 2011
- 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)
- Protection of the Environment Operations (Waste) Regulation 2005
- NSW DECC/EPA Waste Classification Guidelines 2008
- Randwick City Council's Asbestos Policy

**Site Seepage & Stormwater**

80. Details of the proposed connection and or disposal of any site seepage, groundwater or construction site stormwater to Council's stormwater drainage system must be submitted to and

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

Details must include the following information:

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

81. **Road/Asset Opening Permit**

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.

82. **Roadway**

If it is necessary to excavate below the level of the base of the footings of the adjoining roadways, the person acting on the consent shall ensure that the owner/s of the roadway is/are given at least seven (7) days notice of the intention to excavate below the base of the footings. The notice is to include complete details of the work.

**Traffic Management**

83. 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.

84. 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.

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

**Stormwater Drainage**

86. 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.

87. Any required dewatering must be monitored by the consulting Engineer/s to the satisfaction of the principal certifying authority and documentary evidence of compliance with the relevant conditions of consent and dewatering requirements must be provided to the principal certifying authority and the Council.

The site conditions and fluctuations in the water table are to be reviewed by the consulting Engineer prior to and during the excavation/construction process, to ensure the suitability of the excavation and dewatering process and compliance with Council's conditions of consent.

88. 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.

89. **Tree Management**

Approval is granted for the removal of all vegetation within the subject site where necessary in order to accommodate the works in these same areas as shown, subject to full implementation of the approved landscape scheme:

- a) Trees 1-5 & 10-13, *Syagrus romanzoffianum* (Cocos Palms), as this species is exempt from Council's own DCP due to its low landscape value as well as being regarded as an environmental weed due to its ability to 'self-seed';
- b) Trees 6-9, *Archontophoenix cunninghamiana* (Bangalow Palms), *Dypsis lutescens* (Golden Cane Palms) and *Howea fosteriana* (Kentia Palms);
- c) Tree 14, *Olea europaea subsp. Africana* (Wild Olive) as as this species is exempt from Council's own DCP due to being classified as an undesirable, invasive

environmental weed;

- d) Tree 15, *Viburnum tinus* (Viburnum) and T16, *Agonis flexuosa* (Willow Myrtle) both around the northeast site corner;
- e) Tree 17, *xCupressocyparis leylandii* (Leylands Cypress) located centrally within the site, which is also exempt from the DCP due to its low landscape value;
- f) Tree 18, *Howea fosteriana* (Kentia Palm) towards the northern section of the site;
- g) Tree 19, *Murraya paniculata* (Murraya) hedge of 14 shrubs, which are exempt from the DCP due to their small size.

### **Pruning**

- 90. Permission is also granted for the minimal and selective pruning of only those lower growing, lower order branches from **Trees G, H, I, J, K, L, M & N** from the Arborists Report, which are located wholly on adjoining private properties, only where they overhang the common boundaries into the subject site and need to be pruned in order to avoid damage to the trees; or; interference with the approved works.
- 91. This approval does not imply any right of entry onto a neighbouring property nor does it allow pruning beyond a common boundary; however, where such measures are desirable in the best interests of correct pruning procedures, and ultimately, the ongoing health of these trees, the applicant must negotiate with the neighbours/tree owners for access to perform this work.
- 92. All pruning can only be undertaken by a Practising Arborist who holds a minimum of AQF Level III in Arboriculture, and to the requirements of Australian Standard AS 4373-2007 'Pruning of Amenity Trees,' and NSW Work Cover Code of Practice for the Amenity Tree Industry (1998).
- 93. The Project/Practising Arborist must contact Council's Landscape Development Officer on 9093-6613 (giving at least 2 working days-notice) to arrange a joint site meeting, prior to pruning these neighbouring trees, to determine the exact location and extent of pruning that is permissible, and must comply with any instructions issued on-site.

### **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**

- 94. 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*.

### **Fire Safety Certificates**

- 95. 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**

- 96. 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 with the Occupation Certificate.

#### **Sydney Water Certification**

97. 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.

#### **BASIX Requirements & Certification**

98. In accordance with Clause 154B of the *Environmental Planning & Assessment Regulation 2000*, a Certifying Authority must not issue an Occupation Certificate for this development, unless it is satisfied that any relevant BASIX commitments and requirements have been satisfied.

Relevant documentary evidence of compliance with the BASIX commitments is to be forwarded to the *Principal Certifying Authority* and Council upon issuing an Occupation Certificate.

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

99. 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 Environment Protection Authority (EPA) Noise Control Guidelines.

100. 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 Environment Protection Authority (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.

#### **Validation Report**

101. Prior to any occupation certificate being issued for the site or commencing the use of the land as provided in this consent, where required a Validation Report prepared by a suitably qualified Environmental Consultant must be submitted to the satisfaction of Council. The report must demonstrate that the relevant land contamination conditions in this consent have been satisfied and that the site is suitable for the proposed development.

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

102. Prior to the issuing of an occupation certificate, the owner/developer must meet the full cost for a Council approved contractor to:
- a) Construct full width concrete heavy duty vehicular crossings and laybacks at kerb opposite the vehicular entrances to the site in Malabar Road and Mons Avenue, to Council's specifications and requirements .
  - b) Remove any redundant concrete vehicular crossing and layback and to reinstate the area with concrete footpath, turf and integral kerb and gutter to Council's specification.
  - c) Construct kerb and gutter for the full Rossiter Lane site frontage to Council's specifications and requirements.

- d) Re-construct any damaged sections of kerb and gutter for the full Malabar Road and Mons Avenue site frontages to Council's specifications and requirements, (including roadworks as required).
  - e) Carry out a full depth, minimum 1.0 metre wide, road construction in front of the new kerb and gutter along the full Rossiter Lane site frontage, to Council's specifications and requirements.
  - f) Construct a new concrete footpath along the full Rossiter Lane site frontage.
  - g) Remove the existing concrete footpaths and to construct new concrete footpaths along the full Malabar Road and Mons Avenue site frontages. Any unpaved areas on the nature strip must be turfed and landscaped to Council's specification.
103. 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.
104. 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 issuing of an occupation certificate for the development, or as otherwise approved by Council in writing.
105. The naturestrip upon Council's footway shall be excavated to a depth of 150mm, backfilled with topsoil equivalent with 'Organic Garden Mix' as supplied by Australian Native Landscapes, and re-turfed with Kikuyu Turf or similar. Such works shall be installed prior to the issue of a final Occupation Certificate.

### **Service Authorities**

#### **Sydney Water**

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

Go to [sydneywater.com.au/section73](http://sydneywater.com.au/section73) or call 1300 082 746 to learn more about applying through an authorised WSC or Sydney Water.

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

### **Removal of overhead power feed**

107. The existing overhead power feed between the nearest mains distribution pole in Malabar Road and Mons Avenue and the development site shall be removed as part of the development and all power for the development shall be supplied from the kiosk substation to be installed on site. All work shall be to the requirements and satisfaction of Ausgrid and at no cost to Council and completed prior to the issuing of an occupation certificate.

### **Stormwater Drainage**

108. Prior to the issuing of an occupation certificate, 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 and energy dissipators (as shown on drawings 'Siteworks and Stormwater Drainage Plan C030 revision P9 and Siteworks and Stormwater Drainage Details Sheet 2 Plan C032 Revision P4) are maintained and that no works which could affect the design function of the detention/infiltration system or energy dissipators 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.
109. 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 prior to the issuing of an occupation certificate. 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).
110. 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 prior to the issuing of an occupation certificate.

111. Prior to the issuing of an occupation certificate the applicant shall submit to the Principal Certifying Authority (PCA) and Council certification from a suitably qualified and experienced professional engineer, confirming that the walls of the basement have been fully tanked and waterproofed to prevent the entry of all groundwater in the basement level/s and that any required sub-soil drainage systems have been provided in accordance with the conditions of this consent. There must be no dry weather seepage/groundwater flows discharging to Council's street gutter / or underground drainage system.

### **Waste Management**

112. Prior to the occupation of the development, the owner or applicant is required to contact Council's City Services department, to make the necessary arrangements for the provision of waste services for the premises, unless evidence is provided to Council of that a private waste contractor has been appointed. The waste storage areas shall be clearly signposted.

#### **Landscaping Certification**

113. Prior to the issue of any Occupation Certificate, certification from a qualified professional in the landscape/horticultural industry must be submitted to, and be approved by, the PCA, confirming the date that the completed landscaping was inspected, and that it has been installed in accordance with the Landscape Plans by Sym Studio, dwg's CHC-DD-001 – 111(2)02, dated 24/04/19, and any relevant conditions of consent.
114. Suitable strategies shall be implemented to ensure that the landscaping is maintained in a healthy and vigorous state until maturity, for the life of the development.
115. The nature-strip upon both of Council's footways shall be re-graded and re-turfed with Kikuyu Turf rolls, including turf underlay, wholly at the applicant's cost, to Council's satisfaction, prior to any Occupation Certificate.

#### **Project Arborist Certification**

116. Prior to the issue of any Occupation Certificate, the Project Arborist must submit to, and have approved by, the Certifying Authority/PCA, a written certification which confirms the dates of attendance on-site and works performed in relation to the trees listed in the Tree Protection conditions.

### **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.

#### **Use of parking spaces**

117. The car spaces within the development are for the exclusive use of the occupants of the building. The car spaces must not be leased to any person/company that is not an occupant of the building.

#### **Management of parking on-site**

118. At the commencement of occupation, a the *Car Parking Management Plan* approved by Council pursuant to condition 29 must be implemented for the development, which includes strategies and measures to 'self-manage' resident and visitor parking within the development.

#### **Fire Safety Statements**

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

The *Fire Safety Statement* is required to confirm that all the fire safety measures have been assessed by a competent fire safety practitioner 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**

120. 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.
121. The use and operation of the site must not cause any environmental pollution, public nuisance or, result in an offence under the *Protection of the Environment Operations Act 1997*, associated Regulations, Guidelines and Policies.

122. Any requirements contained within an Environmental Management Plan (EMP) which forms part of the Site Audit Statement and Site Audit Report, form part of this consent and must be implemented accordingly.
123. The Open Space Plan of Management approved pursuant to these conditions of consent must be complied with at all times.
124. The proposed use of the premises and the operation of all plant and equipment shall not give rise to an 'offensive noise' as defined in the Protection of the Environment Operations Act 1997 and Regulations.

In this regard, the operation of the premises and plant and equipment shall not give rise to a sound pressure level at any affected premises that exceeds the background (LA90), 15 min noise level, measured in the absence of the noise source/s under consideration by more than 5dB(A).

The source noise level shall be assessed as a LAeq, 15 min and adjusted in accordance with the NSW Environmental Protection Authority's Noise Policy for Industry and Environmental Noise Control Manual (sleep disturbance).

125. The use of the premises and the operation of plant and equipment shall not give rise to the transmission of a vibration nuisance or damage to other premises.
126. There are to be no emissions or discharges from the premises which will give rise to a public nuisance, vibration, or result in an offence under the Protection of the Environment Operations Act 1997 and Regulations.
127. Within one (1) month of the occupational certificate being issued for the development, a written report must be obtained from a suitably qualified and experienced consultant in acoustics, which demonstrates and certifies that noise and vibration from the development complies with the relevant provisions of the Protection of the Environment Operations Act 1997, NSW EPA/DECC Noise Control Manual & Noise Policy for Industry and conditions of Council's consent. The report is to be submitted and approved by Council prior to the issuing any occupational certificate.

The report should include (but not limited to) the use of all plant and equipment, at all times of the day including the night time period as defined by NSW EPA Industrial Noise Policy. The report should also include but not be limited to the noise generated from all vehicle movements including deliveries, mechanical ventilation, refrigeration compressors, the pool pump and the lift shaft.

128. Pool plant and equipment is to be enclosed in a sound absorbing enclosure or installed within a building, to minimise noise emissions and possible nuisance to nearby residents.
129. The 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.

130. Deliveries (including the loading and unloading of goods) are restricted to:

(a) Monday to Friday: 7:00am – 5:00pm

131. The proprietor must establish and maintain a formal and documented system for the recording and resolution of complaints made to the premises by residents. A 24 hour contact number is to be provided for resident complaints. All complaints are to be attended to in a courteous and efficient manner and referred promptly to the operations manager. The appropriate remedial action, where possible, is to be implemented immediately and the operations manager is to contact the complainant within 48 hours to confirm details of action taken.

Upon reasonable prior notice, the proprietor must make available the incident book to Council officers.

132. A numerically scaled indicating thermometer or recording thermometer, accurate to the nearest degree Celsius being provided to refrigerators, cool rooms, other cooling appliances and bain-maries or other heated food storage/display appliances.

The thermometer is to be located so as to be read easily from the outside of the appliance. A digital probe type thermometer must also be readily available at all times to check the temperature of food items.

133. All food that is to be kept hot should be heated within one (1) hour from the time when it was prepared or was last kept cold, to a temperature of not less than 60°C and keep this food hot at or above the temperature. Food that is to be kept cold should be cooled, within four (4) hours from the time when it was prepared or was last kept hot, to a temperature of not more than 5°C and keep this food cold at or below that temperature.

134. Food safety practices and the operation of the food premises must be in accordance with the Food Act 2003, Food Regulation 2004, Food Standards Code and Food Safety Standards at all times, including the requirements and provisions relating to:

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

The proprietor of the food business and all staff carrying out food handling and food storage activities must have appropriate skills and knowledge in food safety and food hygiene matters, as required by the Food Safety Standards.

Failure to comply with the relevant food safety requirements is an offence and may result in legal proceedings, service of notices and/or the issuing of on-the-spot penalty infringement notices.

135. The food premises must be kept in a clean and sanitary condition at all times, including all walls, floors, ceilings, fixtures, fittings, appliances, equipment, fridges, freezers, cool rooms, shelving, cupboards, furniture, crockery, utensils, storage containers, waste bins, light fittings, mechanical ventilation & exhaust systems & ducting, storage areas, toilet facilities, basins and sinks.

136. The sale, supply and consumption of alcohol must not take place at the premises except with or ancillary to the service of food to be consumed on the premises and the relevant liquor licence under the Liquor Act 2007.

137. Adequate provisions are to be made within the premises for the storage, collection and disposal of waste and recyclable materials, including for the collection of the sharps container by a licensed waste transporter, to the satisfaction of Council.

#### **Stormwater Detention/Infiltration System**

138. The detention area/infiltration system must be regularly cleaned and maintained to ensure it functions as required by the design.

#### **Archaeological deposits**

139. If the Applicant discovers any archaeological deposits during construction activities, it must cease work in the immediate vicinity of the find and promptly notify Council and the Office of Environment and Heritage.