

**MINUTES OF HEALTH BUILDING AND PLANNING COMMITTEE MEETING OF  
THE COUNCIL OF THE CITY OF RANDWICK  
HELD ON TUESDAY, 9<sup>TH</sup> AUGUST, 2005 AT 6:41 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 & A. White
East Ward	-	Crs B. Notley-Smith & D. Sullivan (from 6.45 p.m.)
West Ward	-	Crs B. Hughes, S. Nash & J. Procopiadis
Central Ward	-	Crs A. Andrews (from 6.48 p.m.) & C. Bastic (from 8.43 p.m.)

**OFFICERS PRESENT:**

General Manager	Mr. R. Brownlee.
Director, City Services	Mr. J. Frangoples.
Director, City Planning	Ms. S. Truuvvert.
Director, Governance & Financial Services	Mr. G. Banting.
Manager Administrative Services	Mr. D. Kelly.
Acting Manager Development Assessment	Mr. D. Ongkili
Manager, Policy, Planning & Performance	Ms. K. Walshaw.

**1. APOLOGY.**

An apology was received from Cr Daley.

**RESOLVED:** (Notley-Smith/Hughes) that the apology from Cr Daley for non-attendance at the Health, Building & Planning Committee Meeting of the Council held on Tuesday, 9<sup>th</sup> August, 2005 be received & accepted.

**2. MINUTES.**

**CONFIRMATION OF THE MINUTES OF THE HEALTH, BUILDING AND PLANNING COMMITTEE MEETING HELD ON TUESDAY, 12<sup>TH</sup> JULY, 2005.**

H60 **RESOLUTION:** (Kenny/Belleli) that the Minutes of the Meeting of the Health, Building and Planning Committee held on Tuesday, 12<sup>th</sup> July, 2005 (copies of which were circulated to all Councillors) be and are hereby confirmed as a correct record of the proceedings of that meeting.

### **3. DECLARATION OF PECUNIARY & NON-PECUNIARY INTERESTS**

- (a) Cr Kenny declared a Pecuniary interest in Item No. 5.8, Development Application Report - 47 Denning Street, Coogee as his grandmother own property across the road and his parents are objecting to the development application.

H61 **RESOLUTION:** *(His Worship the Mayor, Cr M. Matson/Notley-Smith)* that Item 5.6, 65 Byron Street, Coogee be deferred to the next Ordinary Council meeting to allow for greater consultation and analysis of the business report by the community.

**PROCEDURAL MOTION: (His Worship the Mayor, Cr M. Matson/Notley-Smith)**  
**CARRIED SEE RESOLUTION.**

### **4. ADDRESSES TO THE COMMITTEE BY THE PUBLIC.**

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

#### **5.1 DIRECTOR, CITY PLANNING REPORT 50/2005 - 5 LITTLE STREET, MAROUBRA.**

The Objector            Mr Nick Simitzis                            440 Malabar Road, Maroubra

The Applicant            Mr Anthony Betros                            301/282 Oxford Street, Bondi Junction

#### **5.3 DEVELOPMENT APPLICATION REPORT - 126-128 AVOCA STREET, RANDWICK.**

The Applicant            Mr John Hepworth                            Level 2, 458 Wattle Street, Ultimo

#### **5.4 DEVELOPMENT APPLICATION REPORT - UNIT 603, 52-56 CARR STREET, COOGEE.**

The Applicant            Mr Anthony Betros                            301/282 Oxford Street, Bondi Junction

#### **5.5 DEVELOPMENT APPLICATION REPORT - 9 THE CAUSEWAY, MAROUBRA.**

The Objector            Mr Bill McCarthy                            7 The Causeway, Maroubra

The Applicant            Ms Anna Robinson                            9 The Causeway, Maroubra

#### **5.7 DEVELOPMENT APPLICATION REPORT - 6 GREVILLE STREET, CLOVELLY.**

The Applicant            Mr Mike Ryan                                    6 Greville Street, Clovelly

#### **5.8 DEVELOPMENT APPLICATION REPORT - 47 DENNING STREET, COOGEE.**

The Objector            Ms Mary Quilkey                            62 Denning Street, Coogee

The Applicant            Mr Adam Cogan                            47 Denning Street, Coogee

**5.9 DEVELOPMENT APPLICATION REPORT - 351 RAINBOW STREET, SOUTH COOGEE.**

The Objector            Mr Samir Malek                            Suite 17 Stone Arcade 673 Beachwater Road, Dee Why

The Applicant            Mr Brian Kirk                                1/1A Erina Avenue, Five Dock

**5.10 DEVELOPMENT APPLICATION REPORT - 1599-1601 ANZAC PARADE, LA PEROUSE.**

The Objector            Mr Charles Abela                            1587 Anzac Parade, La Perouse

The Applicant            Mr Michael Baker                            Level 5, 110-114 Kippax Street, Surry Hills

**5.11 DEVELOPMENT APPLICATION REPORT - 155-161 AVOCA STREET, RANDWICK**

The Objector            Mr Anthony Betros                            301/282 Oxford Street, Bondi Junction

The Applicant            Mr Spiro Stavis                                Level 1, 110-114 Kippax Street, Surry Hills

The meeting was adjourned at 8.19 p.m. and was resumed at 8.43 p.m.

**5. DEVELOPMENT APPLICATIONS.**

**5.1 DIRECTOR, CITY PLANNING REPORT 50/2005 - 5 LITTLE STREET, MAROUBRA. (DA7/2005)**

H62 **RESOLUTION:** *(Notley-Smith/Woodsmith)* that Council as the responsible authority refuse development consent under Section 80 of the Environmental Planning and Assessment Act 1979 (as amended) to Development Application No. 00007/2005 for Construction of a new three storey multi unit housing development comprising five residential units (5 x 2 bedrooms) with basement parking for 6 vehicles at 5 Little Street, Maroubra for the following reasons:-

1. *The proposal will compromise the amenity of the surrounding residential area and is incompatible with the dominant character of existing developments.*
2. *The proposed development will result in adverse overshadowing impacts on the private open space areas of No.7 Little Street and No.444 Malabar Road.*
3. *The dwellings in the proposed development have been poorly designed and will have limited internal amenity, particularly with respect to access to natural light and sunlight.*
4. *The proposed development will adversely impact on the streetscape and amenity of adjoining properties in terms of visual bulk and scale and loss of views.*

5. *The proposed development has an FSR of 0:9:1, which is considered excessive for this site and results in a building which is out of context with the dominant built form in the 2A Zone.*
6. *The maximum height and three storey scale of the proposed building is excessive and incompatible with the predominant height of neighbouring buildings.*
7. *The proposal does not provide adequate landscaped areas on site to soften the visual impact of the development.*

**MOTION: (Notley-Smith/Woodsmith) CARRIED – SEE RESOLUTION.**

**5.2 DEVELOPMENT APPLICATION REPORT - 165A - 167B MAROUBRA ROAD, MAROUBRA. (D/1210/2002)**

H63 **RESOLUTION: (His Worship the Mayor, Cr M. Matson/Bastic) that:**

- (a) *Council's original determination of Development Application No. 1210/2002, dated 10 August 2004, for the demolition of the existing single storey commercial premises and construction of a new seven storey mixed commercial and retail building containing three shops at ground level, twenty-one apartments and two levels of basement car parking at 165A-167B Maroubra Road, Maroubra, be rescinded.*
- (b) *Council as the responsible authority grants its development consent as a “Deferred Commencement” under Section 80(3) of the Environmental Planning and Assessment Act, 1979, as amended, to Development Application No. 1210/2002 for the demolition of the existing single storey commercial premises and construction of a new a six storey mixed use commercial and retail building containing three retail and one commercial tenancies, a total of twenty apartments, two levels of basement parking for thirty-seven cars, two bike store rooms and two storage areas for individual apartments and the roof terraces at 165A – 167B Maroubra Road, Maroubra, subject to the following conditions:*

**DEFERRED COMMENCEMENT CONDITIONS**

*The consent is not to operate until the following conditions and details have been submitted to and approved by the Director of City Planning:*

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

*The report is to be prepared in accordance with Council's Contaminated Land Policy 1999 and relevant Guidelines made or approved by the NSW Department of Environment and Conservation (formerly EPA), including the Guidelines for Consultants Reporting on Contaminated Sites and the National Environment Protection (Assessment of Site Contamination) Measure (NEPM) 1999. Also, as detailed in the Planning Guidelines to SEPP 55 – Remediation of Land, the report is to assess the nature, extent and degree of contamination upon the land. The detailed site*

*contamination report must be sufficiently detailed and be submitted to and accepted by Council's Manager of Environmental Health & Building Services prior to the development consent operating.*

- a) *Should the Detailed Site Investigation Report demonstrate that the land and groundwater is not contaminated, the conclusion to the report must clearly state that 'the land is suitable for its intended land use, posing no immediate or long term risk to public health or the environment and is fit for occupation by persons, together with clear justification for the statement. The report must demonstrate that any site contamination satisfies the relevant criteria in the National Environment Protection (Assessment of Site Contamination) Measure 1999.*

*The written concurrence of Council must be obtained before the deferred commencement condition can be deemed complied with.*

- b) *Should the Detailed Site Investigation Report identify that the land is contaminated and the land requires remedial works to meet the relevant criteria in the National Environment Protection (Assessment of Site Contamination) Measure (NEPM) 1999, the following matters must be complied with:-*

- i. *A Remediation Action Plan (RAP) is required to be prepared and be submitted to Council prior to commencing remediation works. The RAP is also required to be reviewed by an independent NSW Department of Environment and Conservation (DEC) Accredited Site Auditor.*
- ii. *The RAP is to be prepared in accordance with the relevant Guidelines made or approved by NSW Department of Environment and Conservation (DEC), including the Guidelines for Consultants Reporting on Contaminated Sites.*

*This RAP is to include procedures for the following:*

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

- iii. *Prior to commencing any remediation works, a written statement is to be provided to the Council by the Site Auditor, which confirms that the Remediation Action Plan satisfies the relevant legislative guidelines and requirements and that the land is able to be remediated to the required level and be suitable for the intended development and use.*

2. *The colours, materials and finishes of the external surfaces to the building are to be compatible with the adjacent development to maintain the integrity and amenity of the building and the streetscape. Details of the proposed colours, materials and textures (i.e. a schedule and brochure/s or sample board) are to be submitted to and approved by Council's Director of City Planning.*

*Evidence required to satisfy the above conditions must be submitted to Council within 12 months of the date of this consent in accordance with Clause 95(3) of the Environmental Planning and Assessment Regulation 2000.*

**DEVELOPMENT CONSENT CONDITIONS**

- C. *Subject to compliance with the deferred commencement conditions, to the satisfaction of the Director of City Planning, development consent is granted under Section 80 and 80A of the Environmental Planning and Assessment Act 1979 subject to the following conditions:*

**REFERENCED PLANS:**

1. *The development must be implemented substantially in accordance with the plans numbered SK-3-A01/8, SK-3-A02/8, SK-2-A06/8 to SK-2-A08/8 dated 28-04-05 and received by Council on 16 May 2005 and amended plans numbered SK-2-A03A/8, SK-2-A04A/8 to SK-2-A05/8 Issue A dated 15-06-05 and received by Council on 15 June 2005, and the application form, and on any supporting information received with the application, except as may be amended by the details/amendments approved pursuant to the deferred commencement conditions and by the following conditions and as may be shown in red on the attached plans:*

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

2. *The minimum floor to ceiling heights of the proposed development shall be amended accordingly:*

<i>Ground floor</i>	<i>3.6 metres</i>
<i>First floor</i>	<i>3.3 metres</i>
<i>All floors above first floor</i>	<i>2.7 metres</i>

*Amended plans shall be submitted to Council showing the above floor to ceiling heights and shall clearly show dimensions as well as RLs.*

*Note: Ceiling heights are measured from finished floor to finished ceiling level.*

3. *The external colours, materials and finishes of the proposed development shall be in accordance with the details submitted to and approved by the Director of City Planning pursuant to the deferred commencement condition.*
4. *Street numbering must be provided to the premises in a prominent position, to the satisfaction of Council.*
5. *A single common television aerial, and/or satellite dish (having a minimum diameter of 700mm and not located on the front or street elevation of the building) is to be installed to serve the development.*
6. *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.*

7. *Where access is required to adjoining premises for construction purposes, the consent of the owner/s of the subject adjoining premises must be provided to the satisfaction of the Principal Certifying Authority, prior to carrying out any construction works from or upon the adjoining premises.*
8. *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 subdivision certificate (whichever the sooner).*

9. *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.***

10. *The development must be designed and constructed to achieve a minimum energy efficiency NatHERS rating of 4 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.*

11. *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.*

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 in 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. *Vehicular access to the residential and commercial car parking within the development shall be readily accessible to visitors at all times. Where a security gate is provided restricting access to the basement carparking area, a suitable intercom system shall be installed adjacent to the vehicular entrance together with appropriate instructions signage to providing access to visitor spaces at all times.*
15. *A rainwater tank, of sufficient size to provide water for irrigation of landscaped areas within the development and for internal toilet flushing and clothes washing machine use, is to be provided to the development in accordance with Council's Rainwater Tank Policy, to Council's satisfaction.*

*The tank is to be located a minimum of 500mm from the side boundaries and is to have a maximum height of 2.4 metres. The tank is to be installed behind the front building line and is to be located at ground level and be incorporated into the landscaping plans for the site and relevant construction certificate 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.*

#### **SECTION 94 CONTRIBUTIONS:**

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

16. *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) <i>for the provision or improvement of open space</i>	<i>\$35,601.46</i>
b) <i>for the provision or improvement of community facilities</i>	<i>\$15,741.24</i>
c) <i>Administration fee</i>	<i>\$425.00</i>
	<b><i>Total \$51,767.70</i></b>

*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.*



## **SUBDIVISION:**

17. *A development application and a formal subdivision application is 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.*

## **PARKING & TRAFFIC MANAGEMENT**

***The following conditions are applied to provide adequate provisions for parking to the development:***

18. *The basement car parking area must incorporate the provision of nine (9) bicycle parking spaces and must be provided in accordance with AS 2890.3 Bicycle Parking Facilities. Details of compliance with this condition are to be shown on the relevant plans for the construction certificate.*
19. *Car parking within the development is to comply with the following minimum requirements:*
  - a) *Each end right angle parking space is to be a minimum dimension of 5.5m x 3m clear of any structures;*
  - b) *All car parking spaces are to be line-marked with a permanent, all weather material and must be maintained in a satisfactory condition at all times;*
  - c) *The driveway to the basement carpark must be illuminated by using low-level lighting (i.e. bollard lighting) from dusk to dawn.*

*Details of compliance are to be provided in 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:***

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 works, the person having the benefit of the development consent must:-***

- i) *appoint a Principal Certifying Authority for the building work, and*
- ii) *appoint a principal contractor for the building work, or in relation to residential building work, obtain an owner-builder permit in accordance with the requirements of the Home Building Act 1989, and notify the Principal Certifying Authority and Council accordingly in writing, and*
- iii) *unless the person having the benefit of the consent is the principal contractor (i.e. owner-builder), notify the principal contractor of the required critical stage inspections and other inspections to be carried out, as specified by the Principal Certifying Authority, and*
- iv) *give at least two days notice to the Council, in writing, of the persons intention to commence building works.*

*In relation to residential building work, the principal contractor must be the holder of a contractor licence, in accordance with the provisions of the Home Building Act 1989.*

24. *The building works must be inspected by the Principal Certifying Authority (or another certifying authority if the Principal Certifying Authority agrees), in accordance with sections 109 E (3) of the Environmental Planning & Assessment Act 1979 and clause 162A of the Environmental Planning & Assessment Regulation 2000, to monitor compliance with the relevant standards of construction, Council's development consent and the construction certificate.*

*The Principal Certifying Authority must specify the relevant stages of construction to be inspected in accordance with section 81A (2) (b1) (ii) of the Environmental Planning & Assessment Regulation 2000 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 consent is to be maintained by the Principal Certifying Authority. Details of critical stage inspections carried out and copies of certification relied upon must also be forwarded to Council with the occupation certificate.*

*The principal contractor or owner-builder (as applicable) must ensure that the required critical stage and other inspections, as specified in the Principal Certifying Authority's "Notice of Critical Stage Inspections", are carried out to the satisfaction of the Principal Certifying Authority and at least 48 hours notice (excluding weekends and public holidays) is to be given to the Principal Certifying Authority, to carry out the required inspection, before carrying out any further works.*

25. *A sign must be erected and maintained in a prominent position on the site, which contains the following details:*
- *name, address, contractor licence number and telephone number of the principal contractor, including a telephone number at which the person may be contacted outside working hours, or owner-builder permit details (as applicable)*
  - *name, address and telephone number of the Principal Certifying Authority,*
  - *a statement stating that "unauthorised entry to the work site is prohibited".*

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 (including alterations and additions to existing buildings), in accordance with the relevant provisions of the Environmental Planning & Assessment Act 1979.*

*An Occupation Certificate must not be issued for the development if the development is inconsistent with the development consent. The requirements of the Environmental Planning & Assessment Act 1979 and conditions of development consent must be satisfied prior to the issuing of an occupation certificate.*

27. *Prior to the issuing of an interim or final occupation certificate, a statement is required to be obtained from the Principal Certifying Authority, which confirms that the development is not inconsistent with the development consent and the relevant conditions of development consent have been satisfied.*

*Details of critical stage inspections carried out by the principal certifying authority together with any other certification relied upon must also be provided to Council with the occupation certificate.*

28. *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 provisions 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 principal building contractor and compliance with the provisions of the Home Building Act 1989 (i.e. Details of the principal licensed building contractor and a copy of the Certificate of Insurance) are to be submitted to Council **prior to the commencement of works**, with the notice of appointment of the PCA / notice of intention to commence building work.*

29. *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.*

*At the time of this development consent, Long Service Levy payment is applicable on*

*building work having a value of \$25,000 or more, at the rate of 0.2% of the cost of the works.*

30. *Fire safety notices must be provided to fire-isolated stairways, passageways or ramps in accordance with clause 183 of the Environmental Planning and Assessment Regulation 2000, at all times.*
31. *The building is required to be provided with a smoke alarm system complying with Clause 3 of Specification E2.2a of the Building Code of Australia or a smoke detection system complying with Clause 4 of Specification E2.2a of the Building Code of Australia 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.*

*Additional requirements regarding the design and installation of the smoke detection and alarm system may be specified in the construction certificate for the development.*

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

32. *Documentary evidence prepared by a suitably qualified professional geotechnical engineer shall be submitted to the certifying authority **prior to the issuing of a construction certificate**, certifying the suitability and stability of the site for the proposed building and certifying the suitability and adequacy of the proposed design and construction of the building for the site.*
33. *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 potential vibration emissions. The report, must demonstrate the suitability of the proposed methods of construction to overcome any potential damage to nearby land/premises.*

*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.*

34. *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 demonstrates that damage should not occur to any adjoining premises and public place as a result of the works.*

*Any practices or recommendations specified in the engineer's report in relation to the avoidance or minimisation of structural damage to nearby premises or land must be fully complied with and incorporated into the documentation for the **construction certificate**.*

35. *A dilapidation report prepared by a professional engineer or suitably qualified and experienced building surveyor shall be submitted to the certifying authority **prior to the***

*commencement of demolition, excavation or building works detailing the current condition and status of all buildings, including ancillary structures (i.e. including dwellings, residential flat buildings, commercial/industrial building, garages, carports, verandah's, fences, retaining walls, swimming pools and driveways etc.) located upon:*

a) *all of the premises adjoining the subject site.*

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

36. *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.***
37. *A Certificate of Adequacy prepared by a professional engineer shall be submitted to the certifying authority (and the Council, if the Council is not the certifying authority) **prior to occupation of the building**, certifying the structural adequacy of the building and that the building works satisfy the relevant structural design requirements of the Building Code of Australia.*

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

38. *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.*
39. *Any demolition works involving asbestos products are to be carried out in accordance with relevant WorkCover New South Wales requirements, guidelines and codes of practice.*
40. *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 made available to the Council officers and all building contractors for assessment.*
41. *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.*

42. *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.*

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

44. *The use of any rock excavation machinery or any mechanical pile drivers is restricted to the hours of 8.00am to 5.00pm (maximum), Monday to Friday inclusive and from 8.00am to 1.00pm on Saturday, to minimise the noise levels during construction and loss of amenity to nearby residents.*

45. *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.*

46. *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.*

47. *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.*

48. *A Registered Surveyor's check survey certificate or compliance certificate is to be forwarded to the principal certifying authority (and a copy is to be forwarded to the Council, if the Council is not the principal certifying authority), detailing compliance with Council's approval at the following stage/s of construction:*
- a) *Prior to construction of the first completed floor/floor slab (prior to pouring of concrete), showing the area of land, building and boundary setbacks and verifying that the building is being construction at the approved levels.*
  - b) *On completion of the erection of the building showing the area of the land, the position of the building and boundary setbacks and verifying the building has been constructed at the approved levels.*
49. *Temporary toilet facilities are to be provided, at or in the vicinity of the work site throughout the course of demolition and construction, to the satisfaction of WorkCover NSW and the toilet facilities must be connected to a public sewer or other sewage management facility approved by Council.*
50. *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.*

51. *Building materials, sand, soil, waste materials or construction equipment must not be placed upon the footpath, roadway or nature strip at any time and the footpath, nature strip and road must be maintained in a clean condition and free from any obstructions, soil and debris at all times.*
52. *Bulk bins/waste containers must not be located upon the footpath, roadway or nature strip at any time without the prior written approval of the Council, 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 Development Control Plan for Exempt & Complying Development and Council's Local Approvals Policy. Applications to place a waste container in a public place can be made to Council's Building Services section.*
53. *A Construction Site Management Plan is to be submitted to and approved by the principal certifying authority prior to the commencement of demolition, excavation or building works. The site management plan must include the following measures, as applicable to the type of development:*
- *location and construction of protective fencing / hoardings to the perimeter of the site;*
  - *location of site storage areas/sheds/equipment;*
  - *location of building materials for construction;*

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

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

54. *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.*
55. *During construction stages, sediment laden stormwater run-off shall be controlled using the sediment control measures outlined in the manual for Managing Urban Stormwater – Soils and Construction, published by the NSW Department of Housing*

*Details of the proposed sediment control measures are to be detailed in a site water management plan and must be submitted to and approved by the principal certifying authority **prior to the commencement of any site works.** The sediment and erosion control measures must be implemented prior to the commencement of any site works and be maintained throughout construction. A copy of the approved details must be forwarded to the Council and a copy is to be maintained on-site and be made available to Council officers upon request.*

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



*of material stockpiles and storage areas, location of building operations and equipment, methods of sediment control, details of drainage systems and details of existing and proposed vegetation.*

56. *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.*

*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.*

57. *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.*

58. *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.*

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

*A temporary safety fence is to be provided to protect the public, located to the perimeter of the site. 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.*

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

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

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

*Temporary fences and hoardings are to be structurally adequate, safe and be constructed in a professional manner and the use of poor quality materials or steel reinforcement mesh as fencing is not permissible.*

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

*throughout construction.*

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

60. *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.*

*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.*

61. *A local approval application must be submitted to and be approved by Council's Building Services section prior to commencing any of the following activities on a footpath, road or nature strip or in any public place:-*

- *Install or erect any site fencing, hoardings or site structures*
- *Operate a crane or hoist goods or materials over a footpath or road*
- *Placement of a waste skip (grater than 3m in length) or any container or other article.*

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

62. *Access, facilities and car parking for people with disabilities must be provided to and within the building in accordance with the relevant provisions of the Building Code of Australia and AS1428.1, AS4299 and 2890.1 and relevant Council development control plans for the subject development, to the satisfaction of the Certifying Authority. 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.***

63. *The applicant is to engage a NSW Department of Environment and Conservation (DEC) (formerly EPA) Accredited Site Auditor. The Site Auditor is to assess the*

*suitability of the site for its intended development and use. A Site Audit Statement and Summary Site Audit Report is to be submitted to Council, **prior to a construction certificate being issued**, which confirms that the land has been remediated and the site is suitable for the intended development and use and satisfies the relevant criteria in the National Environment Protection (Assessment of Site Contamination) Measure 1999.*

*Any additional conditions that are specified in the Site Audit Statement and Summary Site Audit Report by the EPA accredited site auditor, form part of this consent and Council must be consulted with prior to the development and imposition of any conditions.*

64. *Remediation and validation works shall be carried out in accordance with (name of remediation plan). Any variations to the proposed remediation works or remediation action plan shall be approved by the Site Auditor and a written statement is to be provided to the Council by the Site Auditor prior to the commencement of such works, which confirms the Site Auditors approval of the amended remediation action plan / works.*
65. *Site remediation must be carried out in accordance with the following general requirements (as applicable):*

*Remediation works shall be carried out in accordance with the requirements of the Contaminated Land Management Act 1997, environmental planning instruments applying to the site, guidelines made or approved by the NSW Department of Environment and Conservation (formerly EPA) and the NSW Department of Infrastructure Planning & Natural Resources (formerly Planning NSW), Randwick City Council's Contaminated Land Policy 1999 and the Protection of the Environment Operations Act 1997.*

*A Site Audit Statement and Summary Site Audit Report is to be submitted to Council, **prior to a construction certificate [or subdivision certificate] being issued**, which confirms that the land has been remediated and the site is suitable for the intended development and use and satisfies the relevant criteria in the National Environment Protection (Assessment of Site Contamination) Measure 1999.*

*The Environmental Consultant and Auditor, in their assessment of appropriate soil investigation levels, must take into account all environmental concerns (for example, the potential effects on wildlife) and the protection of ground and surface water.*

*The remediation of the site including ground water must fully comply with all relevant Commonwealth and State Legislation, Regulations and Standards.*

*Any variations to the proposed remediation works or remediation action plan shall be approved by the Site Auditor and a written statement is to be provided to the Council by the Site Auditor prior to the commencement of such works, which confirms the Site Auditors approval of the amended remediation action plan / works, and*

*Should any underground tanks be discovered they shall be removed in*

*accordance with relevant NSW DEC/EPA Guidelines; Australian Institute of Petroleum's (AIP) Code of Practice for the Design, Installation and Operation of Underground Petroleum Storage Systems (CP4-1998); and WorkCover NSW requirements. In the event of conflict between AIP Code of Practice and WorkCover requirements the latter shall prevail.*

*Any odours from excavated materials shall be mitigated by the use of an odour suppressant, such as Biosolve, and shall not give rise to an offensive odour as defined in the Protection of the Environment Operations Act 1997. Stockpiles shall also be covered and dampened down to reduce odour and dust impacts.*

*On-site land farming of contaminated soil is not permitted, except with the written approval of Council's Manager of Environmental Health & Building Services.*

*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' (VENM) 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'.*

*A Site Remediation Management Plan must be prepared prior to the commencement of remediation works by a suitably qualified environmental consultant and be implemented throughout remediation works. A copy is to be forwarded to Council. The Site Remediation Management Plan shall include measures to address the following matters:*

- *general site management, site security, barriers, traffic management and signage*
- *hazard identification and control*
- *worker health & safety, work zones and decontamination procedures*
- *cross contamination*
- *site drainage and dewatering*
- *air and water quality monitoring*
- *disposal of hazardous wastes*
- *contingency plans and incident reporting*
- *details of provisions for monitoring implementation of remediation works and persons/consultants responsible*

*All trucks and service vehicles leaving the site shall go through a suitably constructed on site truck wash down area, to ensure no tracking of material occurs from the site onto roads adjoining the site. Details are to be submitted to Council in the Site Management Plan.*

*Prior to the commencement and throughout the duration of the remediation and construction works adequate sediment and stormwater control measures shall be in place and maintained on site at all times. Sediment laden stormwater shall be controlled using measures outlined in the manual Managing Urban Stormwater Soils and Construction produced by the NSW Department of Housing.*

*Remediation work shall be conducted within the following hours:*

- Monday – Friday 7am – 5pm
- Saturday 8am – 5pm
- No work permitted on Sundays or Public Holidays

*A sign displaying the contact details of the remediation contractor (and the site manager if different to remediation contractor) shall be displayed on the site adjacent to the site access. This sign shall be displayed throughout the duration of the remediation works.*

*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.*

66. *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).*

67. *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:***

68. *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.*

69. *Development consent is required to be obtained in relation to the specific 'use' of commercial tenancies/occupancies and 'shop fit outs', in accordance with the relevant requirements of the Environmental Planning & Assessment Act 1979.*

***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:***

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

*In naturally ventilated residential units; the repeatable maximum LAeq (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.

*In residential units provided with mechanical ventilation, air conditioning or other complying means of ventilation, when doors and windows are shut, the repeatable maximum LAeq (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 the Council and the Certifying Authority, by the Acoustic consultant, **prior to the construction certificate being issued.***

71. *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.*
72. *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.*

#### Security Deposit Conditions

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

73. *The following damage/civil works security 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) \$1000.00 - Damage / Civil Works Security Deposit

*The damage/civil works security 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; and*
- *Completion of the civil works as conditioned in this development consent by Council.*

*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.*

#### *Traffic Conditions/Civil Works Conditions*

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

74. *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 Robey Street.*
  - 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. *Reconstruct any damaged sections of kerb and gutter in both Maroubra Road and Robey Street.*
  - d. *Reconstruct a full width footpath along the Maroubra road site frontage, in accordance with the Urban Design Guidelines for Maroubra Junction. The landscape design shall include pavements, seat installations, bins and tree grates as required by Council's Landscape Architect – 9399 0786.*
  - e. *Reconstruct any damaged sections of concrete footpath along the Robey Street site frontage. Any unpaved areas on the nature strip must be turfed and landscaped to Council's specification.*
75. *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.*
76. *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.*
77. *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.*

78. *The driveway opening at the Maroubra Road street frontage must be 5.50 metres wide (clear width).*
79. *The internal driveway must be a minimum 5.50m wide (clear width) for the first 6 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.*
80. *New awnings must be not less than 3m above the footpath at any point and must be setback at least 600mm from the kerb line.*
81. *A Works Zone is to be provided in Robey Street for the duration of the construction works. The 'Works 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 Works Zone must be paid to Council at least four (4) weeks prior to the commencement of work on the site.*

*It is noted that the requirement for a Works Zone may be waived if it can be demonstrated (to the satisfaction of Council's traffic engineer) that all construction related activities (including all loading and unloading operations) may be undertaken wholly within the site.*

#### Alignment Level Conditions

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

82. *The Council's Department of Asset & Infrastructure Services has inspected the above site and have determined that the design alignment level (concrete/paved/tiled level) at the property boundary for driveways, access ramps and pathways or the like, shall be:*
  - ***Maroubra Road: Match the back of the existing concrete footpath along the full site frontage***
  - ***Robey Street: 20mm above the back of the existing concrete footpath, along the full site frontage.***

*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.*

83. *The design alignment levels (concrete/paved/tiled level) issued by Council and their relationship to the footpath must be indicated on the building plans for the construction certificate.*
84. *The above alignment levels and the site inspection by Council's Department of Asset & Infrastructure Services have been issued at a prescribed fee of \$1931 calculated at \$33.00 (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:***

85. *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.*
86. *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.*
87. *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.*
88. *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.*
89. *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 occupation of the development.*

### **Drainage Conditions**

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

90. *Engineering calculations and plans with levels reduced to Australian Height Datum in relation to site drainage shall be submitted to and approved by the certifying authority prior to a construction certificate being issued for the development. A copy of the engineering calculations and plans are to be forwarded to Council, prior to a construction certificate being issued, if the Council is not the certifying authority. The drawings and details shall include the following information:*

- a) *A detailed drainage design supported by a catchment area plan, at a scale of 1:100 or as considered acceptable to the Council or an accredited certifier, and drainage calculations prepared in accordance with the Institution of Engineers publication, Australian Rainfall and Run-off, 1987 edition.*
  - b) *A layout of the proposed drainage system including pipe sizes, type, grade, length, invert levels, etc., dimensions and types of all drainage pipes and the connection into Council's stormwater system.*
  - c) *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.*
91. *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.*
92. *All site stormwater must be discharged (by gravity) to either:*
- a. *The underground drainage system in Maroubra Road and/or Robey Street, via a new and/or existing kerb inlet pit; OR*
  - b. *A suitably sized infiltration system (subject to geotechnical investigation confirming that the ground conditions are suitable for an infiltration system).*

*Notes:*

- a. *All new kerb inlet pits shall be constructed in general accordance with Council's standard drawing SD7.*
- b. *With the exception of the site discharge pipe, all new pipelines constructed within council's road reserve shall be minimum 375 mm diameter, spigot and socket rubber ringed jointed, steel reinforced concrete pipeline (RRRCP). Prior to*

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

93. *Site discharge pipelines shall cross the verge at an angle no less than 45 degrees to the kerb line.*
94. *Should stormwater be discharged to Council's street drainage system, on-site detention must be provided to ensure that the maximum discharge from the above site is not to exceed that which would occur during a **1 in 10** year storm of 1 hour duration for the existing site conditions. All other stormwater run-off from the above site for all storms up to the 1 in 20 year storm is to be retained on the site for gradual release to the kerb and gutter or drainage system as required by the Director of Assets and Infrastructure Services. Provision is to be made for satisfactory overland flow should a storm in excess of the above parameters occur.*

***Should no formal overland escape route be provided for storms greater than the design storm, the on-site detention system shall be sized for the 1 in 100 year storm event.***

*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.*

95. *Should stormwater be discharged to an infiltration system, the infiltration area shall be sized for all storm events up to the 1 in 20 year storm event with provision for a formal overland flow path to Council's Street drainage system.*

***Should no formal overland escape route be provided for storms greater than the design storm, the infiltration system shall be sized for the 1 in 100 year storm event.***

96. *Any Infiltration systems/Absorption Trenches must be designed in accordance with "Section 8.5 ABSORPTION TRENCHES" as stipulated in Randwick City Council's Private Stormwater Code.*
97. *The detention area/infiltration system must be regularly cleaned and maintained to ensure it functions as required by the design.*
98. *The maximum depth of ponding in above ground detention areas (and/or infiltration systems with above ground storage) shall be as follows:*
- a. *300mm in landscaped areas (where child proof fencing is not provided around the outside of the detention area and sides slopes are steeper than 1 in 10)*
  - b. *600mm in landscaped areas where the side slopes of the detention area have a maximum grade of 1 in 10.*
  - c. *1200mm in landscaped areas where a childproof fence is provided around the outside of the detention area*

*Notes:*

*It is noted that above ground storage will not be permitted in basement carparks or in any area which may be used for storage of goods.*

*Mulch/bark must not be used in onsite detention areas*

99. *Any above ground stormwater detention areas (and/or infiltration systems with above ground storage) must be suitably signposted where required, warning people of the maximum flood level.*

100. *The floor level of all habitable and storage areas adjacent to the detention area (and/or infiltration systems with above ground storage) must be a minimum of 300mm above the maximum water level in the detention area 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).*

101. *A childproof and corrosion resistant fastening system shall be installed on access grates over pits/trenches where water is permitted to be temporarily stored.*

102. *A 'V' drain is to be constructed along the perimeter of the property, where required, to direct all stormwater to the detention/infiltration area.*

103. *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.*

104. *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.*

105. *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 in accordance with the following requirements:-*

- The base of the pit located a minimum 300mm under the invert level of the outlet pipe.*
- The pit constructed from cast in-situ concrete, precast concrete or double brick.*
- 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 located over the outlet pipe/s (Mascot GMS multipurpose filter screen or equivalent).*
- *The grate being a galvanised heavy-duty grate that has a provision for a child proof fastening system.*
- *A child proof and corrosion resistant fastening system provided for the access grate (e.g. spring loaded j-bolts or similar).*
- *A sign adjacent to the pit stating:*

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

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

106. *Prior to occupation of the development, a "restriction on the use of land" and "positive covenant" (under section 88E of the Conveyancing Act 1919) shall be placed on the title of the subject property to ensure that the onsite detention/infiltration system is maintained and that no works which could affect the design function of the detention/infiltration system are undertaken without the prior consent (in writing) from Council. Such restriction and positive covenant shall not be released, varied or modified without the consent of the Council.*

*Notes:*

- a. *The “restriction on the use of land” and “positive covenant” are to be to the satisfaction of Council. A copy of Council’s standard wording/layout for the restriction and positive covenant may be obtained from Council’s Asset and Infrastructure Services Department.*
- b. *If new linen plans are being prepared for the site, the plans shall indicate the location and dimensions of the detention/infiltration areas.*

107. *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’*
- d) *The car washing bays must be constructed with a minimum 20mm bund around the perimeter of the car washing bays (or equivalent)*
- e) *A water tap shall be located adjacent to the car washing bays.*

108. *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);*
  - f. Details of any infiltration/absorption systems; and*
  - g. Details of any pumping systems installed (including wet well volumes).*
109. *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 following inspection/s of the site stormwater drainage system by the certifying engineers and shall be provided to the satisfaction of the PCA.*

#### **Waste Management Conditions**

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

110. *The residential waste storage area shall be sized to contain a total of 20 x 240 litre bins (10 garbage bins & 10 recycle bins) whilst providing satisfactory access to these bins.*
111. *The commercial waste storage area shall be sized to contain a total of 8 x 240 litre bins (4 garbage bins & 4 recycle bins) whilst providing satisfactory access to these bins.*
112. *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.*
113. *The waste storage areas shall be clearly signposted.*
114. *Prior to the issuing of a construction certificate for the proposed development the applicant is to submit to Council and have approved by Council's Manager of Waste a Waste Management Plan detailing waste and recycling storage and disposal for both the residential and commercial components of the development site, post construction.*

#### **Landscape Conditions**

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

115. *Landscaping at the site shall be installed substantially in accordance with the Landscape Concept Plans prepared by EMD Landscape Architect, drawing number LA 1001, revision C, dated 05/01/05, LA 1002 revision C, dated 03/01/05 and LA 1003,*

*revision B, dated 03/01/05, subject to the following additional requirements and information being provided prior to the issue of a construction certificate:*

- a. Position of existing and proposed site services including water, gas, electricity, sewer, stormwater, etc.*
  - b. Sectional elevations through the site showing the existing and proposed groundlines, building elevations, and mature height of proposed planting.*
  - c. All planter boxes and garden beds constructed on slab must have a **minimum** soil depth of 600mm. Planter box details shall be shown on the landscape plans submitted for the construction certificate application.*
  - d. The width of the planter boxes proposed for the first floor and rooftop terraces shall be amended to show a minimum width of 2 metres, as the 1 metre width currently shown is deemed insufficient area to accommodate the root mass, as well as providing adequate anchorage and stability for a tree species which will attain dimensions in the order of 6 metres in height by 4-5 metres in width.*
  - e. Addition of a planter box along the eastern edge of the proposed paved courtyard on the first floor to match up with the proposed planters.*
  - f. Addition of planter boxes on the northern and southern sides of the fire stairs and lift shaft proposed at the western edge of the rooftop terrace.*
- 116. 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.*
- 117. The applicant shall submit a landscape design for the Maroubra Road and Robey Street frontages of the development in accordance with Council's Urban Design Guidelines for the Maroubra Junction Commercial Centre. The landscape design may include pavements, seat installations, bins, trees, tree grates and tree barriers as required by Council's Landscape Architect – 9399 0915.*

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

*All street furniture is required to be purchased through Council. Due to supply constraints, the applicant is required to place an order and pay for the required furniture three months prior to the estimated date for the completion of street frontage works.*

*The applicant shall note that the approved landscape works carried out on Council property, shall be in accordance with Council's requirements for Civil Works on Council property. An application for the cost of the landscape works on Council property is to be submitted to Council at the completion of the internal building works. An application fee shall be payable to Council for the quotation of the required works. The applicant may elect to use his contractor for the required works, subject to Council*

*approval, however a design checking and supervision fee based on the lowest quotation from Council's nominated contractor will be required to be paid prior to the commencement of any works.*

*A refundable deposit in the form of cash or cheque of \$6,000 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 Maroubra Road and Robey Street frontages.*

- 118. To ensure satisfactory maintenance of the landscaping, an automatic drip irrigation system shall be installed throughout all planted areas. The applicant will be required to demonstrate, to the satisfaction of the certifying authority, that this system has been connected to the sites rainwater tanks, with back-up connection to the mains supply, in accordance with all Sydney Water requirements.*
- 119. Any substation required shall be screened from view. The proposed location, elevation and method of screening shall be shown on all detailed landscape drawings and specifications.*
- 120. All detention tanks and stormwater infiltration systems located within the landscaped areas shall have a minimum soil cover of 600mm to ensure sufficient soil depth to permit the establishment of landscaping on top of these services as stipulated by these conditions of development consent.*

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

### ***Tree Management***

- 121. The following street tree security deposit requirement is to be complied with prior to a construction certificate being issued for the development,*

*\$5000.00 - Street Tree Security Deposit*

*The street tree security deposit may be provided by way of cash, cheque or bank guarantee (with no expiry date) to Council, subject to the applicant making total payment for Council or a council approved subcontractor to:*

- a. Remove the two Banksia integrifolia (Coastal Banksia's) and two Cupaniopsis anacardioides (Tuckeroo's) on the Robey Street nature strip (1,100.00 inc GST), and*
- b. Supply and install 5 x 45 litre Cupaniopsis anacardioides (Tuckeroo's) along the Robey Street frontage, and 3 x 45 litre (Banksia integrifolia, Coastal Banksia's) on the Maroubra Road frontage at the completion of all works (\$1,276.00 inc GST), and*
- c. To reimburse Council for the costs of originally planting these trees as well as to compensate for the loss of amenity from the streetscape caused by their removal (\$2,277.00) no GST.*

*The applicant is to obtain a written quote from Council anytime after obtaining a*



construction certificate. The applicant shall contact Council's Landscape Officer on 9399 0613 or 9399 0609 to obtain the written quote for the removal of the street trees.

The contribution shall be paid at the Cashier on the Ground Floor of the Administrative Centre prior to a construction certificate being issued for the development.

122. A refundable deposit in the form of cash or cheque, or bank guarantee (with no expiry date) for the amount of \$4,000.00 shall be lodged with Council prior to a construction certificate being issued for the proposed development to ensure the implementation and maintenance of the landscape works in accordance with the approved landscape documentation.

a. The refundable deposit will be released twelve (12) months after the issue of a final occupation certificate by the principle certifying authority providing the landscape works have been successfully implemented and maintained in accordance with the approved landscape documentation. Throughout the maintenance/bond period, the applicant shall be responsible for all routine maintenance such as weeding, watering, fertilising, spraying, staking and replacement of all failed plant stock. There must be no alteration to the original design, including substitution of trees and shrubs, without the prior approval of the Principal Certifying Authority.

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

123. The balconies to Units 2,5,10,15 & 17 are to be redesigned so that they do not extend beyond the property boundaries of Maroubra Road and Robey Street.

#### **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 B1          | - Structural provisions   |
| b) | Part C1          | - Fire resistance and stability   |
| c) | Part C3          | - Protection of openings  |
| d) | Clause C3.2&C3.4 | - Protection of openings in external walls  |
| e) | Part D3          | - Access for people with disabilities   |
| f) | Part E1          | - Fire fighting equipment   |
| g) | Part E2          | - Smoke Hazard Management   |
| h) | Part E3          | - Lift Installations  |
| i) | Part E4          | - Emergency lighting, exit signs & warning systems  |
| j) | Part F1          | - Damp and weatherproofing  |
| k) | Part F2          | - Sanitary and other facilities, in particular, WC's for employees and people with disabilities |

- l) Part F4 - Light and ventilation
- m) Part F5 - Sound Transmission and Insulation

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

*You are advised to ensure that the development is not inconsistent with Council's consent and if necessary consult with Council's Building Certification Services or your accredited certifier prior to submitting your construction certificate application to enable these matters to be addressed accordingly.*

2. *The applicant/owner is advised that this approval does not guarantee compliance with the provisions of the Disability Discrimination Act 1992 and the applicant should therefore consider their liability under the Act. In this regard, the applicant is advised that compliance with the requirements of the Building Code of Australia and Australian Standard 1428.1 - Design for Access and Mobility does not necessarily satisfy the objectives of the Disability Discrimination Act 1992.*

*The applicant/owner is requested to give consideration to providing access and facilities for people with disabilities in accordance with Australian Standard 1428 Parts 1, 2, 3 and 4 - Design for Access and Mobility, which may be necessary to satisfy the objectives of the Disability Discrimination Act 1992.*

3. *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 (inc GST) prior to any further inspections being carried out.*
4. *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/Bastic) CARRIED – SEE RESOLUTION.**

### **5.3 DEVELOPMENT APPLICATION REPORT - 126-128 AVOCA STREET, RANDWICK. (D/0168/2005)**

H64 **RESOLUTION:** *(Notley-Smith/Woodsmith) that:*

- A. *the Council support the objection under State Environmental Planning Policy No.1 (SEPP No. 1) in respect to non-compliance with Clauses 32 and 33 of the Randwick Local Environmental Plan 1998 (relating to floor space ratio and building heights) on the grounds that the proposed use complies with the objectives of the clauses and will not adversely affect the amenity of the surrounding locality and that the Department of Planning, Infrastructure and Natural Resources be advised accordingly.*

- B. *Council as the responsible authority grant its development consent under Section 80 and 80A of the Environmental Planning and Assessment Act 1979 (as amended) to Development Application No D/0168/2005 for alterations and additions to the existing Heritage Item to include a fourth floor and its adaptive re-use and conversion into commercial floor space, and demolition of adjoining building to the west, and construction of a new 5 level retail/commercial building and strata sub-division at 126-128 Avoca Street, Randwick, subject to the following conditions:-*

**REFERENCED PLANS:**

1. *The development must be implemented substantially in accordance with the plans numbered DA01 Issue J, dated March 2004 and stamped received by Council on 14 July 2005, DA02 Issue G, DA03 Issue F, DA04 Issue G, and DA05 Issue G, dated March 2004 and stamped received by Council on 6 July 2005, the application form, and on any supporting information received with the application, except as may be amended by the following conditions and the details approved pursuant to the deferred commencement 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. *Metal roof sheeting is to be painted or colour bonded to minimise reflection and to be sympathetic and compatible with the building and surrounding environment.*
3. *The colours, materials and finishes of the external surfaces to the existing heritage building and the new building are to be similar to that lodged in the sample board received by Council on 24 February 2005 as approved under development consent No. 263/2004 and as confirmed in the letter from SPD Town Planners to Council dated 14 July 2005.*
4. *The proposed metal mesh screen on the new building shall be constructed in accordance with the fixing and joint details received by Council on 14 January 2005 as approved under development consent No. 263/2004 and as confirmed in the letter from SPD Town Planners to Council dated 14 July 2005.*
5. *Metal roof sheeting is to be painted or colour bonded to minimise reflection and to be sympathetic and compatible with the building and surrounding environment.*
6. *Street numbering must be provided to the premises in a prominent position, to the satisfaction of Council.*
7. *The proposed car lift is to be designed and constructed in accordance with the relevant Australian Standards for car lifts. Details are to be submitted to Council prior to the issue of the construction certificate.*
8. *The reflectivity index of glass used in the external façade of the development must not exceed 20 percent.*
9. *A separate Development Application is required to be submitted to and approved by Council with regard to each separate proposed usage of the building prior to*

*occupancy.*

10. *Lighting to the premises shall be designed so as not to cause a nuisance to nearby residents or motorists and to ensure that light overspill does not affect the amenity of the area.*
11. *Upon completion of the development and prior to the issuing of the strata subdivision, documentary evidence is to be submitted to the Council by the Principal Certifying Authority (or other suitably qualified person on behalf of the owner of the premises, to the satisfaction of Council) which confirms that the development has been carried out in accordance with the relevant development consent conditions.*

*Details of critical stage inspections carried out by or on behalf of the principal certifying authority together with any certification relied upon and the occupation certificate for the building must also be provided to Council prior to approval of the strata subdivision plans.*

12. *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.*

13. *All signage and advertising must be in accordance with Council's Development Control Plan for Outdoor Advertising and development consent must be obtained for all signage and advertising in accordance with Council's Local Environmental Plan 1998.*  
*All advertising and signage must be written in English language or both English and relevant non-English language equally. The use of non-English language advertising only is not permissible.*

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

14. *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 townscape improvements	\$34,970.00
b) for car parking	\$106,497.00

*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 satisfy the provisions of section 91A of the Environmental Planning and Assessment Act 1979 and to apply the general terms of approval of the Heritage Council of NSW:***

15. *An archival recording of the property shall be prepared and submitted to and approved by Council's Director of Planning and Community Development, in accordance with Section 80A (2) of the Environmental Planning and Assessment Act 1979 prior to a construction certificate being issued for the development. This recording shall be in accordance with the Guidelines for the preparation of archival recordings set out by the NSW Heritage Office. Three copies of the endorsed archival recording shall be presented to Council, one of which shall be placed in the Local History Collection of Randwick City Library.*
16. *The layout of the ground, first and second floors of the existing building are to incorporate 300mm nib walls and beams projecting below ceiling level, as evidence of the original layout of the building and facilitate patching of plasterwork.*
17. *The conservation policies for external and internal fabric set out in the Schedule of Conservation Works, prepared by Graham Brooks and Associates and Perumal Murphy Wu Pty Ltd dated September 2004, are to be implemented in conjunction with the proposed development.*
18. *Maintenance and repair to the heritage building is to be carried out in accordance with the Ongoing Maintenance Schedule prepared by Graham Brooks and Associates and Perumal Murphy Wu Pty Ltd, dated October 2004, on an ongoing basis, to ensure timely maintenance and repair of the heritage item.*
19. *A positive covenant shall be created under Section 88E of the Conveyancing Act to ensure that a specific sinking fund is established and allocated for ongoing repair and maintenance works to the heritage building. These works are to be in accordance with the Ongoing Maintenance Schedule prepared by Graham Brooks and Associates and Perumal Murphy Wu Pty Ltd. Such covenant shall not be revoked or modified without prior approval of Council. The covenant shall be submitted for Council's approval prior to the issue of the construction certificate.*
20. *An architect suitably qualified and experienced in heritage conservation shall be engaged to oversee the implementation of the Schedule of Conservation Works and the Ongoing Maintenance Schedule to ensure the use of technically sound and appropriate techniques. All work shall be carried out in accordance with the principles of the Australia ICOMOS Burra Charter.*

***The following conditions are applied to maintain reasonable levels of environmental***

***amenity and public health safety.***

21. *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).*
22. *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.*
23. *Prior to the commencement of works adequate sediment and stormwater control measures shall be in place and maintained on site at all times. Sediment laden stormwater shall be controlled using measures outlined in the manual Managing Urban Stormwater Soils and Construction produced by the NSW Department of Housing.*
24. *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:***

25. *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).*

26. *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.*

***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:***

27. *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.*

28. *Development consent is required to be obtained in relation to the specific 'use' of commercial tenancies/occupancies and 'shop fit outs', in accordance with the relevant requirements of the Environmental Planning & Assessment Act 1979.*
29. *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.*
30. *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.*
31. *A report/correspondence prepared by a suitably qualified and experienced consultant in acoustics shall be submitted to Council prior to*
  - a) ***the commencement of works,***
  - b) ***a construction certificate being issued for the development,***

*which demonstrates that noise and vibration emissions from the development will comply with the relevant provisions of the Protection of the Environment Operations Act 1997, Environmental Protection Authority Noise Control Manual & Industrial Noise Policy and relevant conditions of approval.*

32. *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 of 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:***

33. *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:***

34. *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.*

35. *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.*
36. ***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.*
37. ***Prior to the commencement of any building works**, the person having the benefit of the development consent must:-*
  - i) *appoint a Principal Certifying Authority for the building work, and*
  - ii) *appoint a principal contractor for the building work, or in relation to residential building work, obtain an owner-builder permit in accordance with the requirements of the Home Building Act 1989, and notify the Principal Certifying Authority and Council accordingly in writing, and*
  - iii) *unless the person having the benefit of the consent is the principal contractor (i.e. owner-builder), notify the principal contractor of the required critical stage inspections and other inspections to be carried out, as specified by the Principal Certifying Authority, and*
  - iv) *give at least two days notice to the Council, in writing, of the persons intention to commence building works.*

*In relation to residential building work, the principal contractor must be the holder of a contractor licence, in accordance with the provisions of the Home Building Act 1989.*

38. *The building works must be inspected by the Principal Certifying Authority (or another certifying authority if the Principal Certifying Authority agrees), in accordance with sections 109 E (3) of the Environmental Planning & Assessment Act 1979 and clause 162A of the Environmental Planning & Assessment Regulation 2000, to monitor compliance with the relevant standards of construction, Council's development consent and the construction certificate.*

*The Principal Certifying Authority must specify the relevant stages of construction to be inspected in accordance with section 81A (2) (b1) (ii) of the Environmental Planning & Assessment Regulation 2000 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 consent is to be maintained by the Principal Certifying Authority. Details of critical stage inspections carried out and copies of certification relied upon must also be forwarded to Council with the occupation certificate.*

*The principal contractor or owner-builder (as applicable) must ensure that the*



*required critical stage and other inspections, as specified in the Principal Certifying Authority's "Notice of Critical Stage Inspections", are carried out to the satisfaction of the Principal Certifying Authority and at least 48 hours notice (excluding weekends and public holidays) is to be given to the Principal Certifying Authority, to carry out the required inspection, before carrying out any further works.*

39. *A sign must be erected and maintained in a prominent position on the site, which contains the following details:*

- *name, address, contractor licence number and telephone number of the principal contractor, including a telephone number at which the person may be contacted outside working hours, or owner-builder permit details (as applicable)*
- *name, address and telephone number of the Principal Certifying Authority,*
- *a statement stating that "unauthorised entry to the work site is prohibited".*

40. *An Occupation Certificate must be obtained from the Principal Certifying Authority prior to any occupation of the building work encompassed in this development consent (including alterations and additions to existing buildings), in accordance with the relevant provisions of the Environmental Planning & Assessment Act 1979.*

*An Occupation Certificate must not be issued for the development if the development is inconsistent with the development consent. The relevant requirements of the Environmental Planning & Assessment Act 1979 and conditions of development consent must be satisfied prior to the issuing of an occupation certificate.*

41. *Prior to the issuing of an interim or final occupation certificate, a statement is required to be obtained from the Principal Certifying Authority, which confirms that the development is not inconsistent with the development consent and conditions of consent.*

42. *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 provisions 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 principal building contractor and compliance with the provisions of the*

*Home Building Act 1989 (i.e. Details of the principal licensed building contractor and a copy of the Certificate of Insurance) are to be submitted to Council **prior to the commencement of works**, with the notice of appointment of the PCA / notice of intention to commence building work.*

43. *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.*

*At the time of this development consent, Long Service Levy payment is applicable on building work having a value of \$25,000 or more, at the rate of 0.2% of the cost of the works.*

44. *Fire safety notices must be provided to fire-isolated stairways, passageways or ramps in accordance with clause 183 of the Environmental Planning and Assessment Regulation 2000, at all times.*

***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:***

45. *Upon completion of the development and **prior to the issuing of the strata subdivision**, documentary evidence is to be submitted to the Council by the Principal Certifying Authority (or other suitably qualified person on behalf of the owner of the premises, to the satisfaction of Council) which confirms that the development has been carried out in accordance with the relevant development consent conditions.*

*Details of critical stage inspections carried out by or on behalf of the principal certifying authority together with any certification relied upon and the occupation certificate for the building must also be provided to Council prior to approval of the strata subdivision plans.*

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

46. *Documentary evidence prepared by a suitably qualified professional engineer shall be submitted to the certifying authority **prior to the issuing of a construction certificate**, certifying the suitability and stability of the site for the proposed building and certifying the suitability and adequacy of the proposed design and construction of the building for the site.*
47. *A Certificate of Adequacy prepared by a professional engineer shall be submitted to the certifying authority (and the Council, if the Council is not the certifying authority) **prior to occupation of the building**, certifying the structural adequacy of the building and that the building works satisfy the relevant structural design requirements of the Building Code of Australia.*

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

48. *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.*
49. *Any demolition works involving asbestos products are to be carried out in accordance with relevant WorkCover New South Wales requirements, guidelines and codes of practice.*
50. *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 made available to the Council officers and all building contractors for assessment.*
51. *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.*
52. *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.*
53. *A Registered Surveyor's check survey certificate or compliance certificate is to be forwarded to the principal certifying authority (and a copy is to be forwarded to the Council, if the Council is not the principal certifying authority), detailing compliance with Council's approval at the **following stage/s of construction:***
  - a) *Prior to construction of the footings or first completed floor slab (prior to the pouring of concrete), showing the area of the land, building and boundary setbacks.*
  - b) *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.*
54. *Temporary toilet facilities are to be provided, at or in the vicinity of the work site throughout the course of demolition and construction, to the satisfaction of WorkCover NSW and the toilet facilities must be connected to a public sewer or other sewage management facility approved by Council.*
55. *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.*

56. *Building materials, sand, soil, waste materials or construction equipment must not be placed upon the footpath, roadway or nature strip at any time and the footpath, nature strip and road must be maintained in a clean condition and free from any obstructions, soil and debris at all times.*
57. *Bulk bins/waste containers must not be located upon the footpath, roadway or nature strip at any time without the prior written approval of the Council, 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 Development Control Plan for Exempt & Complying Development and Council's Local Approvals Policy. Applications to place a waste container in a public place can be made to Council's Building Services section.*
58. *A Construction Site Management Plan is to be submitted to and approved by the principal certifying authority prior to the commencement of demolition, excavation or building works. The site management plan must include the following measures, as applicable to the type of development:*
- *location and construction of protective fencing / hoardings to the perimeter of the site;*
  - *location of site storage areas/sheds/equipment;*
  - *location of building materials for construction;*
  - *provisions for public safety;*
  - *dust control measures;*
  - *site access location and construction*
  - *details of methods of disposal of demolition materials;*
  - *protective measures for tree preservation;*
  - *provisions for temporary sanitary facilities;*
  - *location and size of waste containers/bulk bins;*
  - *details of proposed sediment and erosion control measures;*
  - *construction noise and vibration management.*

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

59. *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.*
60. *During construction stages, sediment laden stormwater run-off shall be controlled using the sediment control measures outlined in the manual for Managing Urban Stormwater – Soils and Construction, published by the NSW Department of Housing*

*Details of the proposed sediment control measures are to be detailed in a site water management plan and must be submitted to and approved by the principal certifying authority **prior to the commencement of any site works.** The sediment and erosion control measures must be implemented prior to the commencement of any site works and be maintained throughout construction. A copy of the approved details must be forwarded to the Council and a copy is to be maintained on-site and be made available to Council officers upon request.*

*Details of proposed sediment and erosion control measures shall include; a site plan; indicating the slope of land, access points & access control measures, location and type of sediment & erosion controls, location of existing vegetation to be retained, location of material stockpiles and storage areas, location of building operations and equipment, methods of sediment control, details of drainage systems and details of existing and proposed vegetation.*

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

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

*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.*

62. *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.*
63. *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.*
64. *Public safety must be maintained at all times and public access to the site and building works, materials and equipment on the site is to be restricted, when work is not in*

*progress or the site is unoccupied.*

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

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

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

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

*Hoardings and temporary fences are to be structurally adequate, safe and be constructed in a professional manner and the use of poor quality materials or steel reinforcement mesh as fencing is not permissible.*

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

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

65. 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.*

*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.*

66. *A local approval application must be submitted to and be approved by Council's Building Services section prior to commencing any of the following activities on a footpath, road or nature strip or in any public place:-*

- *Install or erect any site fencing, hoardings or site structures*
- *Operate a crane or hoist goods or materials over a footpath or road*
- *Placement of a waste skip (grater than 3m in length) or any container or other article.*

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

67. *Access and facilities for people with disabilities must be provided to and within the building in accordance with the relevant provisions of the Building Code of Australia and AS1428.1, AS4299 and 2890.1 to the satisfaction of the Certifying Authority. Details of the proposed access and facilities for people with disabilities are to be included in the plans / 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:***

68. *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.*

69. *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.*

70. *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.*

71. *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.*

72. *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.*

73. *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.*

74. *Development consent is required to be obtained in relation to the specific 'use' of commercial tenancies/occupancies in accordance with the requirements 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:***

75. *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.*

76. *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.*

77. *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**.*

78. *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**.*

79. *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:***

80. *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.*
81. *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.*
82. *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.*

83. *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.*

84. *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.*
85. *A works-as-executed fire services plan is to be submitted to the Council **prior to occupation** of the development, detailing the location of the essential fire safety measures installed within the building premises.*
86. *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.*
87. *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.*
88. *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.*
89. *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.*
90. *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.*

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

94. *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.*
95. *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.*
96. *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".*
97. *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.*

98. *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.*

99. *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.*

100. *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.*

101. *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*

102. *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.*

103. *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.*

104. *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.*
105. *The applicant/builder is required to hold Public Liability Insurance, with a minimum liability of \$5 million and a copy of the Insurance cover is to be provided to Council*

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

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

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

107. *The following damage/civil works security 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) \$1000.00 - *Damage / Civil Works Security Deposit*

108. *The damage/civil works security 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 and upon the completion of the civil works as conditioned in this development consent by Council. The applicant is to advise Council, in writing, of the completion of all building works and/or obtaining an occupation certificate, if required.*
109. *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.*

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

110. *The applicant must meet the full cost for Council or a Council approved contractor to:*
- a) *Construct a concrete layback at kerb opposite the vehicular entrance to the site in Greenstead Lane.*
  - b) *Replace the existing sandstone kerb and gutter along the Greenstead Lane frontage with concrete kerb and gutter for the full site frontage except opposite the vehicular access.*
  - c) *Carry out full depth, minimum 1.50 metre wide, road construction in front of the new kerb and gutter along the Greenstead Lane site frontage.*
  - d) *Reconstruct any damaged sections of concrete kerb and gutter along the Avoca Street and Alison Road site frontages.*
  - e) *Reconstruct any damaged sections of the footpath along the full site frontage in Avoca Street and Alison Road in accordance with Urban Design Guidelines for Randwick.*
111. *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.*
112. *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.*
113. *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.*
114. *New awnings must be not less than 3m above the footpath at any point and must be setback at least 600mm from the kerb line.*
115. *The proposed traffic signals (to indicate when the car lift is in operation) shall be designed by a suitably qualified traffic engineer and shall be located wholly within the site.*

116. *Prior to the issuing of an occupation certificate, the applicant shall install a sign on the door to the carlift stating "If lift occupied, move vehicle to side of laneway while waiting".*
117. *To improve visibility at the intersection of Greenstead Lane and Alison Road, a minimum 1.5 metre x 1.5 metre splay corner shall be provided at ground level at the intersection of Greenstead Lane and Alison Road. There shall be no walls or planting higher than 600mm located within the splay corner.*
118. *A work zone is to be provided within the vicinity of the subject site 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.*
119. *It is noted that the requirement for a work zone may be waived if it can be demonstrated (to the satisfaction of Council's traffic engineer) that all construction related activities (including all loading and unloading operations) may be undertaken wholly within the site.*

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

120. *The Council's Development Engineer has inspected the above site and have determined that the design alignment level (concrete/paved/tiled level) at the property boundary for driveways, access ramps and pathways or the like, shall be:*

*Avoca Street frontage: Match the back of the existing footpath along the full site frontage.*

*Alison Road frontage: Match the back of the existing footpath along the full site frontage.*

*Greenstead Lane frontage: 40mm below the top of the existing kerb at all points opposite the kerb, along the full site frontage.*

*Any enquiries regarding this matter should be directed to Council's Development Engineer.*

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

121. *The design alignment levels (concrete/paved/tiled level) issued by Council and their relationship to the kerb and footpath must be indicated on the building plans for the construction certificate.*
122. *The above alignment levels and the site inspection by Council's Development Engineer have been issued at a prescribed fee of \$1948 calculated at \$33.00 (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:***



123. *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.*
124. *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.*
125. *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.*
126. *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.*
127. *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.*
128. *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 occupation of the development.*

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

129. *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.*
  - c) *Generally all internal pipelines must be capable of discharging a 1 in 20 year storm flow. However the minimum pipe size for pipes that accept stormwater from a surface inlet pit must be 150mm diameter. The site must be graded to direct any surplus run-off (i.e. above the 1 in 20 year storm) to the proposed drainage 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.*
130. *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.*
131. *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 Council's underground drainage system. 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.*
132. *All site stormwater leaving the site must be discharged by gravity to council's underground drainage system in Alison Road or Greenstead Lane via a new and/or existing kerb inlet pit. It is noted that any new kerb inlet pits shall be constructed in general accordance with Council's standard drawing SD7.*

133. *Design details for the connection into Council's underground drainage system shall be approved by Council's Drainage Engineer prior to the issuing of a construction certificate. The connection shall then be inspected and approved by Council prior to the issuing of an occupation certificate.*
  134. *With the exception of the site discharge pipe, all new pipelines constructed within council's road reserve shall be minimum 375 mm diameter, spigot and socket rubber ringed jointed, steel reinforced concrete pipeline (RRRCP). Prior to backfilling, all pipelines in council's road reserve shall be inspected and approved by the Hydraulic Engineer certifying the works and Council.*
  135. *Site discharge pipelines shall cross the verge at an angle no less than 45 degrees to the kerb line*
  136. *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.*
  137. *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.*
  138. *The detention area must be regularly cleaned and maintained to ensure it functions as required by the design.*
  139. *The stormwater detention area must be suitably signposted where required, warning people of the maximum water level.*
  140. *The maximum depth of ponding in above ground detention areas shall be as follows:*
    - a. *300mm in landscaped areas (where child proof fencing is not provided around the outside of the detention area and sides slopes are steeper than 1 in 10)*
    - b. *600mm in landscaped areas where the side slopes of the detention area have a maximum grade of 1 in 10.*
    - c. *1200mm in landscaped areas where a childproof fence is provided around the outside of the detention area*
- Notes:*
- It is noted that above ground storage will not be permitted in basement carparks or in any area which may be used for storage of goods.*
  - Mulch/bark must not be used in onsite detention areas*
141. *The floor level of all habitable and storage areas adjacent to any above ground 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.*
  142. *(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).*

143. *A childproof and corrosion resistant fastening system shall be installed on access grates over pits/trenches where water is permitted to be temporarily stored.*
144. *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.*

145. *A sediment/silt arrester pit must be provided within the site at or near the street boundary prior to the site stormwater discharging by gravity to the street drainage system.*
146. *The sediment/silt arrester pit shall be constructed in accordance with the following requirements:-*

- *The base of the pit located a minimum 300mm under the invert level of the outlet pipe.*
- *The pit constructed from cast in-situ concrete, precast concrete or double brick.*
- *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 located over the outlet pipe/s (Mascot GMS multipurpose filter screen or equivalent).*
- *The grate being a galvanised heavy-duty grate that has a provision for a child proof fastening system.*
- *A child proof and corrosion resistant fastening system provided for the access grate (e.g. spring loaded j-bolts or similar).*
- *A sign adjacent to the pit stating:*

*"This sediment/silt arrester pit shall be regularly inspected and cleaned."*

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

147. A 'V' drain is to be constructed along the perimeter of the property, where required, to direct all stormwater to the detention area.
148. 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.
149. Prior to the issuing of an occupation certificate, the applicant shall submit to Council, 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).
150. Prior to the issuing of an occupation certificate, the applicant shall submit to the Principal Certifying Authority (PCA) and Council (if Council is not the PCA), 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.
151. As the above site may encounter groundwater/seepage water within the depth of the basement excavation, the basement carpark is 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 (from planter boxes etc) 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).
152. Should temporary dewatering be required at any point during the excavation, the applicant shall contact the Department of Infrastructure Planning and Natural Resources to obtain a temporary dewatering license.

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

153. The retail waste storage area shall be sized to contain a total of 6 x 240 litre bins (3 garbage bins & 3 recycle bins) whilst providing satisfactory access to these bins.

154. *The commercial waste storage area shall be sized to contain a total of 4 x 240 litre recycling bins and 1 x 360 litre garbage bins whilst providing satisfactory access to these bins.*

155. *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 Services, a Waste Management Plan detailing waste and recycling storage and disposal for the development site.*

*The plan shall detail the type and quantity of waste to be generated by the development; demolition waste; construction waste; materials to be re-used or recycled; facilities/procedures for the storage, collection recycling & disposal of waste and the on-going management of waste.*

156. *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.*

157. *The waste storage areas shall be clearly signposted.*

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

158. *A "restriction on the use of land" and "positive covenant" (under section 88E of the Conveyancing Act 1919) shall be placed on the title of the subject property (in conjunction with registration of the plan of subdivision) to ensure that the onsite detention system is maintained and that no works which could affect the design function of the detention system are undertaken without the prior consent (in writing) from Council. Such restriction and positive covenant shall not be released, varied or modified without the consent of the Council.*

*Notes:*

*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.*

*If new linen plans are being prepared for the site, the plans shall indicate the location and dimensions of the detention areas.*

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

160. *All conditions of development consent must be satisfied and all public roads and reserves must be satisfactorily restored prior to endorsement of the subdivision plans.*

161. *The applicant shall provide Council with a survey plan of the property prior to endorsement of the subdivision plans.*

***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 B1 - Structural provisions*
- b) *Part D1 - Provisions for escape, in particular, egress from the basement carpark*
- c) *Part E1 - Fire fighting equipment*
- d) *Part E2 - Smoke Hazard Management*
- e) *Part E4 - Emergency lighting, exit signs and warning systems*
- f) *Part F4 - Light and ventilation, in particular, to the carpark*

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

**MOTION: (Notley-Smith/Woodsmith) CARRIED – SEE RESOLUTION.**

**5.4 DEVELOPMENT APPLICATION REPORT - UNIT 603, 52-56 CARR STREET, COOGEE. (DA39/1990/G)**

H65 **RESOLUTION: (His Worship the Mayor, Cr M. Matson/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.39/90 on property No.52-56 Carr Street, Coogee in the following manner:*

***Condition No. 29 is amended to read:***

*“29 All units, other than those located on levels 9 and 10 and unit 603 shall be used as serviced apartments as defined in the Randwick Local Environmental Plan 1998. Units within levels 9 and 10 and unit 603 may be used as either dwellings or serviced apartments, as defined in Randwick Local Environmental Plan 1998. Dwellings within levels 9 and 10 and unit 603 which are used as serviced apartments must comply with the terms of the approved Management Plan as required by condition 24 of this development consent.”*

- B. *to ensure consistency, the appropriate changes be made to include the appropriate strata plan, namely Lot 4 of SP49851 in this notification.*

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

**5.5 DEVELOPMENT APPLICATION REPORT - 9 THE CAUSEWAY, MAROUBRA. (DA298/2005)**

**(NOTE: A NOTICE OF RESCISSION MOTION WAS HANDED TO THE GENERAL MANAGER PRIOR TO THE CONCLUSION OF THE MEETING AND WILL BE CONSIDERED AT THE HEALTH, BUILDING & PLANNING COMMITTEE MEETING ON TUESDAY, 13<sup>TH</sup> SEPTEMBER, 2005.)**

H66 **RESOLUTION:** *(Nash/Notley-Smith)* that:

A. 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 DA/298/2005 for Construction of a new front hardstand carspace and a new rear inground swimming pool at 9 The Causeway, Maroubra subject to the following conditions:-

1. The development must be implemented substantially in accordance with the amended plans numbered A1-2201, dated 23/03/05 and received by Council on 19 July 2005, the application form and on any supporting information received with the application, except as may be amended by the following conditions and as may be shown in red on the attached plans:

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

2. The proposed front hardstand carspace and associated front fencing, landscaping and concrete paved area shall be deleted from the submitted plans as the carspace is considered inappropriate for the following reasons:

- The proposed hardstand carspace necessitates the removal of the balustrade wall to the existing verandah, which will detract from the overall appearance and design of the existing pair of semi-detached dwellings and the streetscape.
- The proposed hardstand carspace does not comply with the preferred solutions of the DCP for Dwellings and Attached Dual Occupancies in that the structure will occupy more than 35% of the width of the allotment and does not meet the minimum dimension requirements for carparking spaces.
- Once the vehicle is parked in the proposed space it would be difficult to provide adequate street surveillance as the front window will be hindered by the vehicle and will therefore not comply with the performance requirements.

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

3. The applicant is required to provide soft landscaping along the north eastern side boundary, from the eastern corner of the site and is to run the full length of the swimming pool extending a distance of 1 metre off the north eastern side boundary; to maintain reasonable levels of amenity to the adjoining properties and to improve stormwater infiltration.

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

4. External paths and ground surfaces are to be graded and drained away from the building and adjoining premises in such a manner so as not to result in the entry of



*water into a building, or cause a nuisance or damage to the adjoining premises.*

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

5. *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.*

6. *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.*

7. ***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.

8. ***Prior to the commencement of any building works***, the person having the benefit of the development consent must: -

- i) appoint a Principal Certifying Authority for the building work; and*
- ii) appoint a principal contractor for the building work, or in relation to residential building work, obtain an owner-builder permit in accordance with the requirements of the Home Building Act 1989, and notify the Principal Certifying Authority and Council accordingly in writing; and*
- iii) unless the person having the benefit of the consent is the principal contractor (i.e. owner-builder), notify the principal contractor of the required critical stage inspections and other inspections to be carried out, as specified by the Principal Certifying Authority; and*
- iv) give at least two days notice to the Council, in writing, of the persons intention to commence building works.*

*In relation to residential building work, the principal contractor must be the holder of a contractor licence, in accordance with the provisions of the Home Building Act 1989.*

9. *The building works must be inspected by the Principal Certifying Authority (or another certifying authority if the Principal Certifying Authority agrees), in accordance with sections 109 E (3) of the Environmental Planning & Assessment Act 1979 and clause 162A of the Environmental Planning & Assessment Regulation 2000, to monitor compliance with the relevant standards of construction, Council's development consent and the construction certificate.*

*The Principal Certifying Authority must specify the relevant stages of construction to be inspected in accordance with section 81A (2) (b1) (ii) of the Environmental Planning &*

*Assessment Regulation 2000 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 consent is to be maintained by the Principal Certifying Authority. Details of critical stage inspections carried out and copies of certification relied upon must also be forwarded to Council with the occupation certificate.*

*The principal contractor or owner-builder (as applicable) must ensure that the required critical stage and other inspections, as specified in the Principal Certifying Authority's "Notice of Critical Stage Inspections", are carried out to the satisfaction of the Principal Certifying Authority and at least 48 hours notice (excluding weekends and public holidays) is to be given to the Principal Certifying Authority, to carry out the required inspection, before carrying out any further works.*

10. *A sign must be erected and maintained in a prominent position on the site, which contains the following details:*

*name, address, contractor licence number and telephone number of the principal contractor, including a telephone number at which the person may be contacted outside working hours, or owner-builder permit details (as applicable);  
name, address and telephone number of the Principal Certifying Authority; and  
a statement stating that "unauthorised entry to the work site is prohibited".*

11. *An Occupation Certificate must be obtained from the Principal Certifying Authority prior to any occupation of the building work encompassed in this development consent (including alterations and additions to existing buildings), in accordance with the relevant provisions of the Environmental Planning & Assessment Act 1979.*

*The relevant requirements of the Environmental Planning & Assessment Regulation 2000 and relevant conditions of development consent must be satisfied prior to the issuing of an occupation certificate.*

*An Occupation Certificate must not be issued for the development if the development is inconsistent with the development consent and conditions of consent.*

12. *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 provisions 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 principal building contractor and compliance with the provisions of the Home Building Act 1989 (i.e. Details of the principal licensed building contractor and a copy of the Certificate of Insurance) are to be submitted to Council **prior to the commencement of works**, with the notice of appointment of the PCA / notice of intention to commence building work.*

13. *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.*

*At the time of this development consent, Long Service Levy payment is applicable on building work having a value of \$25,000 or more, at the rate of 0.2% of the cost of the works.*

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

14. *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.*
15. *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".*
16. *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 made available to the Council officers and all building contractors for assessment.*
17. *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.*

18. *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.*
19. *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.*
20. *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.*
21. *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.*

22. *Building materials, sand, soil, waste materials or construction equipment must not be placed upon the footpath, roadway or nature strip at any time and the footpath, nature strip and road must be maintained in a clean condition and free from any obstructions, soil and debris at all times.*
23. *Bulk bins/waste containers must not be located upon the footpath, roadway or nature strip at any time without the prior written approval of the Council, 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 Development Control Plan for Exempt & Complying Development and Council's Local Approvals Policy. Applications to place a waste container in a public place can be made to Council's Building Services section.*
24. *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.*

25. *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.*

***The following conditions are applied to ensure compliance with the Swimming Pools Act 1992 and to maintain public safety and amenity:***

26. *Swimming pools are to be provided with childproof fences and self-locking gates, in accordance with the Swimming Pools Act 1992 and regulations.*

*The swimming pool is to be surrounded by a fence having a minimum height of 1.2m, that separates the pool from any residential building situated on the premises and from any place (whether public or private) adjoining the premises; and that is designed, constructed and installed in accordance with AS 1926-1986.*

*Gates to pool area shall be a maximum width of 1 metre, and be self-closing and latching; the gate is required to open outwards from the pool area and prevent a small child opening the gate or door when the gate or door is closed.*

*Temporary pool safety fencing is to be provided pending the completion of all building work and the pool must not be filled until a fencing inspection has been carried out and approved by the principal certifying authority.*

*A sign shall be erected in a prominent position in the immediate vicinity of the swimming pool, in accordance with the document entitled "Policy Statement No.9.4.1: Guidelines for the Preparation of Posters on Resuscitation", published in 1985 by the Australian Resuscitation Council and the sign must bear a notice that contains the words "YOUNG CHILDREN SHOULD BE SUPERVISED WHEN USING THIS SWIMMING POOL", together with details of resuscitation techniques (for adults, children and infants) set out in accordance with the document entitled "Cardio Pulmonary Resuscitation" published by the Australian Resuscitation Council.*

27. *Spa pools are to be provided with a child resistant barrier, in accordance with the provisions of the Swimming Pools Act 1992 and regulations.*

*A sign shall be erected in a prominent position in the immediate vicinity of the swimming pool, in accordance with the document entitled "Policy Statement No. 9.4.1; Guidelines for the Preparation of Posters on Resuscitation", published in 1985 by the Australian Resuscitation Council and the sign must bear a notice that contains the words "YOUNG CHILDREN SHOULD BE SUPERVISED WHEN USING THIS SWIMMING POOL", together with details of resuscitation techniques (for adults, children and infants) set out in accordance with the document entitled "Cardio Pulmonary Resuscitation: published by the Australian Resuscitation Council.*

28. *Swimming pools are to be designed, installed and operated in accordance with the following general requirements: -*

*Backwash of the pool filter and other discharge of water is to be drained to the sewer in accordance with the requirements of the Sydney Water Corporation; and All pool overflow water is to be drained away from the building and adjoining premises, so as not to result in a nuisance or damage to premises.*

***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:***

29. *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 plant and equipment shall not give rise to an LAeq, 15 min 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) in accordance with relevant NSW Department of Environment & Conservation Noise Control Guidelines.*

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

*The operation of swimming pool/spa pool pump and equipment is restricted, if the noise emitted can be heard within a habitable room in any other residential premises, the equipment shall not be operated during the following hours, or, as otherwise specified in relevant Noise Control Regulations: -*

***before 8.00am or after 8.00pm on any Sunday or public holiday; or  
before 7.00am or after 8.00pm on any other day.***

*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:*

31. *There are to be no emissions or discharges from the premises which give rise to a public nuisance or result in an offence under the Protection of the Environment Operations Act 1997 and Regulations.*

#### **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.*

*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.*

*You are therefore advised to consult with Council's Building Certification Services or an accredited certifier prior to submitting your construction certificate application to enable these matters to be addressed accordingly.*

**MOTION: (Andrews/White)** that 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 DA/298/2005 for Construction of a new front

hardstand carspace and a new rear inground swimming pool at 9 The Causeway, Maroubra in accordance with the conditions outlined in the Development Application Report, subject to the deletion of condition two (2) thereby reinstating the proposed hardstand carspace and associated works.

**AMENDMENT: (Nash/Notley-Smith) CARRIED & BECAME THE MOTION.  
MOTION CARRIED – SEE RESOLUTION.**

**5.6 DEVELOPMENT APPLICATION REPORT- 65 BYRON STREET, COOGEE.  
(DA 871/2004)**

(Note: This matter was deferred to the next Ordinary Council meeting on Tuesday, 23<sup>rd</sup> August, 2005 - See Resolution No. H61.)

**5.7 DEVELOPMENT APPLICATION REPORT - 6 GREVILLE STREET,  
CLOVELLY. (DA/338/2005)**

H67 **RESOLUTION:** *(His Worship the Mayor, Cr M. Matson/Notley-Smith) that this application be deferred to the next available Health, Building & Planning Committee meeting to allow submission of the amended plans which address the shortcomings in the design.*

**MOTION: (Andrews/White)** that Council as the responsible authority grant development consent to Development Application No. 88/2004 for alterations and additions to heritage item No. 6 Greville Street, Clovelly NSW 2031, subject to standard conditions.

**PROCEDURAL MOTION: (His Worship the Mayor, Cr M. Matson/Notley-Smith)  
CARRIED – SEE RESOLUTION.**

**5.8 DEVELOPMENT APPLICATION REPORT - 47 DENNING STREET,  
COOGEE. (DA984/2004)**

(Cr Kenny had previously declared a Non-Pecuniary Interest in this item – see Agenda Item 3 of these minutes.)

H68 **RESOLUTION: (Notley-Smith/Woodsmith)** *that Council as the consent authority refuse development consent under Section 80 of the Environmental Planning and Assessment Act 1979 (as amended) to Development Application No. 984/2004 for alterations and additions to the existing multi-unit dwelling, including an extension of Unit 1 on the lower ground level, a fourth floor addition, a garage and a new driveway at 47 Denning Street, Coogee for the following reasons.*

- 1. The proposal does not satisfy the objectives of Clause 10 for Zone No. 2A (Residential A zone), as the development will not maintain the character of the established residential area and where the proposal will adversely affect the amenity of surrounding neighbours.*
- 2. The proposal is inconsistent with Part 4.3 Height, Form and Materials of Development Control Plan Dwelling Houses and Attached Dual Occupancies, as the proposal is excessive in height and scale and is not compatible with the existing character of the locality.*

3. *The proposal is inconsistent with Part 4.3 Height, Form and Materials of Development Control Plan Dwelling Houses and Attached Dual Occupancies, as the proposal does not relate to the topography of the site, with minimal fill.*
4. *The proposal is inconsistent with Part 4.3 Height, Form and Materials of Development Control Plan Dwelling Houses and Attached Dual Occupancies where preferred solution S3 specifies cut and fill should not exceed 1m.*
5. *The proposal is inconsistent with Part 3.1 Solar Access and Energy Efficiency of Development Control Plan Dwelling Houses and Attached Dual Occupancies, as it will have an adverse impact on neighbouring properties in regards to solar access.*
6. *The proposal is inconsistent with Part 4.5 Visual and Acoustic Privacy of Development Control Plan Dwelling Houses and Attached Dual Occupancies, as the development adversely impacts on the adjoining properties in terms of visual and acoustic privacy.*
7. *The proposal is inconsistent with Part 4.8 Fences of Development Control Plan Dwelling Houses and Attached Dual Occupancies, as the proposed fencing will adversely impact on the amenity of occupants of adjoining properties in terms of visual bulk and scale.*

**MOTION: (Notley-Smith/Woodsmith) CARRIED – SEE RESOLUTION.**

**5.9 DEVELOPMENT APPLICATION REPORT - 351 RAINBOW STREET, SOUTH COOGEE. (D1114/2004)**

H69 **RESOLUTION:** *(His Worship the Mayor, Cr M. Matson/Nash) that this application be deferred to the next available meeting to allow for mediation to address the re-design of the outline of the building, including the height of the north-east corner and the rear setback.*

**PROCEDURAL MOTION: (His Worship the Mayor, Cr M. Matson/Nash) CARRIED – SEE RESOLUTION.**

**5.10 DEVELOPMENT APPLICATION REPORT – 1599-1601 ANZAC PARADE, LA PEROUSE. (DA857/2004)**

H70 **RESOLUTION:** *(Andrews/Procopiadis) that:*

- A. *Council as the responsible authority grant its consent under Section 96(2) of the Environmental Planning and Assessment Act 1979 (as amended) to Modify Development Consent No. 857/2004 on property 1599-1601 Anzac Parade in the following manner:*

**Modify Conditions 1 and 26 to read:**

1. *The development must be implemented substantially in accordance with the plans numbered DA-01 Revision A through to DA10 dated 7 December 2004 and submitted 7 December 2004, amended plans submitted to satisfy deferred commencement consent conditions 2 and 3, the application form and on any supporting information received with the application, except as may be amended by the Section 96 plans numbered DA-01 to DA-09 dated 12 May 2005 and stamped received by Council on 27 May 2005,*



*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:*

26. *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) <i>for the provision or improvement of open space</i>           | <i>\$20, 746.16</i> |
| b) <i>for the provision or improvement of community facilities</i> | <i>\$ 9,173.04</i>  |

*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.*

**Add the following conditions:**

135. *The eastern wall of Bedroom 3 to Apartment 12 is to be moved so that the external face of the wall aligns to gridline 3 on the plan (approximately 1.8m westwards). An operable window is to be placed in the southern elevation of the adjacent bathroom. The area created by this change is to be incorporated into the landscaping plan as a planter box. This change is to be reflected at second floor level, reducing the size of the kitchen. An operable window is to be provided to the southern elevation of the ensuite of bedroom 1. This condition is imposed to meet the amenity requirements of SEPP 65. Details are to be provided in the plans submitted with the Construction Certificate application.*

136. *The pergolas, privacy screens and columns to the southern elevation shall be deleted with the exception of the second floor pergolas, which may be constructed as cantilevered structures to retain the openness of this side of the building. This condition is imposed to ensure the openness of the elevation is maintained and to minimise the bulk and scale of this elevation. Details are to be provided in the plans submitted with the Construction Certificate application.*

137. *The northern skylights are to be operable to allow for natural ventilation to bathroom areas. Operation of the skylights must be achieved remotely to avoid the need for residents to reach or climb to open the skylights. Details are to be provided on the plans submitted with the Construction Certificate application.*

**MOTION: (Belleli/Woodsmith)** that this application be refused as the proposed development's departure (1.17:1) from clause 32 (3) Floor Space Ratio (1:1) of the LEP is excessive and the removal of parking spaces will add further pressure on parking in this popular area. **LOST.**

**MOTION: (Andrews/Procopiadis) CARRIED – SEE RESOLUTION.**

(Note: Cr Belleli requested that his name be recorded as opposed to the resolution.)

## **5.11 DEVELOPMENT APPLICATION REPORT – 155-161 AVOCA STREET, RANDWICK. (D/0156/2002)**

H71 **RESOLUTION:** (*His Worship the Mayor, Cr M. Matson/Tracey*) that:

A. Council as the responsible authority grant its consent under Section 96 (2) of the Environmental Planning and Assessment Act 1979 (as amended) to modify Development Consent No. 156/2002/A on property at 155-161 Avoca Street, Randwick in the following manner:

• **Amend Condition No. 1 to read:**

1. *The development must be implemented substantially in accordance with the plans drawn by Overman Zuideveld and numbered A1-01, A1-02, A2-01, A2-02, A2-03, A2-04, A2-05, A2-06, A3-01, A3-02, A4-01 stamped received by Council on 23/07/02, and Revision E of the landscape plan by Taylor Brammer P/L numbered LA01 and stamped received by Council on 23/07/02, the application form and on any supporting information received with the application, except as may be amended by the Section 96 plans numbered with Project No. 04-122 and drawing numbers DA 01-DA 09, dated 20 July 2005 and received by Council on 20 July 2005, only so far as they relate to the modifications 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. 3 to read:**

3. *The external colours, materials and finishes of the proposed development shall be in accordance with the Colours and Materials Board prepared by Civitas Partnership and received by Council on 20 July 2005.*

**Amend Condition No. 5 to read:**

5. *In accordance with Council's Section 94 Contributions Plan adopted on September 1999 a monetary contribution is to be paid to Council for the provision or improvement of public open space in lieu of on site provision for an amount of \$44,565.77. This amount shall be paid by cash or bank cheque prior to the issuing of the construction certificate. Council's Section 94 Contributions Plan may be inspected at the Customer Service Centre, Administrative Centre, 30 Frances Street, Randwick.*

*In accordance with Council's Section 94 Contributions Plan adopted on September 1999 a monetary contribution is to be paid to Council for the provision of community facilities in lieu of on site provision for an amount of \$19,705.38. This amount shall be paid by cash or bank cheque prior to the issuing of the construction certificate. Council's Section 94 Contributions Plan may be inspected at the Customer Service Centre, Administrative Centre, 30 Frances Street, Randwick.*

*In accordance with Council's Section 94 Contributions Plan adopted on September 1999 a monetary contribution is to be paid to Council for the provision of townscape improvements in the Randwick town centre for an amount of \$23,960.56. This amount shall be paid by cash or bank cheque prior to the issuing of the construction certificate. Council's Section 94 Contributions Plan may be inspected at the Customer Service Centre, Administrative Centre, 30 Frances Street, Randwick.*

*In accordance with Council's Section 94 Contributions Plan adopted on September*

*1999 a monetary contribution is to be paid to Council for administration charges for an amount of \$425.00. This amount shall be paid by cash or bank cheque prior to the issuing of the construction certificate. Council's Section 94 Contributions Plan may be inspected at the Customer Service Centre, Administrative Centre, 30 Frances Street, Randwick.*

**Amend Condition No. 19 to read:**

- a. *The twelve (12) commercial spaces and the loading bay shall be clearly marked and all located on the ground floor, with a minimum of one commercial space allocated for each of the commercial tenancies and the loading bay available for use by all tenancies and sign posted accordingly. The stacked spaces shall be allocated to the one tenancy.*

**Amend Condition No. 25 to read:**

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

**Amend Condition No. 51 to read:**

51. *Prior to the issue of a construction certificate, the applicant shall submit for the approval of the Certifying Authority, detailed landscape plans, **in accordance with the amended architectural drawings (DA-02, DA-03 and DA-09, Project 04-122 by Civitas partnership (received 20 July 2005))**, which are to be prepared by a qualified Landscape Architect who is eligible for membership with the Australian Institute of Landscape Architects (AILA). The plans are to include the following requirements:*
  - 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 (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 which are likely to be affected by the development.*
  - b. *A planting plan at a scale of 1:100 or 1:200 indicating the location of all proposed planting and existing trees to be retained. All plants are to be drawn at their mature size with a dense planting of shrubs, accent plants and ground covers within all garden beds so that a continuous planted cover is achieved. Plant spacings are to be clearly indicated for all accent and groundcovers.*
  - c. *A planting schedule listing all plants by botanic & common names, plant numbers, plant spacings for groundcovers and accent planting, pot sizes, the estimated size of the plant at maturity (height & spread) and proposed staking methods when applicable.*

- d. *Additional notation showing soil and mulch details, irrigation details, edging, paving, fencing details, surface finishes, retaining wall details, and any other landscape elements in sufficient detail to fully describe the proposed landscape works.*
- e. *The inclusion of a raised planter (minimum soil depth 1 metre) along the northern side of the proposed lift well/duct space, extending from the eastern edge of Unit 1 to the western edge of Unit 14 on the first floor, and is to incorporate appropriate landscape elements in order to provide effective screening to the windows of the adjoining property to the north.*
- f. *An appropriately constructed pergola to encompass the area bounded by Unit 1, Unit 14, the northern property boundary and the planter referred to in condition 51,e.*
- g. *The provision of an appropriate climber/vine within the planter referred to in condition 51, e, which is capable of covering the entire pergola structure referred to in condition 51, f.*
- h. *The inclusion of a raised planter for the ground level courtyard having a minimum soil depth of 1.5 metres, and incorporating appropriate medium scale planting.*
- i. *Position of existing and proposed site services including water, gas, electricity, sewer, stormwater, etc.*
- j. *Sectional elevations through the site showing the existing and proposed groundlines, building elevations, and mature height of proposed planting.*
- k. *All other planter boxes and garden beds (excluding those referred to in items e and h above) constructed on slab must have a minimum soil depth of 600mm. Planter box details shall be submitted with the detailed landscape elevations through the site showing the existing and proposed groundlines, building elevations and mature height of proposed planting.*

**Amend Condition No. 55 to read:**

- 55. *The residential waste storage area shall be sized to contain a total of 36 x 240L bins (18 garbage bins and 18 recycling bins) whilst providing satisfactory access to the bins.*

**Delete Condition No 23**

**Delete Condition No. 24**

**Delete Condition No 26**

**Additional conditions**

- 101. *All parking spaces and the internal car park layout, including the ramp from the basement carpark and location of security grille shall be in general accordance with*

*Australian Standard (AS) 2890.1 (2004) and shall be detailed as such on the construction certificate plans **prior to the issue of the construction certificate.***

102. *A 1m x 1m splay corner to the north-eastern corner of the commercial bin room shall be shown on the construction certificate plans **prior to the issue of the construction certificate** to improve sightlines around Commercial Car Parking Space No. 13.*
103. *Development consent is required to be obtained in relation to the specific 'use and operation' of commercial tenancies/occupancies and 'shop fit out works', in accordance with the relevant requirements of the Environmental Planning & Assessment Act 1979.*
104. *Signs shall be appropriately placed along the driveway limiting vehicular speed to 8km per hour along the length of the driveway. Location of the signs shall be shown on the construction certificate plans to the satisfaction of a qualified practising traffic engineer **prior to the issue of a construction certificate.***
105. *No works, including landscaping works, shall be undertaken on the easement for light and air on the northern side of the site and this shall be confirmed with the construction certificate plans by way of survey and title deeds **prior to the issue of the construction certificate.***
106. *The applicant shall install a convex mirror at the top of the basement driveway to improve sight distance for vehicles exiting the basement carpark.*
107. *The right of carriageway burdening the site shall be kept clear at all times. There shall be no works undertaken within this area that would obstruct access.*
108. *Amended plans be submitted to the satisfaction of the Director City Planning showing the door serving Unit 7 on Albert Street being relocated to Avoca Street.*

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

## **6. GENERAL BUSINESS.**

Nil.

## **7. NOTICE OF RESCISSION MOTIONS.**

A Notice of Rescission Motion on Item 5.5, Development Application Report – 9 The Causeway, Maroubra was handed to the General Manager prior to the conclusion of the meeting and will be considered at the Health, Building & Planning Committee Meeting to be held on Tuesday, 13<sup>th</sup> September, 2005.

The meeting closed at 9.47 p.m.

.....  
CHAIRPERSON