

**MINUTES OF HEALTH BUILDING AND PLANNING COMMITTEE MEETING OF  
THE COUNCIL OF THE CITY OF RANDWICK  
HELD ON TUESDAY, 10<sup>TH</sup> AUGUST, 2004 AT 6:48 P.M**

**PRESENT:**

His Worship the Mayor, Cr M. Matson (East Ward)

Councillor T. Seng (Central Ward) (Chairperson)

North Ward	-	Crs J. Kenny, P. Tracey & M. Woodsmith
South Ward	-	Crs R. Belleli, M. Daley & A. White
East Ward	-	Crs B. Notley-Smith & D. Sullivan
West Ward	-	Crs B. Hughes & S. Nash
Central Ward	-	Crs A. Andrews & C. Bastic (from 6.57 p.m.)

**OFFICERS PRESENT:**

Acting General Manager	Ms. S. Truvert.
Director Assets & Infrastructure Services	Mr. M. Savage.
Acting Director Planning & Community Development	Ms. K. Armstrong.
Director Governance Management & Information Services	Mr. M. Hummerston.
Manager Development Assessment	Mr. K. Kyriacou.
Assistant Public Officer	Mr. D. Kelly.
Communications Manager	Ms. D. Brien.

**1. APOLOGY.**

An apology was received from Cr Procopiadis.

**RESOLVED: (Notley-Smith/Nash)** that the apology be received and accepted and leave of absence be granted to Cr Procopiadis from the Health, Building and Planning Committee Meeting of the Council held on Tuesday, 10<sup>th</sup> August, 2004.

**2. MINUTES.**

**CONFIRMATION OF THE MINUTES OF THE HEALTH, BUILDING AND PLANNING COMMITTEE MEETING HELD ON TUESDAY, 13<sup>TH</sup> JULY, 2004.**

H39 **RESOLUTION:** *(Notley-Smith/Andrews)* that the Minutes of the Meeting of the Health, Building and Planning Committee held on Tuesday, 13<sup>th</sup> July, 2004 (copies of which were circulated to all Councillors) be and are hereby confirmed as a correct record of the proceedings of that meeting.

**2A. DECLARATION OF PECUNIARY AND NON-PECUNIARY INTERESTS.**

Cr Nash declared a pecuniary interest in Item 5.8, Acting Director Planning & Community Development's Report No. 56/2004 – 1599 – 1601 Anzac Parade, La Perouse as his grandfather has a property in the immediate area.

**RESOLVED: (Daley/Notley-Smith)** that the meeting be adjourned at 6.50 p.m. and be further adjourned at 7.33 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:

#### **5.2 DEVELOPMENT APPLICATION REPORT - 1 DOVE LANE, RANDWICK.**

The Objector Ms Helen Lipton 11 Douglas Street, Randwick

The Applicant Mr Nick Salerni 254 Beachamp Road, Matraville

#### **5.3 DEVELOPMENT APPLICATION REPORT - 80 BEACH STREET, COOGEE.**

The Objector Ms Michelle Simpson 78 Beach Street, Coogee

The Applicant Mr Anthony Betros 108 Bronte Road, Bondi Junction

#### **5.4 DEVELOPMENT APPLICATION REPORT - 3 AVOCA STREET, RANDWICK**

The Objector Mr Maurice Cohen 5 Avoca Street, Randwick

The Applicant Mr Tom Casey 28 McKenzie Street, Bondi Junction

#### **5.6 DEVELOPMENT APPLICATION REPORT - 125-125A BOYCE ROAD MAROUBRA.**

The Objector Mr Ned Gojak 16/117 Boyce Road, Maroubra Junction

The Applicant Mr Eugene Shaw Level 1, 4 Cross Street, Double Bay

#### **5.8 ACTING DIRECTOR PLANNING & COMMUNITY DEVELOPMENT'S REPORT 56/2004 - 1599-1601 ANZAC PARADE, LA PEROUSE**

The Objector Mr David Anderson 28 Goorawahl Avenue, La Perouse

The Applicant Mr Tony Moody 16/28 Victoria Parade, Manly

The meeting was resumed at 8.01 p.m.

### **4. MAYORAL MINUTES.**

**4.1 MAYORAL MINUTE 58/2004 - LOCAL GOVERNMENT ASSOCIATION OF NEW SOUTH WALES - 2004 ANNUAL CONFERENCE. (98/S/2624)**

H40 **RESOLUTION:** (*His Worship the Mayor, Cr M. Matson*) that:

- a) *Council proceed to elect Councillors Andrews, Belleli, Matson, Seng and Woodsmith as delegates to attend the Local Government Association's Annual Conference at Armidale in October, 2004.*
- b) *Council also nominate Councillors Hughes, Nash, Notley-Smith, Sullivan and White as "alternate delegates" to attend the Conference; and*
- c) *other interested Councillors attend the Conference in the capacity of "observers".*

**MOTION:** (*His Worship the Mayor, Cr M. Matson*) **SEE RESOLUTION.**

**AMENDMENT:** (*Tracey/Andrews*) that three (3) Councillors be elected from the Liberal/Greens coalition and Councillors Andrews and White be the Labor representatives at the LGA Conference in Armidale. **LOST.**

**4.2 MAYORAL MINUTE 59/2004 – JAMES HARDIE and COMPENSATION FOR VICTIMS OF ASBESTOS-RELATED DISEASES. (F2004/07462)**

W41 **RESOLUTION:** (*His Worship the Mayor, Cr M. Matson*) that Council resolves to submit the following motion to the Local Government and Shires Association Conference by the deadline of August 20<sup>th</sup> 2004.

*"That the Association:*

- a) *supports in principle a boycott of James Hardie products until the company ensures that full compensation is guaranteed to existing and future victims of asbestos related diseases; and*
- b) *will obtain comprehensive legal advice on behalf of member Councils seeking to implement such a ban."*

**MOTION:** (*His Worship the Mayor, Cr M. Matson*) **SEE RESOLUTION.**

**4.3 CONFIDENTIAL MAYORAL MINUTE 54/2004 - NEGOTIATIONS WITH THE PREFERRED CANDIDATE FOR THE POSITION OF GENERAL MANAGER. (H01753)**

(Note: This Mayoral Minute was considered after the final Miscellaneous Report as the last item of business at the meeting.)

**COMMITTEE-OF-THE-WHOLE.**

Councillor Seng invited members of the Public Gallery to address the Council on the proposal by the Council to proceed into a closed Committee-of-the-Whole. No persons indicated they wished to avail themselves of this opportunity.

**RESOLVED:** (His Worship the Mayor, Cr M. Matson/Sullivan) that the Health, Building and Planning Committee Meeting of the Council be adjourned at 9.25 p.m. and that the Committee meet and sit as a Committee-of-the-Whole.

Councillor Seng declared the Health, Building and Planning Committee Meeting of the Council resumed at 9.50 p.m.

#### **REPORT OF COMMITTEE-OF-THE-WHOLE.**

#### **REPORT OF THE ACTING GENERAL MANAGER TO THE HEALTH, BUILDING AND PLANNING COMMITTEE MEETING, RELATING TO THE HEALTH, BUILDING & PLANNING COMMITTEE MEETING AS A COMMITTEE-OF-THE-WHOLE ON TUESDAY, 10<sup>TH</sup> AUGUST, 2004.**

The Acting General Manager reported that the following matter had been considered and the following recommendation to the Council had been formulated by the Committee-of-the-Whole.

#### **EXCLUSION OF PRESS AND PUBLIC.**

At the commencement of the meeting, the Committee-of-the-Whole **RESOLVED**, pursuant to Section 10 A(2) (a) of the Local Government Act, 1993, that the press and public be excluded from the whole of this meeting of the Committee as the matter under consideration concerned personnel matters concerning particular individuals (other than Councillors) on which publicity or disclosure of the proceedings of the Committee would, in the opinion of the Committee, be prejudicial and on balance would be contrary to the public interest.

#### **RECOMMENDATION.**

That the Mayor and Deputy Mayor be authorised to enter into negotiations with the preferred candidate for a total remuneration package to a maximum of \$235,000.00 per annum.

#### **ADOPTION OF THE REPORT OF THE COMMITTEE-OF-THE-WHOLE.**

H42 **RESOLUTION:** (*White/His Worship the Mayor, Cr M. Matson*) that the recommendation made by the Committee-of-the-Whole at its meeting held on Tuesday, 10<sup>th</sup> August, 2004 be adopted.

**MOTION:** (*White/His Worship the Mayor, Cr M. Matson*) SEE RESOLUTION.

#### **5. DEVELOPMENT APPLICATIONS.**

#### **5.1 DEVELOPMENT APPLICATION REPORT - 165A-167B MAROUBRA ROAD, MAROUBRA. (DA 1210/2002)**

H43 **RESOLUTION:** (*Sullivan/Andrews*) that:

A. Council as the responsible authority refuse its development consent under Section 80 and 80A of the Environmental Planning and Assessment Act 1979 (as amended) to Development Application No 1210/02 for the demolition of the existing commercial premises and construction of a new mixed commercial and retail building containing

*three shops at ground level, twenty-one apartments and two levels of basement car parking at No.s 165A-167B Maroubra Road, Maroubra for the following reasons:-*

- 1. The development proposes a building form of seven storeys in height which does not satisfy the provisions of Clause 42(D) of RLEP 1998.*
- 2. The development proposes a building height of up to 21.59 metres which does not satisfy the provisions of Clause 42(D) of RLEP 1998.*
- 3. The development does not demonstrate a satisfactory level of design quality in accordance with the principles of State Environmental Planning Policy No. 65 – Design Quality of Residential Flat Development with regard to context, scale, built form, density, amenity and social dimensions.*
- 4. The development does not satisfy the objectives (a), (c), (d), (f) and (i) for the Maroubra Junction Town Centre prescribed by Clause 42D(2) of the Randwick Local Environmental Plan 1998.*
- 5. The development proposes a six-storey building form along the site's Robey Street frontage and fails to demonstrate satisfactory regard for the urban strategy of the Maroubra Junction Town Centre Development Control Plan with regard to building height.*
- 6. The development exceeds the permissible gross floor area for the site by 1,007 m<sup>2</sup> and does not satisfy the objectives of the Maroubra Junction Town Centre Development Control Plan with regard to building envelope.*
- 7. The development proposes a building depth of up to 41.7 metres from the site's Robey Street frontage and does not satisfy the objectives of the Maroubra Junction Town Centre Development Control Plan with regard to building depth.*
- 8. The development constrains the ability of development on adjoining properties from satisfying the performance criteria of the Maroubra Junction Town Centre Development Control Plan for building separation and does not satisfy the objectives of the Development Control Plan with regard to building separation.*
- 9. The development proposes a rear setback of three metres and does not satisfy the objectives of the Maroubra Junction Town Centre Development Control Plan with regard to rear setback.*
- 10. The development does not satisfy the objectives of the Maroubra Junction Town Centre Development Control Plan with regard to visual privacy.*
- 11. The development does not provide all units with private open space in accordance with the minimum sizes and dimensions prescribed by the Maroubra Junction Town Centre Development Control Plan and does not satisfy the objectives of the Development Control Plan with regard to open space and balconies.*
- 12. The development does not adequately provide for the future non-residential use of the proposed first floor and does not satisfy the objectives of the Maroubra Junction Development Control Plan for flexibility.*

13. *Proposed Units 1, 4, 9, 14 and 17 do not comply with the minimum apartment size requirements of the Maroubra Junction Development Control Plan and the development does not satisfy the objectives of the Development Control Plan for apartment layout.*
14. *Proposed Units 1, 4, 9, 14 and 17 are inappropriate as they entail unreasonable impacts on the adjoining properties and the development does not satisfy the objectives of the Maroubra Junction Development Control Plan for apartment mix.*
15. *The information submitted with the application is insufficient to accurately assess the environmental impacts of the proposed development with regard to the overshadowing of surrounding properties.*
16. *The information submitted with the application is insufficient to accurately assess the environmental impacts of the proposed development with regard to the facilitation of a future right of carriageway across the property.*

**MOTION: (Sullivan/Andrews) SEE RESOLUTION.**

**5.2 DEVELOPMENT APPLICATION REPORT - 1 DOVE LANE, RANDWICK.  
(D/560/2002)**

H44 **RESOLUTION: (Bastic/Andrews)** 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.560/02 for the demolition of the existing buildings and erection of a multi unit housing development containing 8 townhouses and associated car parking at 1 Dove Lane, Randwick, in the following manner: -

*Condition 1 is altered to read as follows:*

1. *The development must be implemented substantially in accordance with the Revision C of the plans drawn by Artech Design and Construction Job No.0223 and sheet numbered 1C-8C, dated 13/06/02 and stamped received by Council on 25/10/02, as amended by the Section 96 plans by Artech Design and Construction, Job No.0302 and sheet numbered A1 to A6, dated 12/05/2004, and received by Council on the 18 May 2004, only in so far as they relate to the modifications 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:*

**MOTION: (Bastic/Andrews) SEE RESOLUTION.**

(His Worship the Mayor, Cr M. Matson requested that his name be recorded as opposed to the resolution.)

**5.3 DEVELOPMENT APPLICATION REPORT - 80 BEACH STREET, COOGEE.  
(D/273/2004)**

H45 **RESOLUTION: (Andrews/White)** that:

- A. *Council support the objection under State Environmental Planning Policy No. 1 to vary the provisions of Clause 32 (2) of the Randwick Local Environmental Plan 1998 (as amended) relating to maximum floor space ratio on the grounds that the proposed development complies with the objectives of the clause and will not adversely affect the amenity of the locality and the Director of Infrastructure Planning and Natural Resources be notified accordingly,*

AND

- B. *Council support the objection under State Environmental Planning Policy No. 1 to vary the provisions of Clause 33 (1) and (3) of the Randwick Local Environmental Plan 1998 (as amended) relating to maximum building height and maximum external wall height respectively on the grounds that the proposed development complies with the objectives of the clause and will not adversely affect the amenity of the locality and the Director of Infrastructure Planning and Natural Resources be notified accordingly;*

AND

- C. *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 273/2004 for Demolition of existing dwelling house and construction of a multi-unit housing development in the form of two separate buildings containing in total 4 x 3 bedroom dwellings with basement parking for nine cars and the strata subdivision of the finished building. at 80 Beach Street, Coogee subject to the following conditions:-*

1. *The development must be implemented substantially in accordance with the plans numbered DA 100, 101, 102, 200, 300, 301, 401, all Revision E, dated 15/4/2004 and received by Council on 20/4/2004, Draft Strata Plans, Sheets 1-4, prepared by David John Tremain of Harrison Friedmann and Associates P/L, dated 20/5/2004 and received by Council on 23/7/2004, 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. *All components of the building work shall be wholly within the subject site and the entry awnings on the southern elevation shown over Council land shall be deleted from the construction certificate plans **prior to the issue of the construction certificate.***

*Reason: No encroachment is permitted over Council property.*

3. *The fence on the Beach Street and Alison Road alignments are to be a maximum height of 1.8m, with the solid portion no higher than 1.2m. The portion of the fence above 1.2m shall have openings that make it at least 50% transparent.*

*Reason: To maintain reasonable levels of amenity to the streetscape.*

4. *The north facing balconies on Level 1 of the western dwellings (Houses 3 and 4) shall be reduced in depth to a maximum projection of 450mm from the wall of the building and the north facing roof over shall be reduced in extent to have the same projection from the building. Details of compliance with this condition shall be shown on the construction certificate plans **prior to the issue of the construction certificate.***

*Reason : To minimise overlooking and allow for a larger tree canopy.*

5. *Louvred privacy screens to a height of 1.5m shall be located on the northern elevation of the Level 2 terraces of the western dwellings (Houses 3 and 4) and shall be shown as such on the construction certificate plans **prior to the issue of the construction certificate.***

*Reason : To minimise overlooking*

6. *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.*
7. *All plumbing and drainage pipes, other than rainwater heads, gutters and downpipes, must be concealed within the building.*
8. *Street numbering must be provided to the premises in a prominent position, to the satisfaction of Council.*

*In this regard, prior to occupation of the building, an application must be submitted to and approved by Council's Director Planning & Community Development, together with the required fee, for the allocation of an appropriate street number/s to the development.*

9. *Power supply and telecommunications cabling to the development shall be underground.*
10. *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.*
11. *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.*

12. *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.*
13. *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 conditions are imposed to promote ecologically sustainable development and energy efficiency:***

14. *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.*
15. *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 manufacturer's details.*

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

16. *Hot water service pipes are to be provided with insulation and must also satisfy any relevant requirements of Building Code of Australia and AS 3500.*
17. *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.*
18. *A rainwater tank, of sufficient size to provide water for irrigation of all landscaped areas within the development, is to be provided to the development in accordance with Council's Rainwater Tank Policy*

*The tank is to be located behind the front building line and be incorporated into the relevant construction certificate and landscape plans, to the satisfaction of the Certifying Authority.*

*The noise level from the pump is not to exceed 5dBA above ambient background noise, measured at the property boundary and the pump must not be audible within any dwelling located upon any other premises between 10pm and 8am.*

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

19. *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* \$8,196.00
  - b) *for the provision or improvement of community facilities* \$3,624.00
  - i) *Administration fee* \$425.00 \$425.00

*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 Centre, 30 Frances Street, Randwick.*

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

20. *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.***

21. *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.*
22. *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.*
23. *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.*
24. *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.*
25. *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.*

26. *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:***

27. *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.***

28. *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.*

29. *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.***

30. *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:***

31. *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.*
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 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.*
34. *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.*

35. *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.*

36. *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.*
37. *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 and verifying that the building is being constructed 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.*
38. *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.*
39. *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.*
40. *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.*

41. *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.*

42. *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.*

43. *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.*

44. *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.*

45. *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.*

46. *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.*

47. *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.*

48. *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.*

49. *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.*

50. *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.*

*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.*

51. *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*

52. *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.*

53. *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 prior to commencement of works.*

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

54. *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 satisfy the relevant pollution control criteria and to maintain reasonable levels of health, safety and amenity to the locality:***

55. *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 maintain reasonable levels of environmental amenity and public health safety:***

56. *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).*
57. *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'.*
58. *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.*
59. *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).*

***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:***

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

*In this regard, the operation of the premises and plant and equipment shall not give*

*rise to a sound pressure level at any affected premises that exceeds the background (LA90), 15 min noise level, measured in the absence of the noise source/s under consideration by more than 5dB(A). The source noise level shall be assessed as an LAeq, 15 min and adjusted in accordance with the NSW Environmental Protection Authority's Industrial Noise Policy 2000 and Environmental Noise Control Manual (sleep disturbance).*

61. *The use of the premises and the operation of plant and equipment shall not give rise to the transmission of a vibration nuisance or damage to other premises.*
62. *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 & 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 relevant pollution control criteria and to maintain reasonable levels of health, safety and amenity to the locality:***

63. *The use and operation of the premises shall not give rise to an environmental health or public nuisance and 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:***

64. *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 a satisfactory inspection by Council that no damage has occurred to the Council assets such as roadway, kerb, guttering, drainage pits footway, or verge. The applicant is to advise 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.*

65. *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:***

66. *One car space in addition to the visitor parking space shall be allocated as a dedicated turning bay and shall be sign posted and line marked as such and allocated as common property on the strata plans **prior to the release of the strata subdivision certificate.***
67. *A longitudinal section from the kerb in Beach Street to the basement carparking level shall be submitted with the construction certificate. The section be certified by a professional practising Traffic Engineer and shall demonstrate compliance with the following:-*
- a) *issued alignment level at the street boundary*  
b) *ramp grades in accordance with Australian Standard (AS) 1890.1: 2004.*
68. *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.*
69. *The applicant must meet the full cost for Council or a Council approved contractor to:*
- a) *Construct a heavy duty concrete vehicular crossing and layback at kerb opposite the vehicular entrance to the site in Beach St.*  
b) *Remove the redundant concrete vehicular crossing and layback and to reinstate the area with concrete footpath, turf and integral kerb and gutter to Council's specification.*  
c) *Re-construct a kerb and gutter for the full site frontage of Beach Street except opposite the vehicular entrance.*  
d) *Carry out a full depth, 1.50 metre wide, road construction in front of the kerb and gutter along the full site frontage.*  
e) *Construct a concrete footpath along the Alison Rd frontage, adjacent to the property boundary with any associated retaining walls. Any unpaved areas on the nature strip must be turfed and landscaped to Council's specification.*  
f) *Construct a concrete set of stairs, with associated hand railing, between the existing Council footpath adjacent to the kerb in Alison Rd to the proposed Council footpath that will run along adjacent to the development sites Alison Rd side boundary.*
70. *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.*

71. *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.*
72. *All new walls adjacent to vehicular crossings must be lowered to a height of 600mm above the internal driveway level for a distance of 1.50m 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.*
73. *The driveway opening at the Beach Street frontage must be 3.50 metres wide and located at least 1.0 metre clear of the side property.*
74. *The applicant must, at no cost to Council dedicate a 1.5m x 1.5m splay corner for road widening and pedestrian safety purposes at the southeast corner of the site at the Alison rd & Beach St intersection. Details are to be submitted to the Certifying Authority prior to the release of the construction certificate showing compliance with this condition.*

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

75. *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 be as follows:*

*Beach St Frontage - match the back of the existing footpath along the full site frontage.*

*Alison Rd Frontage – the rear townhouse entrances are to be at RL 43.50 and the site gate entrance is to be at RL 43.00.*

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

76. *The design alignment levels (concrete/paved/tiled level) issued by Council 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.*
77. *The above alignment levels and the site inspection by Council's Department of Asset & Infrastructure Services have been issued at a prescribed fee of \$1,686.00 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:***

78. *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.*
79. *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.*
80. *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.*
81. *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.*
82. *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](http://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 Notice must be issued to the Principal Certifying Authority prior to the construction certificate being issued.*

*The Section 73 Certificate must be submitted to the Principal Certifying Authority prior to release of the plan of subdivision.*

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

83. *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 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.*
- 84. 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.*
- 85. On-site stormwater detention is not required for this development however the stormwater discharge from the site is not to exceed 25 litres per/second for the 1 in 20 year storm. The applicant shall submit details and calculations from a suitably qualified hydraulic engineer showing compliance with this condition prior to the issuing of a construction certificate. A copy of the details is to be forwarded to Council prior to the issuing of the construction certificate.*
- 86. 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.*
- 87. A childproof and corrosion resistant fastening system shall be installed on access grates over pits/trenches where water is permitted to be temporarily stored.*
- 88. Stormwater pipes shall be located in accessible locations.*
- 89. Pump out systems will only be considered if the applicant can demonstrate to the Principal Certifying Authority that it is not possible to manage stormwater runoff in any other manner.*

*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:-*
- i. within the site at or near the street boundary prior to the site stormwater discharging by gravity to the kerb/street drainage system; and*
  - ii. 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. *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.*
92. *One covered car washing bay shall be provided for this development.*
- a) The car washing bay 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 bay must be located outside any required/approved stormwater detention system.*
  - c) The car washing bays must be signposted with 'Exclusive Carwash Bay Use Sat 2:00pm – 5:00pm and Sunday 10:00am – 2:00pm, Visitor parking at other*

*times'*

- c) *The car washing bay/s must be constructed with a minimum 20mm bund around the perimeter of the car washing bay (or equivalent)*
  - d) *A water tap shall be located adjacent to the car washing bay.*
93. *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.*
94. *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 & waterproofing 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 discharged 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).*
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. *The garbage room areas 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.*
97. *The waste storage areas are to be provided with a tap and hose and the floor is to be graded and drained to the sewer to the requirements of Sydney Water.*
98. *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 site.*

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



99. *The landscaped areas shown on drawing number DA 103, job no. 0332, Revision E, dated April 2004, 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, and at the base of the trees to be retained, 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.*

***It is noted that the plans show the proposed planting of Angophora costata (Sydney Red Gum) in the rear yard. The selection of this species is not considered appropriate due to its large size at maturity and the relatively small area it would be growing within. There are also issues regarding 'loss of water views' associated with the planting of large trees in such coastal locations, and as such, the applicant is advised that this species shall be replaced on the planting plan and schedule with a more suitably sized native tree that is capable of attaining a height of approximately 10 metres. This requirement will need to be shown on the landscaping plan submitted for the construction certificate application.***

- 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 3 x 45 litre broad canopied trees (not palms), and 2 x 100 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.*

*In order to provide reasonable levels of screening and privacy between this site and the adjoining property to the north (78 Beach Street), the two advanced trees (100 litre) shall be planted along the northern boundary, comprising one each in each rear courtyard, immediately in front of each of the proposed dwellings. In addition, a continuous screen planting using a species that can attain a minimum height at maturity of 3 metres shall be provided along the northern boundary, immediately in front of each proposed dwelling.*

- 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. In order to reduce the amount of stormwater generated by the site, porous paving shall be used in all paved areas and pathways not over slab (excluding the driveway ramp). Details are to provided with the construction certificate application.*
  - k. Location of easements within the site and upon adjacent sites (if any).*
- 100. 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.*
- 101. The applicant shall submit a landscape design for the embankment between Alison Road and the southern property boundary, which shall include (but not be limited to) footpaths, steps, handrails, planting plans, planting details, proposed spot levels, contours and cross sections.*

*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 \$8,000 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 Alison Road site frontage.*

*All landscaping works along the Alison Road frontage shall be completed to the satisfaction of the Director Assets and Infrastructure Services **prior to the issue of the Occupation Certificate.***

102. *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.*

103. *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.*
104. *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.*
105. *Any substation required shall be screened from view. The proposed location and elevation shall be shown on all detailed landscape drawings and specifications.*
106. *Any 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.*

107. *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.*

### **Tree Management**

108. *The applicant shall submit a total payment of \$319.00 to Council,*
- a. *Being the cost for Council to supply and install 2 x 45 litre street trees (Hibiscus tiliaceus, Cottonwood) on the southern side of the proposed driveway at the completion of all works (\$290 + GST)*

*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.*

109. *Approval is granted for the removal of the following trees subject to the planting of 3 x 45 litre, and 2 x 100 litre broad canopied replacement trees (not palms) within the site. The species selected shall be those that will attain a minimum height of 6 metres at maturity.*

- i. *Seven (7) Syagrus romanzoffianum (Cocos Palms) along the southern boundary*
- ii. *Two (2) Ficus macrophylla (Moreton Bay Figs) along the southern boundary, in the rear yard*

110. *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.*

111. *A refundable deposit in the form of cash or cheque for the amount of \$4000.00 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.*

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

112. *All the conditions of development consent (DA 273/2004) must be satisfied and their compliance verified by the Principal Certifying Authority prior to finalisation of the strata subdivision. Also all public roads and reserves must be satisfactorily restored.*
113. *The applicant shall provide Council with a survey plan of the property prior to receiving strata subdivision approval (this shall include location of any on-site stormwater detention systems).*
114. *The applicant shall create suitable rights 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.*
115. *Should an on-site detention area be provided in conjunction with this development, a "restriction as to user and positive covenant" shall be placed on the title of the subject property in conjunction with the registration of the proposed plan of 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.*

**ADVISORY MATTERS:**

- 1 *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 E1 - Fire fighting equipment*
  - b) *Part E2 - Smoke Hazard Management*
  - c) *Part E4 - Emergency lighting, exit signs and warning systems*
  - d) *Part F4 - Light and ventilation ,in particular, carpark 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**.*

- B. *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.*

***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: (His Worship the Mayor, Cr M. Matson/Nil)** that this application be deferred to allow the applicant to submit amended plans which meet the FSR requirement for this zoning. **LAPSED FOR WANT OF A SECONDER.**

**FURTHER MOTION: (Andrews/White) SEE RESOLUTION.**

(His Worship the Mayor, Cr M. Matson requested that his name be recorded as opposed to the resolution.)

**5.4 DEVELOPMENT APPLICATION REPORT - 3 AVOCA STREET, RANDWICK. (D/0049/2004)**

H46 **RESOLUTION: (Tracey/Notley-Smith)** that this application be deferred to allow for discussions between the applicant and Council officers to come up with plans that are more compatible with the surroundings of the proposed development.

**MOTION: (Tracey/Notley-Smith) SEE RESOLUTION.**

**5.5 DEVELOPMENT APPLICATION REPORT - 181-191 MAROUBRA ROAD, MAROUBRA. (D/1088/1999)**

H47 **RESOLUTION: (Sullivan/Andrews)** that:

A. 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. 99/01088 on property 181 – 191 Maroubra Road, Maroubra in the following manner:

- Amend Condition No. 1 to read:

1. The development must be implemented substantially in accordance with the plans numbered A-01(A) to A-04(A), dated April 04 and received by Council on the 20th May 2004, and plans numbered A-05(B), dated April 04 and received by Council on the 13th July 2004, and plans numbered A-06(A) to A-14 (A), dated April 04 and received by Council on the 20th May 2004, and A-15(B), dated April 04 and received by Council on the 13th July 2004, and

*plans numbered A-16(A) to A-20(A), dated April 04 and received by Council on the 20th May 2004, and plans numbered SD-01 to SD-03 dated April 04 and received by Council on the 20th May 2004, the application form and on any supporting information received with the application, only in so far as they relate to the modifications 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:*

- *Amend Condition No. 21 A to read:*

*21 (a) Prior to a construction certificate being issued for the proposed development.*

*The plan shall detail the following:*

*Type and quantity of waste to be generated by the development, demolition waste, recycling, construction waste, recycling materials to be reused or recycled, facilities/procedures for storage, collection and recycling and disposal of waste and ongoing management of waste.*

*Note: garbage rooms for the residential, commercial and retail units are to be installed as shown on the amended plans marked (Job No J25-03, Drwg No A-05(B) – Bin store July 04*

- *Deletion of conditions 4 and 5.*
- *Addition of the following conditions:*

#### **CONSTRUCTION MANAGEMENT**

***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.***

95. *The work duration, for the drilling work for the piers of the new ground floor columns, is to be seven (7) days maximum.*
96. *Building work is to be carried out Monday to Friday only with respect to the ground floor columns.*
97. *No works are to be carried out on weekends and public holidays with respect to the ground floor columns.*
98. *Two (2) days written notice will be hand delivered to the surrounding residents and businesses for the works to the ground floor columns together with telephone numbers to the site foreman.*
99. *If a nuisance occurs with respect to work on the ground floor columns, work will halt immediately and the developer will consult Council to seek a resolution of the nuisance.*
100. *A boring machine is to be used in accordance with the geotechnical report with respect to works to the ground floor columns.*

101. *The total number of piers to be excavated with respect to the ground floor columns is 5 and the work must be done between the hours of 7am and 10pm*

**MOTION: (Sullivan/Andrews) SEE RESOLUTION.**

**5.6 DEVELOPMENT APPLICATION REPORT - 125-125A BOYCE RD MAROUBRA. (D1151/2003/GE)**

H48 **RESOLUTION: (Bastic/Andrews) that:**

- A. *Council support the objection under State Environmental Planning Policy No. 1 (SEPP No. 1) in respect to non-compliance with Clause 42D Maroubra Junction Town Centre of the Randwick Local Environmental Plan 1998 (relating to height) on the grounds that the proposed development complies with the objective of the Clause and will not adversely affect the amenity of the surrounding locality as follows, and that Department of Infrastructure Planning and Natural Resources be advised accordingly:*
- B. *Council as the responsible authority grant its development consent under the provisions of Section 80 (3) of the Environmental Planning and Assessment Act 1979 (as amended), "Deferred Commencement" to Development Application No. 1151/03 to demolish the existing dwellings and construct a seven storey multi unit development designed as two blocks comprising of 24 residential units and 3 commercial units and basement car parking for approximately 35 vehicles. at 125-125A Boyce Rd Maroubra.*

*The consent shall not operate until the applicant satisfies the following matters, within 12 months from the date of this determination to the satisfaction of the Director of Planning and Community Development:-*

1. ***A report detailing the proposed method of excavation and dewatering shall be submitted to Council for approval prior to the consent becoming operational. The report shall be prepared by suitably qualified and experienced Geotechnical, Hydrological and Structural Engineers and must include but not be 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 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 should be no detrimental settlement to adjoining or nearby buildings/infrastructure using the chosen method of excavation/dewatering.*
  - *Details of the groundwater quality and the suitability for discharge to the Council's stormwater system. Consideration shall be given to the Protection of the Environment Operations Act 1997 and relevant Australian Standards.*
2. *The internal balcony areas to the first floor units of both buildings shall be reduced to have a maximum depth of 2.5m. The roof of the ground floor beyond this 2.5m dimension shall remain as non-trafficable roof only. Details are to be submitted for approval as part of amended plans.*

*Subject to compliance with the deferred commencement requirement, approval be granted subject to the following conditions:*

**REFERENCED PLANS:**

1. *The development must be implemented substantially in accordance with the plans numbered 0345 Sheet 01C through to 08C, 9C, dated 10/11/03 and received by Council on 22 June 2004 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:*

**ENVIRONMENTAL AMENITY:**

*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 shall be in accordance with the sample board submitted with the application unnumbered and undated, prepared by D & T design consultants and submitted to Council on 12 December 2003.*
3. *Street numbering must be provided to the premises in a prominent position, to the satisfaction of Council.*
4. *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.*
5. *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.*

6. *A separate Development Application is required to be submitted to and approved by Council with regard to each separate commercial usage of the building **prior to occupancy**.*
7. *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. An Application for a Section 73 Certificate 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](http://www.sydneywater.com.au) then the “e-developer” icon or telephone 13 20 92.*

*Following the 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.*

*A copy of Sydney Water’s ‘Notice of Requirements’ must be submitted to the Certifying Authority prior to issuing a Construction Certificate.*

*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.*

8. *In accordance with the provisions of clauses 143A and 154A of the Environmental Planning & Assessment Regulation 2000, a ‘Design Verification Certificate’ must be provided to the Certifying Authority and the Council, prior to issuing a construction certificate and an occupation certificate, respectively.*

#### **ECOLOGICALLY SUSTAINABLE DEVELOPMENT & ENERGY EFFICIENCY:**

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

9. *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.*

10. *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.

11. 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.

12. Hot water service pipes are to be provided with insulation and must also satisfy any relevant requirements of Building Code of Australia and AS 3500.
13. 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.
14. Public access to the visitor's carparking spaces is to be maintained at all times and an intercom system is to be provided adjacent to the vehicular entrance to the carpark, together with appropriate signage providing instructions for use.

#### **SECTION 94:**

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

15. 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	\$33125.60
b) for the provision or improvement of community facilities	\$14646.40
c) for car parking	\$11125.00
d) for townscape improvements	\$ 6689.52
e) Administration fee	\$ 425.00

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 Centre, 30 Frances Street, Randwick.

16. A development application and a formal subdivision application are required to be submitted to and approved by the Council and all conditions of this development consent are required to be satisfied prior to the release of the subdivision plans.
17. The lift design to the Boyce Rd building shall comply with AS 1428. Details of compliance are to be submitted as part of an application for a construction certificate.

18. *One of the apartments to the Boyce Rd building shall be designed so that it can be converted into an adaptable unit at a later date. This unit shall have a disabled car space allocated to it on title. Details of compliance with AS 1428 and all other applicable barrier free access standards shall be submitted as part of an application for a construction certificate.*

**General Terms of Approval Water Licence Act 1912- Water Licence.**

19. *In accordance with the Environmental Planning and Assessment Act 1979 and Regulation 1994 (as amended) the Department of Infrastructure, Planning and Natural Resources (DIPNR) has an approval role in relation to the lodged development application DA 1151/2003/GE.*

*Licences under Part V of the Water Act 1912 are required for the works, ie. borefields, for purposes of temporary de-watering and groundwater monitoring as part of proposed construction at 125 – 125A Boyce Road Maroubra. An application should be completed on the prescribed form for each of the abovementioned purposes viz., de-watering and groundwater monitoring and a licence obtained from the Department prior the installation of the works. A plan drawn to scale will be required with the application showing the location of each de-watering and groundwater monitoring bore.*

*An estimate of the total volume of groundwater to be pumped from the site (ie amount of de-watering) is to be indicated on the application form.*

*If re-injection is proposed for tailwater disposal, then an estimate of the volume to be re-injected is also required. Re-injection tailwater must be of an acceptable quality to comply with requirements of the Protection of the Environment Operations Act, 1997. Other methods of disposal of the tailwater should be also be indicated (consent for other methods of disposal is required).*

*Pursuant to Part V of the Water Act 1912, the Department, having reviewed the documentation associated with the development application, proposes to grant approval to DA 1151/2003/GE (as presented). The general terms of approval are set out below:*

**20. General and Administrative Issues**

- 1.1. *The licensee shall allow (subject to Occupational Health and Safety Provisions) the Department of Infrastructure, Planning and Natural Resources or any person authorised by it, full and free access to the works (excavation or bore/borefield), either during or after construction, for the purpose of carrying out inspection or test of the works and its fittings and shall carry out any work or alterations deemed necessary by the Department for the protection and proper maintenance of the works, or the control of the water extracted to prevent wastage and for the protection of the quality and prevention from pollution or contamination of sub-surface water.*
- 1.2. *If a work is abandoned at any time the licensee shall notify the Department of Infrastructure, Planning and Natural Resources that the work has been abandoned and seal off the aquifer by:*
- *Backfilling the work to ground level with clay or cement after withdrawing the casing (lining); or*
  - *Such methods as agreed to or directed by the Department of Infrastructure, Planning and Natural Resources.*
- 1.3. *Tailwater drainage shall not be allowed to discharge onto adjoining roads (without consent authority approval), Crown Land or other persons land, or into any river as*

*defined under the Water Act 1912, by surface or sub-surface drains or pipes or any other means.*

- 1.4. Works used for the purpose of conveying, distributing or storing water from the work authorised by the licence shall not be constructed or installed so as to obstruct the free passage of floodwaters flowing in, to or from a river or lake.*
- 1.5. If the bore authorised by this licence is lined with steel or plastic casing the inside diameter of that casing shall not exceed 220 mm.*
- 1.6. Water shall not be pumped from the borefield authorised by the licence for any purpose other than temporary construction de-watering.*
- 1.7. The licensee shall notify the Department of Infrastructure, Planning and Natural Resources if a flowing (artesian) supply of water is obtained.*

**21. Conditions Specific to DA 1151/2003/GE**

- 1.8. The licence will lapse if the work is not commenced and completed within three years of the date of the issue of the licence.*
- 1.9. Upon formal application the licensee shall within two months of completion or after the issue of the licence if the work is existing, furnish to the Department of Infrastructure, Planning and Natural Resources:*
  - Details of the work set out on the appropriate form.*
  - A plan showing accurately the location of the work, in relation to portion and property boundaries.*
  - Details of any water analysis and/or pumping and re-injection tests.*
- 1.10. The Licensee shall maintain a record of the actual volume of groundwater pumped (kilolitres/megalitres) from the de-watering work(s), the discharge rate (litres per second) and duration of pumping (number of days/ weeks) and supply this information to the Department upon completion of construction.*
- 1.11. The Licensee shall maintain records of the actual volume and quality of any tailwater disposed and provide this information to the Department upon completion of construction.*
- 1.12. The Licensee shall maintain records on groundwater levels on the construction site for a period of at least 2 months following cessation of de-watering and supply this information to the Department.*
- 1.13. The Department may request supply of interim information relating to conditions 2.2, 2.3, 2.4 and 2.5 at any time until the completion of building construction.*
- 1.14. A groundwater monitoring plan should be prepared which is designed to confirm predicted drawdown behaviour and groundwater quality information prior to, during and following building construction. Department endorsement of the proposed groundwater monitoring plan is required.*

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

- 22. 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.***

23. *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.*
24. *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.*
25. *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.*
26. *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.*
27. *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.*

28. *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:***

29. *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.***

30. *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.*

31. *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.*
32. *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.***
33. *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:***

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 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.***
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.*

*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.*

37. *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.*

38. *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.*
39. *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 and verifying that the building is being constructed 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.*
40. *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.*
41. *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.*
43. *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.*
42. *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.*
43. *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.*

- 44. 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.*
- 45. 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.*
- 46. 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".*
- 47. 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.*

- 48. 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.*

49. *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.*

50. *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.*

*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.*

51. *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*

52. *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.*
53. *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 prior to commencement of works.*

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

54. *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 satisfy the relevant pollution control criteria and to maintain reasonable levels of health, safety and amenity to the locality:***

55. *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:***

56. *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.***

57. *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.*
58. *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.*
59. *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.*
60. *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.*
61. *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.*

62. *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:***

63. *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.***

64. *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.*

65. *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.*
66. *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.***
67. *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:***

68. *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.***
69. *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.*
70. *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.*

71. *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.*

72. *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.*
73. *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) *Prior to construction of the top floor showing the land, building and boundary setbacks and verifying that the building is being constructed 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.*
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. *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.*
78. *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.*



79. *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.*
80. *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.*
81. *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.*

82. *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.*
83. *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.*

84. *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.*
85. *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.*
86. *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".*

87. *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.*

88. *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.*

89. *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.*
90. *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.*

91. *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.*
92. *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.*
93. *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.*

94. *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*

95. *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.*

96. *Any part of Council's nature strip or footway which is damaged as a result of the work must be sealed, back-filled, top-soiled or re-turfed with kikuyu turf immediately after the damage occurs to Council's satisfaction to ensure adequate sediment control and public safety.*

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

97. *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 satisfy the relevant pollution control criteria and to maintain reasonable levels of health, safety and amenity to the locality:***

98. *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 provide access and facilities for people with disabilities:***

99. *Access, facilities and car parking for people with disabilities must be provided in accordance with the relevant provisions of the Building Code of Australia and AS1428.1, AS4299 and 2890.1 and Council's development control plan for multi-unit housing. Details of the proposed access, facilities and car parking for people with disabilities are to be included in the plans / specifications for the construction certificate.*

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

100. *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).*

101. *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'.*

102. *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.*

103. *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).*

**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:**

104. *The use and operation of the premises shall not give rise to an environmental health or public nuisance and 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.*

105. *The location and facilities for the collection, storage and disposal of wastes generated within the premises shall be submitted to and approved by Council prior to the commencement of works.*

**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:**

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

- a. *In naturally ventilated residential units; the repeatable maximum  $L_{Aeq}$  (1 hour) shall not exceed:*
  - *35 dB(A) between 10pm and 7am 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  $L_{Aeq}$  (1 hour) shall not exceed:*
  - *38 dB(A) between 10pm and 7am 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 Council's Manager Environmental Health & Building Services and the Certifying Authority, by the Acoustic consultant, prior to the construction certificate being issued.*

107. *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.*

*The project specific criteria for noise emissions shall be in accordance with the acoustical report dated 24 March 2004, prepared by Acoustic Dynamics PTY LTD, when measured at the nearest affected boundary:*

	<b>Day (7am – 10pm)</b>	<b>Evening (6pm – 10pm)</b>	<b>Night (10pm – 7am)</b>
<b>Boyce Road</b>	55 $L_{Aeq}$ (15mins)	46 $L_{Aeq}$ (15mins)	43 $L_{Aeq}$ (15mins)

108. *The use of the premises and the operation of plant and equipment shall not give rise to the transmission of a vibration nuisance or damage to other premises.*
109. *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 (sleep disturbance) & Industrial Noise Policy and conditions of Council's approval, to the satisfaction of Council's Manager Environmental Health & Building Services.*
110. *Excavation, shoring and dewatering of the site shall be undertaken in accordance with the details submitted to Council in accordance with **deferred commencement condition 1**. The plans submitted for the construction certificate shall demonstrate compliance with this requirement.*
111. *The parking spaces on basement level 1 shall be allocated as follows:*
- *1 space shall be converted to a designated turned bay. This spaces shall be clearly marked and signposted with 'Turning Bay, No parking at any time'*
  - *The 3.2 metre wide space shall be allocated to the adaptable unit. Clear signage and line marking shall be provided in this space.*
  - *5 spaces shall be clearly marked and signposted as visitor spaces*
  - *3 spaces shall be clearly marked and signposted as commercial/retail parking spaces*

*The remaining parking spaces (Basement levels 2 and 3) shall be allocated to the residential units with the exception of 2 spaces on basement level 2 which shall be allocated to the commercial tenancies fronting Boyce Road.*

## **SECURITY DEPOSIT CONDITIONS**

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

113. *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)      \$10 000.00      -      *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.*

114. *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.*

#### **TRAFFIC CONDITIONS/CIVIL WORKS CONDITIONS**

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

115. *The applicant must meet the full cost for Council or a Council approved contractor to undertaken the following works:*

##### ***Along the Boyce Road site frontage:***

- a) *Construct a full width concrete heavy-duty vehicular crossing and layback at kerb opposite the proposed vehicular entrance to the site, in Boyce Road.*
- b) *Remove all redundant concrete vehicular crossings and laybacks and to reinstate the area with concrete footpath/turf/asphalt and integral kerb and gutter to Council's specification.*
- c) *Reconstruct any damaged sections of kerb and gutter for the full site frontage in Boyce Road. It is noted that this may include full depth, 1.50 metre wide road construction in front of the new kerb and gutter.*
- d) *Reconstruct any damaged sections of the concrete footpath along the full site frontage in Boyce Road. Any unpaved areas on the nature strip must be turfed and landscaped to Council's specification.*

##### ***Along the Green Street site frontage:***

- e) *Remove the redundant vehicular crossings located along the kerbline adjacent to the property boundary.*
- f) *Reconstruct (if required) the footpath immediately behind the kerb line adjoining the Green Street roadway.*
- g) *Construct a concrete footpath between the pedestrian access point to the new development and the footpath in Green Street. It is noted that this shall include construction of a pram ramp at the kerb line (adjacent to the Green Street property boundary).*



- h) Reconfigure the parking bays located along the Green street site frontage to suit the new pedestrian access point and the closed off vehicular access. It is noted that this may include new line-marking, laybacks and bollards (as required to stop vehicles from parking on the footpath/pram ramp).*
- 116. 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.*
- 117. 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.*
- 118. All new walls adjacent to vehicular crossings must be lowered to a height of 600mm above the internal driveway level for a distance of 1.50m within the site or splayed 1.5 metre by 1.5 metre to provide satisfactory sight lines.*
- 119. The driveway opening at the Boyce Road frontage must be 5.50 metres wide and located at least 0.5 metres clear of the side property.*
- 120. The internal driveway must be a minimum 5.50m wide (clear width) for the first 5 metres inside the property so as to allow entering & exiting vehicles to pass within the site. Should the driveway narrow after this point it is then to be designed with a minimum 1.5m x 1.5m splay to allow the passing to work.*
- 121. All parking spaces shall be appropriately line marked and signposted.*
- 122. A security roller shutter (or similar) shall be provided at the top of the ramp to basement level 2 to separate the residential spaces from the visitor and commercial/retail spaces.*
- 123. The carpark layout and ramp grades shall comply with the requirements of AS 2890.1 (2004).*
- 124. To prevent vehicular conflict on the internal circulation ramps, a signalling system shall be provided on each ramp. The signalling system shall be designed by a suitably qualified traffic consultant. The plans submitted for the construction certificate shall demonstrate compliance with this requirement.*
- 125. In accordance with AS 2890.1 (2004), the minimum height clearance between the floor and any over head obstruction in the carpark (including along the circulation ramps) shall be 2.2 metres. The minimum clearance along the access driveway to the adaptable parking space shall be 2.3 metres. It is noted that clearance shall be measured to the lowest projection from the roof. The plans submitted for the construction certificate shall demonstrate compliance with these requirements.*

*It must be noted that this condition must not result in any increase in the heights or floor levels of the building. Any variations to the heights or levels of the building may require a new or amended development consent from the Council prior to a construction certificate being issued for the development.*

126. *Longitudinal sections along the inside edge of the carpark circulation ramps shall be submitted to the certifying authority prior to the issuing of a construction certificate. The sections shall demonstrate satisfactory ramps grades and clearances in accordance with AS 2890.1 (2004).*
127. *The minimum available carpark clearances shall be signposted at all entrances in accordance with the requirements of AS2890.1 (2004). Appropriate warning devices such as flexible striker bars shall be provided in conjunction with the signs wherever the clearance is less than 2.3 metres.*
128. *A work zone is to be provided in Boyce 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.*

#### **ALIGNMENT LEVEL CONDITIONS**

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

129. *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 must be as follows:*
  - ***For the new vehicular and pedestrian entrances in Boyce Road***
    - ***Match the back of the existing footpath along the full site frontage.***
  - ***For the new pedestrian entrances in Green street***
    - ***Be 100mm below the top of the exiting kerb adjacent to the entrance. It is noted that the reference kerb is the kerb located behind the Green Street parking spaces, closest to the property boundary.***

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

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

130. *The design alignment levels (concrete/paved/tiled level) issued by Council and their relationship to the existing footpath and kerb must be indicated on the building plans for the construction certificate.*

131. *The above alignment levels and the site inspection by Council's Department of Asset & Infrastructure Services have been issued at a prescribed fee of \$905 calculated at \$33 (inclusive of GST) per metre of site frontage. This amount is to be paid prior to a construction certificate being issued for the development.*

***Service Authority Conditions***

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

132. *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.*
133. *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.*
134. *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.*
135. *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.*

***Drainage Conditions***

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

***Protection from flooding***

136. *The floor level of all habitable and storage areas (excluding those in the basement levels) shall be set at a minimum RL of 27.28 (AHD).*
137. *A high point to a minimum RL of 27.13 (AHD) shall be provided across the full width of the access driveway and all pedestrian access/fire stairs into the basement carpark. All windows, vents and other openings into the basement levels shall also be located above RL 27.13 (AHD). The plans submitted for the construction certificate shall demonstrate compliance with this requirement.*
138. *All components of the disabled chair lifts and pedestrian access stairs located below RL 27.28 (AHD) shall be constructed from materials that will not be adversely affected by flooding. All electrical connections shall be located above RL 27.28 (AHD). Full details and specifications of the chair lifts showing compliance with the above requirements shall be submitted to the certifying authority prior to the issuing of a construction certificate.*

139. *All doors, walls and windows on the ground floor level 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.*

#### External Drainage works

140. *All stormwater runoff being discharged from the site shall be directed to Council's underground drainage system in Green Street via a new kerb inlet pit. The new kerb inlet pit shall be connected to the existing underground drainage system via a new 375 mm diameter, spigot and socket rubber ringed jointed, steel reinforced concrete pipeline (RRRCP).*

*Prior to backfilling pipeline trenches, all pipelines in council's road reserve shall be inspected and approved by the Hydraulic Engineer certifying the works and Council.*

141. *Site discharge pipelines shall cross the verge at an angle no less than 45 degrees to the kerb line.*
142. *The new kerb inlet pit shall be constructed in general accordance with Council's standard drawing SD6, and any new junction pits required in Council's drainage system shall be constructed in general accordance with Council's standard drawing SD8.*
143. *All areas of Council's footpath and roadway affected by the proposed drainage works shall be reinstated to the satisfaction of Council's Manager of Assets.*
144. *All drainage details (for the external drainage works) 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 and relevant standards. The plans and specifications for all works on Council property shall be submitted to and approval by the Director of Asset and Infrastructure Services prior to the issuing of a construction certificate.*
145. *A work-as-executed plan prepared and signed by the hydraulic engineer or a registered surveyor, must be submitted to Council's Director of Asset and Infrastructure Services prior to the issuing of an occupation certificate. The plan shall detail the as-constructed details for all works within Council's road reserve (including detailed levels).*

#### Internal Drainage

146. *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.*
147. *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.*
148. *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 has to be a minimum of 2.0 metres below the base of the tank.

149. A reflux valve shall be provided (within the site) over the pipeline discharging from the site to ensure that stormwater from Council drainage system does not surcharge back into the site stormwater system.
150. 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.
151. A "restriction on the use of land 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 on the use of land and positive covenant" are to be to the satisfaction of Council. A copy of Council's standard wording/layout for the restriction and positive covenant may be obtained from Council's 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.

152. The detention area must be regularly cleaned and maintained to ensure it functions as required by the design.
153. The stormwater detention area must be suitably signposted where required, warning people of the maximum flood level.
154. 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).*

155. *A childproof and corrosion resistant fastening system shall be installed on access grates over pits/trenches where water is permitted to be temporarily stored.*
156. *Stormwater pipes shall be located in accessible locations.*
157. *Pump out systems will only be considered if the applicant can demonstrate that it is not possible to manage stormwater runoff in any other manner.*

*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.*

158. *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.**

159. A ‘V’ drain is to be constructed along the perimeter of the property, where required, to direct all stormwater to the detention area.
160. 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.
161. Two 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.
  - c) The car washing bays must be signposted with ‘Exclusive Carwash Bay Use Sat 2:00pm – 5:00pm and Sunday 10:00am – 2:00pm, Visitor parking at other times’
  - c) The car washing bays must be constructed with a minimum 20mm bund around the perimeter of the car washing bays (or equivalent)
  - d) A water tap shall be located adjacent to the car washing bays.
162. 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).
163. 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.*

164. *As the above site may encounter groundwater within the depth of the basement excavation, the basement levels are to be suitably tanked and waterproofed. A Structural Engineer\Geotechnical Engineer shall certify the tanking & waterproofing 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 discharged 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).*
165. *The applicant shall obtain a Water License (for temporary dewatering) from the Department of Infrastructure, Planning and Natural Resources prior to the issuing of a construction certificate.*
166. *A dilapidation survey of the surrounding properties and infrastructure shall be undertaken by a suitably qualified person prior to the commencement of work.*

**Waste Management Conditions**

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

167. *The residential garbage room shall be sized to contain the compactor (with safe working areas) plus an additional 6 x 240 litre garbage bins. It is noted that the compactor shall be located in an area that is not accessible by residents.*
168. *The residential recycling room shall be sized to contain at least 12 x 240 litre recycling bins whilst maintaining satisfactory access to all bins.*
169. *A separate waste storage area capable of containing a total of 8 x 240 litre garbage bins shall be provided for the commercial/retail component of the development. The plans submitted for the construction certificate shall demonstrate compliance with this requirement.*
170. *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 an amended Waste Management Plan detailing compliance with Council's waste management requirements for both the residential and commercial components of the development. The applicant is advised to contact Council's waste compliance officer on 9399 0520 regarding this matter.*
171. *The waste storage areas are to be provided with a tap and hose and the floor is to be graded and drained to the sewer to the requirements of Sydney Water.*

### ***Landscape Conditions***

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

172. *The landscaped areas shown on the plan number 03.756, sheet no. LSK 01 dated 12/12/03, drawn by Greenplan, 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), 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, and at the base of the tree/s to be retained, 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.*

*It is noted that the applicant will be required to provide documentary evidence, from suitably qualified landscape architect (or equivalent), stating that the proposed tree plantings, including soil depth, width, species selection, size at maturity, drainage etc, at the southern end of the site over the excavated basement carpark, are appropriate. In particular confirmation that the soil depth is capable of sustaining the proposed trees for their life term is required prior to the issuing of a construction certificate. If this information cannot be provided, the plans shall be amended accordingly.*

***In order to soften the impact of the proposed development on both adjoining properties and the Boyce Road frontage, Council's Landscape Technician requests that the applicant amend the landscaping plan to show a more decorative landscape treatment along the Boyce Road frontage of the proposed development.***

- 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 the use of a minimum of 1 x 75 litre broad canopied tree (not a palm) suitably located within the site. The tree 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. Location of easements within the site and upon adjacent sites (if any).*
- 173. 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.*

- 174. 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.*

175. *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.*
176. *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.*
177. *Any substation required shall be screened from view. The proposed location and elevation shall be shown on all detailed landscape drawings and specifications.*
178. *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.*

179. *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.*

### **Tree Management**

180. *The applicant shall submit a total payment of \$220.00 + GST to Council,*
  - a. *Being the cost for Council to supply and install 1 x 75 litre street tree (Lophostemon confertus, Brush Box) on the western side of the proposed driveway at the completion of all works (\$220.00 + GST)*

*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.*

181. *A refundable deposit in the form of or cash, cheque or bank guarantee for the amount of \$17,250.00 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:**

*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 C2 - Compartmentation and separation*
- c) Part C3 - Protection of openings*
- d) Part D1 - Provision for escape*
- e) Part D2 - Construction of exits*
- f) Part D3 - Access for people with disabilities*
- g) Part E1 - Fire fighting equipment*
- h) Part E2 - Smoke Hazard Management*
- i) Part E4 - Emergency lighting, exit signs and warning systems*
- j) Part F4 - Light and ventilation, in particular, carpark 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**.*

- A2. A Local Approval application is required to be submitted to and approved by Council, in accordance with the provisions of Section 68 of the Local Government Act 1993 in relation to the following activities:-*

- a) Activity C3 - To place a waste storage container in a public place.*
- b) Activity E1 - To swing or hoist goods/use a crane over a public footway.*
- c) Activity E2 - To place an article on or over a public road/footway.*

- 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 B1 - Structural provisions*
- b) Part C1 - Fire resistance and stability*
- c) Part C2 - Compartmentation and separation*
- d) Part D3 - Access for people with disabilities*

- e) *Clause D3.5* - *Car parking 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 F1* - *Damp and weatherproofing*
- k) *Part F2* - *Sanitary and other facilities(w.c.for employees)*
- l) *Part F5* - *Sound Transmission and Insulation*

A4. *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.*

A5. *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 organize for a further inspection to be undertaken.*

#### **Attachment A**



Department of  
**Infrastructure, Planning and Natural Resources**

*Information Requirements Applying to  
Construction Dewatering*

*In order to assess the proposal and prepare General Terms of Approval (GTA) under Section 91 of the E P & A Act (ie. the Integrated Development legislation) for the relevant Consent Authority, as well as licence conditions under the Water Act for temporary dewatering purposes, the Department will need to be advised:*

- *The proposed construction of that part of the development extending beneath the shallow permanent water table, eg. fully tanking or waterproofing the excavated area;*
- *The method of dewatering, eg. pumping from the excavation or a battery of spearpoints around the perimeter of the development site;*
- *A plan to scale showing the location of the work(s);*
- *The amount of lowering of the local water table proposed;*
- *An estimate of the total volume of groundwater to be pumped from the site (number of kilolitres/megalitres) as well as the instantaneous pumping rate (litres per second) and duration (number of days/weeks/months);*
- *Prediction of the impacts of the extraction on any licensed groundwater users or groundwater dependent ecosystems;*
- *An assessment of the quality of the groundwater including advice on the presence of any contaminants;*
- *The method of disposal of the tailwater eg. via street drainage to stormwater system (if so, whether this method of disposal is acceptable to relevant authority) ;*
- *The compatibility of pumped water and intrinsic groundwater if reinjection is proposed, including advice on the treatment to be applied to remove extant contamination; and*
- *Advice from a geotechnical professional whether there is any significant risk that the dewatering proposed may cause any off site impacts, ie. cracks in surrounding buildings or infrastructure as a result of differential sand compaction and surface settlement following pumping.*

*The Department would also appreciate a copy of any hydrogeological or geotechnical reports prepared for the development site in support of the Development Application and application for a bore licence.*

*drawn: GNR September 2003*

**MOTION: (Bastic/Andrews) SEE RESOLUTION.**

A division was called for by His Worship the Mayor, Cr M. Matson and Cr Hughes. Voting was as follows:-

**For**

Andrews  
Bastic  
Belleli  
Daley  
Kenny  
Nash  
Notley-Smith  
Seng  
Sullivan  
White

**Against**

Hughes  
His Worship the Mayor, Cr M. Matson  
Tracey  
Woodsmith

**5.7 ACTING DIRECTOR PLANNING & COMMUNITY DEVELOPMENT'S REPORT 55/2004 - 126-130 BARKER STREET RANDWICK. (D/0084/2004)**

H49 **RESOLUTION:** *(Sullivan/Andrews) that Council as the consent authority, grant its consent under Section 96 of the Environmental Planning and Assessment Act 1979 (as amended) to vary conditions of Development Consent No.84/04 for permission to extend the retail portion of the premises to include a dry cleaners and Laundromat as follows:-*

*Condition No.1 is altered to read as follows*

1. *The development must be implemented substantially in accordance with the plans numbered 2058-Sk1, issue A, dated 7th July 2003 and received by Council on the 11th February 2004, the application form and on any supporting information received with the application, as amended by the **Section 96 plans received by Council on the 14th May 2004, only in so far as they relate to the modifications 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.*

*Condition 4 is altered to read:*

4. *The hours of operation of the dry cleaning and Laundromat business are limited to 7:00am to 7:00pm Mondays to Saturdays and 8:00am to 4:00pm on Sundays.*

*Additional conditions:*

26. *The proposed additions are to be erected of 230mm brickwork (full brick).*
27. *That all plant and equipment (including motors) associated with the operation of the dry cleaning/laundromat business shall be located within the building envelope. Alternatively, if this is not feasible and they are located outside the building, they shall be located in suitably constructed acoustic enclosures.*
28. *Noise insulation is to be placed in the roof (subject to it being possible in structural and operational terms).*
29. *All air conditioning motors are to be located on the western side of the building near the existing convenience store component of the development.*
30. *All vents are to be located on the western side of the roof of the additions.*
31. *The height of the existing brick wall along the southern boundary is to be increased to the height of the dividing paling fence for a distance of 6m (from the eastern end) and from the building alignment along the eastern boundary (to the southern boundary).*
32. *Dry cleaning and Laundromat equipment operating hours being limited from 7:00am to 3:00pm Mondays to Saturdays and 8:00am to midday on Sundays.*

**MOTION: (Sullivan/Andrews) SEE RESOLUTION.**

**5.8 ACTING DIRECTOR PLANNING & COMMUNITY DEVELOPMENT'S  
REPORT 56/2004 - 1599-1601 ANZAC PARADE, LA PEROUSE. (D/0891/2003)**

(Cr Nash declared a pecuniary interest in this matter as his grandfather has a property in the immediate area and left the Chamber taking no part in the discussions of and voting thereon.)

- H50 **RESOLUTION: (Notley-Smith/Matson)** *that Council continue to defend the appeal lodged with the Land and Environment Court Proceedings No. 11593 of 2003 against Council's determination to refuse development consent to DA 891/2003 on the property at 1599-1601 Anzac Parade, La Perouse.*



**MOTION: (Daley/Sullivan)** that Council enter into consent orders in the Land and Environment Court on the basis of the amended plans. **LOST.**

**FURTHER MOTION: (Notley-Smith/Matson) SEE RESOLUTION.**

**6. MISCELLANEOUS.**

**6.1 DIRECTOR ASSET & INFRASTRUCTURE SERVICES' REPORT 57/2004 - STREET NAMES AND SUBURB NAMING FOR FORMER BUNDOCK STREET DEFENCE LAND (98/S/4189 xr 98/S/1368)**

**(NOTE: A NOTICE OF RESCISSION MOTION WAS HANDED TO THE ACTING GENERAL MANAGER PRIOR TO THE CONCLUSION OF THE MEETING AND WILL BE CONSIDERED AT THE EXTRAORDINARY MEETING OF THE COUNCIL ON FRIDAY, 13<sup>TH</sup> AUGUST, 2004.)**

H51 **RESOLUTION: (His Worship the Mayor, Cr M. Matson/Tracey)** that the following list of fourteen (14) Aboriginal names put forward by Councillors Tracey and Woodsmith, after consultation with local Aboriginal elders, be adopted;

*WATTUN-GORI (collective name for Banksia)*

*GUMARA (brush tail possum)*

*MUNDA (black snake)*

*BARRUGIN (echidna)*

*DARANGA (cabbage tree)*

*MARIDA (fish hawk)*

*GURUWIN (grey nurse shark)*

*NGARANG (water dragon)*

*KURITJAH (particular specie of banksia)*

*MARRAIYO (acacia – coastal wattle)*

*BANGARAH (swamp wallaby)*

*MARAIGANG (quoll)*

*GUWAL (commorant bird)*

*MUGGADARM (lizard)*

**MOTION: (Bastic/Andrews)** that the following street names be included in the proposed list of street names for the former Bundock Street defence land:-

T.J. Smith Drive, Bowen Street, Iliomar Street, Defence Avenue and James Street. **LOST.**

**AMENDMENT: (His Worship the Mayor, Cr M. Matson/Tracey) SEE RESOLUTION.**

**6.2 DIRECTOR PLANNING & COMMUNITY DEVELOPMENT'S REPORT 57/2004 - RANDWICK TRANSPORT STUDY - FINAL REPORT. (98/S/3187)**

H52 **RESOLUTION: (His Worship the Mayor, Cr M. Matson/Hughes)** that Council:

(a) *note and endorse this report and the Transport Study for public exhibition;*

(b) *note that subject to public comments from the exhibition, the study findings should be incorporated into the work of the draft Randwick City Plan;*

- (c) *agree to forward a copy of the Transport Study to relevant state government agencies; and*
- (d) *the Mayor to seek a meeting with the Department of Infrastructure, Planning and Natural Resources to discuss and progress the Transport Study.*

**MOTION: (His Worship the Mayor, Cr M. Matson/Hughes) SEE RESOLUTION.**

(Crs Andrews and Bastic requested their names be recorded as opposed to the resolution.)

**6.3 ACTING DIRECTOR PLANNING & COMMUNITY DEVELOPMENT'S REPORT 58/2004 - RANDWICK CITY PLAN - HERITAGE REVIEW. (98/S/3186)**

H53 **RESOLUTION: (Sullivan/Andrews) that:**

- (a) *Council note the findings of the Randwick Heritage and Visual Character Study by Godden Mackay Logan and the Perumal Murphy Review;*
- (b) *Council endorse the Randwick Heritage and Visual Character Study as an interim guideline document to assist planners in the assessment of development applications. The studies provide useful specialist advice that planners can refer to in their DA assessments; and*
- (c) *Council resolve under S.54 and S.72 of the Environmental Planning and Assessment Act 1979 (as amended) to commence preparations of a Heritage Local Environmental Plan and Development Control Plan to establish a planning framework for implementing these studies in relation to the proposed 14 conservation areas and 2 extensions proposed by the Godden Mackay Logan Heritage and Visual Character Study and the alterations to existing conservation areas proposed by the Perumal Murphy Conservation Areas Review.*

**MOTION: (Sullivan/Andrews) SEE RESOLUTION.**

**7. GENERAL BUSINESS.**

Nil.

**8. NOTICE OF RESCISSION MOTIONS.**

A Notice of Rescission Motion on Item 6.1, Director Asset & Infrastructure Services' Report 57/2004 - Street Names And Suburb Naming For Former Bundock Street Defence Land was handed to the Acting General Manager by Councillors Andrews, Bastic, Daley, Sullivan and White prior to the conclusion of the meeting and will be considered at the Extraordinary Meeting of the Council on Friday, 13<sup>th</sup> August, 2004.

The meeting closed at 9.55 p.m.

.....  
CHAIRPERSON