

**MINUTES OF THE HEALTH, BUILDING AND PLANNING COMMITTEE
MEETING OF THE COUNCIL OF THE CITY OF RANDWICK
HELD ON TUESDAY, 18TH NOVEMBER, 2003 AT 6:48 P.M.**

PRESENT:

His Worship the Mayor, Cr D. Sullivan (North Ward)

Councillor M. Daley (South Ward) (Chairperson)

North Ward	-	Crs J. Greenwood and P. Tracey
South Ward	-	Crs C. Matthews and A. White
East Ward	-	Crs B. Notley-Smith and M. Matson
West Ward	-	Crs P. Schick, M. Whitehead and J. Procopiadis
Central Ward	-	Crs C. Bastic (from 7.36 p.m.), T. Seng and A. Andrews (Deputy Chairperson)

OFFICERS PRESENT:

Acting General Manager	Mr. M. Savage.
Director Planning & Community Development	Ms. S. Truuvert.
Director Governance Management & Information Services	Mr. M. Hummerston.
Acting Manager Environmental Planning	Ms. K. Armstrong.
Manager Development Assessment	Mr. K. Kyriacou.
Assistant Public Officer	Mr. D. Kelly.
Manager Planning, Policy & Performance	Ms. K. Walshaw.

1. APOLOGY.

An apology was received from Cr Backes.

RESOLVED: (Andrews/Notley-Smith) that the apology be received and accepted and leave of absence be granted to Cr Backes from the Health, Building and Planning Committee Meeting of the Council held on Tuesday, 18th October, 2003.

2. MINUTES.

CONFIRMATION OF THE MINUTES OF THE HEALTH, BUILDING AND PLANNING COMMITTEE MEETING HELD ON TUESDAY, 14TH OCTOBER, 2003.

H97 **RESOLUTION:** (Andrews/Procopiadis) that the Minutes of the Meeting of the Health, Building and Planning Committee held on Tuesday, 14th October, 2003 (copies of which were circulated to all Councillors) be and are hereby confirmed as a correct record of the proceedings of that meeting.

RESOLVED: (Andrews/Procopiadis) that the meeting be adjourned at 6.49 p.m. and be further adjourned at 8.46 p.m.

3. ADDRESSES TO THE COMMITTEE BY THE PUBLIC.

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

5.1 DEVELOPMENT APPLICATION REPORT - 11-13 FENTON AVENUE, MAROUBRA.

The Objector	Mr Stephen Johnson	19 Chapman Avenue, Maroubra
The Applicant	Mr David Popplewell	216 Marine Parade, Maroubra

5.2 DEVELOPMENT APPLICATION REPORT - 14 - 16 DAINTREY CRESCENT AND 4 DUDLEY STREET, RANDWICK.

The Objector	Mr Cesare Diveroli	68 Oxford Street, Woolahra
The Applicant	Mr Richard Smythe	14-16 Daintrey Crescent, Randwick

5.3 DEVELOPMENT APPLICATION REPORT - 23 HANNAN STREET, MAROUBRA.

The Objector	Mr Carmine Rosillo	21 Hannan Street, Maroubra
The Applicant	Mr Jeff Thompson	296 Marrickville Road, Marrickville

5.4 DEVELOPMENT APPLICATION REPORT - 313 BUNNERONG ROAD, MAROUBRA.

The Objector	Ms Jane McLeod	16 Kingsford Street, Kingsford
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5.5 DEVELOPMENT APPLICATION REPORT - 87 BEACH STREET COOGEE.

The Objector	Mr Jim Buchanan	Level 14, 130 Elizabeth Street, Sydney
The Applicant	Mr Paul Walsh	410 Church Street, Parramatta

5.6 DEVELOPMENT APPLICATION REPORT - 73A MOUNT STREET COOGEE.

The Objector	Ms Kathryn Locke	30 Knox Street, Clovelly
The Applicant	Mr Con Harris	63 Ann Street, Surry Hills

5.7 DIRECTOR PLANNING & COMMUNITY DEVELOPMENT'S REPORT 91/2003 – DEVELOPMENT APPLICATION NO. 65/03/GG FOR 892-906 ANZAC PARADE AND 5-17 GREEN STREET, MAROUBRA.

The Applicant

Mr John Baker

Level 1, 5 Queen Street, Chippendale

5.9 DIRECTOR PLANNING & COMMUNITY DEVELOPMENT'S REPORT 93/2003 - DEVELOPMENT APPLICATION NO. 0062/2003 FOR SUB-DIVISION OF LAND INTO 34 LOTS AND INFRASTRUCTURE WORKS COMPRISING STAGES 2 AND 3 OF THE BUNDOCK STREET DEFENCE DEVELOPMENT.

The Objector

Mr Lex Davidson

86A Bundock Street, Kingsford

6.2 DIRECTOR PLANNING & COMMUNITY DEVELOPMENT'S REPORT 89/2003 - FOLLOW-UP REPORT - DEFERRED MAROUBRA JUNCTION DRAFT LEP (AMENDMENT NO. 33) AND DCP 2003.

Against

Ms Rozita Leoni

3/41 Minneapolis Crescent, Maroubra

The meeting was resumed at 9.15 p.m.

4. MAYORAL MINUTES.

Nil.

5. DEVELOPMENT APPLICATIONS.

5.1 DEVELOPMENT APPLICATION REPORT - 11-13 FENTON AVENUE, MAROUBRA. (D/0362/2003)

H98 **RESOLUTION:** *(Andrews/Matthews) that:*

- A. *Council, as the responsible authority, grant its development consent as a Deferred Commencement under Section 80(3) of the Environmental Planning and Assessment Act 1979 (as amended) to Development Application No 65/03/GG for demolition of existing buildings and the construction of a new carpark at 11-13 Fenton Avenue, Maroubra subject to the following deferred commencement conditions:-*

DEFERRED COMMENCEMENT CONDITIONS

- 1 The applicant is to submit details to the Director of Planning and Community Development showing levels and grade of the carpark along car spaces 16 – 20 and 14 –15 and their compliance with the relevant Australian Standards. The approved details are to form part of the construction certificate.*
- 2 The applicant shall submit amended plans with landscaping detailed in accordance with the submitted Sketch Diagram No.2 and shall ensure that the design allows adequate turning manoeuvres for vehicles entering/exiting car space No 1.*
- 3 Landscaping shall be provided to the site to reduce the impact of the development upon the amenity of the environment and a detailed landscape plan, prepared by a qualified landscape professional, either a landscape architect or horticulturalist shall be submitted to and approved by Council's*

Director of Planning & Community Development. The landscape plan shall provide suitable canopy trees and indigenous species suitable for the coastal climate, and must contain a predominance of species that require minimal watering once established or species with water needs that match rainfall and drainage conditions. Species selection should be detailed in a planting schedule that also includes plant numbers, supply size and mature height.

- 4 *To ensure satisfactory maintenance of the landscaped areas, an automatic irrigation system shall be installed throughout all the landscaped areas. Such system shall provide full coverage to all the landscaped areas with no over spray onto driveways and pathways.*

Details of the automatic irrigation system shall be shown on the detailed landscape plans and specifications. The system shall comply with all Sydney Water requirements, and relevant Australian Standards.

- 5 *A report prepared by a suitably qualified and experienced consultant in acoustics shall be submitted to Council which demonstrates and confirms that noise and vibration emissions from the use of the car park will comply with the relevant provisions of the Protection of the Environment Operations Act 1997, Environmental Protection Authority Noise Control Manual & Industrial Noise Policy and relevant conditions of approval.*
- 6 *Details of the proposed colours, materials and textures (i.e. a schedule and brochure/s or sample board) of the external surface materials are to be submitted to and approved by Council's Director of Planning & Community Development.*
- 7 *The fence on the street alignment and on the side boundaries in front of the building line of buildings on adjacent land in Fenton Avenue are to be a maximum height of 1.8m and designed so that the upper two thirds are at least 50% open at any point, to maintain reasonable levels of amenity to the adjoining residential development and the streetscape.*
- 8 *Lighting to the carpark 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 and shall be designed by a suitably qualified lighting consultant and details submitted to the satisfaction of the Director of Planning & Community Development. The lighting system shall utilise solar panel technology in order to promote ecologically sustainable development and energy efficiency.*
- 9 *Mechanised boom gates shall be installed at the entrance to the carpark and details submitted for approval by the Director of Planning & Community Development. The boom gates shall not be located on the right of way.*
- 10 *A closed circuit television system shall be installed to monitor activities within the carpark during the operating hours of the Maroubra Seals' Club. Details of location of cameras, operating times and security response to incidents within the carpark shall be submitted for approval by the Director of Planning & Community Development.*

B. *Subject to compliance with the deferred commencement conditions, to the satisfaction of the Director Planning and Community Development, development consent is granted under Section 80 and 80A of the Environmental Planning and Assessment Act 1979 (as amended) to Development Application No 362/03/GJ for demolition of existing buildings and the construction of a new carpark at 11-13 Fenton Avenue, Maroubra, subject to the following conditions:-*

1. *The development must be implemented substantially in accordance with the plans numbered MSCP03-B2/1, drawn by D Popplewell dated September 2003 and received by Council on 18 September, 2003, the application form and on any supporting information received with the application except as may be amended by the details approved with the deferred commencement conditions and by the following conditions and as may be shown in red on the attached plans:*
2. *The use of the land for the purpose of a carpark is limited to five (5) years from the commencement of the use and Council shall be notified in writing the date that the use commences.*

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

3. *The following vehicular crossing deposit requirement is to be complied with prior to a construction certificate being issued for the development, as security for Council or a Council approved subcontractor to construct the vehicular crossing.*

a) \$5000.00 - Vehicular crossing deposit

The vehicular crossing deposit may be provided by way of cash or cheque with the Council and is refundable upon the completion of the Council vehicular crossing by Council or a Council approved subcontractor.

The following conditions are applied to provide adequate provisions for access, transport and infrastructure:

4. *The applicant must meet the full cost for Council or a Council approved contractor to:*
 - a) *Remove the redundant concrete vehicular crossings and laybacks and to reinstate the area with concrete footpath, turf and integral kerb and gutter to Council's specification in Fenton Ave.*
5. *The applicant must meet the full cost for Council or a Council approved contractor to repair/replace any damaged sections of Council's footpath, kerb & gutter, nature strip etc which are due to building works being carried out at the above site. This includes the removal of cement slurry from Council's footpath and roadway.*

6. *The applicant shall note that all external work, carried out on Council property, shall be in accordance with Council's Policy for "Vehicular Access and Road and Drainage Works". An application for the cost of the Council civil works is to be submitted to Council at the completion of the internal building works. An application fee shall be payable to Council for the quotation of the required works. The applicant may elect to use his contractor for the required works, subject to Council approval, however a design and supervision fee based on the lowest quotation from Council's nominated contractor will be required to be paid prior to the commencement of any works.*
7. *Wheel stops are to be installed, in accordance with AS 2890.1-199, in car spaces No's 1-8 & 16-20 to protect landscaping areas and new block walls and car spaces No's 9-13 to protect new block walls and car spaces 14 & 15. Details of compliance are to be shown on the relevant plans and specifications for the construction certificate, and are required to be submitted to and approved by the Council or an accredited certifier, prior to a construction certificate being issued for the proposed development.*

The following conditions are applied to provide adequate consideration for service authority assets:

8. *The applicant must meet the full cost for telecommunication companies, gas providers, Energy Australia and Sydney Water to adjust/repair/relocate their services as required. The applicant must make the necessary arrangements with the service authority.*

The following conditions are applied to provide adequate provisions for drainage and associated infrastructure:

9. *The applicant shall construct a Stormwater Pollution Control Device (SWPC) to collect all stormwater runoff from the proposed carpark. The SWPC shall be capable of the collection and containment of liquids, sediments and trash and it shall treat all runoff up to the 3 month ARI storm event. The applicant shall submit details of the SWPC and a management plan for the maintenance of the SWPC, shall be submitted and have approved by the Accredited Certifier prior to the release of the Construction Certificate.*
10. *The applicant is to have an overflow pipe draining from the proposed absorption pit to the Fenton Ave kerb. The overflow pipe from the absorption pit is to be fitted with a reflux valve located within the site.*
11. *The proposed carpark is to be construct with a high point of RL 6.50 AHD near its entrance.*
12. *The proposed carpark is to be constructed with a suitable waterproofed barrier, with a minimum height of RL 6.50 AHD, around the perimeter of the carpark. A Structural Engineer\Geotechnical Engineer shall certify the waterproofing has been carried out to an acceptable standard and a copy of the certification is to be forwarded to Council.*

The following conditions are applied to provide adequate provisions for landscaping and to maintain reasonable levels of environmental amenity:

13. *That part of the nature strip upon Council's footway which is damaged during the construction of the proposed works shall be excavated to a depth of 150mm, backfilled with topsoil equivalent with 'ANL Organic Garden Mix', and re-turfed with Kikuyu turf. Such works shall be completed at the applicants expense prior to the issue of the Occupation Certificate.*

The nature strip upon Council's footway shall be maintained by the applicant in accordance with Council guidelines. Such maintenance shall include, but not be limited to, watering, mowing, fertilising, and the removal of weeds.

14. *In order to prevent the encroachment of motor vehicles into the landscaped areas a 150mm high concrete or brick edge shall be constructed between the landscaped areas and roadway. Such works shall be installed prior to the issue of the Occupation Certificate.*

The following conditions have been applied to ensure that noise emissions from the development satisfy legislative requirements and maintain reasonable levels of amenity to the area:

15. *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.*
16. *The use of the car park shall not give rise to the transmission of a vibration nuisance or damage to other premises.*
17. *A report, prepared by a suitably qualified and experienced consultant in acoustics, shall be submitted to the Council prior to an **occupation certificate** being issued for the development, which demonstrates and certifies that noise and vibration emissions from the use of the car park, comply with the relevant provisions of the Protection of the Environment Operations Act 1997, NSW Environmental Protection Authority Noise Control Manual & Industrial Noise Policy and conditions of Council's approval, to the satisfaction of Council's Manager Environmental Health & Building Services.*

The following conditions are applied to satisfy the provisions of section 79C of the Environmental Planning and Assessment Act 1979 and to maintain reasonable levels of environmental amenity:

18. *Any structure, including the driveway access, over the right-of-way to the rear of the site shall not impede access along the right of way, vehicular or pedestrian and the driveway crossing shall be graded to the adjacent existing levels in the right of way.*
19. *Adequate provisions are to be made within the site for the collection and disposal of waste and recyclable materials, to the satisfaction of the certifying authority.*

20. *There must be no encroachment of any part of the structure/s onto the adjoining premises or onto Council's road reserve, footway or public place.*
21. *Access from the car park to Fenton Avenue shall not be provided.*
22. *The finished ground levels are to be consistent with the development consent and are not to be raised/or lowered (other than with the requirements of other conditions of the consent) without the written consent of Council.*
23. *Dividing fences to the north-eastern and south-western side boundaries shall be a minimum of 1.8m in height behind the front building line of adjacent properties.*
24. *Lighting to the carpark, utilising solar panel technology in order to promote ecologically sustainable development and energy efficiency 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 and shall be certified to meet these criteria by a suitably qualified lighting consultant after completion and prior to the final inspection.*
25. *The boom gates at the car park entrance shall only operate during the approved operating hours of the carpark and shall remain down at all other times to prevent access or egress from the carpark.*
26. *Operating hours of the carpark shall be restricted to the following:-*
 - *10am to 10pm Sunday to Thursday*
 - *10.00am to 11pm Friday and Saturday*
27. *Closed circuit television cameras on the carpark shall be operated during the opening hours of the Maroubra Seals Club.*

The following conditions are applied to ensure that the development satisfies the provisions of the Environmental Planning and Assessment Act 1979 and Regulations:

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

Failure to comply with these legislative requirements is an offence and may result in the commencement of legal proceedings, issuing of `on-the-spot` penalty infringements or service of a notice and order by Council.

29. *All new building work must be carried out in accordance with the provisions of the Building Code of Australia (BCA), in accordance with Clause 98 of the Environmental Planning and Assessment Regulation 2000.*
30. *Prior to the commencement of any construction works, 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 and Environmental Planning & Assessment Regulation 2000.*

31. *Prior to the commencement of any building work, a principal certifying authority must be appointed and Council is to be notified accordingly and, at least 2 days notice of the intention to commence building work must be given to Council, in accordance with the provisions of the Environmental Planning & Assessment Act 1979 and Environmental Planning & Assessment Regulation 2000.*
32. *The required Long Service Levy payment, under the Building and Construction Industry Long Service Payments Act 1986, is to be forwarded to the Long Service Levy Corporation or the Council, prior to the issuing of a Construction Certificate, in accordance with Section 109F of the Environmental Planning & Assessment Act 1979.*

The following group of conditions have been applied to ensure the structural adequacy and integrity of the proposed building and adjacent premises:

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

The report is to be supported with photographic evidence of the status and condition of the buildings and a copy of the report must also be forwarded to the Council and to the owners of each of the abovestated premises, prior to the commencement of any works.

The following conditions are applied to ensure that the development satisfies relevant standards of construction, and to maintain adequate levels of health, safety and amenity during construction:

34. *All demolition work is to be carried out in accordance with the provisions of AS2601-1991. The Demolition of Structures, as in force at 1 July, 1993.*
35. *A copy of the construction certificate, the approved plans & specifications and development consent conditions must be kept on the site at all times and be available to the Council officers upon request.*
36. *The building works are to be inspected by the Principal Certifying Authority (or other suitably qualified person approved by the Principal Certifying Authority), to monitor compliance with the relevant standards of construction and Council's development consent.*

The Principal Certifying Authority shall specify the relevant stages of construction to be inspected and a satisfactory inspection must be carried out, to the satisfaction of the Principal Certifying Authority, prior to proceeding to the subsequent stages of construction or finalisation of the works (as applicable).

Documentary evidence of the building inspections carried out and details of compliance with Council's approval is to be maintained by the Principal Certifying Authority. Details of critical phase inspections carried out and copies of certification relied upon, shall be forwarded to Council with the occupation certificate or, upon finalisation of works if no occupation certificate is issued.

37. *Upon inspection of each stage of construction, the Principal Certifying Authority (or other suitably qualified person, to the satisfaction of the Principal Certifying Authority) is also required to ensure that adequate provisions are made for the following measures (as applicable), to ensure compliance with the terms of Council's consent:*
- *Sediment control measures*
 - *Provision of perimeter fences or hoardings for public safety and restricted access to building sites*
 - *Maintenance of the public place free from unauthorised materials, sand, soil, waste containers or other obstructions.*
38. *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 are to 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.

Retaining walls, shoring, or piling must be designed and installed in accordance with appropriate professional standards and the relevant requirements of the Building Code of Australia and Australian Standards. Details of proposed retaining walls, shoring or piling are to be submitted to and approved by the Principal Certifying Authority for the development prior to commencing such excavations or works.

39. *If an excavation associated with the erection or demolition of a building extends below the level of the base of the footings of a building on an adjoining allotment of land, the person causing the excavation must:*
- *preserve and protect the building /s on the adjoining land from damage; and*
 - *if necessary, underpin and support the building and excavation in an approved manner; and*
 - *at least seven (7) days before excavating below the level of the base of the footings of a building on an adjoining allotment of land (including a public road or public place), give notice of the intention to do so to the owner of the adjoining land. Particulars of the excavation are to be provided to the owner of the adjoining land and also the owner of the land where the building is being erected or demolished.*

40. *A Registered Surveyor's check survey certificate or compliance certificate is to 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), detailing compliance with Council's approval at the following stage/s of construction:*
- a) *On completion of the works showing the area of the land boundary setbacks and verifying the works has been constructed at the approved levels.*
41. *In addition to the matters contained in the Environmental Planning and Assessment Regulation 2000, the following matters are to be completed in accordance with the terms and conditions of this development consent, prior to the final inspection:*
- i. *car parking and vehicular access*
 - ii. *landscaping*
 - iii. *stormwater drainage*
 - iv. *external finishes and materials*
42. *Noise and vibration emissions during the construction and associated site works must not result in damage to nearby premises or result in an unreasonable loss of amenity to nearby residents and the relevant provisions of the Protection of the Environment Operations Act 1997 must be satisfied at all times.*
43. *All building, demolition and associated site works must only be carried out between the hours of 7.00am to 5.00pm on Monday to Friday inclusive, between 8.00am to 5.00pm on Saturdays and all building activities are strictly prohibited on Sundays and public holidays, except with the specific written authorisation of Council's Manager of Environmental Health and Building Services.*
44. *The use of any rock excavation machinery or any mechanical pile drivers is restricted to the hours of 8.00am to 5.00pm (maximum), Monday to Friday inclusive and from 8.00am to 1.00pm on Saturday, to minimise the noise levels during construction and loss of amenity to nearby residents.*

Noise and vibration from any rock excavation machinery and pile drivers (or the like) must be minimised by using appropriate plant and equipment and silencers and a construction noise and vibration minimisation strategy, prepared by a suitably qualified consultant is to be implemented during the works, to the satisfaction of the Principal Certifying Authority.

45. *Noise and vibration from any rock excavation machinery and pile drivers (or the like) must be minimised by using appropriate plant and equipment and silencers and a construction noise and vibration minimisation strategy, prepared by a suitably qualified consultant is to be implemented during the works, to the satisfaction of the Principal Certifying Authority.*

46. *A sign must be erected on the site in a prominent, visible position, prior to commencing any demolition, excavation or building works, stating that 'unauthorised entry to the site is prohibited' and showing the name of the person in charge of the work site and a telephone number at which the person may be contacted outside working hours.*

In the case of residential building work, the sign is also required to detail the licence number of the building contractor or the permit number of the owner-builder, in accordance with the Home Building Act 1989 and Regulations.

47. *Temporary toilet facilities are to be provided, at or in the vicinity of the work site throughout the course of demolition and construction, at the rate of one toilet for every 20 persons or part of 20 persons employed at the site and the toilet facilities must be connected to a public sewer or other sewage management facility approved by Council.*
48. *Public safety and convenience must be maintained at all times during demolition, excavation and construction works.*

The roadway, footpath and nature strip must be maintained in a good, safe condition and free from any obstructions, materials, soils or debris at all times. Any damage caused to the road, footway or nature strip must be repaired immediately, to the satisfaction of Council.

A Road Opening Permit must be obtained from the Council and other relevant Authorities prior to excavating or opening-up the road or footway for services or the like

49. *Building materials, sand, soil, waste materials or construction equipment must not be placed upon the footpath, roadway or nature strip at any time and the footpath, nature strip and road must be maintained in a clean condition and free from any obstructions at all times.*
50. *Bulk bins/waste containers must not be located upon the footpath, roadway or nature strip at any time without the prior written consent of the Council, unless the waste container is located upon the road in accordance with the Roads & Traffic Authority Guidelines and Requirements, and the container is exempt from an approval under Council's Local Approvals Policy.*
51. *Any building/demolition works involving asbestos cement are to be carried out in accordance with the Work Cover New South Wales "Guidelines for Practices Involving Asbestos Cement in Buildings".*
52. *During construction stages, sediment laden stormwater run-off shall be controlled using the sediment control measures outlined in the manual for Managing Urban Stormwater – Soils and Construction, published by the NSW Department of Housing.*
53. *Stockpiles of soil, sand, aggregate or other materials must not be located on any footpath, roadway, nature strip, drainage line or any public place and the stockpiles must be protected with adequate sediment control measures.*

Building operations such as brick cutting, washing tools or equipment and mixing mortar are not permitted on public footpaths, roadways, nature strips, in any public place or any location which may lead to the discharge of materials into the stormwater drainage system.

54. *A warning sign for soil and water management must be displayed in a prominent position on the building site, visible to both the public and site workers. The sign must be displayed throughout the construction period. Copies of a suitable warning sign are available at Council's Customer Service Centre for a nominal fee.*
55. *Public safety must be maintained at all times and public access to the site and building works, materials and equipment on the site is to be restricted, when work is not in progress or the site is unoccupied.*

A temporary safety fence is to be provided to protect the public, located to the perimeter of the site (unless the site is separated from the adjoining land by an existing structurally adequate fence, having a minimum height of 1.5 metres). Temporary fences are to have a minimum height of 1.8 metres and be constructed of cyclone wire fencing, with geotextile fabric attached to the inside of the fence to provide dust control, or other material approved by Council.

Hoarding or fences are to 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.

*The public safety provisions and temporary fences must be in place **prior to the commencement of any demolition, excavation or building works** and be maintained throughout construction.*

56. *A Construction Site Management Plan is to be submitted to and approved by the principal certifying authority prior to the commencement of demolition, excavation or building works. The site management plan must include the following measures, as applicable to the type of development:*
- *location and construction of protective fencing / hoardings to the perimeter of the site;*
 - *location of site storage areas/sheds/equipment;*
 - *location of building materials for construction;*
 - *provisions for public safety;*
 - *dust control measures;*
 - *site access location and construction*
 - *details of methods of disposal of demolition materials;*
 - *protective measures for tree preservation;*
 - *provisions for temporary sanitary facilities;*
 - *location and size of waste containers/bulk bins;*
 - *details of proposed sediment and erosion control measures;*
 - *construction noise and vibration management.*

The site management measures are to be implemented prior to the commencement of any site works and be maintained throughout the works, to maintain adequate levels of public health and safety. A copy of the approved Construction Site Management Plan must be maintained on site and be made available to Council officers upon request.

57. *Any building/demolition works involving asbestos cement are to be carried out in accordance with the Work Cover New South Wales "Guidelines for Practices Involving Asbestos Cement in Buildings".*

The following conditions are applied to ensure adequate environmental protection and occupational health and safety.

58. *All hazardous or intractable wastes and materials (including asbestos) shall be removed and disposed of in accordance with the requirements of WorkCover NSW and the Environmental Protection Authority, and with the provisions of:*

- *Occupational Health and Safety Act 2000*
- *Occupational Health and Safety (Hazardous Substances) Regulation 2001*
- *Occupational Health and Safety (Asbestos Removal Work) Regulation 2001; and*
- *The Protection of the Environment Operations Act 1997 and relevant Environmental Protection Authority Guidelines*

59. *Prior to demolition of any building constructed before 1970, the person acting on this consent shall submit a Work Plan prepared in accordance with Australian Standards AS260-2001, Demolition of Structures by a suitably qualified person. The Work Plan shall outline the identification of any hazardous materials, including materials containing asbestos and surfaces coated with lead paint and the plan should detail the method of demolition, the precautions to be employed to ensure public safety and to minimise any dust nuisance and methods of disposal of any hazardous materials. A copy of the work plan is to be forwarded to the Council prior to commencing such works.*

60. *The removal, cleaning and disposal of any lead-based paints must be carried out in accordance with the relevant provisions of AS2601-2001, Demolition of Structures, The Protection of the Environment Operations Act 1997 and the requirements and guidelines of the Environmental Protection Authority.*

61. *All site works shall comply with the occupational health and safety requirements of WorkCover NSW.*

ADVISORY MATTERS:

- A1 *The applicant is to advise Council in writing and/or photographs of any signs of existing damage to the Council roadway, footway, or verge prior to the commencement of any building/demolition works.*

- A2 *Details of compliance with the relevant provisions of the Building Code of Australia and conditions of development consent are to be provided in the plans and specifications for the **construction certificate**.*
- A3 *Any variations which alter the configuration, size, layout or design of the, may necessitate an amendment to the development consent (or a new development application), and Council's Building Surveyor or an Accredited Certifier should be consulted prior to the lodgement of an application for a **Construction Certificate**.*

MOTION: (Andrews/Matthews) SEE RESOLUTION.

A division was called for by Crs Matson and Seng. Voting was as follows:-

For	Against
Andrews	Bastic
Daley	Greenwood
Matthews	Matson
Notley-Smith	Procopiadis
Schick	Seng
His Worship the Mayor, Cr D. Sullivan	Tracey
White	Whitehead

(Note: Cr Daley (Chairman) indicated that he used his casting vote in favour of the resolution.)

5.2 DEVELOPMENT APPLICATION REPORT - 14 - 16 DAINTREY CRESCENT AND 4 DUDLEY STREET, RANDWICK. (D/0197/2003)

- H99 **RESOLUTION:** *(His Worship the Mayor, Cr D. Sullivan/White) that this application be deferred to give the affected parties the opportunity to take part in mediation in order to consider issues including the geotechnical advice and the view loss of the neighbours.*

MOTION: (His Worship the Mayor, Cr D. Sullivan/White) SEE RESOLUTION.

5.3 DEVELOPMENT APPLICATION REPORT - 23 HANNAN STREET, MAROUBRA. (D/0197/2003)

- H100 **RESOLUTION:** *(Bastic/Seng) that Council as the responsible authority grant its consent under Section 96 of the Environmental Planning and Assessment Act 1979 (as amended) to Modify Development Consent No. 1032/2002 on property 23 Hannan Street, Maroubra in the following manner:*

1. Amend Condition No. 1 to read:

- The development must be implemented substantially in accordance with the plans numbered LN – 01B, dated September 2002, stamped additional detail and received by Council on 7 February 2003, the application form and on any supporting information received with the application, as amended by the Section 96 plans annotated Revision C and dated July '03 in the amendments box and stamped received by Council on 22 July 2003, only in so far as they*

relate to the modifications to the northern and eastern boundary fence and windows in the northern elevation highlighted on the Section 96 plans and detailed in the Section 96 application except as may be amended by the following conditions and as may be shown in red on the attached plans:

2. Amend Condition No. 2 to read:

*The maximum height of the rear fence on the eastern boundary of the subject property is not to exceed 2.2m at its northern and southern ends and 2.3m for the central feature wall, measured vertically from any point above existing ground level, to maintain reasonable levels of amenity to the adjoining premises at 90 Storey Street Maroubra. Details of compliance are to be submitted to and approved by Council's Director of Planning & Community Development, in accordance with section 80A (2) of the Environmental Planning and Assessment Act 1979 **prior to a construction certificate being issued** for the proposed development.*

3. Add Condition 17:

17. The height of the northern boundary fence is not to exceed 2.1 metres measured from existing ground level along the northern boundary and this fence is to be wholly within the site boundaries. Details required by this condition are to be shown on the Construction Certificate application. This condition is imposed to clarify discrepancies in the submitted plans.

MOTION: (Bastic/Seng) SEE RESOLUTION.

A division was called for by Crs Andrews & Matthews. Voting was as follows:-

For	Against
Bastic	Andrews
Greenwood	Daley
Procopiadis	Matson
Schick	Matthews
Seng	Notley-Smith
His Worship the Mayor, Cr D. Sullivan	
Tracey	
White	
Whitehead	

5.4 DEVELOPMENT APPLICATION REPORT - 313 BUNNERONG ROAD, MAROUBRA. (D/0439/2003)

H101 **RESOLUTION: (Bastic/Procopiadis) that:**

A. *Council assume the concurrence of the Director of the Department of Infrastructure, Planning and Natural Resources to vary the provisions of Clause 32(3) and 33(5) of the Randwick Local Environmental Plan 1998 (as amended) under State Environmental Planning Policy No. 1.*

AND

Council as the responsible authority grant its development consent as a Deferred Commencement under Section 80(3) of the Environmental Planning and Assessment Act 1979 (as amended) to Development Application No. 439/2003 to Demolish existing shop & construct new 3-4 storey building comprised of 8 units, a single commercial tenancy and at grade parking for 10 vehicles to the rear of the site and strata subdivision at 313 Bunnerong Road, Maroubra subject to the following conditions:-

Deferred Commencement Conditions

- 1. Plans showing compliance with deferred commencement conditions 2-5 are to be submitted to and approved by Council's Director of Planning & Community Development, in accordance with section 80A (2) of the Environmental Planning and Assessment Act 1979 **prior to operation of this consent**. The overall height of the building is not to exceed a maximum RL of 34.115 for the eastern portion of the building and RL 34.89 for the western portion of the building.*

This condition is imposed to ensure that the overall height of the building is not increased more than the required flood level.

- 2. The floor level of the residential entry foyer shall be raised to a minimum RL of 23.95 (AHD).*
- 3. The shop/office located on the ground floor shall be fully tanked and waterproofed up to RL 23.95. It is noted that this will include designing the front window to withstand hydrostatic pressures from flood water up to RL 23.95. Full details of how it is proposed to tank and water proof the area shall be prepared by a suitably qualified structural engineer and submitted to the principal certifying authority for approval prior to the issuing of a construction certificate.*
- 4. A high point shall be provided along the full width of the driveway to a minimum RL of 23.41 (AHD) (as shown on the submitted drawing PMAR-01 Rev A by CHA Architects dated 24/9/2003), and a floodgate shall be provided at the carpark entrance (top of the high point) to provide protection from flooding up to at least RL 23.80 (AHD). The flood gate shall be designed by a suitably qualified engineer and shall be designed in accordance with the following minimum requirements:*
 - The flood gates shall automatically rise when water levels gets to 300 mm below the high point in the driveway (i.e. to RL 23.11 (AHD)).*
 - Provision shall be made for manual raising and lowering of the floodgates.*
 - Warning alarms and lights shall be provided to indicated when the flood gates are being raised and lowered*
 - The floodgates shall be constructed with a full back up system for both power supply and raising mechanism.*

Full details of the proposed floodgates, including a maintenance/service schedule,

shall be submitted to the certifying authority prior to the issuing of a construction certificate.

- 5. The floor of the carpark shall be graded with a minimum fall of 2% towards the carpark entrance.*

All windows, vents and other openings into the ground floor shop/office and carpark (except the access driveway) shall be above RL 23.95(AHD).

- 6. The colours, materials and finishes of the external surfaces to the building are to be compatible with the adjacent development to maintain the integrity and amenity of the building and the streetscape.*

*Details of the proposed colours, materials and textures (i.e. a schedule and brochure/s or sample board) are to be submitted to and approved by Council's Director of Planning & Community Development, in accordance with section 80A (2) of the Environmental Planning and Assessment Act 1979 **prior to a construction certificate being issued** for the proposed development.*

Development Consent Conditions

- 1. The development must be implemented substantially in accordance with revision A of the plans drawn by CSA Architects numbered .PMAR-01 to PMAR-04 , dated 16/05/03 and stamped received by Council on 1 October 2003, the application form and on any supporting information received with the application, except as may be amended by the following conditions and as may be shown in red on the attached plans:*
- 2. Three secured bicycle spaces are to be provided in the carpark level for the use of residents and visitors. Details of compliance with this condition are to be included with the Construction Certificate application.*

The following conditions are applied to satisfy the provisions of section 79C of the Environmental Planning and Assessment Act 1979 and to maintain reasonable levels of environmental amenity:

- 3. Approval is granted for the removal for the 2 x Syagrus romanzoffianum (Cocos palms) at the rear of the site, subject to replacement planting of two trees with a minimum height of 5 metres in the same location as these trees are removed from. Alternatively, the existing trees are to be retained and protected throughout construction. Details of methods for retention or replacement planting are to be shown on the plans submitted with the Construction Certificate application.*
- 4. Where access is required to adjoining premises for construction purposes, the consent of the owner/s of the subject adjoining premises must be provided to the satisfaction of the Principal Certifying Authority, prior to carrying out any construction works from or upon the adjoining premises.*
- 5. External walls sited less than 500mm from the boundaries of the site are to be erected as 'face brickwork' or other maintenance free materials, to ensure that adequate provisions are made for maintenance purposes within the property boundaries.*

The following conditions are imposed to promote ecologically sustainable development and energy efficiency:

6. *The consumption of water within the building shall be minimised by the use of triple A rated water efficient plumbing fixtures (taps and shower roses) and water efficient dual flush toilets. Details of compliance are to be noted in the **construction certificate** plans or specifications.*
7. *External timber or metal framed and brick veneer walls and roofs are to be provided with insulation (i.e. bulk insulation and a reflective building membrane/reflective sarking/foil insulation), having a minimum total thermal resistance R-value of 3.0 in roofs and 1.5 in external walls. The insulation and reflective building membrane is to be installed in accordance with the relevant requirements of the Building Code of Australia and the manufacturers details.*

*Details of compliance with the requirements for insulation are to be included in the **construction certificate** application.*

8. *Hot water service pipes are to be provided with insulation, in accordance with the relevant requirements of Building Code of Australia and AS 3500.*
9. *The hot water system installed in the development must achieve a minimum greenhouse score of 3.5 as detailed SEDA's Energy Smart Homes Policy. Any electric clothes dryers to be provided in the development must also have a minimum 2 star energy rating.*
10. *Landscaped areas must contain a predominance of species that require minimal watering once established or species with water needs that match rainfall and drainage conditions.*

*Landscaped areas must include an area and facilities dedicated for onsite composting and porous paving should also be used in all pathways, wherever practicable, to maximize on-site absorption of rainwater and details are to be provided on the landscape plans. Details of the proposed landscaping, including plant species and paved areas are to be included with the **construction certificate** application.*

The following condition is applied to satisfy the increased demand for public amenities and public services:

11. *In accordance with Council's Section 94 Contributions Plan effective from 2 September 1999, the following monetary contribution is to be paid to Council.*
 - a) *for the provision or improvement of open space* \$10,757.26
 - b) *for the provision or improvement of community facilities* \$ 4,756.44

*The contribution must be paid in cash or by bank cheque **prior to a construction certificate being issued** for the proposed development, together with payment of the required **Section 94 Administration Fee of \$425.00**. Council's Section 94 Contribution Plans may be inspected at the Customer Service Centre, Administrative*

The following conditions have been applied to ensure that noise emissions from the development satisfy legislative requirements and maintain reasonable levels of amenity to the area:

12. *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 use of the premises and the operation of any plant or equipment on the site shall not give rise to an L10 sound pressure level which is 5dB(A) greater than the A-weighted L90 background sound pressure level, measured at any point on a residential boundary or within any residential dwelling.

13. *The use of the premises and the operation of plant and equipment shall not give rise to the transmission of a vibration nuisance.*
14. *A report, prepared by a suitably qualified and experienced consultant in acoustics, shall be submitted to the Council **prior to an occupation certificate being issued** for the development, certifying that noise and vibration emissions from the development comply with the provisions of the Protection of the Environment Operations Act 1997 and conditions of Council's approval.*

The following conditions are applied to satisfy the relevant pollution control criteria and to maintain reasonable levels of health, safety and amenity to the locality:

15. *The use and operation of the premises shall not give rise to an environmental health or public nuisance.*
16. *There are to be no emissions or discharges from the premises which will give rise to an offence under the Protection of the Environment Operations Act 1997 and Regulations.*
17. *The location of the discharge point serving the car park mechanical ventilation system is to be not less than 6m from a property boundary and it must discharge vertically and satisfy the relevant provisions of the Building Code of Australia and AS 1668.*

*Details of compliance are to be provided in the plans and specifications for the **construction certificate**.*

The following conditions are applied to ensure that the development satisfies the provisions of the Environmental Planning and Assessment Act 1979 and Regulations:

18. *All new building work must be carried out in accordance with the provisions of the Building Code of Australia (BCA), in accordance with Clause 98 of the Environmental Planning and Assessment Regulation 2000.*
19. *In accordance with clause 98 of the Environmental Planning and Assessment Regulation 2000, it is a prescribed condition, that in the case of residential*

building work, a contract of insurance must be obtained and in force, in accordance with the requirements of the Home Building Act 1989.

Where the work is to be done by a licensed contractor, excavation or building work must not be carried out unless the Principal Certifying Authority (PCA):

- *has been informed in writing of the licensee's name and contractor number; and*
- *is satisfied that the licensee has complied with the insurance requirements of Part 6 of the Home Building Act 1989, or*

Where the work to be done by any other person (i.e. an owner builder), excavation or building work must not be carried out unless the Principal Certifying Authority:

- *has been informed of the person's name and owner-builder permit number, or*
- *has been given a declaration, signed by the owner of the land that states that the market cost of the labour and materials involved in the work does not exceed \$5,000.*

*Details of the builder and compliance with the provisions of the Home Building Act 1989 are to be submitted to Council **prior to the commencement of works**, on the notice of appointment of the PCA / Intention to commence building work.*

The following group of conditions have been applied to ensure the structural adequacy and integrity of the proposed building and adjacent premises:

20. *Documentary evidence prepared by a suitably qualified professional geotechnical engineer shall be submitted to the certifying authority **prior to the issuing of a construction certificate**, certifying the suitability and stability of the site for the proposed building and certifying the suitability and adequacy of the proposed design and construction of the building for the site.*
21. *A report shall be prepared by a professional engineer and submitted to the certifying authority **prior to the issuing of a construction certificate**, detailing the proposed methods of excavation, shoring or pile construction, including details of vibration emissions and detailing any possible damage which may occur to adjoining or nearby premises that may be caused by the proposed building, excavation and shoring works.*

*Any practices or procedures specified in the engineer's report in relation to the avoidance or minimisation of structural damage to nearby premises, are to be fully complied with and incorporated into the plans and specifications for the **construction certificate**.*

A copy of the engineers report is to be submitted to the Council, if the Council is not the certifying authority.

22. *Driven type piles/shoring must not be provided unless a geotechnical engineer's report is submitted to the certifying authority, **prior to the issuing of a construction certificate**, which states that damage should not occur to any adjoining premises and public place as a result of the works.*

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

- all of the premises adjoining the subject site

The report is to be supported with photographic evidence of the status of the buildings and a copy of the report must also be forwarded to the Council and to the owners of each of the abovestated premises, **prior to the commencement of any works**.

24. The installation of ground or rock anchors underneath any adjoining premises including (a public roadway or public place) must not be carried out without specific written consent of the owners of the affected adjoining premises and (where applicable) details of compliance must be provided to the certifying authority **prior to the commencement of any excavation or building works**.

25. A Certificate of Adequacy prepared by a professional engineer shall be submitted to the certifying authority (and the Council, if the Council is not the certifying authority) **prior to occupation of the building**, certifying the structural adequacy of the building and that the building works satisfy the relevant structural design requirements of the Building Code of Australia.

The following conditions are applied to ensure that the development satisfies relevant standards of construction, and to maintain adequate levels of health, safety and amenity during construction:

26. All demolition work is to be carried out in accordance with the provisions of AS2601-1991. The Demolition of Structures, as in Force at 1 July, 1993 and details of compliance are to be prepared by a suitably qualified person and be submitted to the principal certifying authority, **prior to the commencement of any demolition works**.

27. Prior to the commencement of any building works, 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 and Environmental Planning & Assessment Regulation 2000.

28. A copy of the construction certificate, the approved plans & specifications and development consent conditions must be kept on the site at all times and be available to the Council officers upon request.

29. The building works are to be inspected by the Principal Certifying Authority (or other suitably qualified person, approved by the Principal Certifying Authority), to monitor compliance with the relevant standards of construction and Council's development consent.

The Principal Certifying Authority shall specify the relevant stages of construction to be inspected and a satisfactory inspection must be carried out, to the satisfaction of the Principal Certifying Authority, prior to proceeding to the subsequent stages of construction or finalisation of the works (as applicable).

Documentary evidence of the building inspections carried out and compliance with Council's approval is to be maintained by the Principal Certifying Authority.

Upon inspection of each stage of construction, the Principal Certifying Authority (or other suitably qualified person, approved by the Principal Certifying Authority) is also required to ensure that adequate provisions are made for the following measures (as applicable), to ensure compliance with the terms of Council's consent:

- *Sediment control measures.*
 - *Provision of perimeter fences or hoardings for public safety and restricted access to building sites.*
 - *Maintenance of the public place free from unauthorised materials, sand, soil, debris, waste containers or other obstructions.*
30. *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 are to be properly guarded and protected to prevent them from being dangerous to life or property.*
31. *Retaining walls or shoring 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, if the soil conditions require it, and adequate provisions are to be made for drainage.*

Retaining walls and shoring are to be designed and installed in accordance with the relevant requirements of the Building Code of Australia and Australian Standards and details of any proposed retaining walls are to be submitted to the Principal Certifying Authority for consideration prior to installation.

32. *If an excavation associated with the erection or demolition of a building extends below the level of the base of the footings of a building on an adjoining allotment of land, the person causing the excavation must:*
- *preserve and protect the building /s on the adjoining land from damage; and*
 - *if necessary, underpin and support the building in an approved manner; and*
 - *at least seven (7) days before excavating below the level of the base of the footings of a building on an adjoining allotment of land (including a public road or public place), give notice of the intention to do so to the owner of the adjoining land. Particulars of the excavation are to be provided to the owner of the adjoining land and also the owner of the land where the building is being erected or demolished.*
33. *Prior to the commencement of any building work, a principal certifying authority must be appointed and Council is to be notified accordingly and, at*

least 2 days notice of the intention to commence building work must be given to Council, in accordance with the provisions of the Environmental Planning & Assessment Act 1979 and Environmental Planning & Assessment Regulation 2000.

34. *An Occupation Certificate must be obtained from the principal certifying authority prior to any occupation of the building work encompassed in this development consent in accordance with the relevant provisions of the Environmental Planning & Assessment Act 1979.*
35. *In addition to the matters contained in the Environmental Planning and Assessment Regulation 2000, the following matters are to be completed in accordance with the terms and conditions of this development consent, **prior to the occupation** of the building:*
 - a) *landscaping*
 - b) *stormwater drainage*
36. *A Registered Surveyor's check survey certificate or compliance certificate is to 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), detailing compliance with Council's approval at the **following stage/s of construction**:*
 - (a) *Prior to construction of the footings or first completed floor slab (prior to the pouring of concrete), showing the area of the land, building and boundary setbacks.*
 - (b) *Prior to construction of the first completed floor/floor slab (prior to pouring of concrete), showing the area of land, building and boundary setbacks and verifying that the building is being construction at the approved levels.*
 - (c) *On completion of the erection of the building showing the area of the land, the position of the building and boundary setbacks and verifying the building has been constructed at the approved levels.*
37. *Building and demolition works must only be carried out between the hours of 7.00am to 5.00pm on Monday to Friday inclusive, between 8.00am to 5.00pm on Saturdays and all building activities are strictly prohibited on Sundays and public holidays, except with the specific written authorisation of Council's Manager of Environmental Health and Building Services.*
38. *A sign must be erected on the site in a prominent, visible position, prior to commencing any demolition, excavation or building works, stating that 'unauthorised entry to the site is prohibited' and showing the name of the person in charge of the work site and a telephone number at which the person may be contacted outside working hours.*

In the case of residential building work, the sign is also required to detail the licence number of the building contractor or the permit number of the owner-builder, in

accordance with the Home Building Act 1989 and Regulations.

39. *Temporary toilet facilities are to be provided, at or in the vicinity of the work site throughout the course of demolition and construction, at the rate of one toilet for every 20 persons or part of 20 persons employed at the site and the toilet facilities must be connected to a public sewer or other sewage management facility approved by Council.*
40. *Noise emissions during the construction of the building and associated site works must comply with the relevant provisions of the Protection of the Environment Operations Act 1997 & the Noise Control Manual published by the Environment Protection Authority, except as may be amended by the conditions of this approval.*
41. *Public safety and convenience must be maintained at all times during demolition, excavation and construction works.*

A Road Opening Permit must be obtained from the Council and other relevant Authorities prior to excavating or opening-up the road or footway for services or the like.

Any damage caused to the road or footway must be repaired immediately, to the satisfaction of Council.

42. *Building materials, sand, soil, waste materials or construction equipment must not be placed upon the footpath, roadway or nature strip at any time and the footpath, nature strip and road must be maintained in a clean condition and free from any obstructions and debris at all times.*
43. *Bulk bins/waste containers must not be located upon the footpath, roadway or nature strip at any time without the prior written consent of the Council, unless the waste container is located upon the road in accordance with the Roads & Traffic Authority Guidelines and Requirements, and the container is exempt from an approval under Council's Local Approvals Policy.*
44. *Any building/demolition works involving asbestos cement are to be carried out in accordance with the Work Cover New South Wales "Guidelines for Practices Involving Asbestos Cement in Buildings".*
45. *A Construction Site Management Plan is to be submitted to and approved by the principal certifying authority **prior to the commencement of demolition, excavation or building works**. The site management plan must include the following measures, as applicable to the type of development:*
 - *location and construction of protective fencing / hoardings to the perimeter of the site;*
 - *location of site storage areas/sheds/equipment;*
 - *location of building materials for construction;*
 - *provisions for public safety;*
 - *dust control measures;*
 - *site access location and construction*

- *details of methods of disposal of demolition materials;*
- *protective measures for tree preservation;*
- *provisions for temporary sanitary facilities;*
- *location and size of waste containers/bulk bins;*
- *details of proposed sediment and erosion control measures;*
- *construction noise and vibration management.*

The site management measures are to be implemented prior to the commencement of any site works and be maintained throughout the works, to maintain adequate levels of public health and safety. A copy of the approved Construction Site Management Plan must be maintained on site and be made available to Council officers upon request.

46. *Stockpiles of soil, sand, aggregate or other materials must not be located on any drainage line, natural watercourse, footpath, roadway or any public place and the stockpiles must be protected with adequate sediment control measures.*

Building operations such as brick cutting, washing tools or equipment and mixing mortar are not permitted on public footpaths, roadways, in any public place or any location which may lead to the discharge of materials into the stormwater drainage system.

47. *A warning sign for soil and water management must be displayed in a prominent position on the building site, visible to both the public and site workers. The sign must be displayed throughout the construction period. Copies of a suitable warning sign are available at Council's Customer Service Centre for a nominal fee.*

48. *If the work involved in the erection or demolition of a building is likely to cause pedestrian or vehicular traffic in a public place to be obstructed or rendered inconvenient or the building involves the enclosure of a public place, a hoarding or fence must be erected between the work site and the public place.*

If necessary, an awning is to be erected sufficiently to prevent any substance from, or in connection with, the work from falling into the public place or adjoining premises.

The public place adjacent to the work site must be kept lit between sunset and sunrise if it is likely to be hazardous to persons in the public place and any such hoarding, fence or awning is to be removed upon completion of the work.

The public safety provisions and temporary fences must be in place prior to the commencement of any demolition, excavation or building works and be maintained throughout construction.

If it is proposed to locate any hoardings, site fencing or amenities upon a footpath or public place, the written consent from Council's Building Services section must be obtained beforehand and detailed plans are to be submitted to Council for consideration, together with payment of the weekly charge in accordance with Council's adopted fees and charges.

49. *Public access to the site and building works, materials and equipment on the site is to be restricted, when work is not in progress or the site is unoccupied.*

A temporary safety fence is to be provided to protect the public, located to the perimeter of the site (unless the site is separated from the adjoining land by an existing structurally adequate fence, having a minimum height of 1.5 metres). Temporary fences are to have a minimum height of 1.8 metres and be constructed of cyclone wire fencing with geotextile fabric attached to the inside of the fence to provide dust control, or other material approved by Council.

Hoarding or fences are to be structurally adequate and be constructed in a good and workmanlike manner and the use of poor quality materials or steel reinforcement mesh as fencing is not permissible.

*The public safety provisions and temporary fences must be in place **prior to the commencement of any demolition, excavation or building works** and be maintained throughout construction.*

50. *A 'B Class' overhead type hoarding is required is be provided to protect the public, located adjacent to the development, prior to the commencement of any works on the site which comprise:-*

- *any works or hoisting of materials over a public footway or adjoining premises, or*
- *any building or demolition works on buildings which are over 7.5m in height and located within 3.6 metres of the street alignment.*

Details of the proposed fences or hoardings located upon the site are to be submitted to the principal certifying authority and the public safety provisions and temporary fences must be in place prior to the commencement of any demolition, excavation or building works and be maintained throughout construction.

If it is proposed to locate any hoardings, site fencing or amenities upon a footpath or public place, the written consent from Council's Building Services section must be obtained beforehand and detailed plans are to be submitted to Council for consideration, together with payment of the weekly charge in accordance with Council's adopted fees and charges.

51. *Temporary hoardings or fences and public access are required to be designed in accordance with the following requirements (as applicable):*

- *The hoarding/fence is required to be structurally adequate, and be constructed of plywood sheeting, painted white or cyclone wire fencing material with geotextile fabric attached to the inside of the fence to provide dust control. The hoarding/fence is to be maintained in good condition at all times.*
- *The hoarding/fencing is required to be constructed at a minimum height of 1.8 metres.*
- *A path of travel having a minimum width of 1.5m is to be maintained across*

the front of the site and safe pedestrian access is to be provided at all times

- *Hoardings and fences are not to obstruct access for services including fire services.*
 - *A temporary timber crossing is to be provided to the site entrance across the kerb and footway area, with splayed edges, unless access is via an existing concrete crossover.*
 - *Unobstructed access must be maintained at all times for pedestrians and people with disabilities. If necessary, a stable and level, non-slip timber/metal walking platform or firm road base material is to be provided adjacent to the hoarding/fence across the front of the site.*
 - *The hoarding/fence is to be provided with reflective barricades, lights or other devices, to provide adequate warning to pedestrians and motorists.*
 - *The hoarding/fence is to be constructed so that it will not obstruct the view of motorists, pedestrians or traffic lights.*
 - *Site access gates to the site shall not open over the footway/road.*
 - *The applicant/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 Council prior to the construction of any hoarding/fence upon the road reserve/footway.*
 - *Geotextile fabric or other suitable material is to be provided to the perimeter of any scaffolding during construction, to prevent any articles from falling to a public place or adjoining premises.*
52. *'B' Class' overhead type hoardings and public access are required to be designed in accordance with the following requirements (as applicable).*
- *The hoarding is to be designed so that the wind loads comply with AS1170.2. Superimposed loads from site sheds and materials not to exceed 40% of the design live loads. The structure should have a factor of safety of 1.5 against overturning and 2 against sliding.*
 - *Footings to the hoarding are to be located and designed so as not to have an adverse affect upon underground services or the like. The hoarding is to be able to withstand a vehicle impact and removal of any one column anywhere in the structure and a minimum length of 2m of wall supporting the deck on any one side supporting the structure is required.*
 - *Metal parts of the hoarding or associated structures to be not less than 4m from any power line, transmission line or transmission apparatus or 1.5m from part for non conductive materials, such as timber.*
 - *Adequate artificial lighting is to be provided to the hoarding.*

- *A suitable system of buffer railing or barriers, particularly at locations such as an intersection or sharp bend.*
- *A minimum overhead clearance of 2.2m is to be provided below the hoarding.*
- *The street side of the hoarding is to be open for at least 2/3 of its full height for the length of the structure to prevent a tunnel effect.*
- *Waterproofing of the deck above the footway is required to be provided and adequate provisions are to be made for the disposal of stormwater.*
- *The hoarding is to be painted white or other light colour acceptable to Council.*
- *Site sheds or accommodation located on top of a hoarding within a designated crane area or where materials are being lifted over are required to sustain a 10Kpa load and a protective fence and handrails are to be provided.*
- *The hoarding is to be erected and maintained fully in accordance with the requirements of Work Cover New South Wales.*
- *Unobstructed access must be maintained at all times for pedestrians and people with disabilities. If necessary, a stable and level, non-slip timber/metal walking platform or firm road base material is to be provided adjacent to the hoarding/fence across the front of the site.*
- *A certificate of structural adequacy prepared by a professional engineer is to be submitted to the certifying authority upon installation (and a copy of the certificate is to be forwarded to the Council if it is not the certifying authority) certifying the structural adequacy of the hoarding and compliance with Councils conditions of consent and relevant requirements of WorkCover New South Wales.*

The following conditions are applied to provide access and facilities for people with disabilities:

53. *Access and facilities for people with disabilities must be provided in accordance with the relevant provisions of the Building Code of Australia.*
54. *Access for persons with disabilities, being provided to the premises, in accordance with Part D3 of the Building Code of Australia. Details of compliance are required to be provided in the relevant plans and specifications for the **construction certificate** for the development.*

The following conditions are applied to ensure that reasonable levels of fire safety are provided in the building:

55. *The building is required to be provided with a smoke alarm system complying with Clause 3 of Specification E2.2a of the B.C.A. or a smoke detection system complying with Clause 4 of Specification E2.2a of the B.C.A. or a combination of a smoke alarm system within the sole-occupancy units and a smoke detection system in areas not within the sole-occupancy units. The smoke detectors located within the stairway, corridors or the like must be interconnected.*

The following conditions are applied to ensure adequate environmental protection.

56. *All hazardous or intractable wastes (including asbestos) shall be removed and disposed of in accordance with the requirements of WorkCover and the Environmental Protection Authority, and with the provisions of:*
- *Occupational health and Safety Act 1983 (NSW)*
 - *Construction Safety Act 1912; Regulation 84A-J Construction Work Involving Asbestos or Asbestos Cement 1983 (NSW)*
 - *Occupational Health and Safety (Hazardous Substances) Regulation 1996 (NSW).*
 - *Occupational Health and Safety (Asbestos Removal Work) Regulation 1996 (NSW); and*
 - *Waste Minimisation and Management Act 1995 and Regulations (NSW).*
57. *All site works shall comply with the occupational health and safety requirements of the NSW WorkCover Authority. In this regard all contractors and employees shall adopt work practices in accordance with the requirements of WorkSafe's Control of Inorganic Lead at Work (NOHSC:102(1994) and NOHSC:2015(1994).*

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

58. *The following damage deposit requirement is to be complied with prior to a construction certificate being issued for the development, as security for making good any damage caused to the roadway, footway, verge or any public place; or as security for completing any public work; and for remedying any defect on such public works, in accordance with section 80A(6) of the Environmental Planning and Assessment Act 1979:*
- a) \$2000.00 - Security damage deposit

The damage deposit may be provided by way of a cash or cheque with the Council and is refundable upon the applicant advising Council, in writing, of the completion of all building works and/or obtaining an occupation certificate, if required.

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

59. *The following vehicular crossing deposit requirement is to be complied with*

prior to a construction certificate being issued for the development, as security for Council or a Council approved subcontractor to construct the vehicular crossing.

- a) \$1000.00 - *Vehicular crossing deposit*

The vehicular crossing deposit may be provided by way of cash or cheque with the Council and is refundable upon the completion of the Council vehicular crossing by Council or a Council approved subcontractor.

The following conditions are applied to provide adequate provisions for access, transport and infrastructure:

60. *The applicant must meet the full cost for Council or a Council approved contractor to:*
- a) *Construct a full width concrete heavy duty vehicular crossing and layback at kerb opposite the vehicular entrance to the site in Wild Lane.*
 - b) *Remove the redundant concrete vehicular crossing and layback along the Anzac Parade site frontage and to reinstate the area with footpath and kerb and gutter to Council's specification.*
 - c) *Remove the redundant vehicular crossings and layback along the Wild Lane site frontage and construct new kerb and gutter as required. It is noted that this may necessitate 600mm road reconstruction along the site frontage and re-turfing of the verge.*
 - d) *Construct a new full width concrete footpath along the Bunnerong Road site frontage.*
61. *The applicant must meet the full cost for Council or a Council approved contractor to repair/replace any damaged sections of Council's footpath, kerb & gutter, nature strip etc which are due to building works being carried out at the above site. This includes the removal of cement slurry from Council's footpath and roadway.*
62. *The applicant shall note that all external work, carried out on Council property, shall be in accordance with Council's Policy for "Vehicular Access and Road and Drainage Works". An application for the cost of the Council civil works is to be submitted to Council at the completion of the internal building works. An application fee shall be payable to Council for the quotation of the required works. The applicant may elect to use his contractor for the required works, subject to Council approval, however a design and supervision fee based on the lowest quotation from Council's nominated contractor will be required to be paid prior to the commencement of any works.*
63. *To improve pedestrian and vehicular vision at the site entrance/exit point, all new walls/structures/planting adjacent to vehicular crossings must be lowered*

to a height of 600mm above the internal driveway level (for at least the first 1.5 metres) or splayed a minimum 1.5 metre by 1.5 metres. The plans submitted for the construction certificate shall demonstrate compliance with this requirement.

64. Clear 'stop' signage and line marking shall be provided along the site boundary at the exit point from the site. The plans submitted for the construction certificate shall demonstrate compliance with this requirement.
65. The internal driveway shall be splayed out from the building alignment on the southern side of the carpark entrance so that the width of the driveway at the property boundary is at least 5.5 metres.
66. A work zone is to be provided in Bunnerong Road for the duration of the construction works. The 'work zone' shall be provided to the satisfaction of the Randwick Traffic Committee and shall have a minimum length of 12 metres. The prescribed fee for the work zone must be paid to Council at least four (4) weeks prior to the commencement of work on the site.

The following conditions are applied to provide adequate provisions for future civil works in the road reserve:

67. The Council's Department of Asset & Infrastructure Services has inspected the above site and have determined that the design alignment level (concrete/paved/tiled level) at the property boundary for driveways, access ramps and pathways or the like, shall be as follows:
 - **In Anzac Parade - Match the back of the existing footpath along the full site frontage.**
 - **In Wild Lane -150 mm above the invert of the existing gutter at all points opposite the gutter along the full site frontage.**

Any enquiries regarding this matter should be directed to Council's Assets & Infrastructure Services Department on 9399 0919.

The design alignment level at the property boundary must be strictly adhered to.

68. *The design alignment levels (concrete/paved/tiled level) issued by Council and their relationship to the roadway/kerb/footpath must be indicated on the building plans for the construction certificate. The design alignment level at the street boundary, as issued by the Council, must be strictly adhered to.*
69. *The above alignment levels and the site inspection by Council's Department of Asset & Infrastructure Services have been issued at a prescribed fee of \$702 calculated at \$27.50 (inclusive of GST) per metre of site frontage. This amount is to be paid prior to a construction certificate being issued for the development.*
70. *The top of footings of any structures constructed on the boundary alignment must be at least 150mm below the alignment level as specified for the vehicular access.*

The following conditions are applied to provide adequate consideration for service authority assets:

71. *A public utility impact assessment must be carried out on all public utility services on the site, roadway, nature strip, footpath, public reserve or any public areas associated with and/or adjacent to the development/building works and include relevant information from public utility authorities and exploratory trenching or pot-holing, if necessary, to determine the position and level of service.*
72. *The applicant must meet the full cost for telecommunication companies, gas providers, Energy Australia and Sydney Water to adjust/repair/relocate their services as required. The applicant must make the necessary arrangements with the service authority.*
73. *Documentary evidence from the relevant public utility authorities confirming that their requirements have been satisfied, must be submitted to the certifying authority prior to a construction certificate being issued for the development.*
74. *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 all detailed landscape drawings and specifications. The applicant must liaise with Energy Australia prior to lodging the construction certificate whether or not an electricity substation is required for the development.*

The following conditions are applied to provide adequate provisions for drainage and associated infrastructure:

75. *All sections of the lobby area located below RL 23.95 (AHD) are to be constructed using materials that will not be adversely affected by flooding/stormwater inundation.*
76. *A Section 73 Compliance Certificate under the Sydney water Act 1994 must be obtained. Application must be made through an authorised Water Servicing Coordinator. Please refer to “Your Business” section of Sydney Water’s web site at www.sydneywater.com.au then the “e-developer” icon or telephone 13 20 92.*

Following application a “Notice of Requirements” will detail water and sewer extensions to be built and charges paid. Please make early contact with the Coordinator, since building of water/sewer extensions can be time consuming and may impact on other services and building, driveway or landscape design.

The Section 73 Certificate must be submitted to the Principal Certifying Authority prior to the issuing of an occupation certificate for the development.

77. *There are to be no electrical connections nor the storage of any goods that may be affected by stormwater below RL 23.95 (AHD) within the lobby area.*

78. *A restriction to user shall be attached to the title of the subject development which prohibits the storage of any goods and the installation of any floor coverings, wall coverings and fixtures (including electrical connections) that may be adversely affected by stormwater inundation, below RL 23.95 (AHD) in the front lobby area. The proposed restriction shall be submitted to Council for approval prior to the issuing of an occupation certificate and the restriction shall be attached to the title of the property when the strata plans are registered with the Land and Property Information.*
79. *All doors, walls and windows on the ground floor level along both the Bunnerong Road and Wild Lane site frontage shall be designed to **structurally** withstand hydrostatic pressure/stormwater inundation from flood water during the probable maximum flood 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 prior to the issuing of a construction certificate.*
80. *All components of the disabled access platform constructed below RL 23.95 (AHD) shall be fully water proofed. Any components that may be adversely affected by stormwater inundation shall be located above RL 23.95 (AHD). Full details and specifications of the low rise lifts showing compliance with the above requirement shall be submitted to the certifying authority prior to the issuing of a construction certificate.*
81. *Engineering calculations and plans with levels reduced to Australian Height Datum in relation to site drainage shall be 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 issue, 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. This may involve either connection to the Council's street gutter, or into a Council stormwater pit. Note: All proposals should indicate the location of the closest Council stormwater pit and line regardless of the point of discharge. This information can be obtained by a visual inspection of the area and perusing Council's drainage plans.*
 - c) *Generally all internal pipelines must be capable of discharging a 1 in 20 year storm flow. However the minimum pipe size for pipes that accept stormwater from a surface inlet pit must be 150mm diameter.*

The site must be graded to direct any surplus run-off (ie. above the 1 in 20 year storm) to the proposed drainage system.

- d) *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.*
 - h) *All stormwater run-off naturally draining to the site must be collected and discharged through this property's stormwater system. Such drainage must, if necessary, be constructed prior to the commencement of building work.*
82. *On-site detention must be provided to ensure that the maximum discharge from the above site is not to exceed that which would occur during a 1 in 10 year storm of 1 hour duration for the existing site conditions. All other stormwater run-off from the above site for all storms up to the 1 in 20 year storm is to be retained on the site for gradual release to the kerb and gutter or drainage system as required by the Director of Assets and Infrastructure Services. Provision is to be made for satisfactory overland flow should a storm in excess of the above parameters occur.*

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

Where possible the detention tank must have an open base to infiltrate stormwater to the groundwater. Note that the ground water and any rock stratum has to be a minimum of 2.0 metres below the base of the tank.

83. *All site stormwater leaving the site must be discharged by gravity to Council's underground drainage system in Bunnerong Road.*
84. *The applicant must provide for a detention volume of up to the 1 in 100 year*

storm event should no formal overland escape route be provided for storms greater than the design storm.

85. *The detention area must be regularly cleaned and maintained to ensure it functions as required by the design.*
86. *The stormwater detention area must be suitably signposted where required, warning people of the maximum flood level.*
87. *The floor level of all habitable and storage areas adjacent to the detention area 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 constructed.*

(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).

88. *A childproof and corrosion resistant fastening system shall be installed on access grates over pits/trenches where water is permitted to be temporarily stored.*
89. *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 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 "Section 8.4 PUMP SYSTEMS" as stipulated in Randwick City Council's Private Stormwater Code.

90. *A sediment/silt arrester pit must be provided:-*
 - a) *within the site at or near the street boundary prior to the site stormwater discharging by gravity to the kerb/street drainage system; and*
 - b) *prior to stormwater discharging into any absorption/infiltration system.*

The sediment/silt arrester pit shall be constructed with:-

- *The base of the pit located a minimum 300mm under the invert level of the outlet pipe.*
- *The pit must be constructed from cast in-situ concrete, precast concrete or double brick.*
- *The grate is to be a galvanised heavy-duty grate that has a provision for a*

child proof fastening system.

- *A minimum of 4 x 90 mm diameter weep holes 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 (Lysaght RH3030 Maximesh or similar) located over the outlet pipe. (Similar to a Mascot GRC stormwater discharge control pit, product code DS3SDC).*
- *A child proof and corrosion resistant fastening system for the access grate (e.g. similar to a Weldlock spring loaded jay-bolt).*
- *The inlet pipeline located on the side of the pit so that the stormwater will discharge across the face of the screen.*
- *A sign adjacent to this pit stating that:*

“This sediment/silt arrester pit shall be regularly inspected and cleaned.”

Note: *Sketch details of a standard sediment/silt arrester pit can be obtained from Council’s Drainage Engineer.*

91. *A reflux valve shall be provide over the pipe draining from the site into the sediment/silt arrester pit to prevent stormwater from Council’s underground drainage system draining back into the subject development site.*
92. *Any Absorption Trenches/Pits must be designed in accordance with "Section 8.5 ABSORPTION TRENCHES" as stipulated in Randwick City Council's Private Stormwater Code.*
93. *Prior to the issuing of an occupation certificate, the applicant shall submit to Council's Director of Asset and Infrastructure Services, a works-as-executed drainage plan prepared by a registered surveyor and approved by a suitably qualified and experienced Hydraulic Engineer. The works-as-executed drainage plan shall be to the satisfaction of the Principal Certifying Authority (PCA) and shall include the following details:*
 - a) *The location of the detention basin with finished surface levels;*
 - b) *Finished site contours at 0.2 metre intervals;*
 - c) *Volume of storage available in the detention areas;*
 - d) *The location, diameter, gradient and material (i.e. PVC, RC etc) of all stormwater pipes;*
 - e) *The orifice size(s) (if applicable); and*
 - f) *Details of any pumping systems installed (including wet well volumes).*
94. *Prior to the issuing of an occupation certificate, the applicant shall submit to the Principal Certifying Authority (PCA) and Council’s Director of Asset and Infrastructure Services, certification from a suitably qualified and experienced Hydraulic Engineer confirming that the design and construction of the stormwater drainage system complies with the conditions of development*

consent. The certification must be provided to the satisfaction of the PCA.

95. *Any seepage water must be drained directly into an absorption pit within the site. Seepage water must **not** be drained from the site.*

The following conditions are applied to provide adequate provisions for waste management:

96. *Prior to the issuing of a construction certificate for the proposed development the applicant is to submit to Council and have approved by Council's Manager of Waste a Waste Management Plan detailing waste and recycling storage and disposal for both the residential and commercial components of the development site, post construction.*
97. *The residential garbage room shall be sized to contain a total of 8 x 240 litre garbage bins whilst providing satisfactory access to all bins.*
98. *Details showing the proposed location for storing the retail garbage bins shall be submitted to the certifying authority for approval prior to the issuing of a construction certificate. It is noted that the retail garbage should be kept separate from the residential garbage.*
99. *The garbage storage areas are to be provided with a tap and hose and the floor is to be graded and drained to an approved floor waste to the requirements of the Sydney Water Corporation.*

The following conditions are applied to satisfy the provisions of Council's environmental plans, policies and codes for subdivision works:

100. *A "restriction as to user and positive covenant" must be placed on the title of the subject property in conjunction with the registration of any future plan of subdivision or strata subdivision for this property. Such restriction and positive covenant shall relate to the onsite stormwater detention system and shall not be released, varied or modified without the consent of the Council.*

Notes:

- a. *The "restriction as to user 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 Asset and Infrastructure Services Department.*
- b. *The linen plans shall indicate the location and dimensions of the detention/infiltration areas.*

This condition is to ensure that no works which could affect the design function of the detention system are undertaken without the prior consent (in writing) from Council.

101. *The applicant shall create suitable right of carriageway, easements for services and internal stormwater lines, as required. The applicant shall be advised that the minimum easement width for any internal stormwater line is 0.9 metres.*

102. *The conditions of development consent must be satisfied and all public roads and reserves must be satisfactorily restored prior to the finalisation of the strata subdivision.*
103. *The applicant shall provide Council with a survey plan of the property prior to receiving strata subdivision approval.*

The following conditions are applied to provide adequate provisions for landscaping and to maintain reasonable levels of environmental amenity:

104. *The landscaped areas shown on the submitted plan number LA01, Revision A, by Taylor Brammer Landscape Architects dated 20/8/2003 shall be the subject of detailed landscape drawings and specifications, which are to be submitted to, and approved by, the certifying authority, prior to the issue of a construction certificate. The landscape drawings and specifications are to be prepared by a qualified Landscape Architect who is eligible for membership with the Australian Institute of Landscape Architects (AILA). The documentation is to include:*

- a. *A site plan at an appropriate scale showing existing site boundaries, existing trees within the property (clearly identified as being retained or removed), features on adjoining sites within 6 metres of the common property boundary (buildings, trees, other structures etc), council's footway, existing and proposed ground levels shown as spot heights and/or contours over the site, at site boundaries, proposed building envelope, proposed areas of pavement, and proposed landscaped areas.*

The plan shall clearly show the position, canopy spread (location of dripline), trunk diameter, height and names of all existing trees upon the site and adjoining sites within 6 metres of the common property boundary which are likely to be affected by the development.

- b. *A planting plan at a scale of 1:100 or 1:200 indicating the location of all proposed planting and existing trees to be retained. All plants are to be drawn at their mature size with a dense planting of shrubs, accent plants and ground covers within all garden beds so that a continuous planted cover is achieved. Plant spacings are to be clearly indicated for all accent and groundcovers.*
- c. *A planting schedule listing all plants by botanic & common names, plant numbers, plant spacings for groundcovers and accent planting, pot sizes, the estimated size of the plant at maturity (height & spread) and proposed staking methods when applicable.*
- d. *Additional notation showing soil and mulch details, irrigation details, edging, paving, fencing details, surface finishes, retaining wall details, and any other landscape elements in sufficient detail to fully describe the proposed landscape works.*

- e. *Position of existing and proposed site services including water, gas, electricity, sewer, stormwater, etc.*
- f. *Sectional elevations through the site showing the existing and proposed groundlines, building elevations, and mature height of proposed planting.*
- g. *All planter boxes and garden beds constructed on slab must have a minimum soil depth of 600mm. Planter box details shall be submitted with the detailed landscape plans.*

The applicant is advised that Council's Landscape Technician does not support the proposed tree planting in the centre courtyard as there is insufficient soil depth to properly accommodate a tree at maturity. The plans should be amended to show the deletion of trees from this area, with suitable alternatives such as native shrubs, tree ferns and similar to be used in their place.

- h. *The plan shall respect the prevailing coastal influences and the coast's special design considerations and requirements, and shall be designed accordingly. Generally, species selection shall be restricted to local indigenous coastal species, which require minimal watering once established or species with water needs that match rainfall and drainage conditions.*
- i. *Location of easements within the site and upon adjacent sites (if any).*

- 105. *The landscaping shall be installed in accordance with the approved documentation prior to the issue of a final occupation certificate and shall be maintained in accordance with those plans.*
- 106. *Any substation required shall be screened from view. The proposed location and elevation shall be shown on all detailed landscape drawings and specifications.*
- 107. *All detention tanks and stormwater infiltration systems located within the landscaped areas shall have a minimum soil cover of 600mm to ensure sufficient soil depth to permit the establishment of landscaping on top of these services as stipulated by these conditions of development consent.*

All stormwater documentation submitted for the construction certificate application shall show the top of the detention tanks and stormwater infiltration devices being 600mm below the finished ground level of the landscaped areas.

- 108. *Approval is granted for the removal of the following trees.*
 - a. *1 x Lagerstroemia indica (Crepe Myrtle)*
 - b. *1 x Ulmus sp (Chinese Elm)*
- 109. *A refundable deposit in the form of cash or cheque for the amount of \$2,000.00 shall be lodged with Council prior to a construction certificate being issued for the proposed development to ensure the implementation and*

maintenance of the landscape works in accordance with the approved landscape documentation.

- a. *The refundable deposit will be released twelve (12) months after the issue of a final occupation certificate by the principle certifying authority providing the landscape works have been successfully implemented and maintained in accordance with the approved landscape documentation. Throughout the maintenance/bond period, the applicant shall be responsible for all routine maintenance such as weeding, watering, fertilising, spraying, staking and replacement of all failed plant stock. There must be no alteration to the original design, including substitution of trees and shrubs, without the prior approval of the Principal Certifying Authority.*
- b. *Any contravention of Council's landscape conditions at any time during the construction period or prior to the expiration of a period of twelve (12) months from the date a final occupation certificate is issued will result in the Council claiming all or part of the lodged security.*

ADVISORY MATTERS:

1. *In order to organise for an inspection for the release of the security deposit, the applicant shall contact the Principal Certifying Authority for the development to liaise with Council's Asset & Infrastructure Department to arrange for an inspection of the landscaping to be carried out. Should the landscaping be found to be unsatisfactory, thus necessitating further inspections, the applicant is advised that each additional inspection will be charged at \$55.00 (incl.GST) and that this amount shall be paid into Account Number 41901939, Code RGJ at the Cashier on the Ground Floor of the Administrative Centre prior to any further inspection being carried out.*

The applicant shall present the receipt at the Asset and Infrastructure Services counter on the First Floor to organise for a further inspection to be undertaken.

2. *The applicant is to advise Council in writing and/or photographs of any signs of existing damage to the Council roadway, footway, or verge prior to the commencement of any building/demolition works.*
3. *The applicant is advised that the Construction Certificate plans and specification must comply with the provisions of the Building Code of Australia (BCA).*

In this regard, the development consent plans do not show compliance with the deemed-to-satisfy provisions of the BCA, including:

- | | | | |
|----|--------------------|---|---|
| a) | <i>Part C3</i> | - | <i>Protection of openings</i> |
| b) | <i>Part D2</i> | - | <i>Construction of exits</i> |
| c) | <i>Part D3</i> | - | <i>Access for people with disabilities</i> |
| d) | <i>Clause D3.5</i> | - | <i>Car parking for people with disabilities</i> |
| e) | <i>Part E1</i> | - | <i>Fire fighting equipment</i> |
| f) | <i>Part E4</i> | - | <i>Emergency lighting, exit signs & warning</i> |

- | | | | |
|----|----------------|---|--|
| | | | <i>systems</i> |
| g) | <i>Part F4</i> | - | <i>Light and ventilation</i> |
| h) | <i>Part F5</i> | - | <i>Sound Transmission and Insulation</i> |

Details of compliance with the relevant provisions of the Building Code of Australia and conditions of development consent are to be provided in the plans and specifications for the construction certificate.

MOTION: (Bastic/Procopiadis) SEE RESOLUTION.

Crs Matson & Greenwood requested that their names be recorded as opposed to the resolution.

5.5 DEVELOPMENT APPLICATION REPORT - 87 BEACH STREET COOGEE. (D/0498/2003)

H102 **RESOLUTION:** *(White/Procopiadis) that Council as the consent authority, grant development consent under Section 80 and 80A of the Environmental Planning and Assessment Act 1979 (as amended) to Development Application No.498/03 for permission to carryout alterations and additions to the existing semi-detached dwelling at 87 Beach Street Coogee subject to the following conditions:*

- 1 *The development must be implemented substantially in accordance with the amended plans numbered 4544/03, dated 13th August 2003 and received by Council on the 14th August 2003, the application form and on any supporting information received with the application, except as may be amended by the following conditions and as may be shown in red on the attached plans:*

The following conditions are applied to satisfy the provisions of section 79C of the Environmental Planning and Assessment Act 1979 and to maintain reasonable levels of environmental amenity:

- 2 *The colours, materials and finishes of the external surfaces to the building are to be compatible with the adjacent development to maintain the integrity and amenity of the building and the streetscape.*

*Details of the proposed colours, materials and textures (i.e. a schedule and brochure/s or sample board) are to be submitted to and approved by Council's Director of Planning & Community Development, in accordance with section 80A (2) of the Environmental Planning and Assessment Act 1979 **prior to a construction certificate being issued** for the proposed development.*

The following conditions are imposed to promote ecologically sustainable development and energy efficiency.

- 3 *The consumption of water within the building shall be minimised by the use of triple A rated water efficient plumbing fixtures (taps and shower roses) and water efficient dual flush toilets. Details of compliance are to be noted in the construction certificate plans or specifications.*
- 4 *Hot water service pipes are to be provided with insulation, in accordance with the*

relevant requirements of Building Code of Australia and AS 3500.

- 5 *External timber or metal framed and brick veneer walls and roofs are to be provided with insulation (i.e. bulk insulation and a reflective building membrane/reflective sarking/foil insulation), having a minimum total thermal resistance R-value of 3.0 in roofs and 1.5 in external walls. The insulation and reflective building membrane is to be installed in accordance with the relevant requirements of the Building Code of Australia and the manufacturers details.*

Details of compliance with the requirements for insulation are to be noted in the construction certificate application.

The following group of conditions have been applied to ensure that adequate drainage is provided from the premises and to maintain adequate levels of health and amenity in the locality:

- 6 *Surface water/stormwater must be drained and discharged to the street gutter or a suitably designed absorption pit and details are to be included in the construction certificate details for the development.*

Absorption pits or soaker wells must be located not less than 3m from any adjoining premises and the stormwater must not be directed to any adjoining premises or cause a nuisance.

Details of any works proposed to be carried out in or on a public road/footway are to be submitted to and approved by Council's Director of Planning & Community Development prior to commencement of works.

The following conditions are applied to ensure that the development satisfies the provisions of the Environmental Planning and Assessment Act 1979 and Regulations:

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

Failure to comply with these legislative requirements is an offence and may result in the commencement of legal proceedings, issuing of `on-the-spot` penalty infringements or service of a notice and order by Council.

- 8 *All new building work must be carried out in accordance with the provisions of the Building Code of Australia (BCA), in accordance with Clause 98 of the Environmental Planning and Assessment Regulation 2000.*

- 9 *Prior to the commencement of any building works, 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 and Environmental Planning & Assessment Regulation 2000.*

- 10 *Prior to the commencement of any building work, a principal certifying authority must be appointed and Council is to be notified accordingly and, at least 2 days*

notice of the intention to commence building work must be given to Council, in accordance with the provisions of the Environmental Planning & Assessment Act 1979 and Environmental Planning & Assessment Regulation 2000.

- 11 *In accordance with clause 98 of the Environmental Planning and Assessment Regulation 2000, it is a prescribed condition, that in the case of residential building work, a contract of insurance must be obtained and in force, in accordance with the requirements of the Home Building Act 1989.*

Where the work is to be done by a licensed contractor, excavation or building work must not be carried out unless the Principal Certifying Authority (PCA):

- has been informed in writing of the licensee's name and contractor number; and*
- is satisfied that the licensee has complied with the insurance requirements of Part 6 of the Home Building Act 1989, or*

Where the work to be done by any other person (i.e. an owner builder), excavation or building work must not be carried out unless the Principal Certifying Authority:

- has been informed of the person's name and owner-builder permit number, or*
- has been given a declaration, signed by the owner of the land that states that the market cost of the labour and materials involved in the work does not exceed \$5,000.*

Details of the builder and compliance with the provisions of the Home Building Act 1989 are to be submitted to Council prior to the commencement of works, on the Notice of appointment of the PCA / Notice of Intention to commence building work.

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

The following conditions are applied to ensure that the development satisfies relevant standards of construction, and to maintain adequate levels of health, safety and amenity during construction:

- 13 *A copy of the construction certificate, the approved plans & specifications and development consent conditions must be kept on the site at all times and be available to the Council officers upon request.*
- 14 *The building works are to be inspected by the Principal Certifying Authority (or other suitably qualified person approved by the Principal Certifying Authority), to monitor compliance with the relevant standards of construction and Council's development consent.*

The Principal Certifying Authority shall specify the relevant stages of construction to be inspected and a satisfactory inspection must be carried out, to the satisfaction of the Principal Certifying Authority, prior to proceeding to the subsequent stages of

construction or finalisation of the works (as applicable).

Documentary evidence of the building inspections carried out and details of compliance with Council's approval is to be maintained by the Principal Certifying Authority. Details of critical phase inspections carried out and copies of certification relied upon, shall be forwarded to Council with the occupation certificate or, upon finalisation of works if no occupation certificate is issued.

- 15 *Noise and vibration emissions during the construction of the building and associated site works must not result in damage to nearby premises or result in an unreasonable loss of amenity to nearby residents and the relevant provisions of the Protection of the Environment Operations Act 1997 must be satisfied at all times.*
- 16 *All building, demolition and associated site works must only be carried out between the hours of 7.00am to 5.00pm on Monday to Friday inclusive, between 8.00am to 5.00pm on Saturdays and all building activities are strictly prohibited on Sundays and public holidays, except with the specific written authorisation of Council's Manager of Environmental Health and Building Services.*
- 17 *A sign must be erected on the site in a prominent, visible position, prior to commencing any demolition, excavation or building works, stating that 'unauthorised entry to the site is prohibited' and showing the name of the person in charge of the work site and a telephone number at which the person may be contacted outside working hours.*

In the case of residential building work, the sign is also required to detail the licence number of the building contractor or the permit number of the owner-builder, in accordance with the Home Building Act 1989 and Regulations.

- 18 *Building materials, sand, soil, waste materials or construction equipment must not be placed upon the footpath, roadway or nature strip at any time and the footpath, nature strip and road must be maintained in a clean condition and free from any obstructions at all times.*
- 19 *Bulk bins/waste containers must not be located upon the footpath, roadway or nature strip at any time without the prior written consent of the Council, unless the waste container is located upon the road in accordance with the Roads & Traffic Authority Guidelines and Requirements, and the container is exempt from an approval under Council's Local Approvals Policy.*

The following conditions are applied to ensure that reasonable levels of fire safety are provided in the building:

- 20 *Smoke alarms are required to be installed in each Class 1 building or dwelling in accordance with the relevant provisions of Part 3.7.2 of the B.C.A. – Housing Provisions.*

Smoke alarms must comply with AS3786 – Smoke alarms and be connected to the consumer mains electric power supply and provided with a battery back-up.

The smoke alarms are to be installed in suitable locations on or near the ceiling, in

any storey containing bedrooms; located between each part of the dwelling containing the bedrooms and the remainder of the dwelling, or where bedrooms are served by a hallway, the smoke alarms are to be located in that hallway; and smoke alarms are to be installed in any other storey not containing bedrooms, to the satisfaction of the certifying authority.

Smoke alarms are not to be located in 'dead-air-spaces', in the corner junction of walls and ceilings between exposed rafters/joists or at the apex of raked ceilings, as detailed in Part 3.7.2 of the B.C.A. – Housing Provisions.

*Details of compliance with the provisions of the Building Code of Australia must be included in the plans / specification for the **construction certificate**.*

MOTION: (Matson/Greenwood) that this application be deferred to allow for mediation between the affected parties to address issues including the view loss of neighbours. **LOST.**

MOTION: (White/Procopiadis) SEE RESOLUTION.

5.6 DEVELOPMENT APPLICATION REPORT - 73A MOUNT STREET COOGEE. (D/0875/2003)

H103 **RESOLUTION: (Notley-Smith/Andrews)** that Council as the consent authority, grant development consent under Section 80 and 80A of the Environmental Planning and Assessment Act 1979 (as amended) to Development Application No.875/03 for permission to demolish the existing dwelling and erect a new two storey dwelling at 73A Mount Street Coogee subject to the following conditions: -

1 *The development must be implemented substantially in accordance with the plans numbered 01- 07 inclusive, dated September 2003, and received by Council on the 24th September 2003, the application form and on any supporting information received with the application, except as may be amended by the following conditions and as may be shown in red on the attached plans:*

The following conditions are applied to satisfy the provisions of section 79C of the Environmental Planning and Assessment Act 1979 and to maintain reasonable levels of environmental amenity:

2 *The colours, materials and finishes of the external surfaces to the building are to be compatible with the adjacent development to maintain the integrity and amenity of the building and the streetscape.*

*Details of the proposed colours, materials and textures (i.e. a schedule and brochure/s or sample board) are to be submitted to and approved by Council's Director of Planning & Community Development, in accordance with section 80A (2) of the Environmental Planning and Assessment Act 1979 **prior to a construction certificate being issued** for the proposed development.*

3 *The finished ground levels external to the building are to be consistent with the development consent and are not to be raised (other than for the provision of paving or the like on the ground) without the written consent of Council.*

- 4 *Street numbering must be provided to the premises in a prominent position, to the satisfaction of Council.*
- 5 *The width of the driveway crossing and driveway is to be reduced to a maximum width of 4m to reduce the extent of hard surface to the front of the premises. Plans accompanying the Construction Certificate are to be amended accordingly.*

The following conditions are imposed to promote ecologically sustainable development and energy efficiency.

- 6 *The consumption of water within the building shall be minimised by the use of triple A rated water efficient plumbing fixtures (taps and shower roses) and water efficient dual flush toilets. Details of compliance are to be noted in the **construction certificate** plans or specifications.*
- 7 *External timber or metal framed and brick veneer walls and roofs are to be provided with insulation (i.e. bulk insulation and a reflective building membrane/reflective sarking/foil insulation), having a minimum total thermal resistance R-value of 3.0 in roofs and 1.5 in external walls. The insulation and reflective building membrane is to be installed in accordance with the relevant requirements of the Building Code of Australia and the manufacturers details.*

*Details of compliance with the requirements for insulation are to be included in the **construction certificate** application.*

- 8 *Hot water service pipes are to be provided with insulation, in accordance with the relevant requirements of Building Code of Australia and AS 3500.*
- 9 *Landscaping shall be provided to the site to enhance its amenity and reduce the impact of the development upon neighbouring properties. A landscape plan shall be submitted to and approved by the Director of Planning & Community Development, in accordance with section 80A(2) of the Environmental Planning and Assessment Act 1979, **prior to a construction certificate being issued.***

Landscaped areas must contain a predominance of species that require minimal watering once established or species with water needs that match rainfall and drainage conditions.

Landscaped areas must include an area and facilities dedicated for onsite composting and porous paving should also be used in all pathways, wherever practicable, to maximize on-site absorption of rainwater and details are to be provided on the landscape plans.

The following group of conditions have been applied to ensure that adequate provisions are made for vehicular access, parking and public infrastructure:

- 10 *All crossings, repairs and ancillary works on the footway and roadway are to be carried out by the Council and the cost borne by the applicant. A statement, prepared by the applicant or owner of the premises is to be obtained and submitted to the Council, detailing the condition and status of the roadway, footway, vehicular crossings, nature strip and public place adjacent to the premises, **prior to the***

commencement of any works on the site and also upon completion of the works.

*The statement is to include details of any existing damage to the roadway, footway, vehicular crossing, nature strip or public place **prior to the commencement** of works and details of any damage caused to the roadway, footway, vehicular crossings, nature strip or public place, as a result of the works or any associated building activities, for assessment and determination by Council.*

The following group of conditions have been applied to ensure that adequate drainage is provided from the premises and to maintain adequate levels of health and amenity in the locality:

- 11 *Surface water/stormwater must be drained and discharged to the street gutter or suitable absorption pit and details are to be included in the **construction certificate details** for the development.*

Absorption pits or soaker wells must be located not less than 3m from any adjoining premises and the stormwater must not be directed to any adjoining premises or cause a nuisance.

*Details of any works proposed to be carried out in or on a public road/footway are to be submitted to and approved by Council's Director of Planning and Environment **prior to commencement of works.***

- 12 *The finished ground level outside of the building is required to be a minimum of:*
- *150mm below the internal floor level of the building, or,*
 - *100mm below the internal floor level of the building in sandy, well drained areas, or,*
 - *50mm below the internal floor level of the building where an external paved area or slab is provided adjacent to the building, which is graded not less than 50mm over the first 1m away from the building,*

*Details of stormwater drainage are to be provided in the plans / specifications for the **construction certificate.***

- 13 *External paths and ground surfaces are to be graded and drained away from the building and adjoining premises in such a manner so as not to result in the entry of water into a building, or cause a nuisance or damage to the adjoining premises.*

The following conditions are applied to ensure that the development satisfies the provisions of the Environmental Planning and Assessment Act 1979 and Regulations:

- 14 *All new building work must be carried out in accordance with the provisions of the Building Code of Australia (BCA), in accordance with Clause 98 of the Environmental Planning and Assessment Regulation 2000.*

- 15 *Prior to the commencement of any building works, 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 and Environmental*

Planning & Assessment Regulation 2000.

16 *Prior to the commencement of any building work, a principal certifying authority must be appointed and Council is to be notified accordingly and, at least 2 days notice of the intention to commence building work must be given to Council, in accordance with the provisions of the Environmental Planning & Assessment Act 1979 and Environmental Planning & Assessment Regulation 2000.*

17 *In accordance with clause 98 of the Environmental Planning and Assessment Regulation 2000, it is a prescribed condition, that in the case of residential building work, a contract of insurance must be obtained and in force, in accordance with the requirements of the Home Building Act 1989.*

Where the work is to be done by a licensed contractor, excavation or building work must not be carried out unless the Principal Certifying Authority (PCA):

- *has been informed in writing of the licensee's name and contractor number; and*
- *is satisfied that the licensee has complied with the insurance requirements of Part 6 of the Home Building Act 1989, or*

Where the work to be done by any other person (i.e. an owner builder), excavation or building work must not be carried out unless the Principal Certifying Authority:

- *has been informed of the person's name and owner-builder permit number, or*
- *has been given a declaration, signed by the owner of the land that states that the market cost of the labour and materials involved in the work does not exceed \$3,000.*

Details of the builder and compliance with the provisions of the Home Building Act 1989 are to be submitted to Council prior to the commencement of works, on the notice of appointment of the PCA / Intention to commence building work.

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

The following conditions are applied to ensure that the development satisfies relevant standards of construction, and to maintain adequate levels of health, safety and amenity during construction:

19 *All demolition work is to be carried out in accordance with the provisions of AS2601-1991. The Demolition of Structures, as in Force at 1 July, 1993 and details of compliance are to be prepared by a suitably qualified person and be submitted to the principal certifying authority, **prior to the commencement of any demolition works.***

20 *A copy of the construction certificate, the approved plans & specifications and development consent conditions must be kept on the site at all times and be available to the Council officers upon request.*

- 21 *The building works are to be inspected by the Principal Certifying Authority (or other suitably qualified person approved by the Principal Certifying Authority), to monitor compliance with the relevant standards of construction and Council's development consent.*

The Principal Certifying Authority shall specify the relevant stages of construction to be inspected and a satisfactory inspection must be carried out, to the satisfaction of the Principal Certifying Authority, prior to proceeding to the subsequent stages of construction or finalisation of the works (as applicable).

Documentary evidence of the building inspections carried out and details of compliance with Council's approval is to be maintained by the Principal Certifying Authority. Details of critical phase inspections carried out and copies of certification relied upon, shall be forwarded to Council with the occupation certificate or, upon finalisation of works if no occupation certificate is issued.

- 22 *In addition to the matters contained in the Environmental Planning and Assessment Regulation 2000, the following matters are to be completed in accordance with the terms and conditions of this development consent, **prior to the occupation** of the building:*

- a) car parking and vehicular access*
- b) landscaping*
- c) stormwater drainage*
- d) external finishes and materials*

- 23 *A Registered Surveyor's check survey certificate or compliance certificate is to 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), detailing compliance with Council's approval at the **following stage/s of construction**:*

- (a) Prior to construction of the first completed floor/floor slab (prior to pouring of concrete), showing the area of land, building and boundary setbacks and verifying that the building is being construction at the approved levels.*
- (b) On completion of the erection of the building showing the area of the land, the position of the building and boundary setbacks and verifying the building has been constructed at the approved levels.*

- 24 *Building and demolition works must only be carried out between the hours of 7.00am to 5.00pm on Monday to Friday inclusive, between 8.00am to 5.00pm on Saturdays and all building activities are strictly prohibited on Sundays and public holidays, except with the specific written authorisation of Council's Manager of Environmental Health and Building Services.*

- 25 *A sign must be erected on the site in a prominent, visible position, prior to commencing any demolition, excavation or building works, stating that 'unauthorised entry to the site is prohibited' and showing the name of the person in charge of the work site and a telephone number at which the person may be contacted outside working hours.*

In the case of residential building work, the sign is also required to detail the licence number of the building contractor or the permit number of the owner-builder, in accordance with the Home Building Act 1989 and Regulations

- 26 *Noise and vibration emissions during the construction of the building and associated site works must comply with the relevant provisions of the Protection of the Environment Operations Act 1997 & the Noise Control Manual published by the Environment Protection Authority, except as may be amended by the conditions of this approval.*
- 27 *Building materials, sand, soil, waste materials or construction equipment must not be placed upon the footpath, roadway or nature strip at any time and the footpath, nature strip and road must be maintained in a clean condition and free from any obstructions at all times.*
- 28 *Bulk bins/waste containers must not be located upon the footpath, roadway or nature strip at any time without the prior written consent of the Council, unless the waste container is located upon the road in accordance with the Roads & Traffic Authority Guidelines and Requirements, and the container is exempt from an approval under Council's Local Approvals Policy.*
- 29 *Temporary toilet facilities are to be provided, at or in the vicinity of the work site throughout the course of demolition and construction, at the rate of one toilet for every 20 persons or part of 20 persons employed at the site and the toilet facilities must be connected to a public sewer or other sewage management facility approved by Council.*
- 30 *Any building/demolition works involving asbestos cement are to be carried out in accordance with the Work Cover New South Wales "Guidelines for Practices Involving Asbestos Cement in Buildings".*
- 31 *A Construction Site Management Plan is to be submitted to and approved by the principal certifying authority **prior to the commencement of demolition, excavation or building works**. The site management plan must include the following measures, as applicable to the type of development:*
 - *location and construction of protective fencing / hoardings to the perimeter of the site;*
 - *location of site storage areas/sheds/equipment;*
 - *location of building materials for construction;*
 - *provisions for public safety;*
 - *dust control measures;*
 - *site access location and construction*
 - *details of methods of disposal of demolition materials;*
 - *protective measures for tree preservation;*
 - *provisions for temporary sanitary facilities;*
 - *location and size of waste containers/bulk bins;*
 - *details of proposed sediment and erosion control measures;*
 - *construction noise and vibration management.*

The site management measures are to be implemented prior to the commencement of any site works and be maintained throughout the works, to maintain adequate levels of public health and safety. A copy of the approved Construction Site Management Plan must be maintained on site and be made available to Council officers upon request.

During construction stages, sediment laden stormwater run-off shall be controlled using the sediment control measures outlined in the manual for Managing Urban Stormwater – Soils and Construction, published by the NSW Department of Housing.

- 32 *Stockpiles of soil, sand, aggregate or other materials must not be located on any drainage line, natural watercourse, footpath, roadway or any public place and the stockpiles must be protected with adequate sediment control measures.*

Building operations such as brick cutting, washing tools or equipment and mixing mortar are not permitted on public footpaths, roadways, in any public place or any location which may lead to the discharge of materials into the stormwater drainage system.

- 33 *A warning sign for soil and water management must be displayed in a prominent position on the building site, visible to both the public and site workers. The sign must be displayed throughout the construction period. Copies of a suitable warning sign are available at Council's Customer Service Centre for a nominal fee.*

- 34 *Public safety must be maintained at all times and public access to the site and building works, materials and equipment on the site is to be restricted, when work is not in progress or the site is unoccupied.*

A temporary safety fence is to be provided to protect the public, located to the perimeter of the site (unless the site is separated from the adjoining land by an existing structurally adequate fence, having a minimum height of 1.5 metres). Temporary fences are to have a minimum height of 1.8 metres and be constructed of cyclone wire fencing, with geotextile fabric attached to the inside of the fence to provide dust control, or other material approved by Council.

Hoarding or fences are to 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.

*The public safety provisions and temporary fences must be in place **prior to the commencement of any demolition, excavation or building works** and be maintained*

The following conditions are applied to ensure that reasonable levels of fire safety are provided in the building:

- 35 *Smoke alarms are required to be installed in each Class 1 building or dwelling in accordance with the relevant provisions of Part 3.7.2 of the B.C.A. – Housing Provisions.*

Smoke alarms must comply with AS3786 – Smoke alarms and be connected to the consumer mains electric power supply and provided with a battery back-up.

The smoke alarms are to be installed in suitable locations on or near the ceiling, in any storey containing bedrooms; located between each part of the dwelling containing the bedrooms and the remainder of the dwelling, or where bedrooms are served by a hallway, the smoke alarms are to be located in that hallway; and smoke alarms are to be installed in any other storey not containing bedrooms, to the satisfaction of the certifying authority.

Smoke alarms are not to be located in 'dead-air-spaces', in the corner junction of walls and ceilings between exposed rafters/joists or at the apex of raked ceilings, as detailed in Part 3.7.2 of the B.C.A. – Housing Provisions.

*Details of compliance with the provisions of the Building Code of Australia must be included in the plans / specification for the **construction certificate**.*

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

- 36 *The following vehicular crossing deposit requirement is to be complied with prior to a construction certificate being issued for the development, as security for Council or a Council approved subcontractor to construct the vehicular crossing.*

a) \$1000.00 - Vehicular crossing deposit

The vehicular crossing deposit may be provided by way of cash or cheque with the Council and is refundable upon the completion of the Council vehicular crossing by Council or a Council approved subcontractor.

The following conditions are applied to provide adequate provisions for access, transport and infrastructure:

- 37 *The applicant must meet the full cost for Council or a Council approved contractor to:*

a) *Reconstruct the concrete vehicular crossing and layback at kerb opposite the vehicular entrance to the site, including associated gutter & roadworks to improve vehicular access.*

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

- 39 *The applicant shall note that all external work, carried out on Council property, shall be in accordance with Council's Policy for "Vehicular Access and Road and Drainage Works". An application for the cost of the Council civil works is to be submitted to Council at the completion of the internal building works. An application fee shall be payable to Council for the quotation of the required works. The applicant may elect to use his contractor for the required works, subject to Council approval, however a design and supervision fee based on the lowest quotation from Council's nominated contractor will be required to be paid prior to the commencement of any*

works.

The following conditions are applied to provide adequate provisions for future civil works in the road reserve:

- 40 *The Council's Department of Asset & Infrastructure Services has inspected the above site and have determined that the design alignment level (concrete/paved/tiled level) at the property boundary for driveways, access ramps and pathways or the like, must match the back of the existing footpath along the full site frontage.*
- 41 *The design alignment levels (concrete/paved/tiled level) issued by Council and their relationship to the footpath must be indicated on the building plans for the construction certificate. The design alignment level at the street boundary, as issued by the Council, must be strictly adhered to.*
- 42 *The above alignment levels and the site inspection by Council's Department of Asset & Infrastructure Services have been issued at a prescribed fee of \$335.00 calculated at \$27.50 (inclusive of GST) per metre of site frontage. This amount is to be paid prior to a construction certificate being issued for the development.*

The following conditions are applied to provide adequate consideration for service authority assets:

- 43 *A public utility impact assessment must be carried out on all public utility services on the site, roadway, nature strip, footpath, public reserve or any public areas associated with and/or adjacent to the development/building works and include relevant information from public utility authorities and exploratory trenching or pot-holing, if necessary, to determine the position and level of service.*
- 44 *The applicant must meet the full cost for telecommunication companies, gas providers, Energy Australia and Sydney Water to adjust/repair/relocate their services as required. The applicant must make the necessary arrangements with the service authority.*

The following conditions are applied to provide adequate provisions for drainage and associated infrastructure:

- 45 *Generally all site stormwater shall be piped to a sediment/silt arrester pit that drains to a 5 metre square base infiltration area. An overflow pipe shall be provided from the silt arrester pit to drain to Council's kerb and gutter.*

The location and details of the proposed internal stormwater pipelines, silt arrester pit and the infiltration area shall be submitted to and approved by the certifying authority prior to a construction certificate being issued for the development. A copy of the plans are to be forwarded to Council, prior to a construction certificate being issued, if the Council is not the certifying authority.

Notes:

- a. *The sediment/silt arrester pit shall be constructed:-*

- i. *within the site at or near the street boundary.*
- ii. *with a child proof and corrosion resistant fastening system (e.g. spring loaded jay-bolt).*
- iii. *with a minimum of 4 x 90 mm diameter weep holes (preferably located in the walls of the pit at the floor level) and with a suitable geotextile material **with a high filtration rating** located around the weep holes.*
- iv. *with the pit floor being a minimum 300mm below the invert level of the outlet pipelines.*
- v. *with a **galvanised** heavy duty screen (Lysaght RH3030 Maximesh or similar) located over the outlet pipes draining to the infiltration pit and the kerb. (Similar to a Mascot GRC stormwater discharge control pit, product code DS3SDC).*

b. *The infiltration/rubble pit shall:-*

- i. *have a minimum 300 mm of soil cover (600 mm where the pit is located under a garden/landscaping area).*
- ii. *be located a minimum of 3.0 metres from the dwelling or other structure (closer if a structural engineer certifies that the infiltration area will not adversely affect the structure) and 2.1 metres from the adjacent side or rear boundaries.*
- iii. *be constructed with a minimum 200 mm thick layer of 20 mm basalt/blue metal (or similar) that is wrapped in a suitable geotextile material covering with a high filtration rating (Geofabrics Bidim "A" range of filtration fabrics or equivalent). A suitable means of dispersing the stormwater over the area of infiltration is to be constructed.*

Note: other equivalent methods of infiltration may be adopted.

- iv. *have a minimum base area of 5.0 square metres (m²).*

The outlet from the silt arrestor pit to the infiltration area shall be located at least 50 mm below the outlet from the silt arrestor pit to the kerb and gutter.

c. *The requirement for an infiltration/rubble pit will not be enforced should the underground soil conditions preclude the construction of the infiltration pit (eg rock is located within 300 mm of the base of the infiltration area). If the infiltration/rubble pit is not constructed then all site stormwater shall be discharged to the kerb and gutter via a sediment/silt arrestor pit (as detailed in note a. above).*

All works shall be to the satisfaction of the certifying authority.

46 *Where feasible, the driveway and exterior paving within the development site shall be constructed with a permeable brick paving or other similar material that will allow stormwater to infiltrate to ground (eg Rocla permeable paving)*

The following conditions are applied to provide adequate provisions for landscaping and to maintain reasonable levels of environmental amenity:

47 *Landscaping shall be provided to the site to enhance its amenity and reduce the impact of the development upon neighbouring properties. A landscape plan shall be*

submitted to and approved by the Director of Planning & Community Development, in accordance with section 80A(2) of the Environmental Planning and Assessment Act 1979, prior to a construction certificate being issued.

- 48 *Landscaped areas must contain a predominance of species that require minimal watering once established or species with water needs that match rainfall and drainage conditions.*
- 49 *Landscaped areas must include an area dedicated to on-site composting.*
- 50 *The landscaping shall be installed in accordance with the approved documentation prior to the issue of a final occupation certificate and shall be maintained in accordance with those plans.*

Tree Management

- 51 *The applicant shall be required to ensure the retention and long term health of all trees located on adjoining properties adjacent to the proposed development. As a general guide there shall be minimal excavation or root pruning within the driplines of the subject trees.*

Tree Protection Measures

- 52 *In order to ensure the retention of the Callistemon species (Bottlebrush) tree located within Council's nature strip in good health, the following measures are to be undertaken:*
- a. *All detailed architectural, building, demolition, engineering (structural, stormwater & drainage, services), and landscape documentation submitted for the construction certificate application shall show the retention of the existing tree specimen with the position of the tree trunk and full diameter of the tree canopy clearly shown on all drawings.*
 - b. *Detailed architectural, building, demolition, engineering (structural, stormwater & drainage, services), and landscape documentation submitted for the construction certificate application shall show no alteration in the existing soil levels or the location of any structures, services, footings, paving, detention tanks, stormwater infiltration systems, pipes, cutting or battering of the existing soil profile, or any excavations within a radius of 1.2 metres from the outside edge of the tree trunk.*
 - c. *The tree is to be physically protected by the installation of protective fencing around the tree. This fencing shall be located to a minimum radius of 0.8 metres from the outside edge of the tree trunk.*

This fencing shall be installed prior to the commencement of demolition and construction works and shall remain in place until all works are completed.
 - d. *Within this zone there is to be no storage of materials or machinery or site office/sheds, nor is cement to be mixed or chemicals spilt/disposed of in the area, no stockpiling of soil or rubble, or any works listed in Point b.*

Any works required within this zone (only as approved on the construction certificate) shall be under the direction of, and to the satisfaction of, a suitably qualified Arborist.

- e. *The erection of signage on the fence with the following words clearly displayed: "TREE PROTECTION ZONE", "DO NOT ENTER".*

Advisory Conditions

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

MOTION: (Tracey/Matson) that Council grant development consent subject to standard conditions with condition 3 being amended to change the proposed pitch roof to a flat roof.
LOST.

MOTION: (Notley-Smith/Andrews) SEE RESOLUTION.

5.7 DIRECTOR PLANNING & COMMUNITY DEVELOPMENT'S REPORT 91/2003 - DEVELOPMENT APPLICATION NO. 65/03/GG FOR 892-906 ANZAC PARADE AND 5-17 GREEN STREET, MAROUBRA. (D/0065/2003)

H104 **RESOLUTION: (Bastic/Andrews)** that:

- A. *The Council support the objection under State Environmental Planning Policy No.1 (SEPP No.1) in respect to non-compliance with Clause 32 of the Randwick Local Environmental Plan 1998 (relating to floor space ratios) on the grounds that the proposed development complies with the objectives of the clause and will not adversely affect the amenity of locality as follows, and that Planning NSW be advised accordingly:*

AND

- B. *The Council support the objection under State Environmental Planning Policy No.1 (SEPP No.1) in respect to non-compliance with Clause 33 of the Randwick Local Environmental Plan 1998 (relating to building heights) on the grounds that the proposed development complies with the objectives of the clause and will not adversely affect the amenity of locality as follows, and that Planning NSW be advised accordingly:*
- C. *Council, as the responsible authority, grant its development consent as a Deferred Commencement under Section 80(3) of the Environmental Planning and Assessment Act 1979 (as amended) to Development Application No 65/03/GG for partial demolition and the construction of two multi-level mixed commercial/residential buildings with central common courtyard and basement carpark. The proposed development is to consist of a total of 115 residential units, 12 office suites and 12 retail tenancies. at 892-906 Anzac Parade and 5-17 Green Street, Maroubra subject to the following deferred commencement conditions:-*

DEFERRED COMMENCEMENT CONDITIONS

The consent is not to operate until the following material has been submitted to and approved by the Director of Planning and Community Development:

- 1. Pursuant to Section 138 of the Roads Act (1993), the applicant shall obtain consent from the Roads and Traffic Authority for the proposed works along the Anzac Parade site frontage. The applicant is advised to liaise with the Roads and Traffic Authority property section (8814 2437) directly regarding their requirements for the proposed planter bed and associated works.*

Documentary evidence from the Roads and Traffic Authority conforming that this requirement has been satisfied must be submitted to Council prior to the development approval becoming operational.

- 2. Pursuant to the Environmental Planning and Assessment Act 1979, Section 80(3) the consent is not to operate until Council is provided with a Deed duly executed by the Applicant (and where the Applicant is not the owner the subject of the development then the Deed must be duly executed by such owner(s)) in essence containing an operative provision to the effect that in consideration of Council as owner permitting works associated with replacing the existing Council stormwater line with a new box culvert along the eastern side of the development site, as referred to in Condition 135 of this consent, Council shall be appointed as the principal certifying authority pursuant to Section 109E of the Environmental Planning and Assessment Act 1979 in respect of those works. All works to be carried out at no cost to Council. The Deed to be binding upon the transferees, assignees and successors in title of the Applicant/Owner(s).*
- 3. A report detailing the proposed method of excavation and dewatering shall be submitted to Council for approval prior to this consent becoming operational. The report shall be in general accordance with the recommendations made in the Groundwater Modelling report by Environmental Investigation Services (EIS) dated 2 April 2003 and shall be prepared by suitably qualified and experienced Geotechnical, Hydrological and Structural Engineers and must include but not limited to:*
 - The proposed method of shoring/piling and dewatering*
 - The zone of influence of any possible settlement*
 - 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)*
 - Monitoring of fluctuations of the water table during dewatering/construction to be undertaken by consulting engineers to ensure that the conditions of consent and requirements of the DLWC are satisfied.*
 - The location of all proposed monitoring equipment in relation to the property boundaries (where monitoring equipment is to be located on land other than the subject premises, the written consent of the owner must also be provided to Council)*

- *The location of all pumping equipment in relation to the property boundaries*
 - *The proposed method of noise attenuation for all pumping equipment i.e.; so as not to be more than 5dB (A) greater than the A – weighted L90 background sound pressure level between the hours of 7am to 10pm within any residential dwelling and not to be audible at all between the hours of 10pm and 7am within any residential dwelling*
 - *A statement from suitably qualified and experienced Geotechnical and Hydrological Engineers, with the concurrence of a Structural Engineer, that there will be no detrimental settlement to adjoining or nearby buildings using the chosen method of excavation/dewatering.*
 - *Details of the groundwater quality and the suitability for discharge to Council's stormwater system. Consideration shall be given to the Protection of the Environment Operations Act 1997 and relevant Australian Standards.*
4. *Details of the proposed colours, materials and textures (i.e.- a schedule and brochure/s or sample board) are to be submitted to and approved by Council's Director of Planning and Community Development. The colours, materials and finishes of the external surfaces to the new building works on the building fronting Anzac Parade and Maroubra Road are to be compatible with the existing heritage façade to be retained, including the proposed new awning and conservation works and painting to the heritage façade itself.*
 5. *Details of the design, dimensions, materials and structure of the replacement awning to the existing Dudley's Corner building along Anzac Parade and Maroubra Road above Council's footpath are to be submitted to and approved by Council's Director of Planning and Community Development. The awning is to be compatible with the architectural style of the building and streetscape.*
 6. *Details of the design, materials and proportions of any new windows to the existing Dudley's Corner facade are to be submitted to and approved by Council's Director of Planning and Community Development. The new windows are to be compatible with the architectural style of the building and evidence of original windows.*
 7. *Architectural drawings with plan numbers DA01J with revision date 17 September, 2003; DA04 K, DA 04a B, both with revision date 22 September, 2003 and noted 9 October, 2003; DA05a B, with revision date 23 September, 2003; DA 05bB, DA05cB with revision date 23 September, 2003 and noted 9 October, 2003; DA 06 K with revision date 19 September, 2003 and noted 9 October, 2003; DA07 J, DA08 J with revision date 23 September, 2003 and noted 9 October, 2003; DA09 L, DA10 J, DA11 J, DA12 J, with revision date 19 September, 2003 and noted 9 October, 2003; DA13 K, DA14 K, DA15 J, DA16 J, with revision date 17 September, 2003 and noted 9 October, 2003; DA17 K, DA18 K, DA19 K, DA20 K, DA21 K with revision date 18 September, 2003 and noted 9 October, 2003; DA21a D, DA21b E, DA 22 J, DA 23 J, DA 24J, DA25 J, with revision date 17 September, 2003 and noted 9 October, 2003; and all received by Council on 24 September, 2003; shall be amended in accordance with the following:-*

- a) *The northern walls to the bedrooms of Apartments 21 and 60 on the eastern and western ends of Level 3 of Building A (Green Street building) shall be stepped back from the balcony line by 1.1m in keeping with the predominant wall line not containing balconies on this level of the building and the sun shading devices shown to be projecting over the boundary deleted, in order to more successfully integrate the building design and improve its streetscape appearance.*
- b) *The line of the northern glass wall to Level 6 of Building A (Green Street building) shall be setback from the northern boundary by 500mm and the sun shading setback from the boundary similarly setback, so that does not project over the site boundaries in order to give a more recessive treatment to the upper storey and minimise the appearance of building bulk.*
- c) *The depth of the projection of the sun shading devices shown on the western and southern elevations of Building B (Dudley's Corner building) shall be reduced to 300mm except for those on the corner element of the building.*
- d) *The top floor wall at the eastern end of the southern elevation of the Building B (Dudley's Corner building) shall be setback such that the maximum depth (north-south) of the front (south facing) rooms of Apartments 41-43 shall be 2.5m and so that the southern wall of these rooms is in approximate alignment with the wall of the corner element and the awning line over this section of wall setback accordingly to be in approximate alignment with the awning line of the balcony immediately to the west in order to better integrate with the top floor treatment of the rest of the building and to improve its streetscape appearance by making it more recessive.*
- e) *The minimum finished floor to ceiling height on Level 6 of Building A (Green Street Building) shall be 2.4m without raising the overall height of the building.*

D. Subject to compliance with the deferred commencement conditions, to the satisfaction of the Director Planning and Community Development, development consent is granted under Section 80 and 80A of the Environmental Planning and Assessment Act 1979 (as amended) to Development Application No 65/03/GG for partial demolition and the construction of two multi-level mixed commercial/residential buildings with central common courtyard and basement carpark. The proposed development is to consist of a total of 115 residential units, 12 office suites and 12 retail tenancies at 892-906 Anzac Parade and 5-17 Green Street, Maroubra subject to the following conditions:-

1. *The development must be implemented substantially in accordance with the plans numbered DA01J with revision date 17 September, 2003; DA04 K, DA 04a B, both with revision date 22 September, 2003 and noted 9 October, 2003; DA05a B, with revision date 23 September, 2003; DA 05bB, DA05cB with revision date 23 September, 2003 and noted 9 October, 2003; DA 06 K with revision date 19 September, 2003 and noted 9 October, 2003; DA07 J, DA08 J*

with revision date 23 September, 2003 and noted 9 October, 2003; DA09 L, DA10 J, DA11 J, DA12 J, with revision date 19 September, 2003 and noted 9 October, 2003; DA13 K, DA14 K, DA15 J, DA16 J, with revision date 17 September, 2003 and noted 9 October, 2003; DA17 K, DA18 K, DA19 K, DA20 K, DA21 K with revision date 18 September, 2003 and noted 9 October, 2003; DA21a D, DA21b E, DA 22 J, DA 23 J, DA 24J, DA25 J, with revision date 17 September, 2003 and noted 9 October, 2003; and all received by Council on 24 September, 2003; Landscape Plans with Drawing No. 22044 – LP01 Revision B dated March, 2003, Drawing Nos.22044-D01, 22040-D02, 22044-D03 all Revision A dated 21 March, 2003, all received on 28 March, 2003 and the application form and on any supporting information received with the application, except as may be amended by the details approved with the deferred commencement conditions and by the following conditions and as may be shown in red on the attached plans:

The following conditions are applied to satisfy the provisions of section 79C of the Environmental Planning and Assessment Act 1979 and to maintain reasonable levels of environmental amenity:

2. *Windows on the side boundary elevation shall not penetrate internal walls and shall be bricked up behind the glass or made as solid recessive elements and shall be shown as such on the construction plans prior to the issue of the construction certificate, in order not to preclude adjacent sites being developed to their full potential. Details of compliance shall be shown on the construction certificate plans prior to the issue of the construction certificate.*
3. *A new development application shall be submitted for any proposed strata subdivision of the development.*
4. *The enclosure of balconies is prohibited by this consent.*
5. *No portion of the buildings, except street level awnings complying with conditions of this consent, shall project beyond the property boundaries. Construction Certificate plans shall demonstrate compliance **prior to the issue of the Construction Certificate.***
6. *Letter boxes shall be provided to both buildings sufficient to the number of residential units and commercial tenancies in each building and shall be shown on the construction certificate plans **prior to the issue of the construction certificate.***
7. *Awnings shall be continuous along all street frontages of the proposed development and have a minimum setback from the kerb of 600mm.*
8. *In order to provide a safe and secure environment for residents and commercial tenants, security mechanisms for pedestrian building entry shall be provided, including an audio or video intercom system located at the building entry for visitors to communicate with residents and commercial tenants and security for the lifts to ensure that commercial tenants and their clients cannot access residential levels in the proposed development. Details shall be submitted to and approved by the principal certifying authority **prior to a construction certificate being issued for the development.***

9. *In order to ensure that the basement car park is secure for residents and visitors a security door to the basement car park shall be provided with intercom facilities at the car park entrance, for visitors to both residents and commercial tenants and capable of being accessed by people with a disability. Details shall be provided to the satisfaction of the certifying authority prior to the issue of the construction certificate.*
10. *Signs above the awning level are not permitted and shall be only located under the awning or behind the shop fronts at ground floor level and shall be the subject of separate development consent*
11. *There must be no encroachment of any part of the structure/s onto the adjoining premises or onto Council's road reserve, footway or public place apart from ground level awnings over public footpaths approved by this application.*
12. *Any gate openings shall be constructed so that the gates, when hung, will be fitted in such a manner that they will not open over the footway or public place.*
13. *External walls sited less than 500mm from the boundaries of the site are to be erected as 'face brickwork' or other maintenance free materials, to ensure that adequate provisions are made for maintenance purposes within the property boundaries.*
14. *All plumbing and drainage pipes, other than rainwater heads, gutters and downpipes, must be concealed within the building.*
15. *Street numbering must be provided to the premises in a prominent position, to the satisfaction of Council.*
16. *No cooking facilities or sanitary fittings other than those indicated on the approved plans are to be installed in the premises without the prior written consent of the Council.*
17. *Power supply and telecommunications cabling to the development shall be underground.*
18. *A single common television aerial, and/or satellite dish (having a maximum diameter of 700mm and not located on the front or street elevation of the building) is to be installed to serve the development.*
19. *The reflectivity index of glass used in the external façade of the development must not exceed 20 percent. The details and samples of the glass to be used are to be submitted with the colour and material schedule for the approval of Council's Director of Planning & Community Development, **prior to the commencement of works.***
20. *Internal clothes drying facilities are to be provided in accordance with the provisions of the Building Code of Australia.*
21. *A separate Development Application is required to be submitted to and approved by Council with regard to each separate proposed usage of the building **prior to occupancy.***

22. *The finished ground levels external to the building are to be consistent with the development consent and are not to be raised (other than for the provision of paving or the like on the ground) without the written consent of Council.*
23. *Where access is required to adjoining premises for construction purposes, the consent of the owner/s of the subject adjoining premises must be provided to the satisfaction of the Principal Certifying Authority, prior to carrying out any construction works from or upon the adjoining premises.*
24. *Lighting to the premises 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.*
25. *The relevant requirements of the Sydney Water Act 1994 must be complied with and a Section 73 Compliance Certificate under the Sydney Water Act 1994 must be obtained from Sydney Water. Application must be made through an authorised Water Servicing Co-ordinator. For details, please refer to the “Your Business” section of Sydney Water’s web site www.sydneywater.com.au then the “e-developer” icon or telephone 13 20 92.*

Following application, a “Notice of Requirements” will be provided, detailing water and sewer extensions to be built and charges to be paid. Please make early contact with the Water Servicing Co-ordinator, as building of water/sewer extensions can be time consuming and may impact on other services and building, driveway or landscape design.

*The Section 73 Certificate must be submitted to the Principal Certifying Authority **prior to issuing an occupation certificate** or release of the subdivision linen plan, as applicable.*

The following conditions are imposed to ensure that the development meets the requirements of external approval bodies:

26. *Construction shall only proceed in accordance with the terms of approval of Sydney Airports Corporation Limited (SACL) as stated in their letter to Council dated 10 March, 2003 and attached to the conditions of consent.*
27. *Evidence of the issue of a Water Licence from the Department of Infrastructure Planning and Natural Resources in accordance with their General Terms of Approval as attached to the conditions of consent shall be submitted to the certifying authority **prior to the issue of the construction certificate.***

The following conditions are imposed to ensure that the development is accessible and adaptable to meet the needs of people with a disability:

28. *Eight (8) apartments are to be designed in accordance with the requirements of Australian Standards (AS) 1428.1 and AS 4299 to ensure that housing is provided to meet the needs of residents with special needs or a disability. Details of compliance are to be provided **prior to the issue of the construction certificate.***

29. *All commercial/retail components shall comply with Australian Standards AS 1428-2001.*

The following conditions are imposed to promote ecologically sustainable development and energy efficiency.

30. *The development must be designed and constructed to achieve a minimum energy efficiency NatHERS rating of 3.5 stars or equivalent for all residential units and a NatHERS certificate or equivalent, prepared by a suitably qualified person, is to be submitted to the certifying authority with the **construction certificate** application.*

The design of the building must be consistent with the development consent and any proposed variations to the building to achieve the energy efficiency rating may necessitate a new or amendment to the development consent prior to the issuing of a construction certificate.

31. *The consumption of water within the building shall be minimised by the use of triple A rated water efficient plumbing fixtures (taps and shower roses) and water efficient dual flush toilets. Details of compliance are to be noted in the **construction certificate** plans or specifications.*

32. *External timber or metal framed and brick veneer walls and roofs are to be provided with insulation (i.e. bulk insulation and a reflective building membrane/reflective sarking/foil insulation), having a minimum total thermal resistance R-value of 3.0 in roofs and 1.5 in external walls. The insulation and reflective building membrane is to be installed in accordance with the relevant requirements of the Building Code of Australia and the manufacturers details.*

*Details of compliance with the requirements for insulation are to be included in the **construction certificate** application.*

33. *Hot water service pipes are to be provided with insulation, in accordance with the relevant requirements of Building Code of Australia and AS 3500.*

34. *The hot water system installed in the development must achieve a minimum greenhouse score of 3.5 as detailed SEDA's Energy Smart Homes Policy. Any electric clothes dryers to be provided in the development must also have a minimum 3.5 star energy rating.*

The following condition/s are applied to satisfy the increased demand for public amenities and public services:

35. *In accordance with Council's Section 94 Contributions Plan effective from 2 September 1999, the following monetary contribution is to be paid to Council.*

<i>a) for the provision or improvement of open space</i>	<i>\$168,872.00</i>
<i>b) for the provision or improvement of community facilities</i>	<i>\$ 74,668.00</i>
<i>c) for townscape improvements</i>	<i>\$ 29,133.00</i>
<i>i) Administration fee</i>	<i>\$ 425.00</i>

*The contribution must be paid in cash or by bank cheque **prior to***

- a) ***a construction certificate being issued***
- b) ***a subdivision certificate being issued***

*for the proposed development, together with payment of the required **Section 94 Administration Fee of \$425.00**. Council's Section 94 Contribution Plans may be inspected at the Customer Service Centre, Administrative Centre, 30 Frances Street, Randwick.*

The following conditions are applied to maintain the heritage significance and amenity of the premises and locality:

- 36. *An archival recording of the property shall be prepared and submitted to and approved by Council's Director of Planning and Community Development, in accordance with Section 80A (2) of the Environmental Planning and Assessment Act 1979 **prior to a construction certificate being issued** for the development. This recording shall be in accordance with the Guidelines for the preparation of archival recordings set out by the NSW Heritage Office. Three copies of the endorsed archival recording shall be presented to Council, one of which shall be placed in the Local History Collection of Randwick City Library.*
- 37. *A Schedule of Conservation Works for the existing Dudley's Corner façade which is to be retained shall be prepared in accordance with the principles embodied in the Australia ICOMOS Burra Charter and the methodology outlined in J.S. Kerr's The Conservation Plan. This Plan shall be prepared by an architect suitably qualified and experienced in heritage conservation, and shall be to be submitted to and approved by Council's Director of Planning and Community Development, in accordance with Section 80A (2) of the Environmental Planning and Assessment Act 1979 **prior to a construction certificate being issued** for the development.*
- 38. *The conservation policies and maintenance program outlined in the Schedule of Conservation Works are to be implemented in conjunction with the proposed development. An architect suitably qualified and experienced in heritage conservation shall be engaged to oversee the implementation of the endorsed Conservation Plan to ensure the use of technically sound and appropriate techniques. All work shall be carried out in accordance with the principles of the Australia ICOMOS Burra Charter and to the satisfaction of the Director of Planning and Community Development.*
- 39. *Interpretative material, in the form of historic photographs/drawings of the exterior and interior of the original Dudley's Corner building are to be provided within the lobby area of the building to be located on the corner of Anzac Parade and Maroubra Road.*
- 40. *The existing plaque commemorating Herbert Dudley is to be reinstated in the ground floor façade in a secure and prominent position.*

The following conditions are applied to maintain reasonable levels of environmental amenity and public health safety.

41. *Hazardous or intractable wastes arising from the demolition and excavation process being removed and disposed of in accordance with the requirements of WorkCover NSW and the Environment Protection Authority, and with the provisions of:*
- *New South Wales Occupational Health and Safety Act, 2000;*
 - *The Occupational Health and Safety (Hazardous Substances) Regulation 2001;*
 - *The Occupational Health and Safety (Asbestos Removal Work) Regulation 2001;*
 - *Protection Of the Environment Operations Act 1997 (NSW) and*
 - *Environment Protection Authority's Environmental Guidelines; Assessment, Classification and Management of Liquid and Non Liquid Wastes (1999).*
42. *Prior to the commencement of works adequate sediment and stormwater control measures shall be in place and maintained on site at all times. Sediment laden stormwater shall be controlled using measures outlined in the manual Managing Urban Stormwater Soils and Construction produced by the NSW Department of Housing.*
43. *Any new information which comes to light during excavation, demolition or construction works, which has the potential to alter previous conclusions about site contamination, shall be notified to the Council and the Principal Certifying Authority immediately.*

The following conditions are applied to satisfy the relevant pollution control criteria and to maintain reasonable levels of health, safety and amenity to the locality:

44. *There are to be no emissions or discharges from the premises/site, which will give rise to an offence under the Protection of the Environment Operations Act 1997 and Regulations. Particular attention should be made to the discharge of groundwater from the site and the impacts on the receiving waters.*
45. *The location of the discharge point serving the car park mechanical ventilation system is to be not less than 6m from a property boundary and it must discharge vertically and satisfy the relevant provisions of the Building Code of Australia and AS 1668.*
- Details of compliance are to be provided in the plans and specifications for the construction certificate.*
46. *The use of the commercial tenancies and internal fit-outs shall be subject to a separate development application and consent, in accordance with the provisions of the Environmental Planning & Assessment Act 1979.*
47. *The air system and cooling tower must be designed, installed and maintained in accordance with the requirement of the Public Health Act 1991 (Part 4 Microbial Control) and Regulations. The air handling system cooling tower must be designed, installed in accordance with Australian Standards AS3666.1:1995 Air handling and water systems in building – microbial control and shall be maintained in accordance with Australian Standards AS3666.2:1995 Air handling and water systems in building – microbial control – operation and maintenance.*

Details of compliance must be provided with the construction certificate application.

All waste water from the cooling tower/humidifier/evaporative cooler/warm water system being discharged to the sewer under a Trade Waste Agreement form Sydney Water.

48. *Any cooling towers, humidifying systems, warm water systems, water-cooling systems must be registered with the Council on an annual basis and the systems are to be maintained and certified in accordance with the provisions of the Public Health Act, 1991.*

*The premises are to be registered with Council together with payment of the approved fee, **prior to occupancy of the building.***

The following conditions have been applied to ensure that noise emissions from the development satisfy legislative requirements and maintain reasonable levels of amenity to the area:

49. *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 shall not give rise to a 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). The source noise level shall be assessed as a $L_{Aeq, 15 \text{ min}}$ and adjusted in accordance with the relevant provisions of the NSW Environmental Protection Authority's Industrial Noise Policy 2000 and the Environmental Noise Control Manual (for sleep disturbance impacts).

50. *The use and the operation of plant and equipment shall not give rise to the transmission of a vibration nuisance.*

51. *A Demolition and Construction noise management plan is to be prepared by a suitably qualified acoustic consultant and be implemented to minimise the impacts of construction noise to nearby premises. The necessary measures identified in the report must be implemented to comply with this report and address any concerns raised. A copy of this plan is to be provided to the Council and the Principal Certifying Authority and a copy is to be kept onsite. Should noise complaints during demolition and construction be received, Council's Authorised Officers may also issue directions to address any reasonable noise concerns.*

52. *The residential units are to achieve the following internal acoustic amenity criteria:*

- a) *In naturally ventilated residential units; the repeatable maximum L_{Aeq} (1hour) should not exceed:*
- *35 dB(A) between 10.00 PM and 7.00 AM in sleeping areas when the windows are closed;*
 - *45 dB(A) in sleeping areas when windows are open;*

- 45 dB(A) in living areas (24 hours) when the windows are closed, and
 - 55 dB(A) in living areas when the windows are open
- b) *In residential units provided with mechanical ventilation, air conditioning or other complying means of ventilation, when doors and windows are shut, the repeatable maximum $L_{Aeq(1hour)}$ should not exceed:*
- 38 dB(A) between 10.00 PM and 7.00 AM in sleeping areas;
 - 46 dB(A) in living areas (24 hours).

*Details of compliance with the relevant criteria is to be included in the **Construction Certificate application** and written confirmation of compliance is to be provided to the Council and the Certifying Authority, by the Acoustic consultant, **prior to the construction certificate being issued.***

Proposed measures, which will alter the appearance of the building from the streetscape, may require the prior development consent from the Council.

53. *A report, prepared by a suitably qualified and experienced consultant in acoustics, shall be submitted to the Council **prior to an occupation certificate being issued** for the development, certifying that noise and vibration emissions from the development comply with the provisions of the Protection of the Environment Operations Act 1997 and conditions of Council's development consent.*

The following conditions are applied to ensure that the development satisfies the provisions of the Environmental Planning and Assessment Act 1979 and Regulations:

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

Failure to comply with these legislative requirements is an offence and may result in the commencement of legal proceedings, issuing of `on-the-spot` penalty infringements or service of a notice and order by Council.

55. *All new building work must be carried out in accordance with the provisions of the Building Code of Australia (BCA), in accordance with Clause 98 of the Environmental Planning and Assessment Regulation 2000.*
56. *Prior to the commencement of any building works, 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 and Environmental Planning & Assessment Regulation 2000.*
57. *Prior to the commencement of any building work, a principal certifying authority must be appointed and Council is to be notified accordingly and, at least 2 days notice of the intention to commence building work must be given to Council, in accordance with the provisions of the Environmental Planning & Assessment Act 1979 and Environmental Planning & Assessment Regulation 2000.*

58. *An Occupation Certificate must be obtained from the principal certifying authority prior to any occupation of the building work encompassed in this development consent in accordance with the relevant provisions of the Environmental Planning & Assessment Act 1979.*
59. *In accordance with clause 98 of the Environmental Planning and Assessment Regulation 2000, it is a prescribed condition, that in the case of residential building work, a contract of insurance must be obtained and in force, in accordance with the requirements of the Home Building Act 1989.*

Where the work is to be done by a licensed contractor, excavation or building work must not be carried out unless the Principal Certifying Authority (PCA):

- *has been informed in writing of the licensee's name and contractor number; and*
- *is satisfied that the licensee has complied with the insurance requirements of Part 6 of the Home Building Act 1989, or*

Where the work to be done by any other person (i.e. an owner builder), excavation or building work must not be carried out unless the Principal Certifying Authority:

- *has been informed of the person's name and owner-builder permit number, or*
- *has been given a declaration, signed by the owner of the land that states that the market cost of the labour and materials involved in the work does not exceed \$5,000.*

*Details of the builder and compliance with the provisions of the Home Building Act 1989 are to be submitted to Council **prior to the commencement of works**, on the notice of appointment of the PCA / Intention to commence building work.*

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

The following group of conditions have been applied to ensure the structural adequacy and integrity of the proposed building and adjacent premises:

61. *A report shall be prepared by a professional engineer and submitted to the certifying authority **prior to the issuing of a construction certificate**, detailing the proposed methods of excavation, shoring or pile construction, including details of vibration emissions. The report, must demonstrate the suitability of the proposed methods of construction to overcome any potential damage to nearby land/premises and the report is to detail any possible damage which may occur to adjoining or nearby premises that may be caused by the proposed building, excavation and shoring works.*

Any practices or procedures specified in the engineer's report in relation to the avoidance or minimisation of structural damage to nearby premises, must be fully

*complied with and incorporated into the documentation for the **construction certificate**.*

A copy of the engineers report is to be submitted to the Council, if the Council is not the certifying authority.

*Driven type piles/shoring must not be provided unless a geotechnical engineer's report is submitted to the certifying authority, **prior to the issuing of a construction certificate**, which states that damage should not occur to any adjoining premises and public place as a result of the works.*

62. *A dilapidation report prepared by a professional engineer or suitably qualified and experienced building surveyor shall be submitted to the certifying authority **prior to the commencement of demolition, excavation or building works** detailing the current condition and status of all buildings, including ancillary structures located upon:*

- *All of the premises adjoining the subject site and,*
- *detail the current condition and status of adjacent public footways and roads*

*The report is to be supported with photographic evidence of the status of the buildings, footways and roads and a copy of the report must also be forwarded to the Council and to the owners of each of the above stated premises, **prior to the commencement of any works**.*

63. *The installation of ground or rock anchors underneath any adjoining premises including (a public roadway or public place) must not be carried out without specific written consent of the owners of the affected adjoining premises and (where applicable) details of compliance must be provided to the certifying authority **prior to the commencement of any excavation or building works**.*

64. *A Certificate of Adequacy prepared by a professional engineer is to be submitted to the principal certifying authority (and the Council, if the Council is not the principal certifying authority) **prior to occupation of the building**, certifying the structural adequacy of the building and that the building works satisfy the relevant structural design requirements of the Building Code of Australia.*

The following conditions are applied to ensure that the development satisfies relevant standards of construction, and to maintain adequate levels of health, safety and amenity during construction:

65. *All demolition work is to be carried out in accordance with the provisions of AS2601-1991. The Demolition of Structures, as in force at 1 July, 1993.*
66. *A copy of the construction certificate, the approved plans & specifications and development consent conditions must be kept on the site at all times and be available to the Council officers upon request.*
67. *The building works are to be inspected by the Principal Certifying Authority (or other suitably qualified person approved by the Principal Certifying Authority), to monitor*

compliance with the relevant standards of construction and Council's development consent.

The Principal Certifying Authority shall specify the relevant stages of construction to be inspected and a satisfactory inspection must be carried out, to the satisfaction of the Principal Certifying Authority, prior to proceeding to the subsequent stages of construction or finalisation of the works (as applicable).

Documentary evidence of the building inspections carried out and details of compliance with Council's approval is to be maintained by the Principal Certifying Authority. Details of critical phase inspections carried out and copies of certification relied upon shall be forwarded to Council with the occupation certificate.

Upon inspection of each stage of construction, the Principal Certifying Authority (or other suitably qualified person approved by the Principal Certifying Authority) is also required to ensure that the relevant site management, public safety and sediment and erosion requirements specified in Council's consent are being satisfied.

68. *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 are to 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.

Retaining walls, shoring, or piling must be designed and installed in accordance with appropriate professional standards and the relevant requirements of the Building Code of Australia and Australian Standards. Details of proposed retaining walls, shoring or piling are to be submitted to and approved by the Principal Certifying Authority for the development prior to commencing such excavations or works.

69. *If an excavation associated with the erection or demolition of a building extends below the level of the base of the footings of a building on an adjoining allotment of land, the person causing the excavation must:*

- preserve and protect the building /s on the adjoining land from damage; and*
- if necessary, underpin and support the building and excavation in an approved manner; and*
- at least seven (7) days before excavating below the level of the base of the footings of a building on an adjoining allotment of land (including a public road or public place), give notice of the intention to do so to the owner of the adjoining land. Particulars of the excavation are to be provided to the owner of the adjoining land and also the owner of the land where the building is being erected or demolished.*

70. *A coloured works-as-executed fire services plan is to be submitted to the Council **prior to occupation** of the development, detailing the location of the essential fire safety measures installed within the building premises.*

71. *A Registered Surveyor's check survey certificate or compliance certificate is to 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), detailing compliance with Council's approval at the **following stage/s of construction:***
- a) *Prior to construction of the first completed floor/floor slab (prior to pouring of concrete), showing the area of land, building and boundary setbacks and verifying that the building is being construction at the approved levels.*
 - b) *On completion of the erection of the building showing the area of the land, the position of the building and boundary setbacks and verifying the building has been constructed at the approved levels.*
72. *All building, demolition and associated site works must only be carried out between the hours of 7.00am to 5.00pm on Monday to Friday inclusive, between 8.00am to 5.00pm on Saturdays and all building activities are strictly prohibited on Sundays and public holidays, except with the specific written authorisation of Council's Manager of Environmental Health and Building Services.*
73. *The use of any rock excavation machinery or any mechanical pile drivers is restricted to the hours of 8.00am to 5.00pm (maximum), Monday to Friday inclusive and from 8.00am to 1.00pm on Saturday, to minimise the noise levels during construction and loss of amenity to nearby residents.*
74. *Noise and vibration emissions during the construction of the building and associated site works must not result in damage to nearby premises or result in an unreasonable loss of amenity to nearby residents and the relevant provisions of the Protection of the Environment Operations Act 1997 must be satisfied at all times.*
75. *Noise and vibration from any rock excavation machinery and pile drivers (or the like) must be minimised by using appropriate plant and equipment and silencers and a construction noise and vibration minimisation strategy, prepared by a suitably qualified consultant is to be implemented during the works, to the satisfaction of the Principal Certifying Authority.*
76. *A report prepared by a suitably qualified and experienced consultant in acoustics/vibration shall be submitted to the Principal Certifying Authority and the Council **upon commencement of works**, certifying that noise and vibration emissions from the construction of the development complies with the provisions of the Protection of the Environment Operations Act 1997, the Noise Control Manual published by the Environment Protection Authority and relevant conditions of approval. In support of the above it is necessary to submit all relevant readings and calculations made.*
- 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.*
77. *A sign must be erected on the site in a prominent, visible position, prior to commencing any demolition, excavation or building works, stating that 'unauthorised*

entry to the site is prohibited' and showing the name of the person in charge of the work site and a telephone number at which the person may be contacted outside working hours.

In the case of residential building work, the sign is also required to detail the licence number of the building contractor or the permit number of the owner-builder, in accordance with the Home Building Act 1989 and Regulations.

78. *Temporary toilet facilities are to be provided, at or in the vicinity of the work site throughout the course of demolition and construction, at the rate of one toilet for every 20 persons or part of 20 persons employed at the site and the toilet facilities must be connected to a public sewer or other sewage management facility approved by Council.*

79. *Public safety and convenience must be maintained at all times during demolition, excavation and construction works.*

The roadway, footpath and nature strip must be maintained in a good, safe condition and free from any obstructions, materials, soils or debris at all times. Any damage caused to the road, footway or nature strip must be repaired immediately, to the satisfaction of Council.

A Road Opening Permit must be obtained from the Council and other relevant Authorities prior to excavating or opening-up the road or footway for services or the like.

80. *Building materials, sand, soil, waste materials or construction equipment must not be placed upon the footpath, roadway or nature strip at any time and the footpath, nature strip and road must be maintained in a clean condition and free from any obstructions and debris at all times.*

81. *Bulk bins/waste containers must not be located upon the footpath, roadway or nature strip at any time without the prior written consent of the Council, unless the waste container is located upon the road in accordance with the Roads & Traffic Authority Guidelines and Requirements, and the container is exempt from an approval under Council's Local Approvals Policy.*

82. *Any building/demolition works involving asbestos cement are to be carried out in accordance with the Work Cover New South Wales "Guidelines for Practices Involving Asbestos Cement in Buildings".*

83. *Construction Site Management Plan is to be submitted to and approved by the principal certifying authority prior to the commencement of demolition, excavation or building works. The site management plan must include the following measures, as applicable to the type of development:*

- *location and construction of protective fencing / hoardings to the perimeter of the site;*
- *location of site storage areas/sheds/equipment;*
- *location of building materials for construction;*
- *provisions for public safety;*

- *dust control measures;*
- *site access location and construction*
- *details of methods of disposal of demolition materials;*
- *protective measures for tree preservation;*
- *provisions for temporary sanitary facilities;*
- *location and size of waste containers/bulk bins;*
- *details of proposed sediment and erosion control measures;*
- *construction noise and vibration management.*

The site management measures are to be implemented prior to the commencement of any site works and be maintained throughout the works, to maintain adequate levels of public health and safety. A copy of the approved Construction Site Management Plan must be maintained on site and be made available to Council officers upon request.

84. *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.*
- *Revegetation of disturbed areas.*

85. *Public safety must be maintained at all times and public access to the site and building works, materials and equipment on the site is to be restricted, when work is not in progress or the site is unoccupied.*

A temporary safety fence is to be provided to protect the public, located to the perimeter of the site (unless the site is separated from the adjoining land by an existing structurally adequate fence, having a minimum height of 1.5 metres). Temporary fences are to have a minimum height of 1.8 metres and be constructed of cyclone wire fencing, with geotextile fabric attached to the inside of the fence to provide dust control, or other material approved by Council.

Fences or hoardings are to be structurally adequate and be constructed in a good and workmanlike manner and the use of poor quality materials or steel reinforcement mesh as fencing is not permissible.

Details of the proposed temporary fences located upon the site are to be submitted to the principal certifying authority and the public safety provisions and temporary fences must be in place prior to the commencement of any demolition, excavation or building works and be maintained throughout construction.

If it is proposed to locate any hoardings, site fencing or amenities upon a footpath or public place, the written consent from Council's Building Services section must be obtained beforehand and detailed plans are to be submitted to Council for consideration, together with payment of the weekly charge in accordance with Council's adopted fees and charges.

86. *During construction stages, sediment laden stormwater run-off shall be controlled using the sediment control measures outlined in the manual for Managing Urban Stormwater – Soils and Construction, published by the NSW Department of Housing.*

*A soil and water management plan (SWMP) must be submitted to and approved by the principal certifying authority and implemented **prior to the commencement of any site works or activities.***

The soil and water management plan must contain a site plan, detailing:

- the slope of the land*
- site access points and access control measures*
- location and type of all sediment and erosion control measures*
- location of existing vegetation, to be retained*
- material stockpile or storage areas and methods of sediment control*
- location of existing and proposed drainage systems*
- proposed disposal of site water*
- location of building operations and equipment*
- proposed re-vegetation details*

All soil and water management measures must be maintained at all times throughout demolition, excavation, building and site works and a copy of the soil and water management plan is to be kept on-site and be made available to Council officers upon request.

87. *Stockpiles of soil, sand, aggregate or other materials must not be located on any footpath, roadway, nature strip, drainage line or any public place and the stockpiles must be protected with adequate sediment control measures.*

Building operations such as brick cutting, washing tools or equipment and mixing mortar are not permitted on public footpaths, roadways, nature strips, in any public place or any location which may lead to the discharge of materials into the stormwater drainage system

88. *A warning sign for soil and water management must be displayed in a prominent position on the building site, visible to both the public and site workers. The sign must be displayed throughout the construction period. Copies of a suitable warning sign are available at Council's Customer Service Centre for a nominal fee.*

89. A 'B Class' overhead type hoarding is required to be provided to protect the public, located adjacent to the development, prior to the commencement of any works on the site which comprise:-
- any works or hoisting of materials over a public footway or adjoining premises, or
 - any building or demolition works on buildings which are over 7.5m in height and located within 3.6 metres of the street alignment.

Details of the proposed fences or hoardings located upon the site are to be submitted to the principal certifying authority and the public safety provisions and temporary fences must be in place prior to the commencement of any demolition, excavation or building works and be maintained throughout construction.

If it is proposed to locate any hoardings, site fencing or amenities upon a footpath or public place, the written consent from Council's Building Services section must be obtained beforehand and detailed plans are to be submitted to Council for consideration, together with payment of the weekly charge in accordance with Council's adopted fees and charges.

90. *A temporary timber crossing is to be provided to the site entrance across the kerb and footway area, with splayed edges, to the satisfaction of Council, unless access is via an existing concrete crossover.*
91. *The applicant/builder is required to hold Public Liability Insurance, with a minimum liability of \$5 million and a copy of the Insurance cover is to be provided to Council*

The following conditions are applied to provide access and facilities for people with disabilities:

92. *Access and sanitary facilities for persons with disabilities being provided to the building, in accordance with Parts D3 and F2 of the Building Code of Australia. Details of compliance are required to be provided in the relevant plans/specifications for the **construction certification** for the development.*

The following conditions are applied to ensure that reasonable levels of fire safety are provided in the building:

93. *The building is required to be provided with a smoke alarm system complying with Clause 3 of Specification E2.2a of the B.C.A. or a smoke detection system complying with Clause 4 of Specification E2.2a of the B.C.A. or a combination of a smoke alarm system within the sole-occupancy units and a smoke detection system in areas not within the sole-occupancy units. The smoke detectors located within the stairway, corridors or the like must be interconnected.*

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

94. *The following damage deposit requirement is to be complied with prior to a construction certificate being issued for the development, as security for making good any damage caused to the roadway, footway, verge or any public place; or as security*

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

- a) \$2000.00 - Security damage deposit

The damage deposit may be provided by way of a cash or cheque with the Council and is refundable upon the applicant advising Council, in writing, of the completion of all building works and/or obtaining an occupation certificate, if required.

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

95. *The following vehicular crossing deposit requirement is to be complied with prior to a construction certificate being issued for the development, as security for Council or a Council approved subcontractor to construct the vehicular crossing.*

- a) \$1000.00 - Vehicular crossing deposit

The vehicular crossing deposit may be provided by way of cash or cheque with the Council and is refundable upon the completion of the Council vehicular crossing by Council or a Council approved subcontractor.

The following conditions are applied to provide adequate provisions for access, transport and infrastructure:

96. *The applicant must meet the full cost for Council or a Council approved contractor to:*

- a) *Construct a new full width concrete commercial strength vehicular crossing and layback at the kerb opposite the vehicular entrance to the site.*
- b) *Construct kerb and gutter along the full unkerbed section of the Green Street site frontage, except opposite the vehicular entrance/exit point. It is noted that this will include some 3 metres of full depth road reconstruction works.*
- c) *Remove the redundant concrete vehicular crossings and laybacks and to reinstate the areas with footpath and integral kerb and gutter to Council's specification.*
- d) *Replace the existing 1.8 metre kerb inlet pit located along the old kerb alignment in Green Street (over the existing 450 mm diameter pipeline running along the eastern property boundary) with a new junction pit constructed in general accordance with Council's standard drawing SD8.*
- e) *Replace the existing junction pit located near the new kerb alignment in Green street (over the existing 450mm diameter pipeline adjacent to the eastern property boundary) with a new kerb inlet pit constructed in general accordance with Council's standard drawing SD6.*

It is noted that should the inlet capacity of the new kerb inlet pit be less than the capacity of the old inlet pit (refer to point c) above), the applicant shall also meet the full cost for construction of an additional inlet pit within the Green Street low point adjacent to the new vehicular crossing. The new inlet pit shall be connected to Council's underground drainage system in Green Street via a minimum 375 mm diameter rubber ringed reinforced concrete pipeline.

- f) Replace the existing double grated inlet pit (located within the existing redundant layback in front of the access lobby off Green Street) with a new kerb inlet pit constructed in general accordance with Council's standard drawing SD6.*
- g) Construct/Reconstruct the existing Council footpath along the Maroubra Road, Green Street and Anzac Parade site frontages in accordance with Council's Urban Design Guidelines for Maroubra Junction.*

***Note:** This may require full width paved/concrete footpath, installation of planter boxes, street tree planting and street furniture as required (tree grates, seats etc). It will also include the installation of a raised planter bed along the Anzac Parade site frontage, together with adjustments to the footpath levels as indicated by Sketch Diagrams 1 attached to this consent.*

97. The proposed planter bed and footpath reconstruction works along the Anzac Parade site frontage shall be to the satisfaction of Council's Asset and Infrastructure Services Department, and shall be in accordance with the following minimum requirements:

- The width available for planting in the planter bed shall be at least 500mm.*
- An automatic irrigation system shall be installed in the planter. It is noted that the water connection for the irrigation system shall be external to the development site and shall be to the satisfaction of Sydney Water and Council.*
- The base of the planter shall be left open to allow irrigation water to infiltrate back into the ground.*
- The type of planting used in the planter shall be low maintenance shrubs/groundcover that do not exceed a height of 500mm at maturity.*
- A minimum 2.5 metre wide unimpeded section of footpath shall be left available along the full site frontage.*
- The footpath crossfall shall be a maximum of 2.5%.*
- The footpath grades in the direction of travel shall be a maximum of 14%.*

The planter beds shall also be designed and constructed in accordance with the requirements of the RTA.

Detailed construction plans demonstrating compliance with the above requirements shall be submitted to Council for approval and approved prior to the issuing of a construction certificate.

It is noted that the applicant shall meet all costs associated with design and construction of the planter bed and raised footpath area.

98. All works undertaken along the Anzac parade site frontage shall be in accordance with the requirements of the RTA. Any condition issued by the RTA in relation to Deferred Commencement Condition No.1 shall form part of these conditions of development consent.
99. The applicant must meet the full cost for Council or a Council approved contractor to repair/replace any damaged sections of Council's footpath, kerb & gutter, nature strip etc which are due to building works being carried out at the above site. This includes the removal of cement slurry from Council's footpath and roadway.
100. The applicant shall note that all external work, carried out on Council property, shall be in accordance with Council's Policy for "Vehicular Access and Road and Drainage Works". An application for the cost of the Council civil works is to be submitted to Council at the completion of the internal building works. An application fee shall be payable to Council for the quotation of the required works. The applicant may elect to use his contractor for the required works, subject to Council approval, however a design and supervision fee based on the lowest quotation from Council's nominated contractor will be required to be paid prior to the commencement of any works.
101. The applicant shall dedicate (at no cost to Council) a strip of land 4.57 metres wide along the Green Street frontage of No.15-19 Green Street for road widening purposes. There shall be no portion of the proposed development nor any structures (other than those approved by Council in relation to the footpath upgrading works) located within the dedication.
102. All new walls/structures/planting adjacent to vehicular crossings must be lowered to a height of 600mm above the internal driveway level or splayed 1.5 metre by 1.5 metre so that a driver of a stopped vehicle 2 metres behind the street boundary line can observe pedestrians up to 2 metres from the crossings. The plans submitted for the construction certificate shall demonstrate compliance with this requirement.
103. The access driveway shall have a minimum width of 6 metres in accordance with Table 3.2 of AS 2890.1.
104. A work zone is to be provided in Green Street for the duration of the construction works. The 'work zone' shall have a minimum length of 12 metres and the prescribed fee for the work zone must be paid to Council at least four (4) weeks prior to the commencement of building works.
105. All visitor, retail and commercial parking spaces shall be clearly marked and signposted.
106. Car and bicycle parking is to be allocated as follows:-

Item	Car spaces
<i>Shops and offices</i>	<i>54 (minimum)</i>
<i>Residential</i>	<i>126 (minimum)</i>
<i>Visitor</i>	<i>29</i>
<i>Bicycle - residential</i>	<i>39 (minimum)</i>

<i>Bicycle -residential visitor</i>	<i>17 (minimum)</i>
• <i>Car wash bays</i>	<i>10</i>
<i>Service and delivery</i>	<i>4 loading docks and two car spaces on carpark LG 1</i>
<i>Parking for people with a disability</i>	<i>7 (minimum)</i>

*Amended plans car parking levels LG1-LG3 demonstrating compliance shall be submitted to the certifying authority **prior to the issue of the construction certificate.***

107. *The turning bays shall be clearly marked and signposted with ‘Turning Bay - No parking at any time’*
108. *A security roller shutter or similar shall be provided between the visitor/retail parking spaces (which may be accessed by the general public) and the commercial/residential parking spaces.*
109. *The security roller shutter located at the entrance to the carpark shall be left open during business hours.*
110. *Wheel stops shall be provided in the following parking spaces:*
- ***On LG1***
 - *Retail spaces 23, 32-38*
 - *Visitor spaces 22, 28-31*
 - ***On LG2***
 - *Residential spaces 23, 24, 28, 29, 32-35, 36, 38, 40, 42, 44, 46, 48, 50, 66-68*
 - *Commercial spaces 25-27, 59-65*
 - ***On LG3***
 - *Residential spaces 23-29, 32-35, 36, 38, 40, 42, 44, 46, 48, 50, 59-68*
111. *Each set of tandem parking spaces shall be allocated to the same residential unit.*
112. *Clear signage indicating the maximum height clearances in the basement carpark (3.6 metres) shall be provided at the entrance to the carpark. Additional clearance signage shall be provided within the carpark at the points where the clearance is reduced from the initial clearance of 3.6 metres.*
113. *The loading bays shall be clearly marked and signposted.*
114. *To prevent conflict between service vehicles and other vehicles on the access driveway, a signalling system shall be provided on the access driveway (between Green Street and the ground floor carpark) to indicate when service vehicles are using the driveway and therefore stop other vehicles from using the driveway at the same time.*

The signalling system shall be designed by a suitably qualified traffic engineer. Full details of the system shall be submitted to the certifying authority prior to the issuing of a construction certificate.

The following conditions are applied to provide adequate provisions for future civil works in the road reserve:

115. *The Council's Department of Asset & Infrastructure Services has inspected the above site and have determined that the design alignment level (concrete/paved/tiled level) at the property boundary for driveways, access ramps and pathways or the like, shall be as follows:*

- ***Green Street site frontage***
 - *2.5 % above the back of the existing kerb along site frontage of shops 2 – 5.*
 - *At the levels shown on the submitted Ground plan A (Revision K, by Baker Kavanagh Architects dated October 2003) for the pedestrian entry to Shop 1 and the Lobby area, the entry to the valve room, the entry to the stair well and the carpark entry.*
- ***Maroubra Road site frontage***
 - *2.5 % above the back of the existing kerb along the full site frontage*
- ***In Anzac Parade***
 - *At the levels shown in the submitted concept sketches from Baker Kavanagh Architects in their facsimile dated 3/11/2003 and attached to this consent as sketch Diagrams 1.*

Any enquiries regarding this matter should be directed to Council's Assets & Infrastructure Services Department on 9399 0923 or 9399 0919.

116. *The design alignment levels (concrete/paved/tiled level) issued by Council and their relationship to the roadway/kerb/footpath must be indicated on the building plans for the construction certificate. The design alignment level at the street boundary, as issued by the Council, must be strictly adhered to.*

117. *The above alignment levels and the site inspection by Council's Department of Asset & Infrastructure Services have been issued at a prescribed fee of \$3207 calculated at \$27.50 (inclusive of GST) per metre of site frontage. This amount is to be paid prior to a construction certificate being issued for the development.*

118. *The top of footings of any structures constructed on the boundary alignment must be at least 150mm below the alignment level as specified for the vehicular access.*

The following conditions are applied to provide adequate consideration for service authority assets:

119. *The applicant shall meet the full cost for all existing and proposed power and telecommunication cables located along the Anzac Parade, Maroubra Road and Green Street site frontages to be relocated/located underground. The works shall be in accordance with the relevant service authorities requirements and shall be undertaken prior to any footpath reconstruction works being undertaken along the site frontages. The applicant shall meet the full cost for any redundant poles to be removed.*

It is noted that this condition does not include any cables running across the roadways perpendicular to the site frontages.

120. *A public utility impact assessment must be carried out on all public utility services on the site, roadway, nature strip, footpath, public reserve or any public areas associated with and/or adjacent to the development/building works and include relevant information from public utility authorities and exploratory trenching or pot-holing, if necessary, to determine the position and level of service.*
121. *The applicant must meet the full cost for telecommunication companies, gas providers, Energy Australia and Sydney Water to adjust/repair/relocate their services as required. The applicant must make the necessary arrangements with the service authority. It is noted that this includes raising/lowering any services along the site frontages as required to allow footpath construction to match the issued alignment levels.*
122. *Documentary evidence from the relevant public utility authorities confirming that their requirements have been satisfied and must be submitted to the certifying authority prior to a construction certificate being issued for the development.*
123. *The applicant shall liaise with Energy Australia prior to lodging the construction certificate application to determine whether they require the electricity substation to be raised above flood level, and if so ensure that the plans submitted for the construction certificate show the substation being located above RL 26.88 (AHD).*
124. *The electricity substation must be located within the development site.*
125. *A Section 73 Compliance Certificate under the Sydney water Act 1994 must be obtained. Application must be made through an authorised Water Servicing Coordinator. Please refer to “Your Business” section of Sydney Water’s web site at www.sydneywater.com.au then the “e-developer” icon or telephone 13 20 92.*

Following application a “Notice of Requirements” will detail water and sewer extensions to be built and charges paid. Please make early contact with the Coordinator, since building of water/sewer extensions can be time consuming and may impact on other services and building, driveway or landscape design.

The Section 73 Certificate must be submitted to the Principal Certifying Authority prior to the Construction Certificate being issued.

The following conditions are applied to provide adequate provisions for drainage and associated infrastructure:

126. *All habitable and storage areas located along the Green Street site frontage (excluding those areas in the basement car park) shall be at a located at a minimum RL of 26.88 (AHD) and a high point shall be provided along the full width of the access to the basement carpark to a minimum height of RL of 26.73 (AHD). The plans submitted for the construction certificate shall demonstrate compliance with these requirements.*
127. *All windows, vents or other openings into the basement carpark (excluding the access driveway) shall be located above RL 26.88 (AHD). The plans submitted for the construction certificate shall demonstrate compliance with this requirement.*

128. *All components of the access stairs/entry areas located below RL 26.88 (AHD) along the Green Street site frontage shall be constructed from materials that will not be adversely affected by flooding.*
129. *The eastern doorway to shop 7 (on the Maroubra Road site frontage) shall be deleted. This condition has been attached to prevent stormwater runoff from Maroubra Road entering the shop. The plans submitted for the construction certificate shall demonstrate compliance with this requirement.*
130. *A high point to RL 28.42 (AHD) shall be provided in the eastern access stairs to the basement carpark along the Maroubra Road site frontage (stairs BFS.02). The plans submitted for the construction certificate shall demonstrate compliance with this requirement.*
131. *A high point to RL 28.33 (AHD) shall be provided in the access stairs to the basement carpark located adjacent to shop 6 (stairs BFS.03). The plans submitted for the construction certificate shall demonstrate compliance with this requirement.*
132. *All habitable and storage located along the Maroubra Road site frontage (including shops 6 and 7 and the lobby area) shall be at a located at a minimum RL of 28.33 (AHD). The plans submitted for the construction certificate shall demonstrate compliance with this requirement.*
133. *All components of the access stairs/entry areas located below RL 28.33 (AHD) along the Maroubra Road site frontage shall be constructed from materials that will not be adversely affected by flooding.*
134. *All doors, walls and windows on the ground floor level along the Green Street, Anzac Parade and Maroubra Road 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 prior to the issuing of a construction certificate.*

It is noted that 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.

135. *The applicant shall meet the full cost for replacing the existing 450mm diameter Council stormwater pipeline which burdens the site with a new concrete culvert. The culvert shall be designed and constructed in accordance with the following minimum requirements:*
 - *The culvert shall be sized for the 1 in 100 year storm event.*
 - *The culvert shall have a design life that exceeds the life of the development.*
 - *Provision shall be made for Council (or other authorised persons) to access the stormwater culvert for cleaning and maintenance purposes.*

- *The development shall be designed to be structurally independent of the culvert. I.e. if any section of the culvert needs to be removed/replaced in the future, it will not compromise that structural integrity of the building.*
- *The culvert shall be designed by a suitably qualified structural engineer in general accordance with the details shown in Drawing DT01C by Baker Kavanagh Architects dated 25/6/2003.*

Full construction details and specifications demonstrating compliance with the above requirements shall be submitted to Council for approval and approved prior to the issuing of a construction certificate.

A structural engineer shall supervise the culvert construction works and certify on completion that all works have been undertaken in accordance with the approved plans and specifications. The certification shall be submitted to Council prior to the issuing of an occupation certification.

136. *The applicant shall provide a minimum 3.0 metre wide drainage easement over the culvert alignment (i.e. along the eastern boundary of the site).*

It is noted that Council does not generally permit construction over drainage easements, however, provided that the culvert is constructed in accordance with the details set out above, the proposed development may be constructed over the easement as detailed in the approved plans.

137. *With the exception of the site discharge pipe, all new pipelines constructed within council's road reserve shall be minimum 375 mm diameter rubber ringed reinforced concrete pipelines.*

138. *Engineering calculations and plans with levels reduced to Australian Height Datum in relation to site drainage shall be 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 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.*
- 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. This may involve either connection to the Council's street gutter, or into a Council stormwater pit. Note: All proposals should indicate the location of the closest Council stormwater pit and line regardless of the point of discharge. This information can be obtained by a visual inspection of the area and perusing Council's drainage plans.*
- 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 system.

- d) *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.*
 - h) *All stormwater run-off naturally draining to the site must be collected and discharged through this property's stormwater system. Such drainage must, if necessary, be constructed prior to the commencement of building work.*
139. *On-site detention must be provided to ensure that the maximum discharge from the above site is not to exceed that which would occur during a 1 in 5 year storm of 1 hour duration for the existing site conditions. All other stormwater run-off from the above site for all storms up to the 1 in 20 year storm is to be retained on the site for gradual release to the kerb and gutter or drainage system as required by the Director of Assets and Infrastructure Services. Provision is to be made for satisfactory overland flow should a storm in excess of the above parameters occur.*
- For small areas up to 0.5 hectares, determination of the required cumulative storage must be calculated by the mass curve technique as detailed in Technical Note 1, Chapter 14 of the Australian Rainfall and Run-off Volume 1, 1987 Edition.*
- Where possible the detention tank must have an open base to infiltrate stormwater to the groundwater. Note that the ground water and any rock stratum have to be a minimum of 2.0 metres below the base of the tank.*
140. *All stormwater runoff from the proposed development shall be directed to Council's underground drainage system in Green Street, Anzac Parade or Maroubra Road via new and/or existing kerb inlet pits. It is noted that all kerb inlet pits shall be constructed in general accordance with Council's standard drawing SD6.*
141. *The applicant must provide for a detention volume of up to the 1 in 100 year should no overland escape route be provided for storms greater than the design storm.*

142. A "restriction as to user and positive covenant" shall be placed on the title of the subject property prior to the issuing of a final occupation certificate. Such restriction and positive covenant shall relate to the onsite stormwater detention system and shall not be released, varied or modified without the consent of the Council.

Notes:

- a. The "restriction as to user 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 Asset and Infrastructure Services Department.
- b. The linen plans shall indicate the location and dimensions of the detention/infiltration areas.

This condition is to ensure that no works which could affect the design function of the detention system are undertaken without the prior consent (in writing) from Council.

143. *The detention area must be regularly cleaned and maintained to ensure it functions as required by the design.*
144. *The stormwater detention area must be suitably signposted where required, warning people of the maximum flood level.*
145. *The floor level of all habitable and storage areas adjacent to the detention area 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 constructed.*

(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).

146. *A childproof and corrosion resistant fastening system shall be installed on access grates over pits/trenches where water is permitted to be temporarily stored.*
147. *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 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 "Section 8.4 PUMP SYSTEMS" as stipulated in Randwick City Council's Private Stormwater Code.

148. *A work-as-executed plan prepared and signed by the hydraulic engineer or a registered surveyor, and approved by an accredited certifier, must be submitted to Council's Director of Asset and Infrastructure Services prior to the issuing of an occupation certificate, detailing the location of the detention basin with finished surface levels, contours at 0.2 metre intervals and volume of storage available. The*

outlet pipe from the detention basin to its connection with Council's drainage system, must be indicated on this plan in conjunction with the following information:

- a) location*
- b) pipe diameter*
- c) gradient*
- d) pipe material i.e. PVC or EW etc*
- e) orifice size (if applicable)*

149. A sediment/silt arrester pit must be provided:-

- a) within the site at or near the street boundary prior to the site stormwater discharging by gravity to the street drainage system; and*
- b) prior to stormwater discharging into any absorption/infiltration system.*

The sediment/silt arrester pit shall be constructed with:-

- The base of the pit located a minimum 300mm under the invert level of the outlet pipe.*
- The pit must be constructed from cast in-situ concrete, precast concrete or double brick.*
- The grate is to be a galvanised heavy-duty grate that has a provision for a child proof fastening system.*
- A minimum of 4 x 90 mm diameter weep holes 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 (Lysaght RH3030 Maximesh or similar) located over the outlet pipe. (Similar to a Mascot GRC stormwater discharge control pit, product code DS3SDC).*
- A child proof and corrosion resistant fastening system for the access grate (e.g. similar to a Weldlock spring loaded jay-bolt).*
- The inlet pipeline located on the side of the pit so that the stormwater will discharge across the face of the screen.*
- A sign adjacent to this pit stating that:*

“This sediment/silt arrester pit shall be regularly inspected and cleaned.”

Note: *Sketch details of a standard sediment/silt arrester pit can be obtained from Council's Drainage Engineer.*

150. Any Absorption Trenches/Pits must be designed in accordance with "Section 8.5 ABSORPTION TRENCHES" as stipulated in Randwick City Council's Private Stormwater Code.

151. *Six covered car washing bays shall be provided for this development.*

- a) *The car washing bays must be drained to sewer to the requirements of Sydney Water and proof of compliance is to be submitted to the certifying authority, prior to a construction certificate being issued for the proposed development.*
- b) *The car washing bays must be located outside any required/approved stormwater detention system and must be suitably signposted.*
- c) *The car washing bays must be constructed with a minimum 20mm bund around the perimeter of the car washing bay/s (or equivalent)*

A water tap shall be located adjacent to the car washing bays.

152. *All drainage details for the site shall be prepared by a suitably qualified hydraulic consultant who shall, at the completion of the works, certify that the drainage works have been constructed in accordance with the approved drainage plans.*

153. *As seepage/groundwater may be encountered within the depth of the proposed basement excavation, the basement carpark and/or similar structures shall be suitably constructed to prevent seepage / groundwater entering the basement structure. This may involve, but not be limited to, secant pile wall construction (or similar) around the basement together with grout infilling any joints in the exposed rock walls/floor. Minor seepage water entering the basement shall be collected and discharged back into the ground on the downstream side of the site. It is noted that the method of discharge shall ensure that the collected seepage/groundwater is dispersed evenly across the width of the site.*

A structural or geotechnical engineer shall certify that this condition has been complied with prior to an occupation certification being issued for the development and a copy of the certification shall be forwarded to Council.

Notes:

- a) *The proposed basement structure/s shall not dam or slow the movement of seepage/groundwater through the site. Thus suitable drainage lines/trenches may be required around/under the basement structure to permit groundwater to flow through the development site. All drainage lines/trenches/pits must be located within the site.*
- b) *Seepage and groundwater must not be discharged to the kerb and gutter. All collected seepage /groundwater shall be discharged back into the ground.*

154. *The applicant shall obtain a Water License from the Department of Land and Water Conservation prior to the issuing of a construction certificate. The applicant is advised to contact Warren Miller on 9895 7784 regarding this matter.*

155. *The recommendations made in the Groundwater Modelling report by Environmental Investigation Services (EIS) dated 2 April 2003 and any subsequent excavation and dewatering details approved by Council in accordance with deferred commencement*

condition C, shall be adopted. The Construction Certificate plans shall demonstrate compliance with this requirement.

156. *A dilapidation survey of the surrounding properties shall be undertaken by a suitably qualified person and submitted to the certifying authority and Council (if Council is not the principal certifying authority) prior to the commencement of work on the site.*

The following conditions are applied to provide adequate provisions for waste management:

157. *The garbage storage areas are to be provided with a tap and hose and the floor is to be graded and drained to an approved floor waste to the requirements of the Sydney Water Corporation.*
158. *A caretaker is to be employed on an ongoing basis to manage the waste systems as described in the waste management plan (Building Waste Management Plan – Dudley’s Corner and Green Street Development, prepared by Meinhardt Infrastructure & Environment P/L, dated July 2003) submitted as part of the development application.*
159. *A maintenance schedule for the garbage chute and compactor system (prepared in conjunction with the compactor manufacturer) shall be submitted to the certifying authority prior to the issuing of a construction certificate.*

The following conditions are applied to provide adequate provisions for landscaping and to maintain reasonable levels of environmental amenity:

160. *Detailed landscape drawings and specifications (prepared by a qualified Landscape Architect who is eligible for membership with the Australian Institute of Landscape Architects (AILA)) shall be submitted to and approved by the certifying authority prior to the issuing of a construction certificate. It is noted that the landscape details shall be in general accordance with the details shown on plan numbers 22044-LP01, 22044-L01, 22044-D01-3, Rev A by Aspect Sydney, dated March 2003, with the following amendments/additional details being included in the construction certificate documentation:*
- a. *All planter boxes and garden beds constructed on slab must have a minimum soil depth of 600mm and all lawn areas must have a minimum soil depth of 300mm. Planter box details shall be submitted with the detailed landscape plans. As such, the ‘Typical Turf Detail’ shown on 02-D01 shall be amended to show a minimum soil depth of 300mm.*
 - b. *Documentary evidence (from a suitably qualified arborist/landscape architect) to support the proposed planting of advanced trees in raised planters throughout the site as indicated on the submitted landscaping plans, shall be submitted to the certifying authority prior to the issuing of a construction certificate. The documentary evidence shall state that the proposed soil depth within the planters is adequate for supporting the proposed trees for their life term.*

Should the arborist indicate that the depth of soil is inadequate for the proposed planting schedule, the landscaping plans submitted for the construction certificate shall be amended to show only species which are suitable for the proposed planting arrangement.

161. *The landscaping shall be installed in accordance with the approved documentation prior to the issue of a final occupation certificate and shall be maintained in accordance with those plans.*

Documentary evidence is to be obtained from a suitably qualified Landscape Architect and submitted to the principal certifying authority (PCA) (and the Council, if the Council is not the PCA) prior to the issuing of a final occupation certificate which confirms that the landscaping works have been completed in accordance with the approved landscaping plans and relevant conditions of development consent, to the satisfaction of the PCA.

162. *The applicant shall submit a landscape design for the Anzac Parade, Maroubra Road and Green Street frontages of the development in accordance with Council's Urban Design Guidelines for Maroubra Commercial Centre. The landscape design shall include pavements, street trees and tree grates as required by Council's Landscape Co-ordinator – 9399 0786.*

The Landscape Design plans shall be submitted to and approved by Council's Director A & I Services in accordance with Section 80A(2) of the Environmental Planning and Assessment Act 1979, prior to the certifying authority issuing a construction certificate for the development.

The applicant shall note that the approved landscape works carried out on Council property, shall be in accordance with Council's requirements for Civil Works on Council property. An application for the cost of the landscape works on Council property is to be submitted to Council at the completion of the internal building works. An application fee shall be payable to Council for the quotation of the required works. The applicant may elect to use his contractor for the required works, subject to Council approval, however a design checking and supervision fee based on the lowest quotation from Council's nominated contractor will be required to be paid prior to the commencement of any works.

A refundable deposit in the form of cash or cheque of \$4,000 shall be lodged with Council prior to issue of a construction certificate for the proposed development in order to ensure the construction of the approved landscape works along the Anzac Parade, Maroubra Road and Green Street site frontages.

163. *Any substation required shall be screened from view. The proposed location and elevation shall be shown on all detailed landscape drawings and specifications.*
164. *All detention tanks and stormwater infiltration systems located within the landscaped areas shall have a minimum soil cover of 600mm to ensure sufficient soil depth to permit the establishment of landscaping on top of these services as stipulated by these conditions of development consent.*

All stormwater documentation submitted for the construction certificate application shall show the top of the detention tanks and stormwater infiltration devices being 600mm below the finished ground level of the landscaped areas.

165. *A refundable deposit in the form of cash or cheque, or bank guarantee for the amount of \$32,000 shall be lodged with Council prior to a construction certificate being issued for the proposed development to ensure the implementation and maintenance of the landscape works in accordance with the approved landscape documentation.*
- a. *The refundable deposit will be released twelve (12) months after the issue of a final occupation certificate by the principle certifying authority providing the landscape works have been successfully implemented and maintained in accordance with the approved landscape documentation. Throughout the maintenance/bond period, the applicant shall be responsible for all routine maintenance such as grass cutting, weeding, watering, fertilising, spraying, staking and replacement of all failed plant stock. There must be no alteration to the original design, including substitution of trees and shrubs, without the prior approval of the Principal Certifying Authority.*
 - b. *Any contravention of Council's landscape conditions at any time during the construction period or prior to the expiration of a period of twelve (12) months from the date a final occupation certificate is issued will result in the Council claiming all or part of the lodged security.*

ADVISORY MATTERS:

- A1. *The applicant is advised that the Construction Certificate plans and specification must comply with the provisions of the Building Code of Australia (BCA).*

In this regard, the development consent plans do not show compliance with the deemed-to-satisfy provisions of the BCA, including:

- a) *Part B1 - Structural provisions*
- b) *Part C1 - Fire resistance and stability*
- c) *Part C3 - Protection of openings*
- d) *Clause C3.2&C3.4 - Protection of openings in external walls*
- e) *Part D3 - Access for people with disabilities*
- f) *Part E1 - Fire fighting equipment*
- g) *Part E2 - Smoke Hazard Management*
- h) *Part E3 - Lift Installations*
- i) *Part E4 - Emergency lighting, exit signs & warning systems*
- j) *Part F2 - Sanitary and other facilities*
- k) *Part F4 - Light and ventilation*
- l) *Part F5 - Sound Transmission and Insulation*

*Details of compliance with the relevant provisions of the Building Code of Australia and conditions of development consent are to be provided in the plans and specifications for the **construction certificate**.*

It is noted that areas in a number of sole occupancy units have been designated as "study" which are deemed to be habitable rooms under the provisions of the BCA and natural light and ventilation is required to be provided.

Access for visitors to the carpark is required at all times and it is necessary to provide an intercom at the entrance to the carpark connected to each sole occupancy unit.

Further, it is noted that toilet facilities including facilities for people with disabilities have not been shown provided to the proposed shops in accordance with the BCA.

Details of compliance with the relevant provisions of the Building Code of Australia and conditions of development consent are to be provided in the plans and specifications for the construction certificate.

- A2. *In order to organise for an inspection for the release of the security deposit, the applicant shall contact the Principal Certifying Authority for the development to liaise with Council's Asset & Infrastructure Department to arrange for an inspection of the landscaping to be carried out. Should the landscaping be found to be unsatisfactory, thus necessitating further inspections, the applicant is advised that each additional inspection will be charged at \$55.00 (incl. GST) and that this amount shall be paid into Account Number 41901939, Code RGJ at the Cashier on the Ground Floor of the Administrative Centre prior to any further inspection being carried out.*

The applicant shall present the receipt at the Asset and Infrastructure Services counter on the First Floor to organise for a further inspection to be undertaken.

- A3. *The applicant is to advise Council in writing and/or photographs of any signs of existing damage to the Council roadway, footway, or verge prior to the commencement of any building/demolition works.*
- A4. *The applicant is advised that Council Asset and Infrastructure Service Department would not support any future footpath dining applications along the Anzac Parade site frontage in the areas opposite the planter boxes due to the narrow width of the residual unimpeded footpath.*
- A5. *That Council will consider a reduction in the monetary contribution applicable under the Section 94 contributions plan should a community facility be provided within the proposed development.*

MOTION: (Bastic/Andrews) SEE RESOLUTION.

5.8 DIRECTOR PLANNING & COMMUNITY DEVELOPMENT'S REPORT 92/2003 - DA NO. 0679/2003 FOR ERECTION OF 34 DETACHED DWELLINGS, ASSOCIATED EARTHWORKS AND UTILITY SERVICE INSTALLATION AND TORRENS TITLE SUB-DIVISION. (D/0679/2003)

H105 **RESOLUTION: (Tracey/Andrews) that:**

- A. *The Council support the objection under State Environmental Planning Policy No.1 (SEPP No. 1) in respect to non-compliance with Clauses 30A of the Randwick Local Environmental Plan 1998 (relating to maximum floor space ratio and wall height) on the grounds that the proposed use complies with the objectives of the clauses and will not adversely affect the amenity of the surrounding locality and that the Department of Infrastructure, Planning and Natural Resources be advised accordingly.*

- B. *Council as the responsible authority grant its development consent as a Deferred Commencement under Section 80(3) of the Environmental Planning and Assessment Act 1979 (as amended) to Development Application No D/0679/2003 for the erection of 34 detached dwelling houses, Torrens-title sub-division, associated earthworks and landscaping, installation of utility services and site establishment works at 33-149 Bundock Street, Kingsford subject to the following conditions:-*

Deferred Commencement Conditions

The consent is not to operate until the following material has been submitted to and approved by the Director of Planning and Community Development:

1. *Landscape elements and feature surface treatments shall be applied to all blank side-walls to break-up and soften the visual effect of these side-walls and maintain visual amenity. Details are to be submitted to Council for approval.*
2. *The retaining wall to the rear of the proposed Lots No. 1 to 6 shall be reduced in height by 300mm and the corresponding level of all/part of the rear yard of the proposed dwellings on these lots shall be reduced by a similar amount. Details are to be submitted to Council for approval.*

Evidence required to satisfy the above conditions must be submitted to Council within 12 months of the date of this consent.

Development Consent Conditions

Subject to compliance with the deferred commencement conditions, to the satisfaction of the Director Planning and Community Development, development consent is granted under Section 80 & 80A of the Environmental Planning and Assessment Act 1979 subject to the following conditions:

REFERENCED PLANS:

1. *The Development must be implemented substantially in accordance with the plans numbered DA 001 Issue A, DA 002 Issue A, DA 003 Issue A, DA 007 Issue A, DA 008 Issue B, DA 009 Issue C, DA 010 Issue A, DA 011 Issue B, DA 012 Issue A, DA 013 Issue A, DA 014 Issue A, DA 015 Issue A, DA 016 Issue B, DA 017 Issue B, DA 018 Issue A, DA 019 Issue A, DA 020 Issue B, DA 021 Issue B, DA 022 Issue A, DA 023 Issue A, DA 024 Issue B, DA 025 Issue B, DA 053 Issue B, DA 054 Issue B, and DA 060 Issue A, dated received by Council respectively on 1 August 2003, 29 September 2003, and 15 October 2003, and the application form, and on any supporting information received with the application, except as may be amended by the following conditions and as may be shown in red on the attached plans:*

The following conditions are applied to satisfy the provisions of section 79C of the Environmental Planning and Assessment Act 1979 and to maintain reasonable levels of environmental amenity:

2. *The external colours, materials and finishes of the proposed development and the landscaping plans shall be in accordance with the sample board details and*

elevations prepared by HPA Architects, Planners & Interior Designers submitted to and received by Council on 7 August 2003.

3. *The proposed fences to the rear of Lots No. 1 to 6 shall be no higher than 1.5m in height. Details are to be submitted to Council for approval, **prior to the issuing of the construction certificate.***
4. *The applicant shall prepare a wild-life management plan containing appropriate measures and procedures for treating any wildlife that may be affected by the proposed development or that may wander into the site from the neighbouring Randwick Environmental Park and elsewhere, and these provisions shall form part of induction points for workers and staff on-site. The induction points shall include contact details of WIRES for rescue and retrieval. Details are to be submitted to Council for approval, **prior to the issuing of the construction certificate.***

The following conditions are applied to maintain reasonable levels of environmental amenity and public health safety.

5. *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 shall not give rise to a 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). The source noise level shall be assessed as an $L_{Aeq, 15 \text{ min}}$, adjusted in accordance with the NSW Environmental Protection Authority's Environmental Noise Control Manual (for sleep disturbance) and Industrial Noise Policy 2000.

6. *The works shall not give rise to environmental pollution or public nuisance or, result in an offence under the Protection of the Environment Operations Act 1997 or NSW Occupational Health & Safety Act (2000) & Regulations (2001).*
7. *There must be no encroachment of any part of the structure/s onto the adjoining premises or onto Council's road reserve, footway or public place.*
8. *Any gate openings shall be constructed so that the gates, when hung, will be fitted in such a manner that they will not open over the footway or public place.*
9. *Street numbering must be provided to the premises in a prominent position, to the satisfaction of Council.*
10. *Lighting to the premises 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.*

The following group of conditions have been applied to ensure that adequate drainage is provided from the premises and to maintain adequate levels of health and amenity in the locality:

11. *The finished ground levels outside of the building are required to be not less than:*

- 150mm below the internal floor level of the building, or,
- 100mm below the internal floor level of the building in sandy, well drained areas, or,
- 50mm below the internal floor level of the building where an external paved area or slab is provided adjacent to the building, which is graded not less than 50mm over the first 1m away from the building,

*Details of stormwater drainage are to be provided in the documentation for the **construction certificate**.*

12. *External paths and ground surfaces are to be graded and drained away from the building and adjoining premises in such a manner so as not to result in the entry of water into a building, or cause a nuisance or damage to the adjoining premises.*

The following conditions are applied to ensure that the development satisfies the provisions of the Environmental Planning and Assessment Act 1979 and Regulations:

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

Failure to comply with these legislative requirements is an offence and may result in the commencement of legal proceedings, issuing of `on-the-spot` penalty infringements or service of a notice and order by Council.

14. *In accordance with clause 98 of the Environmental Planning and Assessment Regulation 2000, it is a prescribed condition, that in the case of residential building work, a contract of insurance must be obtained and in force, in accordance with the requirements of the Home Building Act 1989.*

Where the work is to be done by a licensed contractor, excavation or building work must not be carried out unless the Principal Certifying Authority (PCA):

- *has been informed in writing of the licensee's name and contractor number; and*
- *is satisfied that the licensee has complied with the insurance requirements of Part 6 of the Home Building Act 1989, or*

Where the work to be done by any other person (i.e. an owner builder), excavation or building work must not be carried out unless the Principal Certifying Authority:

- *has been informed of the person's name and owner-builder permit number, or*
- *has been given a declaration, signed by the owner of the land that states that the market cost of the labour and materials involved in the work does not exceed \$5,000.*

*Details of the builder and compliance with the provisions of the Home Building Act 1989 are to be submitted to Council **prior to the commencement of works**, on the notice of appointment of the PCA / Intention to commence building work.*

15. *The required Long Service Levy payment, under the Building and Construction Industry Long Service Payments Act 1986, is to be forwarded to the Long Service Levy Corporation or the Council, prior to the issuing of a Construction Certificate, in accordance with Section 109F of the Environmental Planning & Assessment Act 1979.*
16. *All building work must be carried out in accordance with the provisions of the Building Code of Australia (BCA), in accordance with Clause 98 of the Environmental Planning and Assessment Regulation 2000.*
17. *Prior to the commencement of any building works, 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 and Environmental Planning & Assessment Regulation 2000.*
18. *Prior to the commencement of any building work, a principal certifying authority must be appointed and Council is to be notified accordingly and, at least 2 days notice of the intention to commence building work must be given to Council, in accordance with the provisions of the Environmental Planning & Assessment Act 1979 and Environmental Planning & Assessment Regulation 2000.*
19. *An Occupation Certificate must be obtained from the principal certifying authority prior to any occupation of the building work encompassed in this development consent in accordance with the relevant provisions of the Environmental Planning & Assessment Act 1979.*

The following conditions are applied to ensure that the development satisfies relevant standards of construction, and to maintain adequate levels of health, safety and amenity during construction:

20. *A copy of the construction certificate, the approved plans & specifications and development consent conditions must be kept on the site at all times and be available to the Council officers upon request.*
21. *The building works are to be inspected by the Principal Certifying Authority (or other suitably qualified person approved by the Principal Certifying Authority), to monitor compliance with the relevant standards of construction and Council's development consent.*

The Principal Certifying Authority shall specify the relevant stages of construction to be inspected and a satisfactory inspection must be carried out, to the satisfaction of the Principal Certifying Authority, prior to proceeding to the subsequent stages of construction or finalisation of the works (as applicable).

Documentary evidence of the building inspections carried out and details of compliance with Council's approval is to be maintained by the Principal Certifying Authority. Details of critical phase inspections carried out and copies of certification relied upon, shall be forwarded to Council with the occupation certificate or, upon finalisation of works if no occupation certificate is issued.

22. *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 are to 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.

Retaining walls, shoring, or piling must be designed and installed in accordance with appropriate professional standards and the relevant requirements of the Building Code of Australia and Australian Standards.

Details of proposed retaining walls, shoring or piling are to be submitted to and approved by the Principal Certifying Authority for the development prior to commencing such excavations or works.

23. *A Registered Surveyor's check survey certificate or compliance certificate is to 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), detailing compliance with Council's approval at the **following stage/s of construction:***
- a) *Prior to construction of the first completed floor/floor slab (prior to pouring of concrete), showing the area of land, building and boundary setbacks and verifying that the building is being construction at the approved levels.*
 - b) *On completion of the erection of the building showing the area of the land, the position of the building and boundary setbacks and verifying the building has been constructed at the approved levels.*
24. *All building, demolition and associated site works must only be carried out between the hours of 7.00am to 5.00pm on Monday to Friday inclusive, between 8.00am to 5.00pm on Saturdays and all building activities are strictly prohibited on Sundays and public holidays, except with the specific written authorisation of Council's Manager of Environmental Health and Building Services.*
25. *Noise and vibration emissions during the construction of the building and associated site works must not result in damage to nearby premises or result in an unreasonable loss of amenity to nearby residents and the relevant provisions of the Protection of the Environment Operations Act 1997 must be satisfied at all times.*
26. *Noise and vibration created by activities on the site must be minimised by using appropriate plant and equipment and silencers and a construction noise and vibration minimisation strategy, prepared by a suitably qualified consultant is to be implemented during the works, to the satisfaction of the Principal Certifying Authority. Details of the proposed strategy are to be submitted to the Principal Certifying Authority and Council prior to commencement of work. Vibration levels are to be monitored during the works to ensure compliance with relevant criteria.*

27. *A sign must be erected on the site in a prominent, visible position, prior to commencing any demolition, excavation or building works, stating that ‘unauthorised entry to the site is prohibited’ and showing the name of the person in charge of the work site and a telephone number at which the person may be contacted outside working hours.*

In the case of residential building work, the sign is also required to detail the licence number of the building contractor or the permit number of the owner-builder, in accordance with the Home Building Act 1989 and Regulations.

28. *Temporary toilet facilities are to be provided, at or in the vicinity of the work site throughout the course of demolition and construction, at the rate of one toilet for every 20 persons or part of 20 persons employed at the site and the toilet facilities must be connected to a public sewer or other sewage management facility approved by Council.*
29. *Public safety and convenience must be maintained at all times during demolition, excavation and construction works.*

The roadway, footpath and nature strip must be maintained in a good, safe condition and free from any obstructions, materials, soils or debris at all times. Any damage caused to the road, footway or nature strip must be repaired immediately, to the satisfaction of Council.

A Road Opening Permit must be obtained from the Council and other relevant Authorities prior to excavating or opening-up the road or footway for services or the like.

30. *Building materials, sand, soil, waste materials or construction equipment must not be placed upon the footpath, roadway or nature strip at any time and the footpath, nature strip and road must be maintained in a clean condition and free from any obstructions, soil and debris at all times.*
31. *Bulk bins/waste containers must not be located upon the footpath, roadway or nature strip at any time without the prior written consent of the Council, unless the waste container is located upon the road in accordance with the Roads & Traffic Authority Guidelines and Requirements, and the container is exempt from an approval under Council’s Local Approvals Policy.*
32. *Any building/demolition works involving asbestos cement are to be carried out in accordance with the Work Cover New South Wales “Guidelines for Practices Involving Asbestos Cement in Buildings”.*
33. *A Construction Site Management Plan is to be submitted to and approved by the principal certifying authority prior to the commencement of demolition, excavation or building works. The site management plan must include the following measures, as applicable to the type of development:*

- *location and construction of protective fencing / hoardings to the perimeter of the site;*
- *location of site storage areas/sheds/equipment;*

- *location of building materials for construction;*
- *provisions for public safety;*
- *dust control measures;*
- *site access location and construction*
- *details of methods of disposal of demolition materials;*
- *protective measures for tree preservation;*
- *provisions for temporary sanitary facilities;*
- *location and size of waste containers/bulk bins;*
- *details of proposed sediment and erosion control measures;*
- *construction noise and vibration management.*

The site management measures are to be implemented prior to the commencement of any site works and be maintained throughout the works, to maintain adequate levels of public health and safety. A copy of the approved Construction Site Management Plan must be maintained on site and be made available to Council officers upon request.

34. *During demolition excavation and construction works, dust emissions must be minimised, and must not 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 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.*
- *Revegetation of disturbed areas.*

35. *During construction stages, sediment laden stormwater run-off shall be controlled using the sediment control measures outlined in the manual for Managing Urban Stormwater – Soils and Construction, published by the NSW Department of Housing*

*Details of the proposed sediment control measures must be submitted to and approved by the principal certifying authority **prior to the commencement of any site works.** The sediment and erosion control measures must be implemented prior to the commencement of any site works and a copy of the approved details must be made available to Council officers upon request.*

Details of proposed sediment and erosion control measures shall include; a site plan; indicating the slope of land, access points & access control measures, location and type of sediment & erosion controls, location of existing vegetation to be retained,

location of material stockpiles and storage areas, location of building operations and equipment.

36. *Stockpiles of soil, sand, aggregate or other materials must not be located on any footpath, roadway, nature strip, drainage line or any public place and the stockpiles must be protected with adequate sediment control measures.*

Building operations such as brick cutting, washing tools or equipment and mixing mortar are not permitted on public footpaths, roadways, nature strips, in any public place or any location which may lead to the discharge of materials into the stormwater drainage system.

37. *A warning sign for soil and water management must be displayed in a prominent position on the building site, visible to both the public and site workers. The sign must be displayed throughout the construction period. Copies of a suitable warning sign are available at Council's Customer Service Centre for a nominal fee.*

38. *Public safety must be maintained at all times and public access to the site and building works, materials and equipment on the site is to be restricted, when work is not in progress or the site is unoccupied.*

A temporary safety fence is to be provided to protect the public, located to the perimeter of the site. Temporary fences are to have a minimum height of 1.8 metres and be constructed of cyclone wire fencing, with geotextile fabric attached to the inside of the fence to provide dust control, or other material approved by Council.

Hoardings or fences are to 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.

*The public safety provisions and temporary fences must be in place **prior to the commencement of any demolition, excavation or building works** and be maintained throughout construction.*

The following conditions are applied to maintain reasonable levels of environmental amenity and public health safety.

39. *Any fill importation to the site is to be monitored and classified by the site auditor appointed for remediation of the site or a person with his qualifications. Only 'virgin excavated natural material' is to be imported to the site, as defined within the NSW EPA 'Environmental Guidelines; Assessment, Classification and management of Liquid and Non-Liquid Wastes. 1999'. Details of compliance are to be forwarded to Council accordingly.*

The following conditions are applied to ensure that reasonable levels of fire safety are provided in the building:

40. *Smoke alarms are required to be installed in each Class 1 building or dwelling in accordance with the relevant provisions of Part 3.7.2 of the B.C.A. – Housing Provisions.*

Smoke alarms must comply with AS3786 – Smoke alarms and be connected to the consumer mains electric power supply and provided with a battery back-up.

The smoke alarms are to be installed in suitable locations on or near the ceiling, in any storey containing bedrooms; located between each part of the dwelling containing the bedrooms and the remainder of the dwelling, or where bedrooms are served by a hallway, the smoke alarms are to be located in that hallway; and smoke alarms are to be installed in any other storey not containing bedrooms, to the satisfaction of the certifying authority.

Smoke alarms are not to be located in 'dead-air-spaces', in the corner junction of walls and ceilings between exposed rafters/joists or at the apex of raked ceilings, as detailed in Part 3.7.2 of the B.C.A. – Housing Provisions.

*Details of compliance with the provisions of the Building Code of Australia must be included in the plans / specification for the **construction certificate**.*

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

41. *The following damage deposit requirement is to be complied with prior to a construction certificate being issued for the development, as security for making good any damage caused to the roadway, footway, verge or any public place; or as security for completing any public work; and for remedying any defect on such public works, in accordance with section 80A(6) of the Environmental Planning and Assessment Act 1979:*

a) \$20000.00 - Security damage deposit

The damage deposit may be provided by way of a cash or cheque with the Council and is refundable upon the applicant advising Council, in writing, of the completion of all building works and/or obtaining an occupation certificate, if required.

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

42. *The following vehicular crossings deposit requirement is to be complied with prior to a construction certificate being issued for the development, as security for Council or a Council approved subcontractor to construct the vehicular crossings.*

a) \$50,000.00 - Vehicular crossings deposit

The vehicular crossings deposit may be provided by way of cash or cheque with the Council and is refundable upon the completion of the Council vehicular crossing by Council or a Council approved subcontractor.

The following conditions are applied to provide adequate provisions for access, transport and infrastructure:

43. *Pursuant to the Environmental Planning and Assessment Act 1979, Section 80(3) the consent is not to operate until Council is provided with a Deed duly executed by the Applicant (and where the Applicant is not the owner the subject of the development*

then the Deed must be duly executed by such owner(s)) in essence containing an operative provision to the effect that in consideration of Council as owner permitting works on, in or over Bundock Street, Hendy Avenue, Lomandra Street and Xyris Street, as referred to in Conditions 43 and 52 of this consent Council shall be appointed the principal certifying authority pursuant to Section 109E of the Environmental Planning and Assessment Act 1979 in respect of those works. All works to be carried out at no cost to Council. The Deed to be binding upon the transferees, assignees and successors in title of the Applicant/Owner(s).

44. *The applicant must meet the full cost for Council or a Council approved contractor to:*
- *Construct full width concrete vehicular crossings and laybacks at kerb opposite the vehicular entrances to the site.*
 - *Construct concrete footpaths along the full Bundock Street, Hendy Avenue, Lomandra Street and Xyris Street site frontages. The footpath widths must be in general accordance with the development consent for Development Application 427/2002 and the approved Construction Certificate plans for the Construction Certificate Application 769/02. The applicant must liaise with Council's Development Engineer (9399 0924) to discuss Council's requirements for the footpaths prior to lodgement of the Construction Certificate. Note: any unpaved areas on the nature strip must be turfed and landscaped to Council's specification.*
 - *Install street trees along all street frontages in general accordance with the development consent for Development Application 427/2002 and the approved Construction Certificate plans for the Construction Certificate Application 769/02.*
 - *Install all traffic related sign posting and linemarking.*
 - *Install all street sign posting.*
 - *Construct the topcoat wearing course for all road pavements within the site.*
45. *The applicant must meet the full cost for Council or a Council approved contractor to repair/replace any damaged sections of Council's footpath, kerb & gutter, nature strip etc which are due to building works being carried out at the above site. This includes the removal of cement slurry from Council's footpath and roadway.*
46. *The applicant shall note that all external work, carried out on Council property, shall be in accordance with Council's Policy for "Vehicular Access and Road and Drainage Works". An application for the cost of the Council civil works is to be submitted to Council at the completion of the internal building works. An application fee shall be payable to Council for the quotation of the required works. The applicant may elect to use his contractor for the required works, subject to Council approval, however a design and supervision fee based on the lowest quotation from Council's nominated contractor will be required to be paid prior to the commencement of any works.*

47. *Prior to the issuing of a construction certificate the applicant shall submit to the Principal Certifying Authority for approval, and have approved, longitudinal sections along the extremities and the centreline of each internal driveway/access ramp at a scale of 1:20. Each section shall indicate compliance with Council's issued alignment levels. Vehicular access driveways should be designed in general accordance with the relevant sections of Council's Development Control Plan – Dwelling Houses and Attached Dual Occupancies, however they must, as a minimum, demonstrate compliance with the relevant sections of AS 2890.1-1993. The driveway longsection submission must include an assessment of the driveway profiles using the Ground Clearance Template found in Appendix D of AS 2890.1 – 1993, (the driveway profiles must not be approved if the ground clearance assessment indicates potential vehicle scraping problems).*
48. *All new walls adjacent to vehicular crossings must be lowered to a height of 600mm above the internal driveway level, as taken at a point 1.5metres within the site, or splayed 1.5 metre by 1.5 metre to provide satisfactory sight lines. Details are to be submitted to the Certifying Authority prior to the release of the construction certificate showing compliance with this condition.*
49. *A work zone is to be provided in Bundock Street for the duration of the construction works. The 'work zone' shall be provided to the satisfaction of the Randwick Traffic Committee and shall have a minimum length of 12 metres. The prescribed fee for the work zone must be paid to Council at least four (4) weeks prior to the commencement of work on the site.*
50. *A Construction Traffic Management Plan for this application must be prepared and approved by Council and the Randwick Development Committee (if required) prior to the commencement of any site construction works. The approved Construction Traffic Management Plan shall be complied with at all times. The applicant must contact Council's Development Engineer to obtain Council's requirements prior to preparation of the Traffic Management Plan. Construction traffic movements shall be limited to Bundock Street, Canberra Street and Rainbow Street or alternatively Bundock Street, Avoca Street and Rainbow Street.*
51. *All retaining walls for the site shall be located clear of any road reserve and shall be suitably designed such that ground water does not permeate through the face of the retaining wall/s. The retaining wall design details submitted with the construction certificate must demonstrate compliance with these requirements.*

The following conditions are applied to provide adequate provisions for future civil works in the road reserve:

52. *The design alignment level at the Bundock Street property boundary for driveways, road pavements, access ramps and pathways or the like, must be obtained in writing from Council's Department of Asset and Infrastructure Services prior to the commencement of any site construction works.*

Any enquiries regarding this matter should be directed to Council's Assets & Infrastructure Services Department.

The design alignment level at the property boundary must be strictly adhered to.

53. *The design alignment level at the Hendy Avenue, Lomandra Street and Xyris Street property boundaries for driveways, road pavements, access ramps and pathways or the like, must be as follows:*

Hendy Avenue:- 2.5% grade above the top of kerb opposite at all points along the Hendy Avenue site frontage.

Lomandra Street:- 2.5% grade above the top of kerb opposite at all points along the Lomandra Street site frontage.

Xyris Street:- 2.5% grade above the top of kerb opposite at all points along the Xyris Street site frontage.

Any enquiries regarding this matter should be directed to Council's Assets & Infrastructure Services Department.

The design alignment level at the property boundary must be strictly adhered to.

54. *The design alignment levels (concrete/paved/tiled level) issued by Council and their relationship to the roadway/kerb/footpath must be indicated on the building plans for the construction certificate. The design alignment level at the street boundary, as issued by the Council, must be strictly adhered to.*
55. *The above alignment levels and the site inspection by Council's Department of Asset & Infrastructure Services have been issued at a prescribed fee of \$18,920.00 calculated at \$27.50 (inclusive of GST) per metre of site frontage. This amount is to be paid prior to a construction certificate being issued for the development. The prescribed fee is to be paid into the following income number: 4-1-131-963.*
56. *The top of footings of any structures constructed on the boundary alignment must be at least 150mm below the alignment level as specified for the vehicular access. This condition has been attached to accommodate the required footpath construction.*

The following conditions are applied to provide adequate consideration for excavating Council's footpath

57. *Details of any cutting or filling works required within the road reserve in order to gain access to the site to carry out the excavation and building works must be submitted to and approved by the Director of Asset and Infrastructure Services, in accordance with section 80A (2) of the Environmental Planning and Assessment Act 1979, prior to the commencement of such construction works on the development site. The cutting and filling work must be carried out by the Council, or by a contractor appointed by the applicant with the approval of the Council, at the applicant's cost.*

The following conditions are applied to provide adequate consideration for service authority assets:

58. *A public utility impact assessment must be carried out on all public utility services on the site, roadway, nature strip, footpath, public reserve or any public areas associated with and/or adjacent to the development/building works and include relevant*

information from public utility authorities and exploratory trenching or pot-holing, if necessary, to determine the position and level of service.

59. *The applicant must meet the full cost for telecommunication companies, gas providers, Energy Australia and Sydney Water to adjust/repair/relocate their services as required. The applicant must make the necessary arrangements with the service authority.*
60. *Documentary evidence from the relevant public utility authorities confirming that their requirements have been satisfied, must be submitted to the certifying authority prior to a construction certificate being issued for the development.*
61. *All Energy Australia Service Turrets shall be recessed wholly into the property boundaries/behind the prevailing property alignment, so that the turrets do not cause a trip hazard and the turrets do not hinder or obstruct the movement, access and enjoyment of the road reserve. The applicant is advised that should Energy Australia require the turrets to be located within the road reserve the applicant will be required to dedicate land to Council, the dimensions of such dedication/s shall be as required to satisfy all of Energy Australia's requirements.*
62. *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 all detailed landscape drawings and specifications. The applicant must liaise with Energy Australia prior to lodging the construction certificate whether or not an electricity substation is required for the development.*
63. *Prior to the issuing of a construction certificate the applicant shall submit to Council for approval, and have approved, a detailed street lighting design for the subject development site. The design must be undertaken by a suitably qualified consultant.*
64. *Street lighting shall be provided for the subject site in accordance with the approved street lighting design referred to above and to the satisfaction of Energy Australia. All costs associated with the provision of street lighting shall be met by the applicant. The street lighting shall be installed and commissioned prior to the issuing of an occupation certificate for any dwelling within the site.*
65. *A Section 73 Compliance Certificate under the Sydney water Act 1994 must be obtained. Application must be made through an authorised Water Servicing Coordinator. Please refer to "Your Business" section of Sydney Water's web site at www.sydneywater.com.au then the "e-developer" icon or telephone 13 20 92.*

Following application a "Notice of Requirements" will detail water and sewer extensions to be built and charges paid. Please make early contact with the Coordinator, since building of water/sewer extensions can be time consuming and may impact on other services and building, driveway or landscape design.

The Section 73 Certificate must be submitted to the Principal Certifying Authority prior to occupation of the development/release of the plan of subdivision. Delete one.

The following conditions are applied to provide adequate provisions for drainage and associated infrastructure:

66. *All site stormwater leaving the site must be discharged by gravity to the kerb and gutter or drainage system at the front of the property.*

AND/OR

by gravity via a private drainage easement through an adjoining private property (or properties) to the kerb and gutter or drainage system.

67. *All interallotment stormwater drainage lines must be designed, as a minimum, to accommodate stormwater flows generated by the 1 in 20 year storm event. Suitable width easements are to be created over the line of any interallotment drainage system in conjunction with any plan of subdivision for the development site, (the pipeline is to be centrally located within the easement). In the situation where no legal overland flow route exists for flows generated by storm events greater than the 1 in 20 year storm event the interallotment drainage line and the required drainage easement must be capable of containing within the easement and discharging storm water flows generated by storm events up to the 1 in 100 year storm event.*

The minimum easement width shall be 1.0 metre for light-weight pipes up to and including 300mm in diameter. Easement widths for drainage lines that are not light-weight, (e.g concrete), and larger than 300mm in diameter should be sufficient to enable maintenance equipment to access the pipeline.

Stormwater design details, together with proposed easement widths, shall be submitted to the certifying authority for approval, and be approved, prior to the issuing of a construction certificate. Design details for the connection of interallotment drainage into the Council controlled stormwater drainage system must be submitted to Council for approval, and be approved, prior to the issuing of a construction certificate.

68. *A sediment/silt arrester pit must be provided:-*

- *within the site at or near the street boundary prior to the site stormwater discharging by gravity to the kerb/street drainage system; and/or*
- *prior to stormwater discharging into any interallotment stormwater drainage system.*

The sediment/silt arrester pit shall be constructed with:-

- *The base of the pit located a minimum 300mm under the invert level of the outlet pipe.*
- *The pit must be constructed from cast in-situ concrete, precast concrete or double brick.*
- *The grate is to be a galvanised heavy-duty grate that has a provision for a child proof fastening system.*

- *A minimum of 4 x 90 mm diameter weep holes 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 (Lysaght RH3030 Maximesh or similar) located over the outlet pipe. (Similar to a Mascot GRC stormwater discharge control pit, product code DS3SDC).*
- *A child proof and corrosion resistant fastening system for the access grate (e.g. similar to a Weldlock spring loaded jay-bolt).*
- *The inlet pipeline located on the side of the pit so that the stormwater will discharge across the face of the screen.*
- *A sign adjacent to this pit stating that:*

“This sediment/silt arrester pit shall be regularly inspected and cleaned.”

Note: *Sketch details of a standard sediment/silt arrester pit can be obtained from Council’s Drainage Engineer.*

69. *Any Absorption Trenches/Pits must be designed in accordance with "Section 8.5 ABSORPTION TRENCHES" as stipulated in Randwick City Council's Private Stormwater Code.*
70. *Prior to the issuing of an occupation certificate, the applicant shall submit to the Principal Certifying Authority (PCA) and Council’s Director of Asset and Infrastructure Services, certification from a suitably qualified and experienced Hydraulic Engineer confirming that the design and construction of the stormwater drainage system complies with the conditions of development consent. The certification must be provided to the satisfaction of the PCA.*
71. *Any seepage water must be drained directly into an absorption pit within the site. Seepage water must **not** be drained from the site.*

The following conditions are applied to provide adequate provisions for waste management and to maintain reasonable levels of environmental amenity:

72. *Prior to the issuing of a construction certificate for the proposed development the applicant is to submit to Council and have approved by Council’s Manager of Waste a Waste Management Plan detailing waste and recycling storage and disposal for the development site, post construction.*

The following conditions are applied to provide adequate provisions for landscaping and to maintain reasonable levels of environmental amenity:

73. *The landscaped areas shown on plan number DA030 dated July 2003, drawn by HPA, shall be the subject of detailed landscape drawings and specifications, which are to be submitted to, and approved by, the certifying authority or {the Director of Assets & Infrastructure in accordance with Section 80A(2) of the Environmental Planning and Assessment Act 1979}, prior to the issue of a construction certificate. The landscape*

drawings and specifications are to be prepared by a qualified Landscape Architect who is eligible for membership with the Australian Institute of Landscape Architects (AILA). The documentation is to include:

- a. *A site plan at an appropriate scale showing existing site boundaries, existing trees within the property (clearly identified as being retained or removed), existing street trees (clearly identified as being retained or removed), features on adjoining sites within 6 metres of the common property boundary (buildings, trees, other structures etc), council's footway, existing and proposed ground levels shown as spot heights and/or contours over the site, at site boundaries, proposed building envelope, proposed areas of pavement, and proposed landscaped areas.*

The plan shall clearly show the position, canopy spread (location of dripline), trunk diameter, height and names of all existing trees upon the site and adjoining sites within 6 metres of the common property boundary which are likely to be affected by the development.

- b. *A planting plan at a scale of 1:100 or 1:200 indicating the location of all proposed planting and existing trees to be retained. All plants are to be drawn at their mature size with a dense planting of shrubs, accent plants and ground covers within all garden beds so that a continuous planted cover is achieved. Plant spacings are to be clearly indicated for all accent and groundcovers.*

*The applicant is advised that Council's Landscape Technician does not support the proposed use of *Metrosideros tomentosum* (NZ Christmas bush), as it is susceptible to borer attack in this area. As such, the planting plans and schedules shall be amended to show the deletion of this species with a suitable alternative to be used instead.*

The applicant will be required to conform with the requirements of Council's Street Tree Master Plan regarding species selection, minimum setbacks etc, for the proposed street tree plantings along the Bundock Road frontage as well as the internal roads. A copy of the Master Plan can be purchased from the Customer Service Centre, located on the Ground Floor of Randwick City Council's Administration Centre at 30 Frances Street Randwick, for a cost of \$50.00. Further information may be obtained from Council's Tree Management Officer, Mr Bryan Bourke, on 9399-0609.

- c. *A planting schedule listing all plants by botanic & common names, plant numbers, plant spacings for groundcovers and accent planting, pot sizes, the estimated size of the plant at maturity (height & spread) and proposed staking methods when applicable.*
- d. *Additional notation showing soil and mulch details, irrigation details, edging, paving, fencing details, surface finishes, retaining wall details, and any other landscape elements in sufficient detail to fully describe the proposed landscape works.*
- e. *Position of existing and proposed site services including water, gas, electricity, sewer, stormwater, etc.*

- f. *Sectional elevations through the site showing the existing and proposed groundlines, building elevations, and mature height of proposed planting.*
 - g. *The landscape plan shall show a minimum number of 20 x 75 litre broad canopied trees (not palms) suitably located within the site. The trees selected shall be of a species that attain a minimum height of 6 metres at maturity.*
 - h. *All planter boxes and garden beds constructed on slab must have a minimum soil depth of 600mm and all lawn areas must have a minimum soil depth of 300mm. Planter box details shall be submitted with the detailed landscape plans.*
 - i. *The plan shall respect the prevailing coastal influences and the coast's special design considerations and requirements, and shall be designed accordingly. Generally, species selection shall be restricted to local indigenous coastal species, that require minimal watering once established or species with water needs that match rainfall and drainage conditions.*
 - j. *Porous paving shall be used in all pathways. Details are to provided with the construction certificate application.*
 - k. *Location of easements within the site and upon adjacent sites (if any).*
74. *The landscaping shall be installed in accordance with the approved documentation prior to the issue of a final occupation certificate and shall be maintained in accordance with those plans.*

Documentary evidence is to be obtained from a suitably qualified Landscape Architect and submitted to the principal certifying authority (PCA) (and the Council, if the Council is not the PCA) prior to the issuing of a final occupation certificate which confirms that the landscaping works have been completed in accordance with the approved landscaping plans and relevant conditions of development consent, to the satisfaction of the PCA.

75. *The applicant shall submit a landscape design for the Bundock Street frontage of the development, detailing proposed street tree specimens, pot size, distances, setbacks, planting and staking methods, in accordance with Council's Street Tree Master Plan.*

The applicant shall note that the approved landscape works carried out on Council property, shall be in accordance with Council's requirements for Civil Works on Council property. An application for the cost of the landscape works on Council property is to be submitted to Council at the completion of the internal building works. An application fee shall be payable to Council for the quotation of the required works. The applicant may elect to use his contractor for the required works, subject to Council approval, however a design checking and supervision fee based on the lowest quotation from Council's nominated contractor will be required to be paid prior to the commencement of any works.

A refundable deposit in the form of cash or cheque of \$2,000 shall be lodged with Council prior to issue of a construction certificate for the proposed development in

order to ensure planting of the required street trees along the Bundock Street site frontage.

76. *To ensure satisfactory maintenance of the landscaped areas, an automatic irrigation system shall be installed throughout all the landscaped areas. Such system shall provide full coverage to all the landscaped areas with no overspray onto driveways and pathways.*

Details of the automatic irrigation system shall be shown on the detailed landscape plans and specifications. The system shall comply with all Sydney Water requirements, and relevant Australian Standards.

77. *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.*

The naturestrip upon Council's footway shall be maintained by the applicant in accordance with Council guidelines. Such maintenance shall include, but not be limited to, watering, mowing, fertilising, and the removal of weeds.

78. *In order to visually 'soften' the expanses of hard pavement, brick unit pavers, stenciled concrete or similar shall be used throughout the driveway areas on the site. Such details shall be shown on the detailed engineering documentation and shall include all structural design details including pavement/subgrade thickness.*

Such details shall be in accordance with the relevant Australian Standard and shall be submitted to, and approved by, the Principal Certifying Authority, prior to the issue of the Construction Certificate.

79. *Any substation required shall be screened from view. The proposed location and elevation shall be shown on all detailed landscape drawings and specifications.*

The following conditions are applied to provide adequate provisions for the Randwick Environment Plan:

80. *The Applicant shall provide a written report of any breaches of the Randwick Environmental Park Conditions to Council's Bushland Management Technician by the next business day after any breach has occurred. The report shall be signed and dated and information in the report shall include, but not be limited to:*

- The date of the breach;*
- The nature, extent (including in time and area and a map) and degree of the breach;*
- The cause of the breach;*
- All persons involved in the breach, including: full first and last names; contact number/s; organisation/s and reason/s for being present;*
- All witnesses to the breach, including: full first and last names; contact number/s and organisation/s; and*
- All plant, equipment, machinery, vehicles, substances, etc. involved in the breach.*

If Council becomes aware of a breach of the Randwick Environmental Park Conditions for which such a report has not been provided to Council, then Council may request such a report, which shall then be provided to Council within 24 hours.

81. *Council officers shall be allowed access to all parts of the site, including the proposed Randwick Environmental Park, on request.*
82. *All personnel employed in relation to the development shall receive a site induction prior to commencement of work, which shall include relevant information regarding the proposed Randwick Environmental Park, including, but not limited to:*
 - *the exact location of the proposed Randwick Environmental Park;*
 - *the presence of nationally significant and threatened vegetation, a sensitive wetland and other native vegetation within the proposed Randwick Environmental Park;*
 - *that the proposed Randwick Environmental Park area shall not be entered without written authorisation of the Department of Defence's Project Manager;*
 - *that no disturbance to vegetation or soils shall occur within the proposed Randwick Environmental Park, except as in accordance with these conditions;*
 - *that no temporary or permanent placement or storage of any items of plant, materials, tools, equipment, vehicles, etc. shall occur within the proposed Randwick Environmental Park, except as in accordance with these conditions;*
 - *that, in any case, access to, disturbance of vegetation and soils in, and placement or storage of items in the proposed Randwick Environmental Park, where these conditions allow, shall be minimised;*
 - *that no other foreign matter, including, but not limited to: concrete, bitumen, road base, fill, soils, mulch, water, cement wash, chemicals, paint, etc., shall be placed in or allowed to enter the proposed Randwick Environmental Park;*
 - *the penalties for damaging threatened items and their habitats without authorisation;*
 - *relevant contact numbers, including the Applicant's Project Manager;*
 - *that contravention of any of the above shall be reported immediately to the Applicant's Project Manager by all persons involved in and witnessing such a contravention.*
83. *All personnel who have completed this induction shall sign an Induction Register stating that they have completed the induction and that this included all the above information. The Induction Register shall be available for inspection and reproduction at all times by Council.*
84. *No disturbance to, or removal of, any Eastern Suburbs Banksia Scrub or its habitat, shall occur without the concurrence of both National Parks and Wildlife Service NSW and Environment Australia.*
85. *No disturbance to, or removal of, any vegetation or soils shall occur on the proposed Randwick Environmental Park side of the temporary protection fence to be provided in accordance with these conditions. In locations within the proposed Randwick Environmental Park where disturbance to, or removal of, vegetation or soils has occurred, such areas shall be immediately repaired to their state prior to*

commencement of development, as far as possible.

86. *No vehicular or pedestrian access relating to the proposed development shall be allowed to the proposed Randwick Environmental Park without the written authorisation of the Department of Defence's Project Manager and/or Council. All persons who have received written authorisation to enter the proposed Randwick Environmental Park from the Department of Defence's Project Manager shall sign an Access Register. The Access Register shall include the following information for every person each day he or she enters the proposed Randwick Environmental Park:*

- *full first and last names;*
- *organisation;*
- *address;*
- *contact telephone numbers;*
- *signature;*
- *date;*
- *detailed reason for access;*
- *description of all areas accessed, including by vehicles, machinery and plant, using management zone codes in the draft Plan of Management;*
- *Acknowledgement that this condition has been read and understood.*

The Access Register shall be available for inspection and reproduction at all times by Council. Council shall receive a full copy of the Access Register immediately after ownership of the Randwick Environmental Park is transferred to Council.

87. *No liquids, semi-liquids or chemicals, including, but not limited to: unset concrete, water, cement wash, paint, petroleum-based products, etc., shall be disposed of or placed in or where they may enter the proposed Randwick Environmental Park. In locations within the proposed Randwick Environmental Park where such substances have been disposed of, have been placed or have entered, such areas shall be immediately repaired to their state prior to commencement of development, as far as possible.*

88. *No temporary or permanent placement or storage of any items of plant, materials, tools, equipment, vehicles, etc. shall occur on the proposed Randwick Environmental Park side of the temporary protection fence to be provided in accordance with these conditions. In locations within the proposed Randwick Environmental Park where items have been placed or stored, such areas shall be immediately repaired to their state prior to commencement of development, as far as possible.*

89. *A temporary 1800mm high chainwire protection fence shall be present around the boundary of the proposed Randwick Environmental Park adjacent to all of Stage 1A for the full period of construction and landscaping works associated with the proposed development. No work relating to the proposed development shall commence until Council's Bushland Management Technician has inspected the protection fence and has provided written authorisation to commence works. All work shall cease at any time any part of the protection fence is not properly installed and shall not recommence until the full length of the protection fence is re-installed.*

90. *Silt fencing shall be present along the full length of the protection fencing and shall be maintained so as to ensure that no surface flows, sediment, fill, bitumen, road*

base, soils, mulch or other foreign matter enters the fenced area at any time. All work shall cease at any time any part of the silt fence is not properly installed and shall not recommence until the full length of the silt fence is re-installed.

91. *Council approved warning signs shall be present (and immediately repaired and replaced as necessary) on the protection fence at a maximum of 50 metre intervals. Warning signs shall include at least all the following information:*
- *the presence of nationally significant vegetation and sensitive wetland within the fenced area;*
 - *that the fenced area shall not be entered without written authorisation of the Department of Defence's Project Manager and / or Council;*
 - *that no disturbance to vegetation or soils shall occur within the fenced area;*
 - *that no temporary or permanent placement or storage of any items of plant, materials, tools, equipment, vehicles, etc. shall occur within the proposed Randwick Environmental Park;*
 - *that no other foreign matter, including concrete, bitumen, road base, fill, soils, mulch, water, cement wash, chemicals, paint, etc., shall be placed in or allowed to enter the proposed Randwick Environmental Park;*
 - *the penalties for damaging threatened items without authorisation;*
 - *relevant contact numbers, including the Department of Defence's Project Manager and Council's Bushland Management Technician (Tel:9399-0683);*
 - *that contravention of any of the above shall be reported immediately to the Department of Defence's Project Manager or Council's Bushland Management Technician.*
92. *All work shall cease at any time warning signage is not properly installed and shall not recommence until all warning signage is properly re-installed.*
93. *No species, which may spread from where they are planted into the local environment at any time in the future, shall be used in landscaping. This includes, but is not limited to, the following species proposed in the Development Application:*
- *Eleocarpus reticulatus;*
 - *Eleocarpus eumundii;*
 - *Sapium sebiferum;*
 - *Draceana draco + sp.;*
 - *Gazania tomentosum;*
 - *Liriope 'Evergreen Giant';*
 - *Raphiolepis umbellata;*
 - *Sansevaria trifasciata;*
 - *Zephranthes candita.*

Any other species proposed to be planted in landscaping shall first be reviewed by Council before approval for their use is granted. The use of local endemic plant species that promote low water requirements should be applied.

94. *A refundable deposit, in the form of cash or cheque, for the amount of \$7,000.00, shall be lodged with Council prior to issuing of a construction certificate for this application. The refundable deposit is placed as security to ensure that, subject to the works required and/or authorised by this development consent, no detrimental*

environmental effect occurs within the proposed Randwick Environmental Park. The refundable deposit will be released at the time of completion of all works, providing that no detrimental environmental effect has occurred within the proposed Randwick Environmental Park throughout the construction works. Any contravention of Council's conditions relating to the proposed Randwick Environmental Park at any time during the development may result in the Council claiming all or part of the lodged security to the extent necessary to enable Council to carry out necessary repair or ameliorative works within the proposed Randwick Environmental Park.

Tree Management

95. *Prior to lodgement of a construction certificate the applicant shall lodge with Council a survey plan showing existing street trees in Bundock Street relative to the proposed driveways. The applicant shall meet the full cost for removal of any existing street trees as required to facilitate construction of the vehicular crossings and footpath in Bundock Street together with a fee to compensate Council for the loss of amenity caused by the removal of the street tree/street trees.*

*The contribution shall be paid into Fee Code 525 at the Cashier on the Ground Floor of the Administrative Centre **prior to an occupation certificate being issued for the development.***

The applicant shall present the receipt at the Asset and Infrastructure Services counter on the First Floor to organise for the works to be undertaken.

96. *Landscaped areas must contain a predominance of species that require minimal watering once established or species with water needs that match rainfall and drainage conditions.*
97. *Permission is granted for the removal of only those trees falling within the area occupied by the approved works. Removal of the remaining trees on the site are subject to separate application under the Tree Preservation Order.*
98. *The applicant shall be required to ensure the retention and long term health of all trees located on adjoining properties adjacent to the proposed development. As a general guide there shall be minimal excavation or root pruning within the dripline/s of the subject tree/s.*
99. *A refundable deposit in the form of cash or cheque, or bank guarantee for the amount of \$20,000.00 shall be lodged with Council prior to a construction certificate being issued for the proposed development to ensure the implementation and maintenance of the landscape works in accordance with the approved landscape documentation.*
- a. *The refundable deposit will be released twelve (12) months after the issue of a final occupation certificate by the principle certifying authority providing the landscape works have been successfully implemented and maintained in accordance with the approved landscape documentation. Throughout the maintenance/bond period, the applicant shall be responsible for all routine maintenance such as grass cutting, weeding, watering, fertilising, spraying, staking and replacement of all failed plant stock. There must be no alteration*

to the original design, including substitution of trees and shrubs, without the prior approval of the Principal Certifying Authority.

- b. Any contravention of Council's landscape conditions at any time during the construction period or prior to the expiration of a period of twelve (12) months from the date a final occupation certificate is issued will result in the Council claiming all or part of the lodged security.*

Advisory Matters

In order to organise for an inspection for the release of the security deposit, the applicant shall contact the Principal Certifying Authority for the development to liaise with Council's Asset & Infrastructure Department to arrange for an inspection of the landscaping to be carried out. Should the landscaping be found to be unsatisfactory, thus necessitating further inspections, the applicant is advised that each additional inspection will be charged at \$55.00 (incl.GST) and that this amount shall be paid into Account Number 41901939, Code RGJ at the Cashier on the Ground Floor of the Administrative Centre prior to any further inspection being carried out.

The applicant shall present the receipt at the Asset and Infrastructure Services counter on the First Floor to organise for a further inspection to be undertaken.

Advisory Conditions

- 1. The applicant is to advise Council in writing and/or photographs of any signs of existing damage to the Council roadway, footway, or verge prior to the commencement of any building/demolition works.*
- 2. The applicant is advised that the Construction Certificate plans and specifications must comply with the provisions of the Building Code of Australia (BCA) – Housing Provisions.*

In this regard, the development consent plans do not show compliance with a number of the deemed-to-satisfy provisions of the BCA, including:

- | | |
|----------------------|---|
| <i>a) Part 3.1</i> | <i>- Site preparation</i> |
| <i>b) Part 3.2</i> | <i>- Footings and slabs</i> |
| <i>c) Part 3.3</i> | <i>- Masonry construction</i> |
| <i>d) Part 3.4</i> | <i>- Framing (floors, walls and roofs)</i> |
| <i>e) Part 3.5</i> | <i>- Roof and wall cladding</i> |
| <i>f) Part 3.6</i> | <i>- Glazing</i> |
| <i>g) Part 3.7</i> | <i>- Fire safety</i> |
| <i>i) Part 3.7.2</i> | <i>- Smoke alarms</i> |
| <i>p) Part 3.8.6</i> | <i>- Sound insulation</i> |
| <i>q) Part 3.9</i> | <i>- Safe movement and access</i> |
| <i>r) Part 3.9.2</i> | <i>- Balustrades, design, location and height</i> |

*Details of compliance with the relevant provisions of the Building Code of Australia and conditions of development consent are to be provided in the plans and specifications for the **construction certificate**.*

MOTION: (Tracey/Andrews) SEE RESOLUTION.

5.9 DIRECTOR PLANNING & COMMUNITY DEVELOPMENT'S REPORT 93/2003 - DEVELOPMENT APPLICATION NO. 0062/2003 FOR SUB-DIVISION OF LAND INTO 34 LOTS AND INFRASTRUCTURE WORKS COMPRISING STAGES 2 AND 3 OF THE BUNDOCK STREET DEFENCE DEVELOPMENT. (D/0062/2003)

H106 **RESOLUTION: (Andrews/Bastic) that:**

- A. *Council as the responsible authority grant its development consent as a Deferred Commencement under Section 80(3) of the Environmental Planning and Assessment Act 1979 (as amended) to Development Application No D/0062/2003 for sub-division of land, construction of road and pathway, provision of utility services and minor earthworks at 33-149 Bundock Street and 373A Avoca Street, Kingsford subject to the following conditions:-*

Deferred Commencement Conditions

The consent is not to operate until the following material has been submitted to and approved by the Director of Planning and Community Development:

1. *A Site Audit Statement (SAS) together with a Summary Site Audit Report (SSAR) in the format defined by the Contaminated Land Management Regulation 1998 in respect of the entire Stages 2 & 3 site as defined in Development Application No. 62/2003 (Stages 2 & 3 site). The site audit statement issued to Council shall be unconditional, in that it requires no further monitoring, on going review or remedial actions, and shall cover both land and groundwater. The site Audit Statement must state, where no standard exists, as with asbestos, that the remediated land is at an asbestos free / non detectable level, or to a level where no unacceptable health risk remains as confirmed in writing by NSW Department of Health. The Stages 2 & 3 site must be remediated to not less than the National Environmental Health Forum's health based soil investigation level (NEHF A) standard, with the exception of open space, which must be remediated to not less than (NEHF E) standard (which is the remediation standard for open space).*

The site audit statement shall be developed and prepared in accordance with the following:

- a) *The proponent shall engage the services of a site auditor holding current accreditation in accordance with sections 49 and 50 of the Contaminated Land Management Act 1997.*
- b) *All remediation works shall be carried out in accordance with the requirements of the Contaminated Land Management Act 1997, environmental planning instruments applying to the site, guidelines made by the NSW Environment Protection Authority and PlanningNSW, Randwick City*

Council's Contaminated Land Policy 1999 and the Protection of the Environment Operations Act 1997.

- c) The remediation of the Stages 2 & 3 site including ground water must fully comply with all relevant Commonwealth and State Legislation, Regulations and Standards.*
- d) Site remediation for any part of the Stages 2 & 3 site must be completed prior to the issue of a subdivision certificate for that part of the site. No subdivision certificate will be issued for any part of the Stages 2 & 3 site until the receipt by Council of an acceptable site audit statement for that part of the site.*
- e) The Consultant and Auditor, in their assessment of appropriate soil investigation levels, must take into account all environmental concerns (for example, the potential effects on wildlife) and the protection of ground and surface water.*
- f) Any new information which comes to light during remediation, demolition or construction works which has the potential to alter previous conclusions about site contamination shall be notified to the Council and the Principal Certifying Authority immediately.*

Evidence required to satisfy the above conditions must be submitted to Council within 12 months of the date of this consent.

Conditions of Consent:

Subject to compliance with the deferred commencement conditions, to the satisfaction of the Director Planning and Environment, development consent is granted under Section 80 & 80A of the Environmental Planning and Assessment Act 1979 subject to the following conditions:

- 1. The development must be implemented substantially in accordance with the plans numbered DA1, DA2, 807011-D-301 Issue C, 807011-D-302 Issue C, 807011-D-303 Issue C, 807011-D-304 Issue C, 807011-D-305 Issue C, 807011-D-306 Issue C, 807011-D-307 Issue C, 807011-D-308 Issue C, 807011-D-309 Issue C, 807011-D-310 Issue C, 807011-D-311 Issue C, 807011-D-313 Issue C, 807011-D-314 Issue C, 807011-D-316 Issue B, 807011-D-317 Issue B, 807011-D-318 Issue B, 807011-D-319 Issue B, 807011-D-320 Issue B, 807011-D-321, L-2&3-00 Issue B, L-2&3-01 Issue C, L-2&3-02 Issue C, L-2&3-03 Issue B, L-2&3-04 Issue D, L-2&3-05 Issue D, L-2&3-06 Issue C, L-2&3-07 Issue E, L-PK-02 Issue C, L-PK-03 Issue C, and L-PK-04 Issue B, received by Council on 31 January 2003, the application form, and on any supporting information received with the application, any plans specifications report study or information submitted in relation to the deferred commencement conditions and any conditions of approval of any plan specification report or study, except as may be amended by the following conditions and as may be shown in red on the attached plans:*
- 2. The applicant shall install, and meet the full cost for the installation of, mature street trees in the verge in front of Nos. 82A, 84, 84A, 86, 86A, 88 and 88A Bundock Street to screen the effects of car headlight glare if deemed necessary by Council.*

3. *Documentary evidence confirming the execution of a deed of agreement between Energy Australia and the Department of Defence regarding the relocation of high voltage cables shall be submitted to Council prior to release of the linen plan of subdivision for the subject site unless agreed to otherwise in writing by Energy Australia.*
4. *Before any contaminated material is beneficially reused on-site such material must be certified by an unconditional Site Audit Statement (SAS) together with a Summary Site Audit Report (SSAR) in the format defined by the Contaminated Land Management Regulation 1998 and shall be furnished to Council prior to the beneficial re-use of such material on-site for above ground works or works not directly ancillary to a remediation process. The Consultant and Auditor, in their assessment of appropriate soil investigation levels, must take into account all environmental concerns (for example, the potential effects on wildlife) and the protection of ground and surface water. Any contaminated material to be beneficially re-used on-site must be remediated to NEHF A for residential use and NEHF E for open space.”*
5. *Hazardous or intractable wastes arising from the demolition process being removed and disposed of in accordance with the requirements of WorkCover NSW and the Environment Protection Authority, and with the provisions of:*
 - *New South Wales Occupational Health and Safety Act, 2000;*
 - *The Occupational Health and Safety (Hazardous Substances) Regulation 2001;*
 - *The Occupational Health and Safety (Asbestos Removal Work) Regulation 2001;*
 - *Protection Of the Environment Operations Act 1997 (NSW) and Environment Protection Authority's Environmental Guidelines; Assessment, Classification and Management of Liquid and Non Liquid Wastes (1999).*
6. *Any odours from excavated materials shall be mitigated by the use of an odour suppressant, such as Biosolve, and shall not give rise to an offensive odour as defined in the Protection of the Environment Operations Act 1997. Stockpiles shall also be covered and dampened down to reduce odour and dust impacts.*
7. *Any fill importation to the site is to be monitored and classified by the site auditor appointed for remediation of the site or a person with his qualifications. Only ‘virgin excavated natural material’ is to be imported to the site, as defined within the NSW EPA ‘Environmental Guidelines; Assessment, Classification and management of Liquid and Non-Liquid Wastes. 1999’.*
8. *Any new information which comes to light during remediation, demolition or construction works which has the potential to alter previous conclusions about site contamination shall be notified to the Council and the Principal Certifying Authority immediately.*

The following conditions are applied to provide adequate provisions for health/safety

9. *The proponent shall appoint a suitably qualified Environmental/Construction Management Community Liaison Officer, dedicated to the site to ensure strict compliance onsite with all conditions of consent and in particular to ensure all works comply with relevant provisions of the Protection of the Environment Operations Act*

1997. The Officer shall also act as a liaison link, first point of contact with the community to act on any complaints arising in relation to environmental or construction site management issues. A monthly summary report shall be submitted to Council, detailing any complaints and the rectification actions.

10. A 24 hour complaints hot line shall be set up and maintained at all times, the number of which is to be displayed on signage around the perimeter of the site and notified to the surrounding community by newsletter.
11. Prior to the issue of any construction certificate in respect of any works permitted by this development consent, the Applicant must procure the execution and delivery to the Council by the Commonwealth of Australia ('Commonwealth') of a Commonwealth Indemnity.

In this Condition, 'Commonwealth Indemnity' means a covenant by deed in the following terms:

'The Commonwealth irrevocably and unconditionally indemnifies Randwick City Council ('Council') against all legal liability of any nature which the Council may incur for a period of 40 years from 17 September 2002, for or in respect of any death, personal injury, or damage to property, arising from or incurred in connection with any soil or groundwater contamination in, of, or on the Stage 2 & 3 Site or any remediation of any soil or groundwater contamination in, of, or on the Stage 2 & 3 Site, whether or not the Council knew or should have known about a fact or circumstance that gives rise to a liability under this indemnity.' "

12. All trucks and service vehicles leaving the site shall go through a suitably constructed on site truck wash down area, to ensure no tracking of material occurs from the site onto roads adjoining the site. Details are to be provided to Council in the Site Management Plan.

The following conditions are applied to ensure that the development satisfies the provisions of the Environmental Planning and Assessment Act 1979 and Regulations:

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

Failure to comply with these legislative requirements is an offence and may result in the commencement of legal proceedings, issuing of `on-the-spot` penalty infringements or service of a notice and order by Council.

14. Prior to the commencement of any building works or subdivision works, 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 and Environmental Planning & Assessment Regulation 2000.
15. Prior to the commencement of any building works or subdivision works, a principal certifying authority must be appointed and Council is to be notified accordingly and, at least 2 days notice of the intention to commence building work must be given to

Council, in accordance with the provisions of the Environmental Planning & Assessment Act 1979 and Environmental Planning & Assessment Regulation 2000.

16. *Building work must be carried out in accordance with the provisions of the Building Code of Australia (BCA), in accordance with Clause 98 of the Environmental Planning and Assessment Regulation 2000.*
17.
 - a) *In accordance with the provisions of section 109E of the Environmental Planning & Assessment Act 1979, Randwick City Council must be appointed as the Principal Certifying Authority (PCA) for this development, prior to any works commencing.*
 - b) *All subdivision and infrastructure works must be carried out in accordance with the conditions of development consent and relevant construction certificate/s, to the satisfaction of the PCA, prior to the issuing of a Subdivision Certificate, or other period which may be subject to an agreement pursuant to section 109J of the Environmental Planning & Assessment Act 1979.*
 - c) *Prior to the commencement of any works, a PCA agreement must be entered into between the Council and the Applicant which identifies the services and obligations of the parties and the relevant PCA service fee must be paid to Council, which may include the appointment of a nominated Council Officer or Independent Consulting Engineer, to carry out these services on behalf of Council.*
 - d) *Certification, detailing compliance with the relevant standards and requirements of the development consent, construction certificate and specification shall be provided to the PCA upon request, including upon finalisation of works, to the satisfaction of the PCA.*

The following conditions are applied to ensure that the development satisfies the terms of Council's approval and relevant standards of construction, and to maintain adequate levels of health, safety and amenity during construction:

18. *A copy of the construction certificate, the approved plans & specifications and development consent conditions must be kept on the site at all times and be available to the Council officers upon request.*
19. *The building works are to be inspected by the principal certifying authority (or other suitably qualified person approved by the principal certifying authority) to monitor compliance with Council's approval and the relevant standards of construction.*

Documentary evidence of compliance with Council's approval and relevant building inspections, is to be maintained by the principal certifying authority.
20. *Temporary toilet facilities are to be provided, at or in the vicinity of the work site throughout the course of subdivision and construction work, at the rate of one toilet for every 20 persons or part of 20 persons employed at the site and the toilet facilities must be connected to a public sewer or other sewage management facility approved by Council.*

21. *Building materials, sand, soil, waste materials or construction equipment must not be placed upon the footpath, roadway or nature strip at any time and the footpath, nature strip and road must be maintained in a clean condition and free from any obstructions at all times.*
22. *Bulk bins/waste containers must not be located upon the footpath, roadway or nature strip at any time without the prior written consent of the Council, unless the waste container is located upon the road in accordance with the Roads & Traffic Authority Guidelines and Requirements, and the container is exempt from an approval under Council's Local Approvals Policy.*
23. *A Construction Site Management Plan is to be submitted to and approved by the principal certifying authority **prior to the commencement of any works**. The site management plan must include the following measures, as applicable to the type of development:*
 - *location and construction of protective fencing / hoardings to the perimeter of the site;*
 - *location of site storage areas/sheds/equipment;*
 - *location of building materials for construction;*
 - *provisions for public safety;*
 - *dust control measures;*
 - *site access location and construction*
 - *details of methods of disposal of demolition materials;*
 - *protective measures for tree preservation;*
 - *provisions for temporary sanitary facilities;*
 - *location and size of waste containers/bulk bins;*
 - *details of proposed sediment and erosion control measures;*
 - *construction noise and vibration management.*

The site management measures are to be implemented prior to the commencement of any site works and be maintained throughout the works, to maintain adequate levels of public health and safety. A copy of the approved Construction Site Management Plan must be maintained on site and be made available to Council officers upon request.

24. *During construction stages, sediment laden stormwater run-off shall be controlled using the sediment control measures outlined in the manual for Managing Urban Stormwater – Soils and Construction, published by the NSW Department of Housing.*

*A soil and water management plan (SWMP) must be submitted to and approved by the principal certifying authority and implemented **prior to the commencement of any site works or activities**. This plan shall include a floating boom and silt curtain and/or other equivalent sediment and erosion control measures installed over the western stormwater pipeline outlet into the wetland.*

The soil and water management plan must contain a site plan, detailing:

- *the slope of the land*
- *site access points and access control measures*
- *location and type of all sediment control measures*

- *location of existing vegetation, to be retained*
- *material stockpile or storage areas and methods of sediment control*
- *location of existing and proposed drainage systems*
- *proposed disposal of site water*
- *location of building operations and equipment*
- *proposed re-vegetation details*

All soil and water management measures must be maintained at all times throughout demolition, excavation, building and site works and a copy of the soil and water management plan is to be kept on-site and be made available to Council officers upon request.”

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

a) *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.*
- *Revegetation of disturbed areas.*

b) *A detailed dust control management plan must be provided to the satisfaction of the Principal Certifying Authority (PCA) prior to works commencing. The dust control management plan must be regularly updated to encompass works in progress and all relevant areas to the satisfaction of the PCA, and a copy is to be forwarded to the PCA accordingly.*

26. *Stockpiles of soil, sand, aggregate or other materials must not be located on any drainage line, natural watercourse, footpath, roadway or any public place and the stockpiles must be protected with adequate sediment control measures.*

Building operations such as brick cutting, washing tools or equipment and mixing mortar are not permitted on public footpaths, roadways, in any public place or any location which may lead to the discharge of materials into the stormwater drainage system.

27. *A warning sign for soil and water management must be displayed in a prominent position on the building site, visible to both the public and site workers. The sign must be displayed throughout the construction period. Copies of a suitable warning sign are available at Council's Customer Service Centre for a nominal fee.*
28. *Public safety must be maintained at all times and public access to the site and building works, materials and equipment on the site is to be restricted, when work is not in progress or the site is unoccupied.*

A temporary safety fence is to be provided to protect the public, located to the perimeter of the site (unless the site is separated from the adjoining land by an existing structurally adequate fence, having a minimum height of 1.5 metres). Temporary fences are to have a minimum height of 1.8 metres and be constructed of cyclone wire fencing, with geotextile fabric attached to the inside of the fence to provide dust control, or other material approved by Council.

Fences or hoardings are to be structurally adequate and be constructed in a good and workmanlike manner and the use of poor quality materials or steel reinforcement mesh as fencing is not permissible.

Details of the proposed temporary fences located upon the site are to be submitted to the principal certifying authority and the public safety provisions and temporary fences must be in place prior to the commencement of any demolition, excavation or building works and be maintained throughout construction.

If it is proposed to locate any hoardings, site fencing or amenities upon a footpath or public place, the written consent from Council's Building Services section must be obtained beforehand and detailed plans are to be submitted to Council for consideration, together with payment of the weekly charge in accordance with Council's adopted fees and charges.

29. *A temporary timber crossing is to be provided to the construction site entrance/s across the kerb and footway area, with splayed edges, unless access is via an existing concrete crossover.*
30. *The applicant/builder is required to hold Public Liability Insurance, with a minimum liability of \$5 million and a copy of the Insurance cover is to be provided to Council.*
31. *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 are to 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.

Retaining walls, shoring, or piling must be designed and installed in accordance with appropriate professional standards and the relevant requirements of the Building Code of Australia and Australian Standards. Details of proposed retaining walls,

shoring or piling are to be submitted to and approved by the Principal Certifying Authority for the development prior to commencing such excavations or works.

32. *All building, subdivision and associated site works must only be carried out between the hours of 7.00am to 5.00pm on Monday to Friday inclusive, between 8.00am to 5.00pm on Saturdays and all building activities are strictly prohibited on Sundays and public holidays, except with the specific written authorisation of Council's Manager of Environmental Health and Building Services.*
33. *The use of any rock excavation machinery or any mechanical pile drivers is restricted to the hours of 8.00am to 5.00pm (maximum), Monday to Friday inclusive and from 8.00am to 1.00pm on Saturday, to minimise the noise levels during construction and loss of amenity to nearby residents.*
34. *Noise and vibration emissions during the site works must not result in damage to nearby premises or result in an unreasonable loss of amenity to nearby residents and the relevant provisions of the Protection of the Environment Operations Act 1997 must be satisfied at all times.*
35. *Noise and vibration from any rock excavation machinery and pile drivers (or the like) must be minimised by using appropriate plant and equipment and silencers and a construction noise and vibration minimisation strategy, prepared by a suitably qualified consultant is to be implemented during the works, to the satisfaction of the Principal Certifying Authority.*
36. *A sign must be erected on the site in a prominent, visible position, prior to commencing any demolition, excavation or building works, stating that 'unauthorised entry to the site is prohibited' and showing the name of the person in charge of the work site and a telephone number at which the person may be contacted outside working hours.*

In the case of residential building work, the sign is also required to detail the licence number of the building contractor or the permit number of the owner-builder, in accordance with the Home Building Act 1989 and Regulations.

37. *Public safety and convenience must be maintained at all times during demolition, excavation and construction works.*

The roadway, footpath and nature strip must be maintained in a good, safe condition and free from any obstructions, materials, soils or debris at all times. Any damage caused to the road, footway or nature strip must be repaired immediately, to the satisfaction of Council.

A Road Opening Permit must be obtained from the Council and other relevant Authorities prior to excavating or opening-up the road or footway for services or the like.

38. *A dilapidation report prepared by a professional engineer or suitably qualified and experienced building surveyor shall be submitted to the certifying authority **prior to the commencement of demolition, excavation or building works** detailing the current condition and status of all dwellings located on Bundock Street, located*

between Canberra Street & Ellen Street and also 73, 75, 78 & 80 Canberra Street, 1 & 20 Ellen Street and 90, 92 & 94 Bundock Street.

*The report is to be supported with photographic evidence of the status and condition of the buildings and a copy of the report must also be forwarded to the Council and to the owners of each of the abovestated premises, **prior to the commencement of any works.***

The following conditions have been applied to ensure that emissions from the development satisfy legislative requirements and maintain reasonable levels of amenity to the area:

39. *The development and the operation of plant and equipment must satisfy the relevant requirements of the Environmental Protection Authority and shall not give rise to the transmission of a vibration nuisance or damage to other premises.*

Vibration levels are to be monitored during the works, to ensure compliance with relevant standards and details are to be provided to the PCA.

A report, prepared by a suitably qualified consultant, demonstrating compliance with relevant criteria and standards, must be provided to Council should a vibration nuisance or damage to a premises arise, to the satisfaction of the principal certifying authority.

The following conditions are applied to satisfy the relevant pollution control criteria and to maintain reasonable levels of health, safety and amenity to the locality:

40. *The use and operation of the premises shall not give rise to an environmental health or public nuisance.*
41. *There are to be no emissions or discharges from the premises, which will give rise to a public nuisance or result in an offence under the Protection of the Environment Operations Act 1997 and Regulations.*

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

42. (a) *The following security deposit requirements are to be complied with prior to a construction certificate being issued for the development, as security for making good any damage caused by the carrying out of the works authorised by this development consent to the roadway, footway, verge or any public place in the vicinity of the development; and as security for completing any public work required by this development consent; and for remedying any defect on such public works, in accordance with section 80A(6) of the Environmental Planning and Assessment Act 1979:*

- a) \$ 50,000.00 Security damage deposit

The damage deposit may be provided by way of a cash or cheque, or bank guarantee acceptable under Council policy 3.02.08, with the Council and is refundable upon the applicant advising Council, in writing, of the completion of all site construction works.

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

(b) *In the event that the person who implements this development consent is the Commonwealth, as an alternative to the provision of a \$50,000.00 security damage deposit, prior to the issue of any construction certificate in respect of any works permitted by this development consent, the Commonwealth may execute and provide to the Council a Commonwealth Public Works Undertaking in the sum of \$50,000.00 in respect of the obligations referred to in this condition. If at any time after the provision of a Commonwealth Public Works Undertaking in accordance with this condition, the Commonwealth ceases to be the person who implements this development consent, the person who implements the consent must comply with this condition and the Council must return the Commonwealth Public Works Undertaking to the Commonwealth at which time, except to the extent of any antecedent liability which has by that time arisen and remains unsatisfied, the Commonwealth will be released from any further obligation under the Commonwealth Public Works Undertaking*

(c) *In this Condition, a 'Commonwealth Public Works Undertaking' means a covenant by deed in the following terms:*

'The Commonwealth of Australia ('Commonwealth') hereby undertakes to pay to Randwick City Council ('Council') within 7 days of a written demand from the Council issued following the occurrence of any damage referred to in this Condition of the Development Consent (actual date of development consent to be inserted here) pursuant to Development Application No. 0063/03 ('Development Consent'), the sum of \$50,000.00 or any part thereof as security for the performance of the obligations referred to in this Condition of the Development Consent. This undertaking will be released and will be of no further effect upon the Commonwealth advising the Council in writing of the completion of all site construction works authorised by the Development Consent.' ”

43. (a) *Prior to a construction certificate being issued for the development, the applicant must lodge with Council a Bond (i.e. a deposit refundable in terms of the approval) in the form of cash or cheque, or bank guarantee acceptable under Council policy 3.02.08, for the amount of \$500,000. This Bond is to ensure the construction of civil works required by this development consent to be carried out for Bundock Street.*

The Bond will be released upon the applicant meeting the costs and conditions for Council to carry out the infrastructure works.

(b) *In the event that the person who implements this development consent is the Commonwealth, as an alternative to the provision of a \$500,000.00 bond, prior to the issue of any construction certificate in respect of any works permitted by this development consent, the Commonwealth may execute and provide to the Council a Commonwealth Civil Works Undertaking in the sum of \$500,000.00 in respect of the obligations arising under this condition. If at any time after the provision of a*

*Commonwealth Civil Works Undertaking in accordance with this condition, the Commonwealth ceases to be the person who implements this development consent, the person who implements the consent must comply with this Condition and the Council must return the Commonwealth Civil Works Undertaking to the Commonwealth at which time, **except to the extent of any antecedent liability which has by that time arisen and remains unsatisfied**, the Commonwealth will be released from any further obligation under the Commonwealth Civil Works Undertaking*

(c) *In this Condition, a 'Commonwealth Civil Works Undertaking' means a covenant by deed in the following terms*

'The Commonwealth of Australia ('Commonwealth') hereby undertakes to pay to Randwick City Council ('Council') within 7 days of a written demand from the Council issued following a breach of any conditions of this development consent requiring civil works in Bundock Street and surrounding streets, the sum of \$500,000.00 or any part thereof as security for the performance of the obligations referred to in this Condition of the Development Consent. This undertaking will be released and will be of no further effect upon the Commonwealth meeting the costs and conditions for the Council to carry out the civil works referred to in this Condition of the Development Consent.'

The following conditions are applied to provide adequate provisions for future civil works in the road reserve:

44. *The design alignment level at the Bundock Street property boundary for driveways, road pavements, access ramps and pathways or the like, must be obtained in writing from Council's Department of Asset and Infrastructure Services prior to the commencement of construction works.*

Any enquiries regarding this matter should be directed to Council's Assets & Infrastructure Services Department.

The design alignment level at the property boundary must be strictly adhered to.

45. *The above alignment levels have been issued by the Council's Department of Asset & Infrastructure Services at a prescribed fee of \$ 8460 calculated at \$27.50 (inclusive of GST) per metre of site frontage. This amount is to be paid prior to the commencement of any site construction works and/or the issuing of alignment levels for the Bundock Street site boundary. The prescribed fee is to be paid into the following income number: 4-1-131-963.*
46. *The design alignment levels issued by Council and their relationship to the roadway/kerb/footpath must be indicated on the civil plans for the proposed development. The design alignment level at the street boundaries, as issued by the Council, must be strictly adhered to.*

TRAFFIC/CIVIL WORKS CONDITIONS

The following conditions are applied to provide adequate provisions for access, transport and infrastructure:

47. Pursuant to the Environmental Planning and Assessment Act 1979, Section 80(3) the consent is not to operate until Council is provided with a Deed duly executed by the Applicant (and where the Applicant is not the owner the subject of the development then the Deed must be duly executed by such owner(s)) in essence containing an operative provision to the effect that in consideration of Council as either current owner or future owner permitting works on, in or over Bundock Street, Oval Avenue, Lomandra Street, Xyris Street, Monotoca Street, Banksia Street, Banksia Street and Mantelet Street as referred to in Conditions No. 48, 49, 58, 62 and 108 of this consent Council shall be appointed the principal certifying authority pursuant to Section 109E of the Environmental Planning and Assessment Act 1979 in respect of those works. All works to be carried out at no cost to Council. The Deed to be binding upon the transferees, assignees and successors in title of the Applicant/Owner(s).
48. Prior to the commencement of any construction works within the development site the applicant shall submit to Council for approval, and have approved, engineering details, specifications, plans and quality plans for all filling/excavation works, drainage construction works, roadworks, kerb and gutter construction, footpath construction, construction of earth retaining structures, play equipment, landscaping works and site regrading, (including detailed levels, contours and cross sections that make reference to both existing and proposed surface levels). The engineering details and specifications shall include level and survey information, materials to be used, construction techniques and testing procedures and shall be prepared in consultation with Council and to the satisfaction of the Principal Certifying Authority. Note: specifications for any road construction shall be generally in accordance with the Council approved specifications for Stage 1A road construction works.
49. The drainage construction specification and details referred to in the previous condition shall include the following:

- Supply, laying and backfilling of the stormwater pipelines.
- Construction of stormwater pits and other associated structures.

The applicant shall note the following when preparing the specification:

- a) All future Council stormwater pipelines shall be constructed with spigot and socket rubber ringed jointed, steel reinforced concrete pipeline (RRRCP). The Council stormwater pipelines shall be a minimum of 375mm diameter. Prior to backfilling, the pipeline shall be inspected and approved by the Certifying Authority.

Generally backfill material for the pipeline trench shall be:-

- clean sand.
- watered in.
- compacted in 150 mm layers with a minimum 97% relative compaction.

Note that should Council be the Certifying Authority, the applicant shall liaise with Council's Director of Asset and Infrastructure regarding payment for the

required inspections (2 working days clear notice shall be given prior to the required inspection/s)

- b) All standard extended kerb inlet pits shall be constructed:-
 - (i) in "situ" (a precast pit will be acceptable only in a park or reserve).*
 - (ii) in accordance with Council's drawings SD 3 or SD 8 (subject to the depth and/or the size of the pipeline).*
 - (iii) with a minimum concrete strength of 32 Mpa.**
- c) All standard junction pits shall be constructed:-
 - (i) in "situ" (a precast pit will be acceptable only in a park or reserve).*
 - (ii) in accordance with Council's drawing SD 4.*
 - (iii) with a minimum concrete strength of 32 Mpa.**
- d) All other pits that cannot be constructed to the above details shall be designed by a structural engineer. The detail of the pit/s shall in general, be similar to SD 3 (for an inlet pit) or SD 4 (for a junction pit). Note that all pits shall be:-
 - (i) benched with a minimum 75 mm concrete.*
 - (ii) constructed with a minimum concrete strength of 32 Mpa.**

50. All civil construction works within/associated with the development site shall be constructed in accordance with the approved engineering details and specifications referred to above and shall be undertaken and paid for by the applicant.

51. The applicant must delete any reference to permeable paving from the Construction Certificate application for the roads. The parking lanes shall be constructed in general accordance with the approved design specification for the proposed travel lanes. The applicant shall liaise with Council's Development Engineer regarding the parking lanes prior to lodgement of a Construction Certificate for the roads.

All civil construction works within/associated with the development site shall be constructed in accordance with the approved engineering details and specifications referred to above and shall be undertaken and paid for by the applicant.

52. (a) That the applicant submit to Council an Unconditional Bank guarantee in a form specified by Council in the amount of \$500,000 for the proper performance of the infrastructure transferred to Council pursuant to the requirements of this development consent for the full period of the defects liability period. A fifty-two week defects liability period shall apply, commencing from the date of Councils Acceptance of the public roads and lands and the provision of the abovementioned unconditional bank Guarantee.

(b) In the event that the person who implements this development consent is the Commonwealth, as an alternative to the provision of a \$500,000.00 bond, prior to the issue of any construction certificate in respect of any works permitted by this development consent, the Commonwealth may execute and provide to the Council a Commonwealth Infrastructure Undertaking in the sum of \$500,000.00 in respect of the obligations arising under this condition. If at any time after the provision of a

*Commonwealth Infrastructure Undertaking in accordance with this condition, the Commonwealth ceases to be the person who implements this development consent, the person who implements the consent must comply with this Condition and the Council must return the Commonwealth Infrastructure Undertaking to the Commonwealth at which time except, to the extent of any **antecedent liability which has by that time arisen** and remains unsatisfied, the Commonwealth will be released from any further obligation under the Commonwealth Infrastructure Undertaking*

(c) *In this Condition, a 'Commonwealth Infrastructure Undertaking' means a covenant by deed in the following terms:*

'The Commonwealth of Australia ('Commonwealth') hereby undertakes to pay to Randwick City Council ('Council') within 7 days of a written demand from the Council issued after any infrastructure transferred to the Council fails to perform properly, the sum of \$500,000.00 or any part thereof as security for the performance of the obligations referred to in this Condition of the Development Consent. This undertaking will be released and will be of no further effect upon the expiration of a period of 52 weeks from date of the Council's acceptance of the public roads and lands required to be transferred to the Council by this Development Consent.'

53. *All Energy Australia Service Turrets shall be recessed wholly into the property boundaries/behind the prevailing property alignment, so that the turrets do not cause a trip hazard and the turrets do not hinder or obstruct the movement, access and enjoyment of the road reserve. The applicant is advised that should Energy Australia require the turrets to be located within the road reserve the applicant will be required to dedicate land to Council, the dimensions of such dedication/s shall be as required to satisfy all of Energy Australia's requirements.*
54. *Road intersections shall be designed with a minimum turning radius of 10.5 metres. Larger trucks such as 12.5 metre removalist trucks must be able to navigate the intersections without mounting kerbs but may mount medians provided that the medians are reinforced to the satisfaction of Council. Plans detailing the adequacy of all intersection with respect to truck movements must be submitted to Council for approval prior to the issuing of a Construction Certificate for the construction of roads.*
55. *The applicant shall provide asset data to Council in a suitable form for incorporation into Council's asset management systems. The applicant is advised to contact Council's Assets Co-Ordinator to discuss Council's requirements for the asset data.*
56. *All quality tests and infrastructure certifications shall be submitted for Council's acceptance prior to Council releasing the plan of subdivision and the acceptance of infrastructure that is to be transferred to Council's care and control. Except as may be the subject of a formal agreement with Council, under Section 109J of the EP&A Act 1979 (as amended).*
57. *Where the approved specification requires concrete roads to have an asphaltic wearing course, the asphaltic wearing course shall be stone mastic asphalt 10mm nominal aggregate size with a wearing course depth of 30mm.*

58. *Prior to the issuing of a construction certificate, the applicant shall submit to Council for approval, and have approved, amended design details for that section of Oval Avenue that is between Bundock Street and Xyris Street, (together with amended intersection details as/if required). The amended design shall be prepared in consultation with Council's Development Engineer and shall ensure that any illumination of the windows of residents in Bundock Street, opposite Oval Avenue, is of a consistent and relatively steady illumination. This condition is required to address concerns raised by affected resident(s) in Bundock Street to headlight "flash", and is in accordance with advice given by a lighting consultant engaged by Council, Mr Peter Jarvis, that the headlight "flash" produced by the proposed road alignment is less desirable than a consistent and steady illumination.*
59. *Prior to the commencement of any site construction works, a detailed traffic management plan shall be submitted to Council for approval, and shall address the potential adverse impact of traffic generated by the future development of the proposed Stages 2 and 3 site, (the subject of this application), and the redevelopment of Lot 2 DP 1009660 as proposed in the Master Plan submission adopted by Council. The applicant shall meet the full cost for the construction of all traffic facilities as required to comply with the recommendations of the approved Traffic Management Plan.*
60. (a) *That the applicant submit to Council an Unconditional Bank guarantee in a form specified by Council in the amount of \$200,000.00 for the construction and completion of off-site traffic-related facilities identified for Stage 1A, and Stages 2 and 3, pursuant to the Development Control Plan – Defence Site, Kingsford (Figure 16 – Staged Traffic Management Improvements).*
- (b) *In the event that the person who implements this development consent is the Commonwealth, as an alternative to the provision of a \$200,000.00 bond, prior to the issue of any construction certificate in respect of any works permitted by this development consent, the Commonwealth may execute and provide to the Council a Commonwealth Infrastructure Undertaking in the sum of \$200,000.00 in respect of the obligations arising under this condition. If at any time after the provision of a Commonwealth Infrastructure Undertaking in accordance with this condition, the Commonwealth ceases to be the person who implements this development consent, the person who implements the consent must comply with this Condition and the Council must return the Commonwealth Infrastructure Undertaking to the Commonwealth at which time except, to the extent of any antecedent liability which has by that time arisen and remains unsatisfied, the Commonwealth will be released from any further obligation under the Commonwealth Infrastructure Undertaking*
- (c) *In this Condition, a 'Commonwealth Infrastructure Undertaking' means a covenant by deed in the following terms:*

“The Commonwealth of Australia ('Commonwealth') hereby undertakes to pay to Randwick City Council ('Council') within 7 days of a written demand from the Council issued following the failure to construct and complete off-site traffic related facilities for Stage 1A, and Stages 2 and 3, the sum of \$200,000.00 or any part thereof as security for the performance of the obligations referred to in this Condition of the Development Consent. This undertaking will be released and will be of no further effect upon the

Commonwealth meeting all the terms, payments and conditions for the construction and completion of the off-site traffic-related facilities identified for Stage 1A and Stages 2 and 3 pursuant the Development Control Plan – Defence Site, Kingsford (Figure 16 – Staged Traffic Management Improvements).’

61. *The applicant shall undertake the design of all traffic related facilities referred to above and designs shall be submitted to Council for approval, and be approved, prior to their construction. The applicant shall liaise with Council to obtain Council’s general design requirements for the above traffic facilities prior to undertaking design of same. The applicant shall note that a checking fee in the order of 10% of the Council approved quotation for construction of the facilities will be payable to Council by the applicant.*
62. *The applicant must meet the full cost for Council, or a Council approved contractor, to:*
 - *Construct a 3.0metre wide concrete footpath along the southern side of Bundock Street going from Avoca Street to Elphinstone Road.*
 - *Mill and fill the central lanes of Bundock Street with 150mm of Deep Lift AC20 , edge mill adjacent to the gutter lip and resheet the entire road with 50mm AC 10 from Avoca Street to the new pavement east of Hendy Avenue.*
63. *A Construction Traffic Management Plan for this application must be prepared and approved by Council and RTA/Regional Traffic Committee (if required) prior to the commencement of construction works. The approved Construction Traffic Management Plan shall be complied with at all times. All construction traffic must enter and exit the site using Avoca Street. Exiting traffic must make right turn movements from the site in order to access Rainbow Street (west of Avoca Street) to the Nine Ways roundabout.*
64. *All kerb ramps must be designed and constructed to RTA Technical Direction TDT 2002/08.*
65. *The design traffic for the flexible pavement design for all internal roads in Stages 2 and 3 of the development shall be a minimum of 1,500,000 ESAs.*
66. *The applicant must meet the full cost for Council or a Council approved contractor to repair/replace any damaged sections of Council's footpath, kerb & gutter, nature strip etc, which are due to construction works being carried out at the above site. This includes the removal of cement slurry from Council's footpath and roadway.*
67. *All external work carried out on Council property shall be in accordance with Council's Policy for "Vehicular Access and Road and Drainage Works".*

The following conditions are applied to provide adequate consideration for excavating Council’s footpath and road reserves:

68. *Details of any cutting or filling works required within the road reserve in order to gain access to the site to carry out the excavation and building works must be*

submitted to and approved by the Director of Asset and Infrastructure Services, in accordance with section 80A (2) of the Environmental Planning and Assessment Act 1979, prior to the commencement of such construction works on the development site. The cutting and filling work must be carried out by the Council, or by a contractor appointed by the applicant with the approval of the Council, at the applicant's cost.

The following conditions are applied to provide adequate consideration for service authority assets:

69. *A public utility impact assessment must be carried out on all public utility services on the site, roadway, nature strip, footpath, public reserve or any public areas associated with and/or adjacent to the development/building works and include relevant information from public utility authorities and exploratory trenching or pot-holing, if necessary, to determine the position and level of service.*
70. *All public utility services located within the development site shall be suitably located underground and in compliance with the requirements/conditions imposed by the various service authorities.*
71. *The applicant must meet the full cost for Telstra, Energy Australia, Sydney Water or Natural Gas Company to adjust/repair/relocate their services as required. The applicant must make the necessary arrangements with the service authority.*
72. *Suitable easements for the utility services and documentation from the associated utility service provider that all services have been installed to their requirements and satisfaction shall be submitted to the Principal Certifying Authority prior to the release of the linen plans and prior to Council accepting dedication of any part of infrastructure in which the services are located.*

Note: there shall be no kiosks and/or Energy Australia substations located within the future or existing Council road reserve. Any kiosk or substation shall be located to the satisfaction and approval of Council and Energy Australia.

73. *Prior to issuance of a construction certificate for any relevant part of the development, the applicant must submit to the certifying authority documentary evidence from each relevant public utility authority confirming that those requirements which the public utility authority requires to be satisfied prior to issue of a construction certificate, have been satisfied.*
74. *All street lighting and lighting within reserves shall be installed in accordance with the relevant Australian Standards and Roads and Traffic Authority standards for lighting of residential streets, collector roads, intersections, pedestrian and cycle ways and public reserves.*
75. *Prior to relevant construction works, the applicant shall submit and have approved by Council a compilation plan of all the public utilities.*

Note that all public utilities that are parallel to the existing or proposed Council stormwater drainage pipelines shall be located a minimum of 1.5 metres from the centreline of the stormwater pipeline.

All site services shall be provided underground.

76. *Any electricity substation required for the site must be located within the site and is to be screened from view. The location of the substation within the site, together with the required screening, shall be subject to requirements of Energy Australia. The proposed location and elevation shall be shown on all detailed landscape drawings and specifications.*
77. *A Section 73 Compliance Certificate under the Sydney water Act 1994 must be obtained. Application must be made through an authorised Water Servicing Coordinator. Please refer to “Your Business” section of Sydney Water’s web site at www.sydneywater.com.au then the “e-developer” icon or telephone 13 20 92.*

Following application a “Notice of Requirements” will detail water and sewer extensions to be built and charges paid. Please make early contact with the Coordinator, since building of water/sewer extensions can be time consuming and may impact on other services and building, driveway or landscape design.

The Section 73 Certificate must be submitted to the Principal Certifying Authority prior to occupation of the development/release of the plan of subdivision.

The following conditions are applied to make adequate provision for the collection of domestic waste.

78. *Prior to the commencement of any road construction works the applicant shall submit to the Principal Certifying Authority for approval, and have approved, the proposed method for collection of domestic waste for the development site. The applicant shall note that satisfactory collection of domestic waste may require alterations/modifications to the proposed road network and or travel lane/footpath/parking lane configuration of the road network.*

The following conditions are applied to provide adequate provisions for drainage and associated infrastructure:

79. *Prior to the issuing of a construction certificate the applicant must submit to Council for approval, or other stage/time-frame as may be approved by Council in writing, and have approved, the following details with respect to the proposed Army Oval:*
- *Design details, (i.e hydraulic and civil/structural engineering details and specifications), for the proposed Army Oval detention basin and associated civil infrastructure.*
 - *A construction staging plan, such plan must relate to construction works within the Stages 2 and 3 development site.*
 - *Restriction as to User and Positive Covenant details for the detention basin, (Council will require that a suitable restriction as to user and positive covenant is created over the detention basin and these details should be prepared in consultation with Council).*

- A detailed maintenance schedule for the detention basin and associated civil/drainage infrastructure. Note: all maintenance on the detention basin shall be the responsibility of the applicant.
80. On-site detention must be provided within the proposed Army Oval, (for the catchment area that the applicant proposes to drain into the oval), such that the maximum discharge from the oval detention basin is not to exceed that which would occur during a 1 in 5 year storm of 1 hour duration for the existing site conditions. All other stormwater run-off from the above site for all storms up to the 1 in 20 year storm is to be retained on the site for gradual release to the kerb and gutter or drainage system as required by the Director of Assets and Infrastructure Services. Provision is to be made for satisfactory overland flow should a storm in excess of the above parameters occur.
81. A "restriction as to user and positive covenant" shall be placed on the Army Oval. Such restriction and positive covenant shall relate to the onsite stormwater detention system and shall not be released, varied or modified without the consent of the Council.

Notes:

- a. The "restriction as to user 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 Asset and Infrastructure Services Department.
- b. The linen plans shall indicate the location and dimensions of the detention/infiltration areas.

This condition is to ensure that no works which could affect the design function of the detention system are undertaken without the prior consent (in writing) from Council.

82. The Army Oval detention area must be regularly cleaned and maintained to ensure it functions as required by the design.
83. The Army Oval stormwater detention area must be suitably signposted where required, warning people of the maximum flood level.
84. Prior to the commencement of any road construction works the applicant shall submit to the Principal Certifying Authority for approval, and have approved, a detailed stormwater drainage plan. The applicant must liaise with Council, prior to preparation of the drainage plan, to obtain Council's requirements for drainage works within, and adjacent to the development site. The applicant must also liaise with Sydney Water, prior to preparation of the drainage plan, to obtain Sydney Water's requirements for drainage works within, and adjacent to the development site. Details shall include, but not be limited to:
- A detailed drainage study/analysis identifying the catchment areas upstream of the site and the stormwater flows generated from these catchments, together with the catchment areas within the site and the flows generated from same. The study/analysis shall identify the overland flow rates and depths of flow from storm events up to the 1 in 100 year annual recurrence interval within

the streets of the subdivision. Information submitted shall be generally in accordance with the flood study requirements of the latest draft "FLOODPLAIN MANAGEMENT MANUAL" (ISBN 07313 0370 9).

- *Confirmation of the existing and proposed finished surface levels within the development site. Documentation of the change in surface levels is required together with volumes of material imported or exported from the site.*
- *Gross pollutant trap details (GPT). Note that any proposed GPT shall be designed in accordance Council's specification and guidelines for determining Gross Pollutant Trap/s. The GPT's are to be located within the road carriageway.*
- *Stormwater drainage plans, pipeline longitudinal sections and calculations in general accordance with the recommendations of the Floodplain Management Manual" and " Australian Rainfall and Runoff, 1997 Edition).*
- *A hydraulic grade line analysis of the outlet pipeline that will drain the Wetland, such analysis is to include:-*
 - *the proposed junction pit immediately downstream of the weir/outlet pit for the Wetland.*
 - *the relocated weir/outlet pit, (refer to the development consent for Stage 1B)*
 - *the 1200 mm diameter stormwater pipeline*
- *Typical cross sections for all roads, laneways, private laneways/right of carriageways.*

Prior to the final inspection or the release of the linen plans, a copy of the above approved plans and details shall be submitted to Council.

85. *The calculations, drawings, plans, longitudinal sections and details for the roads and stormwater drainage shall be submitted to and approved by the Principal Certifying Authority. The details shall include the following information:*

- a) *A detailed drainage design at a scale of 1:200 and a catchment area plan at a scale of 1:1000 or as considered acceptable by the Certifying Authority, 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.*

Note: Generally all proposed stormwater drainage pipelines that:

- i. *drain a low point and/or are located within an existing or proposed drainage easement shall be capable of discharging a minimum 1 in 20 year storm flow.*

- ii. *drain an on grade road inlet pit shall be capable of discharging a minimum 1 in 10 year storm flow.*
- c) *Proposed finished surface levels and grades of roads, parks, internal driveways and access aisles, which are to be related to Council's design alignment levels.*
- d) *Details of all stormwater overland flowpaths, (volume, depth, width and safety factor).*
- e) *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.*
- f) *A drainage plan and longitudinal section with all utility services accurately plotted for this stormwater pipeline must be provided. It should be noted that notwithstanding the calculations, the minimum pipe diameter acceptable within Council's street system and/or easement is 375mm.*
- g) *the proposed relocation of the stormwater pipeline that drains the wetland.*
- h) *All public utility services, where they are to be laid parallel to the Council stormwater pipeline, shall be located a minimum of 1.5 metres from the **centreline of the stormwater pipeline.***
- i) *The applicant's engineer shall also determine and describe the probable maximum flood event that would occur from the overflow of the wetland. Calculations and are to be submitted to and approved by the Certifying Authority.*

The drainage calculations shall use the "DRAINS" Urban Drainage Simulation Models in combination with "HEC-RAS" model.

The engineer shall determine safety issues that may need to be addressed and recommend what works will be required to address these issues. The applicant shall include in this detail a fail-safe (ie scour protection) overland flow route for stormwater that would be generated from a Probable Maximum Flood event.

Prior to the final inspection or the release of the linen plan, or as may be agreed with the Principal Certifying Authority, a copy of the approved plans and details shall be submitted to Council.

- 86. *The proposed internal roadways, drainage easements and overland flow routes shall be designed to drain the 1 in 100 year 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. (ie $VD < 0.4$).*
- 87. *A work-as-executed plan, prepared and signed by a registered surveyor and a suitably qualified hydraulic engineer, must be submitted to the Principal Certifying Authority, and be approved, prior to the release of the linen plans or as otherwise may be agreed with the Principal Certifying Authority pursuant to Section 109J of the Environmental Planning and Assessment Act 1979. The work-as-executed plan shall*

be submitted with documentary evidence demonstrating compliance with the stormwater drainage development conditions and the plans approved by the Principal Certifying Authority and Council's Director of Assets and Infrastructure Services.

The work-as-executed plan shall detail the location and finished surface levels of all civil works within and adjacent to the site including (but not limited to)

- *the roads,*
- *stormwater drainage pits (including the internal dimensions, surface and invert levels, lintel size etc)*
- *pipelines (including the invert levels. pipeline diameters)*
- *overland flow paths, (including the volume, depth and width of the flow path) etc. with finished surface level contours at 0.2 metre intervals.*
- *utility services locations size and depths/levels*
- *levels of the resultant lot/s*

For the overland flow paths the following details must be included:-

- a) *cross sections showing the 1 in 100 year water level and the extent (depth and width)*
- b) *resultant gradients*

Note: Prior to the final inspection and release of the linen plan, or the period as may be agreed with the Principal Certifying Authority, a copy of all WAE civil drawings, approved civil drawings, stormwater calculations (on hard copy and on disk) are to be submitted to Council.

88. *The applicant's engineer shall carry out site inspections and certify that all civil structural works within Council's road reserve (eg all steel reinforcement, concrete works, laying of pipelines, pavements, etc.) have been constructed and inspected under his/her supervision.*

The engineer must also certify that the civil and stormwater drainage works, including GPT's) have been constructed:-

- (i) *in accordance with the approved plans and conditions of consent and Master Plan*
- (ii) *to the requirements of the Council approved specification. in a workman like manner.*
- (iii) *to his/her requirements and satisfaction.*
- (iv) *to the manufacturer's requirements and conditions, (eg GPT's)*

89. *Any existing Council controlled stormwater pipelines that burden the site, shall be fully protected during all excavation and construction works. Details of how it is proposed to protect and maintain Council controlled pipelines during the construction works shall be submitted to the Principal Certifying Authority for approval, and be approved, prior to the commencement of any site construction works. Design/construction details for any pipeline reconstruction works deemed necessary by Council, in consultation with the applicant, shall be submitted to the Principal Certifying Authority for approval, and be approved, prior to the commencement of any site construction works.*

The applicant shall liaise with Council's Development Engineer to reach an agreed position on the need for existing Council stormwater pipelines that are located under a road pavement to be reconstructed with a new stormwater drainage pipeline.

90. *Prior to the finalisation of works, the applicant shall submit to the Principal Certifying Authority CCTV videos of all existing and to be dedicated Council stormwater pipelines for the drainage of stormwater through the site and the northern extension of Cooper Street from Holmes Street. Such CCTV shall inspect all stormwater pipes for any construction damage.*

The applicant shall note that should this pipeline be damaged, Council will require that the damaged pipeline be reconstructed together with junction pits at each end where the pipeline reconstruction works are located. All costs associated with removing and constructing the pipeline and associated works shall be met by the applicant.

91. *The applicant shall survey the southern and western perimeter of the wetland located within Lot 6 DP 1009660 to determine the existing surface levels. Surface levels should be above RL32.50 metres A.H.D. at all locations, however should any portion be below this level the applicant shall submit and have approved by the Principal Certifying Authority, details of how it is proposed to suitably fill/regrade this area. The applicant is advised that any filling/regrade details will need to be designed by a suitably qualified and experienced geotechnical engineer together with a landscape architect.*

92. *Any Gross Pollutant Traps (GPTs) shall be regularly inspected, maintained and cleaned by the applicant, to the Council's satisfaction for a minimum period of 12 months from the date of completion of all civil works.*

93. *Construction zone run-off controls (haybales, sedimentation basins etc.) are to be inspected regularly and during and after rainfall to assess performance. Weekly reports on effectiveness/maintenance of all sedimentation controls and practices are to be provided to the Principal Certifying Authority.*

The following conditions are applied to satisfy the provisions for open space and public domain works:

94. *Prior to the commencement of any road construction works a Public Domain Plan for the site, (generally in accordance with the Public Domain and Landscape Plan in Drawings L-2&3 Issue C in Volume 3 Of the Statement of Environmental Effects), is to be submitted to Council for approval, and be approved. Such a plan shall demonstrate the strategies that are proposed for the urban design of the public domain (including open space reserves) and the provision of good pedestrian access, recreational diversity and environmental sustainability. These strategies shall be consistent with the Master Plan that has already been accepted by Council and Council's management requirements. The strategies will include*

- *tree planting strategy,*
- *water management strategies,*
- *footpath strategy,*

- *Park planning strategy*

Further to this, the Public Domain Plan shall also include details of individual treatments throughout the site. These treatments shall be consistent with Council's management requirements. The details shall be a detailed design showing plans elevations, sections, the materials and finishes for the following elements, (where relevant):

- *Street tree planting*
- *Design of public parks*
- *Park planting*
- *Footpath treatments*
- *Street furniture*
- *Street lighting*
- *Street signs*
- *Kerb ramps*
- *Park lighting*
- *Automatic irrigation systems*
- *Water features*
- *Playgrounds*
- *Pavements*
- *Retaining walls and balustrades*
- *Bicycle facilities*
- *Bus shelters*
- *Shade structures*

The Public Domain Plan shall be complied with.

The following conditions are applied to satisfy the provisions of Council's environmental plans, policies and codes for subdivision works:

95. *Council will not accept dedication/care and control of any public reserve, road or other asset, (eg stormwater pipeline), until it is satisfied that all civil construction works, building works and landscape works have been carried out in accordance with the approved design plans and specifications and that all conditions of development consent relating to the area to be dedicated have been complied with.*
96. *The dedication and transfer to the Council of roads and drainage within the Stages 2 and 3 Site is to occur before the issuance of a development consent for any habitable building within the Stages 2 and 3 Site. The dedication and transfer is to occur at no cost to the Council.*

The following conditions are applied to provide adequate provisions for the Randwick Environment Plan:

97. *The Applicant shall provide a written report of any breaches of the Randwick Environmental Park Conditions to Council's Bushland Management Technician by the next business day after any breach has occurred. The report shall be signed and dated and information in the report shall include, but not be limited to:*

- *The date of the breach;*
- *The nature, extent (including in time and area and a map) and degree of the breach;*
- *The cause of the breach;*
- *All persons involved in the breach, including: full first and last names; contact number/s; organisation/s and reason/s for being present;*
- *All witnesses to the breach, including: full first and last names; contact number/s and organisation/s; and*
- *All plant, equipment, machinery, vehicles, substances, etc. involved in the breach.*

If Council becomes aware of a breach of the Randwick Environmental Park Conditions for which such a report has not been provided to Council, then Council may request such a report, which shall then be provided to Council within 24 hours.

98. *Council officers shall be allowed access to all parts of the site, including the proposed Randwick Environmental Park, on request.*
99. *All personnel employed in relation to the development shall receive a site induction prior to commencement of work, which shall include relevant information regarding the proposed Randwick Environmental Park, including, but not limited to:*
- *the exact location of the proposed Randwick Environmental Park;*
 - *the presence of nationally significant and threatened vegetation, a sensitive wetland and other native vegetation within the proposed Randwick Environmental Park;*
 - *that the proposed Randwick Environmental Park area shall not be entered without written authorisation of the Applicant's Project Manager;*
 - *that no disturbance to vegetation or soils shall occur within the proposed Randwick Environmental Park, except as in accordance with these conditions;*
 - *that no temporary or permanent placement or storage of any items of plant, materials, tools, equipment, vehicles, etc. shall occur within the proposed Randwick Environmental Park, except as in accordance with these **conditions**;*
 - *that, in any case, access to, disturbance to vegetation and soils in, and placement or storage of items in the proposed Randwick Environmental Park, where these conditions allow, shall be minimised;*
 - *that no other foreign matter, including concrete, bitumen, road base, fill, soils, mulch, water, cement wash, chemicals, paint, etc., shall be placed in or allowed to enter the proposed Randwick Environmental Park;*
 - *the penalties for damaging threatened items and their habitats without authorisation;*
 - *relevant contact numbers, including the Applicant's Project Manager;*
 - *that contravention of any of the above shall be reported immediately to the Applicant's Project Manager by all persons involved in and witnessing such a contravention.*
100. *All personnel who have completed this induction shall sign an Induction Register stating that they have completed the induction and that this included all the above information. The Induction Register shall be available for inspection and reproduction at all times by Council.*

101. *No disturbance or removal shall occur to any Eastern Suburbs Banksia Scrub or Acacia terminalis subsp. terminalis or their habitats, without the concurrence of both National Parks and Wildlife Service NSW and Environment Australia.*
102. *No disturbance to or removal of any vegetation or soils shall occur within the proposed Randwick Environmental Park as a result of the proposed development. The only exception to this shall be installation of protective fencing, as identified elsewhere in these conditions.*

In the case of this exception, disturbance to and removal of vegetation or soils shall be minimised. In any case, no disturbance to or removal of vegetation or soils shall occur more than 2 metres into the proposed Randwick Environmental Park from the protective fence. In locations where disturbance to or removal of soils has occurred, the area shall be immediately repaired to its state prior to commencement of development, as far as possible. The location, design and specifications of the protective fencing shall be approved by the Council prior to the commencement of any construction.

103. *No vehicular or pedestrian access relating to the proposed development shall be allowed to the proposed Randwick Environmental Park without the written authorisation of the Applicant's Project Manager and/or Council. The only exception to this shall be installation of protective fencing as identified elsewhere in these conditions.*

In the case of this exception, access shall be avoided whenever possible. In any case, there shall be no access more than 2 metres into the proposed Randwick Environmental Park from the protective fence. All persons who have received written authorisation to enter the proposed Randwick Environmental Park by the Applicant's Project Manager shall sign an Access Register. The Access Register shall include the following information for every person each day he or she enters the proposed Randwick Environmental Park:

- *full first and last names;*
- *organisation;*
- *address;*
- *contact telephone numbers;*
- *signature;*
- *date;*
- *detailed reason for access;*
- *description of all areas accessed, including by vehicles, machinery and plant, using management zone codes in the draft Plan of Management.*
- *Acknowledgment that this condition has been read and understood.*

104. *The Access Register shall be available for inspection and reproduction at all times by Council. Council shall receive a full copy of the Access Register immediately after ownership of the Randwick Environmental Park is transferred to Council.*
105. *No liquids, semi-liquids or chemicals, including unset concrete, water, cement wash, paint, petroleum-based products, etc., shall be disposed of, placed in or where it may enter the proposed Randwick Environmental Park.*

106. *No temporary or permanent placement or storage of any items of plant, materials, tools, equipment, vehicles, etc. shall occur within the proposed Randwick Environmental Park in relation to the proposed development. The only exception to this shall be in relation to installation of protective fencing, as identified elsewhere in these conditions.*

*In the case of this exception, placement and storage of any items shall avoided whenever possible. In any case, no placement and storage of any items shall occur more than 2 metres into the proposed Randwick Environmental Park from the protective fence. In locations where items have been placed or stored, the area shall be immediately **repaired to its state prior to commencement of development, as far as possible.***

107. *An 1800mm high cyclone wire protection fence shall be installed along the entire boundary of the proposed Randwick Environmental Park, where this is adjacent to the proposed development, prior to commencement of any site construction works. Installation and removal of the protection fence shall be overseen by Council's Bushland Management Technician.*

The following conditions are applied to provide adequate provisions for landscaping and to maintain reasonable levels of environmental amenity:

108. *The applicant shall submit a detailed landscape design for all street frontages of the development in accordance with Council's Urban Design Guidelines for Randwick. The landscape design shall include trees, pavements, seat installations, bins and tree grates as required by Council's Landscape Architect – 9399 0786.*

The Stages 2 & 3 Landscape Concept Plan Street Tree Layout & Details shows permeable paving along the parking lanes. The permeable paving must be deleted from the proposed street frontage works.

The Landscape Design plans shall be submitted to and approved by Council's Director A & I Services prior to the issuing of a Subdivision Certificate in accordance with Section 80A(2) of the Environmental Planning and Assessment Act 1979.

The applicant shall note that the approved landscape works carried out on Council property, shall be in accordance with Council's requirements for Civil Works on Council property.

109. *Local Parks 1 & 2, shown on the plan numbers L-PK-02 and L-PK-03, Issue C, dated 11.12.02, shall be the subject of detailed landscape drawings and specifications, which are to be submitted to, and approved by the Director of Assets & Infrastructure in accordance with Section 80A(2) of the Environmental Planning and Assessment Act 1979, prior to the subject works. The landscape drawings and specifications are to be prepared by a qualified Landscape Architect who is eligible for membership with the Australian Institute of Landscape Architects (AILA). The documentation is to include:*

110. *A landscape plan at a scale of 1:100 or 1:200 showing:*

- *site boundaries*
 - *proposed ground levels shown as spot heights and/or contours over the site and at site boundaries*
 - *location of all proposed planting*
 - *children's play equipment and appropriate softfall*
 - *shade structure to play area*
 - *site furniture*
 - *pedestrian pavements*
 - *park structures*
 - *turfing*
 - *lighting to Energy Australia standards*
 - *irrigation*
 - *and/or (other - specify).*
111. *A planting schedule listing all plants by botanic & common names, plant numbers, plant spacings for groundcovers and accent planting, pot sizes, the estimated size of the plant at maturity (height & spread) and proposed staking methods when applicable.*
112. *Additional notation showing soil and mulch details, irrigation details, edging, paving, lighting, fencing details, playground, shade structures and softfall details, surface finishes, retaining wall details, and any other landscape elements in sufficient detail to fully describe the proposed landscape works.*
113. *Position of proposed site services including water, gas, electricity, sewer, stormwater, etc.*
114. *The plan shall respect the prevailing coastal influences and the coast's special design considerations and requirements, and shall be designed accordingly. Generally, species selection shall be restricted to local indigenous coastal species, that require minimal watering once established or species with water needs that match rainfall and drainage conditions.*
115. *The detailed landscape plan submitted for Local Park 1, shall show the following:*
- *Deletion of Lomandra longifolia from the plant schedule. This may be replaced by a smaller groundcover, reaching a maximum height of 0.5 metres at maturity.*
 - *A three (3) metre wide, double opening maintenance access gate to the playground area.*
 - *All gates to the playground area are to be self closing and open inwards towards the playground only.*
116. *Drawing No L-2&3-03, Issue B, dated 12.12 02 shall be amended to show the following:*
- *Detail 05 – Deletion of ‘1M WIDE PINE BARK MULCH BED’. This is to be replaced with turf.*
 - *Detail 01 – Deletion of ‘1000X1000 SQUARE PINE BARK MULCH BED,*

75MM DEPTH, DISHED AROUND BASE OF TRUNK'. This is required to be amended to '300X300 SQUARE PINE BARK MULCH BED, 75MM DEPTH, DISHED AROUND BASE OF TRUNK'.

117. *The landscaping shall be installed in accordance with the approved documentation prior to final inspection and shall be maintained in accordance with those plans.*

Documentary evidence is to be obtained from a suitably qualified Landscape Architect and submitted to the Council prior to final inspection which confirms that the landscaping works have been completed in accordance with the approved landscaping plans and relevant conditions of development consent, to the satisfaction of the PCA.

118. *To ensure satisfactory maintenance of the landscaped areas, an automatic irrigation system shall be installed throughout all the landscaped areas. Such system shall provide full coverage to all the landscaped areas with no overspray onto driveways and pathways.*

Details of the automatic irrigation system shall be shown on the detailed landscape plans and specifications. The system shall comply with all Sydney Water requirements, and relevant Australian Standards.

119. *Any substation required shall be screened from view. The proposed location and elevation shall be shown on all detailed landscape drawings and specifications.*

120. *All detention tanks and stormwater infiltration systems located within the landscaped areas shall have a minimum soil cover of 600mm to ensure sufficient soil depth to permit the establishment of landscaping on top of these services as stipulated by these conditions of development consent.*

All stormwater documentation submitted for the construction certificate application shall show the top of the detention tanks and stormwater infiltration devices being 600mm below the finished ground level of the landscaped areas.

121. *A refundable deposit in the form of cash, cheque, or bank guarantee for the amount of \$20,000.00 shall be lodged with Council prior to a construction certificate being issued for the proposed development to ensure the implementation and maintenance of the landscape works in accordance with the approved landscape documentation.*

a. The refundable deposit will be released twelve (12) months after the issue of a final occupation certificate by the principle certifying authority providing the landscape works have been successfully implemented and maintained in accordance with the approved landscape documentation. Throughout the maintenance/bond period, the applicant shall be responsible for all routine maintenance such as grass cutting, weeding, watering, fertilising, spraying, staking and replacement of all failed plant stock. There must be no alteration to the original design, including substitution of trees and shrubs, without the prior approval of the Principal Certifying Authority.

b. Any contravention of Council's landscape conditions at any time during the construction period or prior to the expiration of a period of twelve (12)

months from the date a final occupation certificate is issued will result in the Council claiming all or part of the lodged security.

122. (a) *The following security deposit requirements are to be complied with prior to a construction certificate being issued for the development, as security for ensuring the implementation and maintenance of the landscape works in accordance with the approved landscape documentation in accordance with section 80A(6) of the Environmental Planning and Assessment Act 1979:*

a) *\$ 20,000.00 Security damage deposit*

The damage deposit may be provided by way of a cash or cheque, or bank guarantee acceptable under Council policy 3.02.08, with the Council and is refundable upon the applicant advising Council, in writing, of the completion of all site construction works.

The refundable deposit shall be released twelve (12) months after the completion of landscape works as advised in writing to Council and providing that the landscape works have been successfully implemented and maintained in accordance with the approved landscape documentation. Throughout the maintenance/bond period, the applicant shall be responsible for all routine maintenance such as grass cutting, weeding, watering, fertilising, spraying, staking and replacement of all failed plant stock. There must be no alteration to the original design, including substitution of trees and shrubs, without the prior approval of the Principal Certifying Authority.

(b) *In the event that the person who implements this development consent is the Commonwealth, as an alternative to the provision of a \$20,000.00 landscaping works deposit, prior to the issue of any construction certificate in respect of any works permitted by this development consent, the Commonwealth may execute and provide to the Council a Commonwealth Landscaping Works Undertaking in the sum of \$20,000.00 in respect of the obligations referred to in this condition. If at any time after the provision of a Commonwealth Landscaping Works Undertaking in accordance with this condition, the Commonwealth ceases to be the person who implements this development consent, the person who implements the consent must comply with this condition and the Council must return the Commonwealth landscaping Works Undertaking to the Commonwealth at which time, except to the extent of any antecedent liability which has by that time arisen and remains unsatisfied, the Commonwealth will be released from any further obligation under the Commonwealth Landscaping Works Undertaking*

(c) *In this Condition, a 'Commonwealth Landscaping Works Undertaking' means a covenant by deed in the following terms:*

'The Commonwealth of Australia ('Commonwealth') hereby undertakes to pay to Randwick City Council ('Council') within 7 days of a written demand from the Council issued following the occurrence of any breach of the implementation and maintenance of the landscape works as require in accordance with the approved landscape documentation referred to in this Condition of the Development Consent (actual date of development consent to be inserted here) pursuant to Development Application No. 0063/03

('Development Consent'), the sum of \$20,000.00 or any part thereof as security for the performance of the obligations referred to in this Condition of the Development Consent. This undertaking will be released and will be of no further effect upon the Commonwealth advising the Council in writing of the completion of all site construction works authorised by the Development Consent.' "

Advisory Matters

In order to organise for an inspection for the release of the security deposit, the applicant shall contact the Principal Certifying Authority for the development to liaise with Council's Asset & Infrastructure Department to arrange for an inspection of the landscaping to be carried out. Should the landscaping be found to be unsatisfactory, thus necessitating further inspections, the applicant is advised that each additional inspection will be charged at \$55.00 (incl.GST) and that this amount shall be paid into Account Number 41901939, Code RGJ at the Cashier on the Ground Floor of the Administrative Centre prior to any further inspection being carried out.

The applicant shall present the receipt at the Asset and Infrastructure Services counter on the First Floor to organise for a further inspection to be undertaken.

Advisory Conditions

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

PROCEDURAL MOTION: (Matson/Greenwood) that this application be deferred for further consultation on conditions 2 and 58 which deal with the proposed intersection. **LOST.**

MOTION: (Andrews/Bastic) SEE RESOLUTION.

AMENDMENT: (Greenwood/Matson) that condition No. 2 be amended to include the installation of shrubberies in the verge in front of Nos. 82A, 84, 84A, 86, 86A, 88 and 88A Bundock Street to screen the effects of car headlight glare. **LOST.**

6. MISCELLANEOUS.

6.1 DIRECTOR PLANNING & COMMUNITY DEVELOPMENT'S REPORT 88/2003 - 212 COOGEE BAY ROAD, COOGEE. (D/0028/2003)

H107 **RESOLUTION: (Schick/Procopiadis) that:**

- A. *The Council support the objection under State Environmental Planning Policy No.1 (SEPP No.1) in respect to non-compliance with Clause 33 of the Randwick Local Environmental Plan 1998 (relating to building heights) on the grounds that the proposed development complies with the objectives of the clause and will not adversely affect the amenity of locality as follows, and that the Department of Infrastructure Planning and Natural Resources be advised accordingly:*

AND

B. Council as the responsible authority grant its development consent under Section 80 and 80A of the Environmental Planning and Assessment Act 1979 (as amended) to Development Application No 28/03/GG for Demolition of existing and construction of a mixed use residential and commercial building with associated parking at 212 Coogee Bay Road, Coogee subject to the following conditions:-

1. The development must be implemented substantially in accordance with the plans with Job No. DA-2121-A and numbered Sheet 1 of 3, dated the 5th June, 2003 and received by Council on the 10th June, 2003 and with Job No. DA-2121-B and numbered Sheet 2 of 5 to 5 to 5, all dated the 30th September, 2003 and received by Council on the 30th September, 2003, the application form and on any supporting information received with the application, except as may be amended by the following conditions and as may be shown in red on the attached plans:

The following conditions are applied to satisfy the provisions of section 79C of the Environmental Planning and Assessment Act 1979 and to maintain reasonable levels of environmental amenity:

2. A separate Development Application is required to be submitted to and approved by Council with regard to each separate proposed usage of the building **prior to occupancy**.
3. There shall be no encroachment of any part of the building over the right of carriageway to ensure that there will be no restriction of access to property owners benefiting from the right of carriageway.
4. The western boundary wall adjacent to the first floor courtyards shall have a height of 1.5m above the level of the verandah of Unit 2 of 206-210 Coogee Bay Road adjacent to the west to minimise overlooking.
5. The top of the parapet shall be the same height as the adjoining building to the west (206-210 Coogee Bay Road) to ensure a satisfactory streetscape appearance.
6. The colours, materials and finishes of the external surfaces to the building are to be compatible with the adjacent development to maintain the integrity and amenity of the building and the streetscape.

*Details of the proposed colours, materials and textures (i.e. a schedule and brochure/s or sample board) are to be submitted to and approved by Council's Director of Planning & Environment, in accordance with section 80A (2) of the Environmental Planning and Assessment Act 1979 **prior to issuing a construction certificate for the building.***

7. Metal roof sheeting is to be painted or colour bonded to minimise reflection and to be sympathetic and compatible with the building and surrounding environment.

*Details of the proposed colour of the roof are to be submitted to and approved by the Director of Planning & Community Development, in accordance with the section 80A (2) of the Environmental Planning and Assessment Act 1979, **prior to the roofing being installed.***

8. *There must be no encroachment of any part of the structure/s onto the adjoining premises or onto Council's road reserve, footway or public place.*
9. *Any gate openings shall be constructed so that the gates, when hung, will be fitted in such a manner that they will not open over the footway or public place.*
10. *External walls sited less than 500mm from the boundaries of the site are to be erected as 'face brickwork' or other maintenance free materials, to ensure that adequate provisions are made for maintenance purposes within the property boundaries.*
11. *All plumbing and drainage pipes, other than rainwater heads, gutters and downpipes, must be concealed within the building.*
12. *Street numbering must be provided to the premises in a prominent position, to the satisfaction of Council.*
13. *Power supply and telecommunications cabling to the development shall be underground.*
14. *A single common television aerial, and/or satellite dish (having a maximum diameter of 700mm and not located on the front or street elevation of the building) is to be installed to serve the development.*
15. *All existing outbuildings on the site must be demolished and removed in conjunction with the development.*
16. *The reflectivity index of glass used in the external façade of the development must not exceed 20 percent. The details and samples of the glass to be used are to be submitted with the colour and material schedule for the approval of Council's Director of Planning & Community Development, **prior to the commencement of works.***
17. *Internal or external clothes drying facilities are to be provided in accordance with the provisions of the Building Code of Australia.*

Should external clothes drying facilities be provided, the facilities must be adequately screened by vegetation and details are to be incorporated into the landscaping plans, to the satisfaction of the certifying authority.
18. *Details of any proposed mechanical ventilation and air conditioning be submitted with the construction certificate and should not exceed the maximum height of the building and shall be appropriately concealed.*
19. *The finished ground levels external to the building are to be consistent with*

the development consent and are not to be raised (other than for the provision of paving or the like on the ground) without the written consent of Council.

20. *Where access is required to adjoining premises for construction purposes, the consent of the owner/s of the subject adjoining premises must be provided to the satisfaction of the Principal Certifying Authority, prior to carrying out any construction works from or upon the adjoining premises.*
21. *Adequate provisions are to be made within the premises for the storage, collection and disposal of waste and recyclable materials.*

*A Waste Management Plan is to be submitted to Council and approved by Council's Manager of Waste Services, in accordance with section 80A (2) of the Environmental Planning and Assessment Act 1979, **prior to a construction certificate** being issued for the proposed development.*

The plan shall detail the type and quantity of waste to be generated by the development; demolition waste; construction waste; materials to be re-used or recycled; facilities/procedures for the storage, collection recycling & disposal of waste and the on-going management of waste.

The following conditions are imposed to promote ecologically sustainable development and energy efficiency.

22. *The residential component of the development must be designed and constructed to achieve a minimum energy efficiency NatHERS rating of 3.5 stars or equivalent and a NatHERS certificate or equivalent, prepared by a suitably qualified person, is to be submitted to the certifying authority with the **construction certificate** application.*

The design of the building must be consistent with the development consent and any proposed variations to the building to achieve the energy efficiency rating may necessitate a new or amendment to the development consent prior to the issuing of a construction certificate.

23. *The consumption of water within the building shall be minimised by the use of triple A rated water efficient plumbing fixtures (taps and shower roses) and water efficient dual flush toilets. Details of compliance are to be noted in the **construction certificate** plans or specifications.*
24. *External timber or metal framed and brick veneer walls and roofs are to be provided with insulation (i.e. bulk insulation and a reflective building membrane/reflective sarking/foil insulation), having a minimum total thermal resistance R-value of 3.0 in roofs and 1.5 in external walls. The insulation and reflective building membrane is to be installed in accordance with the relevant requirements of the Building Code of Australia and the manufacturers details.*

*Details of compliance with the requirements for insulation are to be included in the **construction certificate** application.*

25. *Hot water service pipes are to be provided with insulation, in accordance with the relevant requirements of Building Code of Australia and AS 3500.*
26. *The hot water system installed in the development must achieve a minimum greenhouse score of 3.5 as detailed SEDA's Energy Smart Homes Policy. Any electric clothes dryers to be provided in the development must also have a minimum 2 star energy rating.*

The following conditions are applied to ensure that the development satisfies the provisions of the Environmental Planning and Assessment Act 1979 and Regulations:

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

Failure to comply with these legislative requirements is an offence and may result in the commencement of legal proceedings, issuing of `on-the-spot` penalty infringements or service of a notice and order by Council.

28. *All new building work must be carried out in accordance with the provisions of the Building Code of Australia (BCA), in accordance with Clause 98 of the Environmental Planning and Assessment Regulation 2000.*
29. *Prior to the commencement of any building works, 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 and Environmental Planning & Assessment Regulation 2000.*
30. *Prior to the commencement of any building work, a principal certifying authority must be appointed and Council is to be notified accordingly and, at least 2 days notice of the intention to commence building work must be given to Council, in accordance with the provisions of the Environmental Planning & Assessment Act 1979 and Environmental Planning & Assessment Regulation 2000.*
31. *An Occupation Certificate must be obtained from the principal certifying authority prior to any occupation of the building work encompassed in this development consent in accordance with the relevant provisions of the Environmental Planning & Assessment Act 1979.*
32. *In addition to the matters contained in the Environmental Planning and Assessment Regulation 2000, the following matters are to be completed in accordance with the terms and conditions of this development consent, **prior to the occupation** of the building:*
 - a) *car parking and vehicular access*
 - b) *landscaping*
 - c) *stormwater drainage*
 - d) *external finishes and materials*

33. *In accordance with clause 98 of the Environmental Planning and Assessment Regulation 2000, it is a prescribed condition, that in the case of residential building work, a contract of insurance must be obtained and in force, in accordance with the requirements of the Home Building Act 1989.*

Where the work is to be done by a licensed contractor, excavation or building work must not be carried out unless the Principal Certifying Authority (PCA):

- *has been informed in writing of the licensee's name and contractor number; and*
- *is satisfied that the licensee has complied with the insurance requirements of Part 6 of the Home Building Act 1989, or*

Where the work to be done by any other person (i.e. an owner builder), excavation or building work must not be carried out unless the Principal Certifying Authority:

- *has been informed of the person's name and owner-builder permit number, or*
- *has been given a declaration, signed by the owner of the land that states that the market cost of the labour and materials involved in the work does not exceed \$5,000.*

Details of the builder and compliance with the provisions of the Home Building Act 1989 are to be submitted to Council prior to the commencement of works, on the notice of appointment of the PCA / Intention to commence building work.

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

The following group of conditions have been applied to ensure the structural adequacy and integrity of the proposed building and adjacent premises:

35. *A report shall be prepared by a professional engineer and submitted to the certifying authority **prior to the issuing of a construction certificate**, detailing the proposed methods of excavation, shoring or pile construction, including details of vibration emissions. The report, must demonstrate the suitability of the proposed methods of construction to overcome any potential damage to nearby land/premises and the report is to detail any possible damage which may occur to adjoining or nearby premises that may be caused by the proposed building, excavation and shoring works.*

Any practices or procedures specified in the engineer's report in relation to the avoidance or minimisation of structural damage to nearby premises, must be fully complied with and incorporated into the documentation for the construction certificate.

A copy of the engineers report is to be submitted to the Council, if the Council is not the certifying authority.

36. *Driven type piles/shoring must not be provided unless a geotechnical engineer's report is submitted to the certifying authority, **prior to the issuing of a construction certificate**, which states that damage should not occur to any adjoining premises and public place as a result of the works.*
37. *A copy of the construction certificate, the approved plans & specifications and development consent conditions must be kept on the site at all times and be available to the Council officers upon request.*
38. *The building works are to be inspected by the Principal Certifying Authority (or other suitably qualified person approved by the Principal Certifying Authority), to monitor compliance with the relevant standards of construction and Council's development consent.*

The Principal Certifying Authority shall specify the relevant stages of construction to be inspected and a satisfactory inspection must be carried out, to the satisfaction of the Principal Certifying Authority, prior to proceeding to the subsequent stages of construction or finalisation of the works (as applicable).

Documentary evidence of the building inspections carried out and details of compliance with Council's approval is to be maintained by the Principal Certifying Authority. Details of critical phase inspections carried out and copies of certification relied upon shall be forwarded to Council with the occupation certificate.

Upon inspection of each stage of construction, the Principal Certifying Authority (or other suitably qualified person approved by the Principal Certifying Authority) is also required to ensure that the relevant site management, public safety and sediment and erosion requirements specified in Council's consent are being satisfied.

39. *A dilapidation report prepared by a professional engineer or suitably qualified and experienced building surveyor shall be submitted to the certifying authority **prior to the commencement of demolition, excavation or building works** detailing the current condition and status of all buildings, including ancillary structures located upon:*
 - *All of the premises adjoining the subject site*

The report is to be supported with photographic evidence of the status of the buildings and a copy of the report must also be forwarded to the Council and to the owners of each of the above stated premises, prior to the commencement of any works.

40. *The installation of ground or rock anchors underneath any adjoining premises including (a public roadway or public place) must not be carried out without specific written consent of the owners of the affected adjoining premises and (where applicable) details of compliance must be provided to the certifying authority **prior to the commencement of any excavation or building works**.*
41. *A Certificate of Adequacy prepared by a professional engineer is to be submitted to the principal certifying authority (and the Council, if the Council is not the principal certifying authority) **prior to occupation of the building**, certifying the structural adequacy of the building and that the building works*

satisfy the relevant structural design requirements of the Building Code of Australia.

The following conditions are applied to ensure that the development satisfies relevant standards of construction, and to maintain adequate levels of health, safety and amenity during construction:

42. *All demolition work is to be carried out in accordance with the provisions of AS2601-1991. The Demolition of Structures, as in force at 1 July, 1993.*
43. *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 are to 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.

Retaining walls, shoring, or piling must be designed and installed in accordance with appropriate professional standards and the relevant requirements of the Building Code of Australia and Australian Standards. Details of proposed retaining walls, shoring or piling are to be submitted to and approved by the Principal Certifying Authority for the development prior to commencing such excavations or works.

44. *If an excavation associated with the erection or demolition of a building extends below the level of the base of the footings of a building on an adjoining allotment of land, the person causing the excavation must:*
 - *preserve and protect the building /s on the adjoining land from damage; and*
 - *if necessary, underpin and support the building and excavation in an approved manner; and*
 - *at least seven (7) days before excavating below the level of the base of the footings of a building on an adjoining allotment of land (including a public road or public place), give notice of the intention to do so to the owner of the adjoining land. Particulars of the excavation are to be provided to the owner of the adjoining land and also the owner of the land where the building is being erected or demolished.*
45. *A Registered Surveyor's check survey certificate or compliance certificate is to 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), detailing compliance with Council's approval at the **following stage/s of construction:***
 - a) *Prior to construction of the footings or first completed floor slab (prior to the pouring of concrete), showing the area of the land, building and boundary setbacks.*

- b) *Prior to construction of the first completed floor/floor slab (prior to pouring of concrete), showing the area of land, building and boundary setbacks and verifying that the building is being construction at the approved levels.*
 - c) *on completion of the erection of the building showing the area of the land, the position of the building and boundary setbacks and verifying the building has been constructed at the approved levels.*
46. *All building, demolition and associated site works must only be carried out between the hours of 7.00am to 5.00pm on Monday to Friday inclusive, between 8.00am to 5.00pm on Saturdays and all building activities are strictly prohibited on Sundays and public holidays, except with the specific written authorisation of Council's Manager of Environmental Health and Building Services.*
47. *The use of any rock excavation machinery or any mechanical pile drivers is restricted to the hours of 8.00am to 5.00pm (maximum), Monday to Friday inclusive and from 8.00am to 1.00pm on Saturday, to minimise the noise levels during construction and loss of amenity to nearby residents.*
48. *Noise and vibration emissions during the construction of the building and associated site works must not result in damage to nearby premises or result in an unreasonable loss of amenity to nearby residents and the relevant provisions of the Protection of the Environment Operations Act 1997 must be satisfied at all times.*
49. *Noise and vibration from any rock excavation machinery and pile drivers (or the like) must be minimised by using appropriate plant and equipment and silencers and a construction noise and vibration minimisation strategy, prepared by a suitably qualified consultant is to be implemented during the works, to the satisfaction of the Principal Certifying Authority.*
50. *A report prepared by a suitably qualified and experienced consultant in acoustics/vibration shall be submitted to the Principal Certifying Authority and the Council **upon commencement of works**, certifying that noise and vibration emissions from the construction of the development complies with the provisions of the Protection of the Environment Operations Act 1997, the Noise Control Manual published by the Environment Protection Authority and relevant conditions of approval. In support of the above it is necessary to submit all relevant readings and calculations made.*

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.

51. *A sign must be erected on the site in a prominent, visible position, prior to commencing any demolition, excavation or building works, stating that 'unauthorised entry to the site is prohibited' and showing the name of the person in charge of the work site and a telephone number at which the person may be contacted outside working hours.*

In the case of residential building work, the sign is also required to detail the licence number of the building contractor or the permit number of the owner-builder, in accordance with the Home Building Act 1989 and Regulations.

52. *Temporary toilet facilities are to be provided, at or in the vicinity of the work site throughout the course of demolition and construction, at the rate of one toilet for every 20 persons or part of 20 persons employed at the site and the toilet facilities must be connected to a public sewer or other sewage management facility approved by Council.*
53. *Public safety and convenience must be maintained at all times during demolition, excavation and construction works.*

The roadway, footpath and nature strip must be maintained in a good, safe condition and free from any obstructions, materials, soils or debris at all times. Any damage caused to the road, footway or nature strip must be repaired immediately, to the satisfaction of Council.

A Road Opening Permit must be obtained from the Council and other relevant Authorities prior to excavating or opening-up the road or footway for services or the like.

54. *Building materials, sand, soil, waste materials or construction equipment must not be placed upon the footpath, roadway or nature strip at any time and the footpath, nature strip and road must be maintained in a clean condition and free from any obstructions and debris at all times.*
55. *Bulk bins/waste containers must not be located upon the footpath, roadway or nature strip at any time without the prior written consent of the Council, unless the waste container is located upon the road in accordance with the Roads & Traffic Authority Guidelines and Requirements, and the container is exempt from an approval under Council's Local Approvals Policy.*
56. *Any building/demolition works involving asbestos cement are to be carried out in accordance with the Work Cover New South Wales "Guidelines for Practices Involving Asbestos Cement in Buildings".*
57. *Construction Site Management Plan is to be submitted to and approved by the principal certifying authority prior to the commencement of demolition, excavation or building works. The site management plan must include the following measures, as applicable to the type of development:*
 - *location and construction of protective fencing / hoardings to the perimeter of the site;*
 - *location of site storage areas/sheds/equipment;*
 - *location of building materials for construction;*
 - *provisions for public safety;*
 - *dust control measures;*
 - *site access location and construction*
 - *details of methods of disposal of demolition materials;*

- *protective measures for tree preservation;*
- *provisions for temporary sanitary facilities;*
- *location and size of waste containers/bulk bins;*
- *details of proposed sediment and erosion control measures;*
- *construction noise and vibration management.*

The site management measures are to be implemented prior to the commencement of any site works and be maintained throughout the works, to maintain adequate levels of public health and safety. A copy of the approved Construction Site Management Plan must be maintained on site and be made available to Council officers upon request.

58. *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.*
- *Revegetation of disturbed areas.*

59. *Public safety must be maintained at all times and public access to the site and building works, materials and equipment on the site is to be restricted, when work is not in progress or the site is unoccupied.*

A temporary safety fence is to be provided to protect the public, located to the perimeter of the site (unless the site is separated from the adjoining land by an existing structurally adequate fence, having a minimum height of 1.5 metres). Temporary fences are to have a minimum height of 1.8 metres and be constructed of cyclone wire fencing, with geotextile fabric attached to the inside of the fence to provide dust control, or other material approved by Council.

Fences or hoardings are to be structurally adequate and be constructed in a good and workmanlike manner and the use of poor quality materials or steel reinforcement mesh as fencing is not permissible.

Details of the proposed temporary fences located upon the site are to be submitted to the principal certifying authority and the public safety provisions and temporary fences must be in place prior to the commencement of any demolition, excavation or building works and be maintained throughout construction.

If it is proposed to locate any hoardings, site fencing or amenities upon a footpath or public place, the written consent from Council's Building Services section must be obtained beforehand and detailed plans are to be submitted to Council for consideration, together with payment of the weekly charge in accordance with Council's adopted fees and charges.

60. *During construction stages, sediment laden stormwater run-off shall be controlled using the sediment control measures outlined in the manual for Managing Urban Stormwater – Soils and Construction, published by the NSW Department of Housing.*

*A soil and water management plan (SWMP) must be submitted to and approved by the principal certifying authority and implemented **prior to the commencement of any site works or activities.***

The soil and water management plan must contain a site plan, detailing:

- *the slope of the land*
- *site access points and access control measures*
- *location and type of all sediment and erosion control measures*
- *location of existing vegetation, to be retained*
- *material stockpile or storage areas and methods of sediment control*
- *location of existing and proposed drainage systems*
- *proposed disposal of site water*
- *location of building operations and equipment*
- *proposed re-vegetation details*

All soil and water management measures must be maintained at all times throughout demolition, excavation, building and site works and a copy of the soil and water management plan is to be kept on-site and be made available to Council officers upon request.

61. *Stockpiles of soil, sand, aggregate or other materials must not be located on any footpath, roadway, nature strip, drainage line or any public place and the stockpiles must be protected with adequate sediment control measures.*

Building operations such as brick cutting, washing tools or equipment and mixing mortar are not permitted on public footpaths, roadways, nature strips, in any public place or any location which may lead to the discharge of materials into the stormwater drainage system.

62. *A warning sign for soil and water management must be displayed in a prominent position on the building site, visible to both the public and site workers. The sign must be displayed throughout the construction period. Copies of a suitable warning sign are available at Council's Customer Service Centre for a nominal fee.*
63. *If the work involved in the erection or demolition of a building is likely to cause pedestrian or vehicular traffic in a public place to be obstructed or rendered inconvenient or the building involves the enclosure of a public place, a hoarding or fence must be erected between the work site and the public*

place.

If necessary, an awning is to be erected sufficiently to prevent any substance from, or in connection with, the work from falling into the public place or adjoining premises.

The public place adjacent to the work site must be kept lit between sunset and sunrise if it is likely to be hazardous to persons in the public place and any such hoarding, fence or awning is to be removed upon completion of the work.

The public safety provisions and temporary fences must be in place prior to the commencement of any demolition, excavation or building works and be maintained throughout construction.

If it is proposed to locate any hoardings, site fencing or amenities upon a footpath or public place, the written consent from Council's Building Services section must be obtained beforehand and detailed plans are to be submitted to Council for consideration, together with payment of the weekly charge in accordance with Council's adopted fees and charges.

64. *A 'B Class' overhead type hoarding is required is be provided to protect the public, located adjacent to the development, prior to the commencement of any works on the site which comprise:-*

- *any works or hoisting of materials over a public footway or adjoining premises, or*
- *any building or demolition works on buildings which are over 7.5m in height and located within 3.6 metres of the street alignment.*

Details of the proposed fences or hoardings located upon the site are to be submitted to the principal certifying authority and the public safety provisions and temporary fences must be in place prior to the commencement of any demolition, excavation or building works and be maintained throughout construction.

If it is proposed to locate any hoardings, site fencing or amenities upon a footpath or public place, the written consent from Council's Building Services section must be obtained beforehand and detailed plans are to be submitted to Council for consideration, together with payment of the weekly charge in accordance with Council's adopted fees and charges.

65. *Temporary hoardings or fences and public access are required to be designed in accordance with the following requirements (as applicable):*

- *The hoarding/fence is required to be structurally adequate, and be constructed of plywood sheeting, painted white or cyclone wire fencing material with geotextile fabric attached to the inside of the fence to provide dust control. The hoarding/fence is to be maintained in good condition at all times.*
- *The hoarding/fencing is required to be constructed at a minimum height of 1.8 metres.*

- *A path of travel having a minimum width of 1.5m is to be maintained across the front of the site and safe pedestrian access is to be provided at all times*
 - *Hoardings and fences are not to obstruct access for services including fire services.*
 - *A temporary timber crossing is to be provided to the site entrance across the kerb and footway area, with splayed edges, unless access is via an existing concrete crossover.*
 - *Unobstructed access must be maintained at all times for pedestrians and people with disabilities. If necessary, a stable and level, non-slip timber/metal walking platform or firm road base material is to be provided adjacent to the hoarding/fence across the front of the site.*
 - *The hoarding/fence is to be provided with reflective barricades, lights or other devices, to provide adequate warning to pedestrians and motorists.*
 - *The hoarding/fence is to be constructed so that it will not obstruct the view of motorists, pedestrians or traffic lights.*
 - *Site access gates to the site shall not open over the footway/road.*
 - *The applicant/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 Council prior to the construction of any hoarding/fence upon the road reserve/footway.*
 - *Geotextile fabric or other suitable material is to be provided to the perimeter of any scaffolding during construction, to prevent any articles from falling to a public place or adjoining premises.*
66. *'B' Class' overhead type hoardings and public access are required to be designed in accordance with the following requirements (as applicable).*
- *The hoarding is to be designed so that the wind loads comply with AS1170.2. Superimposed loads from site sheds and materials not to exceed 40% of the design live loads. The structure should have a factor of safety of 1.5 against overturning and 2 against sliding.*
 - *Footings to the hoarding are to be located and designed so as not to have an adverse affect upon underground services or the like. The hoarding is to be able to withstand a vehicle impact and removal of any one column anywhere in the structure and a minimum length of 2m of wall supporting the deck on any one side supporting the structure is required.*
 - *Metal parts of the hoarding or associated structures to be not less than 4m from any power line, transmission line or transmission apparatus*

or 1.5m from part for non conductive materials, such as timber.

- *Adequate artificial lighting is to be provided to the hoarding.*
 - *A suitable system of buffer railing or barriers, particularly at locations such as an intersection or sharp bend.*
 - *A minimum overhead clearance of 2.2m is to be provided below the hoarding.*
 - *The street side of the hoarding is to be open for at least 2/3 of its full height for the length of the structure to prevent a tunnel effect.*
 - *Waterproofing of the deck above the footway is required to be provided and adequate provisions are to be made for the disposal of stormwater.*
 - *The hoarding is to be painted white or other light colour acceptable to Council.*
 - *Site sheds or accommodation located on top of a hoarding within a designated crane area or where materials are being lifted over are required to sustain a 10Kpa load and a protective fence and handrails are to be provided.*
 - *The hoarding is to be erected and maintained fully in accordance with the requirements of Work Cover New South Wales.*
 - *Unobstructed access must be maintained at all times for pedestrians and people with disabilities. If necessary, a stable and level, non-slip timber/metal walking platform or firm road base material is to be provided adjacent to the hoarding/fence across the front of the site.*
 - *A certificate of structural adequacy prepared by a professional engineer is to be submitted to the certifying authority upon installation (and a copy of the certificate is to be forwarded to the Council if it is not the certifying authority) certifying the structural adequacy of the hoarding and compliance with Councils conditions of consent and relevant requirements of WorkCover New South Wales.*
67. *A temporary timber crossing is to be provided to the site entrance across the kerb and footway area, with splayed edges, to the satisfaction of Council, unless access is via an existing concrete crossover.*
68. *The applicant/builder is required to hold Public Liability Insurance, with a minimum liability of \$5 million and a copy of the Insurance cover is to be provided to Council.*

The following conditions are applied to provide access and facilities for people with disabilities:

69. *Access, facilities and car parking for people with disabilities must be provided in accordance with Council's development control plan for multi-unit housing and in accordance with the relevant provisions of Part D3 of the Building Code of Australia and AS1428.1, AS4299 and 2890.1. Details of the proposed access, facilities and carparking for people with disabilities are to be included in the plans / specifications for the construction certificate.*
70. *Access for persons with disabilities, being provided to the shop in accordance with Part D3 of the Building Code of Australia. Details of compliance are required to be provided in the relevant plans and specifications for the **construction certificate** for the development.*
71. *Access and sanitary facilities for persons with disabilities being provided to the shop, in accordance with Parts D3 and F2 of the Building Code of Australia. Details of compliance is required to be provided in the relevant plans and specifications for the **construction certification** for the development.*

The following conditions are applied to ensure that reasonable levels of fire safety are provided in the building:

72. *A works-as-executed fire services plan is to be submitted to the Council **prior to occupation** of the development, detailing the location of the essential fire safety measures installed within the building premises.*
73. *The building is required to be provided with a smoke alarm system complying with Clause 3 of Specification E2.2a of the B.C.A. or a smoke detection system complying with Clause 4 of Specification E2.2a of the B.C.A. or a combination of a smoke alarm system within the sole-occupancy units and a smoke detection system in areas not within the sole-occupancy units. The smoke detectors located within the stairway, corridors or the like must be interconnected.*
74. *The building is required to be provided with a smoke alarm system complying with Clause 3 of Specification E2.2a of the B.C.A. or a smoke detection system complying with Clause 4 of Specification E2.2a of the B.C.A. or a combination of a smoke alarm system within the sole-occupancy units and a smoke detection system in areas not within the sole-occupancy units.*

The following conditions are applied to ensure adequate environmental protection.

75. *All hazardous or intractable wastes (including asbestos) shall be removed and disposed of in accordance with the requirements of WorkCover and the Environmental Protection Authority, and with the provisions of:*
 - *Occupational health and Safety Act 1983 (NSW)*
 - *Construction Safety Act 1912; Regulation 84A-J Construction Work Involving Asbestos or Asbestos Cement 1983 (NSW)*
 - *Occupational Health and Safety (Hazardous Substances) Regulation 1996 (NSW).*
 - *Occupational Health and Safety (Asbestos Removal Work) Regulation*

- 1996 (NSW); and
- Waste Minimisation and Management Act 1995 and Regulations (NSW).

The following conditions have been applied to ensure that noise and vibration emissions from the development satisfy legislative requirements and maintain reasonable levels of amenity to the area:

76. *A report prepared by a suitably qualified and experienced consultant in acoustics shall be submitted to Council **prior to a construction certificate being issued for the development**, which demonstrates and confirms that noise and vibration emissions from the development will comply with the relevant provisions of the Protection of the Environment Operations Act 1997, Environmental Protection Authority Noise Control Manual Chapter 174 & Industrial Noise Policy and relevant conditions of approval. The report is to consider the impact of the vehicle turntable, car stacker, mechanical ventilation systems and gymnasium on neighbours and occupiers of the building*
77. *A report, prepared by a suitably qualified and experienced consultant in acoustics, shall be submitted to the Council prior to an **occupation certificate** being issued for the development, which demonstrates and certifies that noise and vibration emissions from the development comply with the relevant provisions of the Protection of the Environment Operations Act 1997, NSW Environmental Protection Authority Noise Control Manual Chapter 174 & Industrial Noise Policy and conditions of Council's approval, to the satisfaction of Council's Manager Environmental Health & Building Services. The report is to consider the impact of the vehicle turntable, car stacker, mechanical ventilation systems and gymnasium on neighbours and occupiers of the building*
78. *The use and the operation of plant and equipment shall not give rise to the transmission of a vibration nuisance.*
79. *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 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 an LAeq, 15 min and adjusted in accordance with Environmental Protection Authority guidelines for tonality, frequency weighting, impulsive characteristics, fluctuations and temporal content, in accordance with the relevant provisions of the NSW Environmental Protection Authority's Environmental Noise Control Manual, Industrial Noise Policy 2000 and The Protection of the Environment Operations Act 1997.

The following conditions are applied to satisfy the relevant pollution control criteria and to maintain reasonable levels of health, safety and amenity to the locality:

80. *The use and operation of the premises shall not give rise to an environmental health or public nuisance.*
81. *There are to be no emissions or discharges from the premises, which will give rise to a public nuisance or result in an offence under the Protection of the Environment Operations Act 1997 and Regulations.*
82. *The location and height of the discharge of mechanical ventilation systems are required to satisfy the relevant provisions of the Building Code of Australia and AS 1668 and details are to be provided in the relevant plans / specifications for the **construction certificate**.*

The following conditions are applied to provide adequate provisions for access, transport and infrastructure:

83. *Details of the car lift operation and safety requirements shall be included in any contract of sale.*
84. *The applicant must meet the full cost for Council or a Council approved contractor to:*
 - (a) *Reconstruct the Council footpath, kerb and gutter in Coogee Bay Rd in accordance with Council's urban design guidelines for Coogee.*
85. *The applicant must meet the full cost for Council or a Council approved contractor to repair/replace any damaged sections of Council's footpath, kerb & gutter, nature strip etc which are due to building works being carried out at the above site. This includes the removal of cement slurry from Council's footpath and roadway.*
86. *The applicant shall note that all external work, carried out on Council property, shall be in accordance with Council's Policy for "Vehicular Access and Road and Drainage Works". An application for the cost of the Council civil works is to be submitted to Council at the completion of the internal building works. An application fee shall be payable to Council for the quotation of the required works. The applicant may elect to use his contractor for the required works, subject to Council approval, however a design and supervision fee based on the lowest quotation from Council's nominated contractor will be required to be paid prior to the commencement of any works.*
87. *The inspection and maintenance schedule of the car lift and turntable is to be supplied with the Construction Certificate application. This schedule is to be incorporated in the strata management plan for the site and issued to any occupants of the units.*

Training of all residents using the car lift and turntable shall be undertaken by a suitably qualified instructor and this requirement shall be included in a property management plan or alternatively a strata management plan should the units be later strata subdivided.

A copy of the proposed management plan/strata management plan, incorporating the above issues in this condition, is to be approved by the Certifying Authority prior to the issuing of an Occupation Certificate.

88. *A statement setting out the specification and safety requirements for the proposed car lift and turntable must accompany any contract of sale for units within the above property and to any occupants.*

89. *The proposed car lift shall, as a minimum, contain those design features documented by Car Parking Solutions in the document titled, "Data Sheet Wohr Parklift 413 received by Council on the 10th Jun 2003.*

The Certifying Authority shall obtain for approval a detailed specification for the car lift prior to the issuing of a Construction Certificate.

The manufacturer shall submit to the Certifying Authority, certification that the car lift has been installed to the approved specification prior to the issuing of an Occupation Certificate.

90. *The proposed car turntable shall, as a minimum, contain those design features documented by Car Parking Solutions in the document titled, "Data Sheet Wohr Turntable 505 received by Council on the 10th Jun 2003.*

The Certifying Authority shall obtain for approval a detailed specification for the car lift prior to the issuing of a Construction Certificate.

The manufacturer shall submit to the Certifying Authority, certification that the car lift has been installed to the approved specification prior to the issuing of an Occupation Certificate.

91. *The applicant is to liaise with Council's Traffic Engineer in regards to the requirement of a work zone in Coogee Bay Rd for the duration of the construction works. Any 'work zone' required must be paid to Council at least four (4) weeks prior to the commencement of building works.*

92. *The applicant shall install a vehicle-sighting mirror at the "L" shaped intersection of the right of carriageway on its eastern boundary opposite the sewer manhole, to Australian Standards. Details are to be shown on the plans submitted for the construction certificate and compliance with this condition is required prior to issuing an Occupation Certificate.*

The following conditions are applied to provide adequate provisions for future civil works in the road reserve:

93. *The Council's Department of Asset & Infrastructure Services has inspected the above site and have determined that the design alignment level (concrete/paved/tiled level) at the property boundary for driveways, access ramps and pathways or the like, must match the back of the existing footpath along the full site frontage.*

94. *The design alignment levels (concrete/paved/tiled level) issued by Council and*

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

95. *The above alignment levels and the site inspection by Council's Department of Asset & Infrastructure Services have been issued at a prescribed fee of \$138.00 calculated at \$27.50 (inclusive of GST) per metre of site frontage. This amount is to be paid prior to a construction certificate being issued for the development.*

The following conditions are applied to provide adequate consideration for service authority assets:

96. *A public utility impact assessment must be carried out on all public utility services on the site, roadway, nature strip, footpath, public reserve or any public areas associated with and/or adjacent to the development/building works and include relevant information from public utility authorities and exploratory trenching or pot-holing, if necessary, to determine the position and level of service.*
97. *The applicant must meet the full cost for telecommunication companies, gas providers, Energy Australia and Sydney Water to adjust/repair/relocate their services as required. The applicant must make the necessary arrangements with the service authority.*
98. *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 all detailed landscape drawings and specifications. The applicant must liaise with Energy Australia prior to lodging the construction certificate whether or not an electricity substation is required for the development.*
99. *A Section 73 Compliance Certificate under the Sydney water Act 1994 must be obtained. Application must be made through an authorised Water Servicing Coordinator. Please refer to "Your Business" section of Sydney Water's web site at www.sydneywater.com.au then the "e-developer" icon or telephone 13 20 92.*

Following application a "Notice of Requirements" will detail water and sewer extensions to be built and charges paid. Please make early contact with the Coordinator, since building of water/sewer extensions can be time consuming and may impact on other services and building, driveway or landscape design.

The Section 73 Certificate must be submitted to the Principal Certifying Authority prior to occupation of the development/release of the plan of subdivision.

The following conditions are applied to provide adequate provisions for drainage and associated infrastructure:

100. *All site stormwater leaving the site must be discharged by gravity to the kerb and gutter at the front of the property.*

101. *A childproof and corrosion resistant fastening system shall be installed on access grates over pits/trenches where water is permitted to be temporarily stored.*
102. *A 'V' drain is to be constructed along the perimeter of the property, where required, to direct all stormwater to the detention area.*
103. *Any Absorption Trenches/Pits must be designed in accordance with "Section 8.5 ABSORPTION TRENCHES" as stipulated in Randwick City Council's Private Stormwater Code.*
104. *As the above site may encounter groundwater/seepage water within the depth of the basement excavation, the basement carpark or similar structures are to be suitably tanked and waterproofed. A Structural Engineer\Geotechnical Engineer shall certify the tanking & waterproofed has been carried out to an acceptable standard and a copy of the certification is to be forwarded to Council.*

Notes:-

- a) *Any subsoil drainage is to be disposed of within the site and is not to be charged to Council's kerb & gutter and/or underground drainage system.*
 - b) *Adequate provision is to be made for the ground water to drain around the basement carpark (to ensure that the basement will not dam or slow the movement of the ground water through the development site).*
105. *Any seepage water must be drained directly into an absorption pit within the site. Seepage water must not be drained from the site.*

The following conditions are applied to provide adequate provisions for waste management:

106. *The residential garbage room area will have to be designed? so as to be able to contain a total of 4 x 240 litre bins (2 garbage bins & 2 recycle bins) whilst providing satisfactory access to these bins. Details showing compliance with this requirement are to be shown on the plans submitted to the certifying authority for the construction certificate.*
107. *The garbage storage areas are to be provided with a tap and hose and the floor is to be graded and drained to an approved floor waste to the requirements of the Sydney Water Corporation.*
108. *Prior to the credited certifier issuing an occupation certificate for the proposed development the applicant is to contact Council's Manager of Waste in regards to meeting Council's requirements for waste services to the development.*
109. *A separate garbage area is required for the retail premises. Details showing*

compliance with this requirement are to be shown on the plans submitted to the certifying authority for the construction certificate.

The following conditions are applied to provide adequate provisions for landscaping and to maintain reasonable levels of environmental amenity:

110. *The applicant shall submit a landscape design for the Coogee Bay Rd frontage of the development in accordance with Council's Urban Design Guidelines for Coogee. The landscape design shall include pavements, seat installations, bins and tree grates as required by Council's Landscape Architect – 9399 0786.*

The Landscape Design plans shall be submitted to and approved by Council's Director A & I Services in accordance with Section 80A(2) of the Environmental Planning and Assessment Act 1979, prior to the certifying authority issuing a construction certificate for the development.

All street furniture is required to be purchased through Council. Due to supply constraints, the applicant is required to place an order and pay for the required furniture three months prior to the estimated date for the completion of street frontage works.

The applicant shall note that the approved landscape works carried out on Council property, shall be in accordance with Council's requirements for Civil Works on Council property. An application for the cost of the landscape works on Council property is to be submitted to Council at the completion of the internal building works. An application fee shall be payable to Council for the quotation of the required works. The applicant may elect to use his contractor for the required works, subject to Council approval, however a design checking and supervision fee based on the lowest quotation from Council's nominated contractor will be required to be paid prior to the commencement of any works.

A refundable deposit in the form of cash or cheque of (\$2,000 per street frontage) shall be lodged with Council prior to issue of a construction certificate for the proposed development in order to ensure the construction of the approved landscape works along the Coogee Bay Hotel site frontage.

The following condition/s are applied to satisfy the increased demand for public amenities and public services:

111. *In accordance with Council's Section 94 Contributions Plan effective from 2 September 1999, the following monetary contribution is to be paid to Council.*

<i>a) for the provision or improvement of open space</i>	<i>\$ 4,183.38</i>
<i>b) for the provision or improvement of community facilities</i>	<i>\$ 1,849.72</i>
<i>c) for townscape improvements</i>	<i>\$ 2,156.44</i>
<i>d) for car parking</i>	<i>\$15,804.00</i>
<i>e) Administration fee \$425.00</i>	<i>\$ 425.00</i>

*The contribution must be paid in cash or by bank cheque **prior to***

- a) a construction certificate being issued*

for the proposed development, together with payment of the required **Section 94 Administration Fee of \$425.00**. Council's Section 94 Contribution Plans may be inspected at the Customer Service Centre, Administrative Centre, 30 Frances Street, Randwick.

ADVISORY MATTERS:

- A1. *The need for pollution control devices to the Wöhr Turntable 505 and Parklift 413, to ensure there will be no water borne pollutants discharging or likely to discharge into the sewerage drainage systems, is to be investigated with Sydney Water.*
- A2. *The applicant is to advise Council in writing and/or photographs of any signs of existing damage to the Council roadway, footway, or verge prior to the commencement of any building/demolition works.*
- A3. *The applicant is advised that the Construction Certificate plans and specification must comply with the provisions of the Building Code of Australia (BCA).*

In this regard, the development consent plans do not show compliance with the deemed-to-satisfy provisions of the BCA, including:

- | | | | |
|----|---------|---|--|
| a) | Part C2 | - | Compartmentation and separation |
| b) | Part C3 | - | Protection of openings |
| c) | Part D1 | - | Provisions for escape |
| d) | Part D2 | - | Construction of exits |
| e) | Part D3 | - | Access for people with disabilities |
| f) | Part E1 | - | Fire fighting equipment |
| g) | Part E4 | - | Emergency lighting, exit signs & warning systems |
| h) | Part F1 | - | Damp and weatherproofing |
| i) | Part F2 | - | Sanitary and other facilities |
| j) | Part F4 | - | Light and ventilation |

Details of compliance with the relevant provisions of the Building Code of Australia and conditions of development consent are to be provided in the plans and specifications for the construction certificate.

MOTION: (Schick/Procopiadis) SEE RESOLUTION.

6.2 DIRECTOR PLANNING & COMMUNITY DEVELOPMENT'S REPORT 89/2003 - FOLLOW-UP REPORT - DEFERRED MAROUBRA JUNCTION DRAFT LEP (AMENDMENT NO. 33) AND DCP 2003. (98/S/2550)

H108 **RESOLUTION: (Andrews/Bastic) that Council:**

- a) *Endorse the draft Local Environmental Plan 1998 (Amendment No. 33) for Maroubra Junction town centre and agree to forward the draft LEP to the Minister for Infrastructure and Planning requesting that the draft LEP be made;*
- b) *Adopt the draft Development Control Plan 2003 for Maroubra Junction town centre, to commence in accordance with the requirements of the Act and Regulation upon*

- public notification of the LEP gazettal and DCP commencement date; and*
- c) *Agree that the Director, Planning and Community Development, may make minor modifications to rectify any numerical, typographical and formatting errors if required, in the finalisation and printing of the DCP.*

MOTION: (Andrews/Bastic) SEE RESOLUTION.

**6.3 DIRECTOR PLANNING & COMMUNITY DEVELOPMENT'S REPORT
90a/2003 - 801-899 BUNNERONG ROAD, CHIFLEY. (D/0891/2001)**

H109 **RESOLUTION:** *(His Worship the Mayor, Cr D. Sullivan/White) that this application be deferred until Council receives the proposal and other correspondence from the Premiers Department with respect to the long term management of this site.*

MOTION: (His Worship the Mayor, Cr D. Sullivan/White) SEE RESOLUTION.

7. GENERAL BUSINESS.

Nil.

6. NOTICE OF RESCISSION MOTIONS.

Nil.

The meeting closed at 10.22 p.m.

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CHAIRPERSON