

**MINUTES OF HEALTH BUILDING AND PLANNING COMMITTEE MEETING OF  
THE COUNCIL OF THE CITY OF RANDWICK  
HELD ON TUESDAY, 8TH NOVEMBER 2005 AT 6:32 PM**

**PRESENT:**

His Worship the Mayor, Cr T. Seng (Central Ward)

Councillor B. Notley-Smith (East Ward) (Chairperson)

North Ward	-	Crs J. Kenny, P. Tracey & M. Woodsmith
South Ward	-	Crs R. Belleli & A. White
East Ward	-	Crs M. Matson & D. Sullivan (from 6.46 p.m.)
West Ward	-	Crs B. Hughes, S. Nash & J. Procopiadis
Central Ward	-	Crs A. Andrews & C. Bastic (from 7.45 p.m.)

**OFFICERS PRESENT:**

General Manager	Mr. R. Brownlee.
Director, City Services	Mr. J. Frangoules.
Director, City Planning	Ms. S. Truuvvert.
Director, Governance & Financial Services	Mr. G. Banting.
Manager Environmental Planning	Ms. K. Armstrong.
Manager Development Assessment	Mr. K. Kyriacou.
Manager Administrative Services	Mr. D. Kelly.
Communications Manager	Ms. D. Brien.
Manager, Policy, Planning & Performance	Ms. K. Walshaw.

**1. APOLOGY.**

An apology was received from Cr Daley.

**RESOLVED:** (Andrews/Belleli) that the apology from Cr Daley for non-attendance at the Health, Building & Planning Committee Meeting of the Council held on Tuesday, 8<sup>th</sup> November, 2005 be received & accepted.

**2. MINUTES.**

**CONFIRMATION OF THE MINUTES OF THE HEALTH, BUILDING AND PLANNING COMMITTEE MEETING HELD ON TUESDAY, 11<sup>TH</sup> OCTOBER, 2005.**

H101 **RESOLUTION:** (Belleli/Kenny) that the Minutes of the Meeting of the Health, Building and Planning Committee held on Tuesday, 11<sup>th</sup> October, 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**

Nil.

### **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 DEVELOPMENT APPLICATION REPORT - 214 GARDENERS ROAD, KINGSFORD.**

The Applicant            Mr Peter Kirchner            98 Tunstall Avenue, Kingsford  
(on behalf of the applicant)

#### **5.2 DEVELOPMENT APPLICATION REPORT - 8 SMITHFIELD AVENUE, COOGEE.**

The Objector            Mr Mark Rainbird            12 Smithfield Ave, Randwick

The Applicant            Mr Dean Bramble            8 Smithfield Avenue, Coogee

#### **5.3 DEVELOPMENT APPLICATION REPORT - 665-667 ANZAC PARADE, MAROUBRA.**

The Objector            Ms Lesley Weisfeld            14 Everett Street, Maroubra

The Applicant            Mr Joe Sassine            33 Balfour Road, Kensington

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

The Applicant            Mr Mike Ryan            6 Greville Street, Clovelly

#### **5.5 DEVELOPMENT APPLICATION REPORT – 152-156 BARKER STREET, RANDWICK.**

The Objector            Mr Reg Inglis            Young Street, Randwick

#### **5.6 DEVELOPMENT APPLICATION REPORT - 26 MARINE PARADE, MAROUBRA.**

The Applicant            Ms Genevieve Slattery            110-114 Kippax Street, Surry Hills  
(on behalf of the applicant)

#### **5.7 DEVELOPMENT APPLICATION REPORT - 110-122 AVOCA STREET, RANDWICK.**

The Applicant            Mr Anthony Betros            301/282 Oxford Street, Bondi Junction  
(on behalf of the applicant)

**5.9 DIRECTOR, CITY PLANNING REPORT 82/2005 - AMENDED PLANS AND MEDIATION OUTCOME FOR DEVELOPMENT APPLICATION 68/2005 AT 47-53 DUDLEY STREET, COOGEE.**

The Objector            Ms Jane Becker                            80 Dudley Street, Coogee

The Applicant            Mr Anthony Betros                            301/282 Oxford Street, Bondi Junction  
(on behalf of the applicant)

The meeting was adjourned at 7.24 p.m. and was resumed at 7.45 p.m.

**5. DEVELOPMENT APPLICATIONS.**

**RESOLVED: (PROCEDURAL MOTION) (Seng/Andrews)** that Item 5.9, Director, City Planning Report 82/2005 - Amended Plans and Mediation outcome for Development Application 68/2005 at 47-53 Dudley Street, Coogee be dealt with as the first item of business on the agenda.

(Note: Item 5.9 was dealt with at this stage of the meeting - See Minute No. H108)

**5.1 DEVELOPMENT APPLICATION REPORT - 214 GARDENERS ROAD, KINGSFORD. (DA327/2004)**

H102 **RESOLUTION: (Procopiadis/Hughes) that:**

- A. *Council's original determination of Development Application No. 327/2004 dated 9 November 2004 to include mechanical repair area to the existing auto electrician workshop for 214 Gardeners Road, Kingsford NSW 2032 be rescinded.*
- 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. DA/327/2004 for permission to include mechanical repair area to the existing auto electrician workshop at 214 Gardeners Road, KINGSFORD, subject to the following conditions:-*
  1. *The development must be implemented substantially in accordance with the survey plans numbered Ref No. 8165 Sheet 1 and Ref No. 8165 Sheet 2, dated 24 May 2001 and received by Council on 5 May 2004 and 21 June 2004 respectively, 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 maintain reasonable levels of environmental amenity.***

2. *The hours of the operation of the workshops are restricted to:- Monday through to Friday, inclusive from: 7:30am to 6:00pm. Saturdays, from: 8:00am to 2:00pm.*
3. *The hours of operation of the spare parts and accessories shop shall be limited to 7:30am to 6:00pm Monday to Friday and 8:00am to 2:00pm Saturday.*

4. *The consent of Council must be obtained prior to the erection of any advertising unless exempted under Council's Development Control Plan - Exempt and Complying Development.*
5. *No vehicles under or awaiting repair or other services are to be located upon Council's roadway, footways, or reserves at any time.*
6. *Any vehicles required to be kept overnight on the premises must be stored wholly within the workshops of the premises.*
7. *Hoists are not permitted to be installed under the outside awning.*
8. *All tow trucks and vehicles over two tonnes shall enter and exit the site via the intersection of Tunstall Avenue and Gardeners Road.*
9. *No panel beating activities are to be carried out on the premises at any time.*

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

10. *The premises shall provide parking for 11 vehicles in the manner indicated on the approved plans. The spaces are to be permanently marked by line work to define each space.*

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

11. *The use and operation of the premises shall not give rise to an environmental health or public nuisance.*
12. *The proposed use of the premises and the operation of all plant and equipment shall not give rise to an 'offensive noise' as defined in the Protection of the Environment Operations Act 1997 and Regulations.*

*In this regard, the 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).*

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

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

14. *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.*

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

**5.2 DEVELOPMENT APPLICATION REPORT - 8 SMITHFIELD AVENUE, COOGEE. (DA/458/2005)**

H103 **RESOLUTION: (Andrews/Belleli) 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 458/2005 for Ground and first floor additions to the existing semi-detached cottage including new rear deck, inground pool, new garage and front carport at 8 Smithfield Avenue, Coogee subject to the following conditions:-*
1. *The development must be implemented substantially in accordance with the plans in 5 sheets drawn by John Spiteri Design & Drafting numbered drawing no. 05.128A, dated May 2005 and received by Council on 7 September 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 colours, materials and finishes of the external surfaces to the building are to be compatible with the adjacent development to maintain the integrity and amenity of the building and the streetscape.*  
  
*Details of the proposed colours, materials and textures (i.e. a schedule and brochure/s or sample board) are to be submitted to and approved by Council's Director of Planning & Community Development, in accordance with section 80A (2) of the Environmental Planning and Assessment Act 1979 prior to a construction certificate being issued for the relevant building works.*
3. *Approval is not granted for construction of the carport to the front of the site and this structure is to be deleted from the plans submitted with the Construction Certificate application.*
4. *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.*
5. *A privacy screen having a minimum height of 1.8m measured from finished deck level is to be provided to the northern and southern edges of the rear deck. The screen shall be constructed of timber lattice or slats at a spacing that does not allow for direct view*

*into adjoining properties. Details of compliance are to be provided in the construction certificate plans.*

6. *The sill height of all south facing windows at first floor level are to be increased to be a minimum height of 1.7m above floor level, or alternatively, the windows are to be fixed and provided with translucent, obscured, frosted or sandblasted glazing below 1.7m above floor level.*
7. *Eaves, gutters, hoods and similar structures or attachments are required to be setback from the side boundaries of the allotment a minimum distance of 500mm and details of compliance are to be included in the construction certificate details.*
8. *There must be no encroachment of any part of the structures onto the adjoining premises or onto Council's road reserve, footway or public place.*
9. *Any gate openings shall be constructed so that the gates, when hung, will be fitted in such a manner that they will not open over the footway or public place.*
10. *All plumbing and drainage pipes, other than rainwater heads, gutters and downpipes, must be concealed within the building.*
11. *Street numbering must be provided to the premises in a prominent position, to the satisfaction of Council.*
12. *No cooking facilities or sanitary fittings other than those indicated on the approved plans are to be installed in the premises without the prior written consent of the Council.*
13. *The fence on the street alignment is to be a maximum height of 1.8m and be designed so that the upper two thirds of the fence is at least 50% open, to maintain reasonable levels of amenity to the adjoining residential development and the streetscape.*

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

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

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

16. *New 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.*

***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:***

17. *Surface water/stormwater must be drained and discharged to the street gutter or suitably designed absorption pit, to the satisfaction of the Certifying Authority and details are to be included in the construction certificate application for the development.*

*Absorption pits must be located not less than 3m from any adjoining premises and the stormwater must not be directed or flow onto any adjoining premises or cause a nuisance.*

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

18. *External paths and ground surfaces are to be constructed at appropriate levels and be graded and drained away from the building and adjoining premises, so as not to result in the entry of water into the 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:***

19. *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.*

20. *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.*

21. ***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.***

22. ***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.*

23. *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.*

24. *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".*

25. *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.*

26. *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 and must also be provided to Council with the occupation certificate.*

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

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

*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.*

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

*Provisions.*

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

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

*Smoke alarms are not to be located in ‘dead-air-spaces’, in the corner junction of walls and ceilings between exposed rafters/joists or at the apex of raked ceilings, as detailed in Part 3.7.2 of the Building Code of Australia – Housing Provisions.*

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

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

30. *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.*
31. *Any building/demolition works involving asbestos products are to be carried out in accordance with WorkCover New South Wales requirements, guidelines and codes of practice.*
32. *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.*
33. *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.*

34. *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.*

*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.*

35. *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.*

36. *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.*

37. *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.*

38. *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.*

39. *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*

40. *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.*

41. *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.*

*Temporary site 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 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.*

42. *Any part of Council's nature strip which is damaged as a result of the work must be back-filled, top-soiled and re-turfed with kikuyu turf prior to occupation or finalisation of the development, to Council's satisfaction.*
43. *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, 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 group of conditions have been applied to ensure the structural adequacy and integrity of the proposed building and adjacent premises:***

44. *A Certificate of Adequacy supplied by a professional engineer shall be submitted to the certifying authority (and the Council, if the Council is not the certifying authority) **prior to a construction certificate being issued** for the development, certifying the structural adequacy of the existing structure to support the additional storey.*

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

45. *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.*

46. *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.*

47. *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 provide adequate provisions for access,*

*transport and infrastructure:*

48. *The applicant must meet the full cost for Council or a Council approved contractor to:
  - a) *Reconstruct the existing concrete layback and vehicular crossing if required; and*
  - b) *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.**
49. *The applicant shall note that all external work, carried out on Council property, shall be in accordance with Council's Policy for "Vehicular Access and Road and Drainage Works". An application for the cost of the Council civil works is to be submitted to Council at the completion of the internal building works. An application fee shall be payable to Council for the quotation of the required works. The applicant may elect to use his contractor for the required works, subject to Council approval, however a design and supervision fee based on the lowest quotation from Council's nominated contractor will be required to be paid prior to the commencement of any works.*

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

50. *The Council's Department of Asset & Infrastructure Services has inspected the above site and have determined that the design alignment level (concrete/paved/tiled level) at the property boundary for driveways, access ramps and pathways or the like, must match the back of the existing footpath along the full site frontage.*
51. *The above alignment levels and the site inspection by Council's Department of Asset & Infrastructure Services have been issued at a prescribed fee of \$121.00 (inclusive of GST). This amount is to be paid prior to a construction certificate being issued for the development.*
52. *The top of footings of any structures constructed on the boundary alignment must be at least 150mm below the existing Council footpath level.*

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

53. *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.*
54. *The applicant must meet the full cost for telecommunication companies, gas providers, Energy Australia and Sydney Water to adjust/repair/relocate their services as required. The applicant must make the necessary arrangements with the service authority.*

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

55. *All new floor areas at the rear of the site shall be raised to a minimum level of RL*

17.43 m (AHD) (as shown on the submitted Drawing 05.128 (A)).

56. *The proposed coping around the edge of the pool shall be raised to a minimum RL of 17.43 m (AHD)*
57. *All new floor areas (excluding the garage and carport) shall be suspended on piers/columns with the area beneath being left open to allow infiltration of stormwater runoff.*
58. *With the exception of the pool filter (shown on the submitted plans) and the approved timber deck, the eastern 12 metres of the rear yard shall be kept clear at all times to facilitate overland flows. There shall be no change in ground level within this area.*
59. *The portion of the proposed timber decking at the eastern end of the pool (which encroaches into the 12 metre wide overflow path) shall be suspended on slender columns and the area beneath left clear to ensure that flows are not impeded. Further, the underside of the deck (in the area over the flow path) shall be raised to a minimum RL of 17.53 m (AHD).*
60. *Any new exterior paving within the development site (excluding the driveway) shall be constructed with a permeable brick paving or other similar material that will allow stormwater to infiltrate to ground (eg Rocla permeable paving or similar).*
61. *All stormwater runoff from the redeveloped portions of the site (for all storms up to and including the 1 in 100 year storm event) shall be collected and discharged to Smithfield Street. A dual pipe system shall be provided adjacent to the southern boundary to facilitate flows from the rear yard through to Smithfield Street in the event of one pipe becoming blocked.*
62. *All footings shall be suitably designed to ensure that they will not be adversely affected by stormwater/floodwater.*

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

63. *That part of the naturestrip upon Council's footway which is damaged during the construction of the proposed works shall be excavated to a depth of 150mm, backfilled with topsoil equivalent with 'Organic Garden Mix' as supplied by Australian Native Landscapes, and re-turfed with Kikuyu turf or similar. Such works shall be completed at the applicants expense prior to the issue of a final Occupation Certificate.*
64. *The naturestrip upon Council's footway shall be maintained by the applicant in accordance with Council guidelines. Such maintenance shall include, but not be limited to, watering, mowing, fertilising, and the removal of weeds.*
65. *Approval is granted for the removal of the following tree subject to the planting of 1 x 25 litre broad canopied replacement tree (not a palm) within the rear yard of the site. The species selected shall be a native which will attain a minimum height of 8 metres at maturity.*
  - a) *One Persea americana (Avocado Tree) in the rear yard, close to the*

*southeast corner of the site.*

66. *Permission is granted for the selective pruning of only those overhanging branches or fronds that need to be removed in order to accommodate the proposed carport, site/machinery access, ground floor extension and first floor addition and associated scaffolding, as follows;*
- a) The two Syagrus romanzoffianum (Cocos Palms) in the rear yard of 10 Smithfield Street, close to the common boundary,*
  - b) One Hibiscus tiliaceus (Cottonwood), and immediately to the east, one Jacaranda mimosifolia (Jacaranda) both in the rear yard of 14 Smithfield Street, close to the common boundary,*
  - c) One Agonis flexuosa (Willow Myrtle), and immediately to the east, one Ficus microcarpa var. 'Hillii' (Hills Weeping Fig) in the rear yard of 16 Smithfield Street, close to the common boundary.*
  - d) One Cotoneaster and one Citrus reticulata (Mandarin Tree) located in the rear yard of 6 Smithfield Street, close to the common boundary.*

*This approval does not imply any right of entry onto a neighbouring property nor does it allow pruning beyond a common boundary. However, where such measures are desirable in the best interests of correct pruning procedures, it shall be necessary for the applicant to negotiate with the tree owner.*

*All pruning must be undertaken by a qualified Arborist, with suitable qualifications in Arboriculture and to Australian Standard AS 4373-1996 'Pruning of Amenity Trees'. A brief written statement confirming compliance with this condition shall be submitted to the satisfaction of the certifying authority, prior to the issue of an occupation certificate.*

67. *The following measures are to be undertaken to ensure the retention of: the Hibiscus tiliaceus (Cottonwood) and Jacaranda mimosifolia (Jacaranda) in the rear yard of 14 Smithfield Street; the Agonis flexuosa (Willow Myrtle) and Ficus microcarpa var. 'Hillii' (Hills Weeping Fig) in the rear yard of 16 Smithfield Street; and the Cotoneaster and Citrus reticulata (Mandarin Tree) in the rear yard of 6 Smithfield Street (close to the common boundary):*
- (a) All detailed architectural, building, demolition and engineering (structural, stormwater & drainage, services) documentation submitted for the construction certificate application shall show the retention of the existing specimens with the position of their trunks and full diameter of their canopies clearly shown on all drawings.*
  - (b) There is to be no storage of materials or machinery or site office/sheds, nor is cement to be mixed or chemicals spilt/disposed of and no stockpiling of soil or rubble within the driplines of these trees.*
  - (c) Any excavations required for footings, structures, retaining walls, pipes etc within 2 metres of the site boundaries, beneath the extent of the driplines of the subject trees, shall be undertaken by hand and under the direction of, and to the satisfaction of, a suitably qualified Arborist with all roots being cleanly cut.*



**ADVISORY MATTERS:**

- A1 *The applicant is to advise Council in writing and/or photographs of any signs of existing damage to the Council roadway, footway, or verge prior to the commencement of any building/demolition works.*
- A2 *Building or excavations works must not be commenced until a construction certificate has been obtained from Council's Building Certification Services or an Accredited Certifier and either Council's Building Certification Services or an Accredited Certifier has been appointed as the Principal Certifying Authority for this development.*
- A3 *The applicant is advised that the Construction Certificate plans and specification must comply with the provisions of the Building Code of Australia (BCA) and the construction certificate must not be inconsistent with the development consent.*

*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 ensure that the development is not inconsistent with Council's consent and 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/Belleli) CARRIED – SEE RESOLUTION.**

**5.3 DEVELOPMENT APPLICATION REPORT - 665-667 ANZAC PARADE, MAROUBRA. (D0355/2005)**

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

- A. *Council assume the concurrence of the Director of Planning to vary the provisions of Clause 42D (6) and of Randwick Local Environmental Plan 1998 (as amended) relating maximum number of storeys and corresponding building height for Demolition of the two detached mixed-use developments and erection of a five storey mixed use development incorporating two levels of basement parking, ground floor retail premises and three storeys of multi-unit dwellings above for development Application No. 355/05 at 665-667 Anzac Pde Maroubra subject to the following conditions:-a under State Environmental Planning Policy No. 1 and,*
- B. *Council as the responsible authority grant its development consent under the provisions of Section 80 (3) of the Environmental Planning and Assessment Act 1979 (as amended), "Deferred Commencement" to Development Application No 355/05 for Demolition of the two detached mixed-use developments and erection of a five storey mixed use development incorporating two levels of basement parking, ground floor retail premises and three storeys of multi-unit dwellings above 665-667 Anzac Pde Maroubra subject to the following conditions:-*

*The consent shall not operate until the applicant satisfies Council as to the following matters within 12 months from the date of this notice to following requirements are to be adequately addressed to the satisfaction of the Director of City Planning:-*

- 1. Windows provided to the western elevation overlooking neighbouring properties to Shepherd St shall be fitted with external louvres to ensure sightlines to the west are minimised and to provide additional shading to these units from the westerly sun*
- 2. The western elevation of the upper level shall be angled back to match the roof form/treatment provided to the northern and eastern elevations.*
- 3. 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.*

- 4. An Environmental Toolkit shall be prepared and submitted to Council for approval in accordance with the requirements of the Maroubra Junction Town Centre Development Control Plan*
- 5. A Total Energy Strategy shall be prepared and submitted to Council for approval in accordance with the requirements of the Maroubra Junction Town Centre Development Control Plan*

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

### ***Conditions of Consent***

*Subject to compliance with the deferred commencement condition, to the satisfaction of the Director City Planning, development consent be granted under Section 80 and 80A of the Environmental Planning and Assessment Act 1979 (as amended) to Development Application No. DA355/2005 for demolition of the new detached mixed-use developments and erection of a five storey mixed use development incorporating two levels of basement parking, ground floor retail premises and three storeys of multi-unit dwellings above, subject to the following conditions:-*

### ***REFERENCED PLANS:***

- 1. The development must be implemented substantially in accordance with the plans numbered 0437 B01 through to B12 and A 13 dated 1/12/04, plot dated 25 August 2004 and received by Council on 25 August 2005, perspective montage photographs received by Council on 25 August 2005 and 19 October 2005, the application form and on any supporting information received with the application, except as may be amended by the details approved pursuant to the Deferred Conditions and by the following conditions and as may be shown in red on the attached plans.*
- 2. The rooms identified as media studios within the development shall remain as studios*

*and not be converted into and used as bedrooms without the specific approval of Council. These rooms shall have office furniture permanently built into the space as detailed in the approved plans.*

3. *Street numbering must be provided to the premises in a prominent position, to the satisfaction of Council.*
4. *A single common television aerial, and/or satellite dish (having a maximum diameter of 700mm and not located on the front or street elevation of the building) is to be installed to serve the development.*
5. *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.*
6. *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.*
7. *A rainwater tank, of sufficient size to provide water for irrigation of all landscaped areas within the development, is to be provided to the development in accordance with Council's Rainwater Tank Policy*

*The tank is to be located a minimum of 1.5m 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 relevant construction certificate and landscape plans, to the satisfaction of the Certifying Authority.*

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

#### **SECTION 94:**

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

8. *In accordance with Council's Section 94 Contributions Plan effective from 2 September 1999, the following monetary contribution is to be paid to Council.*
  - a) *for the provision or improvement of open space* \$20,660.80
  - b) *for the provision or improvement of community facilities* \$9,135.20
  - c) *for the provision of townscape improvements* \$5,664.87
  - d) *Administration fee* \$425

*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.*

9. *Adequate provisions are to be made within the premises for the storage, collection and disposal of waste and recyclable materials, to the satisfaction of Council.*
10. *All plumbing and drainage pipes, other than rainwater heads, gutters and downpipes, must be concealed within the building.*
11. *Power supply and telecommunications cabling to the development shall be underground.*
12. *The reflectivity index of glass used in the external façade of the development must not exceed 20 percent. The details and samples of the glass to be used are to be submitted with the colour and material schedule for the approval of Council's Director of Planning & Community Development, **prior to the commencement of works.***
13. *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.*

14. *Lighting shall be provided throughout the common area for pedestrian safety however shall not be fitted so as to cause nuisance to neighbouring properties.*
15. *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.*
16. *The finished height and design of the awning shall be generally consistent with the awning line within the streetscape in particular the awning to Bowen Library.*
17. *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.*

18. *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.*
19. *External timber or metal framed and brick veneer walls and roofs are to be provided with insulation (i.e. bulk insulation and a reflective building membrane/reflective sarking/foil insulation), having a minimum total thermal resistance R-value of 3.0 in roofs and 1.5 in external walls. The insulation and reflective building membrane is to be installed in accordance with the relevant requirements of the Building Code of Australia and the manufacturer's details.*

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

20. *A formal strata subdivision development application and strata certificate application are required to be submitted to and approved by the Council and all conditions of this development consent are required to be satisfied prior to the release of the subdivision plans.*
21. *Mailboxes shall be provided to the site in accordance with Australia Post guidelines.*

***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:***

22. *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.*
23. *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.*
24. *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.***
25. *The location and height of the discharge of mechanical ventilation and exhaust systems are required to satisfy the relevant provisions of the Building Code of Australia and AS 1668 and details are to be provided in the relevant plans / specifications for the **construction certificate.***

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

26. *The residential units are to achieve the following internal acoustic amenity criteria:*
  - a) *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.
- b) *In residential units provided with mechanical ventilation, air conditioning or other complying means of ventilation, when doors and windows are shut, the repeatable maximum 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.***

27. *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).*

28. *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.*
29. *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, acoustic report number: 1534 prepared by RSA Acoustics and conditions of Council's approval, to the satisfaction of Council's Manager Environmental Health & Building Services.*

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

30. *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.*
31. *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.*
  32. ***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.*
  33. ***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.*

34. *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.*

35. *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”.*
36. *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.*

37. *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.*

38. *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.*

39. *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.*

40. *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.*

41. *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:***

42. *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**.*

43. *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 abovestated premises, **prior to the commencement of any works**.*

44. *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.***
45. *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:***

46. *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.*
47. *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.*
48. *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.*
49. *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.*

50. *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.*
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. *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.*
  53. *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.*
  54. *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.*
  55. *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.*
  56. *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.*
  57. *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.*

58. *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.*
59. *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.*
60. *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.*

61. *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.*

62. *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.*

63. *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.*

64. *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.*
65. *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.*

66. *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.*

67. *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:***

68. *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**.

### **Security Deposit Conditions**

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

69. 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:

70. 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. Details are to be submitted to the Certifying Authority prior to the release of the construction certificate showing compliance with this condition.

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

- i. Construct a heavy-duty concrete vehicular crossing and layback at kerb opposite the vehicular entrance to the site in Shepherd Street.
- ii. Remove any redundant concrete vehicular crossings and laybacks in both Anzac Parade and Shepherd Street and to reinstate the area with concrete footpath, turf and integral kerb and gutter to Council's specification.
- iii Reconstruct any damaged sections of kerb and gutter (including associated road

- works) for the full site frontage in both Anzac Parade and Shepherd Street except opposite the vehicular entrance.
- iv. *Reconstruct a full width footpath along the full site frontage in Anzac Parade in accordance with the Commercial Guidelines for Maroubra Commercial Centre. This shall include street trees and tree squares/grates to Council's requirements.*
  - v. *Reconstruct the concrete footpath along the full site frontage in Shepherd Street. Any unpaved areas on the nature strip must be turfed and landscaped to Council's specification.*
72. *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.*
  73. *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.*
  74. *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.*
  75. *A Works Zone is to be provided in Shepherd 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.*
  76. *Awnings must be not less than 3m above the footpath at any point and must be setback at least 600mm from the kerb line.*
  77. *Upon completion of the construction of the awning, certification of the structural adequacy of the awning must be provided to the Council.*

### ***Alignment Level Conditions***

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

78. *The Council's Development Engineer has inspected the above site and has 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:*

- **Shepherd Street:** *Match the back of the existing footpath along the full site frontage*
- **Anzac Parade:** *Match the back of the existing footpath along the full site frontage*

*Any enquiries regarding this matter should be directed to Council's Development Engineer on 9399 0881.*

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

79. *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.*
80. *The above alignment levels and the site inspection by Council's Development Engineer have been issued at a prescribed fee of \$1837 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:***

81. *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.*
82. *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.*
83. *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.*
84. *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.*
85. *A Section 73 Compliance Certificate under the Sydney water Act 1994 must be obtained from Sydney Water Corporation.*

*Application must be made through an authorised Water Servicing Coordinator. Please refer to the Building Developing and Plumbing section of the website [www.sydneywater.com.au](http://www.sydneywater.com.au) then refer to "Water Servicing Coordinator" under Developing Your Land" or telephone 13 20 92 for assistance.*

*Following application a “Notice of Requirements” will advise of water and sewer infrastructure to be built and charges to be paid. Please make early contact with the Coordinator, since building of water/sewer infrastructure 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:***

86. *The floor level of all habitable and storage areas (excluding the garbage rooms) shall be at a minimum RL of 26.10 (AHD) or suitably waterproofed up to this same level. The floor level of the garbage rooms shall be at a minimum RL of 26.00 (AHD) as detailed on the submitted ground floor plan.*
87. *The proposed internal driveway must be designed with a high point at a minimum RL of 25.80 (AHD). The submitted ground floor plan demonstrates compliance with this requirement.*
88. *All windows, vents and other openings into the basement carpark (excluding the driveway opening) must be located at a minimum RL of 26.10 (AHD).*
89. *All structural walls on the ground floor level shall be designed to **structurally** withstand hydrostatic pressure/stormwater inundation from floodwater during the probable maximum flood (PMF) event as defined in the Floodplain Management Manual (New South Wales Government, January 2001). Structural Engineering certification confirming that this condition has been complied with shall be submitted to the certifying authority prior to the issuing of a construction certificate.*

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

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 Shepherd Street, via a new and/or existing kerb inlet pit; AND/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 SD7a.*
  - 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. 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 5** year storm of 1 hour duration for the existing site conditions. All other stormwater run-off from the above site for all storms up to the 1 in 20 year storm is to be retained on the site for gradual release to the kerb and gutter or drainage system as required by the Development Engineer. 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.***

94. *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 into the ground. Groundwater and any rock stratum has to be a minimum of 2.0 metres below the base of the tank for infiltration to be effective.*

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 any above ground detention areas (and/or infiltration systems with above ground storage) shall be as follows:*
99. *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)*
100. *600mm in landscaped areas where the side slopes of the detention area have a maximum grade of 1 in 10.*
101. *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 car parks or in any area which may be used for storage of goods.*

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

102. *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.*
103. *The floor level of all habitable and storage areas adjacent to any above ground detention areas (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).*
104. *A childproof and corrosion resistant fastening system shall be installed on access grates over pits/trenches where water is permitted to be temporarily stored.*
105. *A 'V' drain is to be constructed along the perimeter of the property, where required, to direct all stormwater to the detention/infiltration area.*
106. *Site discharge pipelines shall cross the verge at an angle no less than 45 degrees to the kerb line.*
107. *A reflux valve shall be provided (within the site) over the pipeline discharging from the site to ensure that stormwater from the Council drainage system does not surcharge back into the site stormwater system.*
108. *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.*

109. *A sediment/silt arrester pit must be provided:-*
110. *within the site at or near the street boundary prior to the site stormwater discharging by gravity to the kerb/street drainage system; and*
111. *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.***

112. *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 Development Engineer.*

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

113. *One covered car washing bay 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.*

114. *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 area 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).*
115. *Prior to the issuing of an occupation certificate, the applicant shall submit to the Principal Certifying Authority (PCA) and Council, certification from a suitably qualified and experienced 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 inspections 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:***

116. *The residential waste storage area shall be sized to contain a total of 14 x 240 litre bins (7 garbage bins & 7 recycle bins) whilst providing satisfactory access to these bins.*
117. *The commercial waste storage area shall be sized to contain a total of 10 x 240 litre bins (5 garbage bins & 5 recycle bins) whilst providing satisfactory access to these bins.*
118. *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.*
119. *The waste storage areas shall be clearly signposted.*
120. *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.*

## Landscape Conditions

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

121. *Landscaping at the site shall be installed substantially in accordance with the Landscape Plan prepared by Greenplan, job number 05.707, sheet number LSK 01, dated 18.03.05 and stamped received at Council on 10th May 2005, subject to the following additional requirements being shown on an amended plan, to the satisfaction of the certifying authority, prior to the issue of a construction certificate:*
122. *Position of existing and proposed site services including water, gas, electricity, sewer, stormwater, etc.*
123. *Sectional elevations through the site showing the existing and proposed groundlines, building elevations, and mature height of proposed planting.*
124. *All planter boxes and garden beds constructed on slab having a minimum soil depth of 600mm. Planter box details shall be submitted with the detailed landscape plans.*
125. *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.*
126. *Landscaped areas must contain a predominance of species that require minimal watering once established or species with water needs that match rainfall and drainage conditions.*
127. *Prior to the issue of a construction certificate, a landscape design plan for the Anzac Parade frontage of the development shall be submitted to, and be approved by, Council's Director of City Planning in accordance with Section 80A(2) of the Environmental Planning and Assessment Act 1979. The plan shall be prepared in general accordance with Council's Urban Design Guidelines for the Maroubra Junction Commercial Centre, with the exception of the paving colour which shall match the colour of the paving in front of the adjoining property to the south. The paving is to extend beyond the northern boundary, and terminate at the back of the pram ramp on the corner of Anzac Parade and Shepherd Street.*

*Note: Council's Urban Design Guidelines for the Maroubra Junction Commercial Centre are detailed on the Randwick City Council Standard Drawings No. LO1 and L02 Issue A Plan No. 319.*

*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 and supervision fee based on the lowest*



*quotation from Council's nominated contractor will be required to be paid prior to the commencement of any works.*

*A refundable deposit in the form of cash or cheque of \$8,000 shall be lodged with Council prior to issue of a construction certificate for the proposed development in order to ensure the construction of the approved landscape works along the Anzac Parade and Shepherd Street site frontages.*

128. *The naturestrip upon Council's Shepherd Street footway shall be excavated to a depth of 150mm, backfilled with topsoil equivalent with 'Organic Garden Mix' as supplied by Australian Native Landscapes, and re-turfed with Kikuyu Turf or similar. Such works shall be installed prior to the issue of a final Occupation Certificate.*
129. *The naturestrip upon Council's footway in Shepherd Street shall be maintained by the applicant in accordance with Council guidelines. Such maintenance shall include, but not be limited to, watering, mowing, fertilising, and the removal of weeds.*
130. *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.*

*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***

131. *The applicant shall submit a total payment of \$2,707.80 (inc. GST) to Council,*
  - a. *Being the cost for Council to remove the existing street tree specimen of *Agonis flexuosa* (Willow Myrtle) on the Shepherd Street nature strip (\$385.00 incl GST). Permission is also granted for the applicant to remove the two Gum trees on Anzac Parade during their site works; and*
  - b. *Being the cost for Council to supply and install 4 x 45 litre *Callistemon citrinus* (Bottlebrush) street trees located centrally within the naturestrip along the Shepherd Street frontage, comprising one on the western side of the proposed vehicle crossing, and three to the east of the proposed vehicle crossing, as well as 3 x 100 litre *Eucalyptus sideroxylon* (Ironbark's) street trees within the Anzac Parade footpath (located at back of kerb) upon completion of all works (\$1,812.80 inc GST); and*
  - c. *To compensate Council for the loss of amenity caused by the removal of the *Agonis flexuosa* (Willow Myrtle) street tree along the Shepherd Street nature strip (\$510.00 no GST).*

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

132. *Approval is granted for the removal of the following trees subject to the planting of 3*

*x 100 litre broad canopied replacement trees (not palms) within the site, as shown on the landscape plan prepared by Greenplan, job number 05.707, sheet number LSK 01, dated 18.03.05 and stamped received at Council on 10th May 2005.*

- a. *Three Melaleuca ericifolia (Swamp Paperbark's) along the northern boundary.*
  - b. *All vegetation within the rear yards of 665 and 667 Anzac Parade.*
2. *A refundable deposit in the form of cash or cheque 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.*
133. *Council should ensure that post development storm water discharge from the subject site into the RTA drainage system does not exceed the pre-development discharge. Detailed design plans and hydraulic calculations of any changes to stormwater drainage systems are to be submitted to the RTA for approval, prior to the commencement of any works. Details should be forwarded to:*

*The Sydney Asset Management  
PO Box 558  
Blacktown NSW 2148*

*A plan checking fee will be payable and a performance bond may be required before the RTA's approval is issued. With regard to Civil Works requirements please contact the RTA's Project Engineer, External Works on Ph: 8814 2114 or Fax: 8814 2111.*

134. *The layout of the car parking areas associated with the subject development (including driveways, turning paths, grades, aisle widths, sight distances requirements, and parking bay dimensions) should be in accordance with AS2890.1-2004 and AS2890.1-2002.*

135. *Any redundant driveways along Anzac Parade frontage are to be removed and kerb and guttering reinstated.*
136. *All works associated with the proposed development shall be at no cost to the RTA.*

**ADVISORY MATTERS:**

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

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

- a) Part B1 - Structural provisions*
- b) Part C1 - Fire resistance and stability*
- c) Part C2 - Compartmentation and separation*
- d) Part C3 - Protection of openings*
- e) Clause D1.4 - Exit travel distances*
- f) Part D3 - Access for people with disabilities*
- g) Clause D3.5 - Car parking for people with disabilities*
- h) Part E1 - Fire fighting equipment*
- i) Part E3 - Lift Installations*
- j) Part E4 - Emergency lighting, exit signs & warning systems*
- k) Part F1 - Damp and weatherproofing*
- 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.*

- A2. *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.*

- A3 *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 Landscape Technician 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 Council's standard rate prior to any further inspection being carried out.*

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

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

H105 **RESOLUTION:** *(Andrews/Sullivan) 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/338/2005 for amended plans for demolition of the rear of the existing dwelling and garage (former stables) to make ground and new first floor alteration and additions, including new rear garage, swimming pool and landscaping works (Heritage Item).*

*Conditions of Consent:*

- 1. The development must be implemented substantially in accordance with the plans numbered 2005/1, dated 23 August 2005 and received by Council on 29 August 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 existing fireplaces and chimney breasts in the proposed study and bathroom in the front section of the heritage item are to be retained in situ.*
- 3. An architect or tradesperson suitably qualified and experienced in heritage conservation shall be engaged to oversee the carrying out of any necessary repairs or maintenance works to the building.*
- 4. An archival recording of the property shall be prepared and submitted to and approved by Council's Director of City Planning, 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.*
- 5. The colours, materials and finishes of the external surfaces to the building are to be compatible with the existing building/existing buildings in the heritage conservation area. Details of the proposed colours, materials and textures (ie- a schedule and brochure/s or sample board) are to be submitted to and approved by Council's Director of City Planning, in accordance with Section 80A (2) of the Environmental Planning and Assessment Act 1979 prior to a construction certificate being issued for the*

*development.*

6. *Details of the proposed paint scheme are to be submitted to and approved by Council's Director of City Planning, in accordance with Section 80A (2) of the Environmental Planning and Assessment Act 1979 prior to a construction certificate being issued for the development. Unpainted surfaces, eg- brickwork/stonework are to remain unpainted.*

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

7. *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.*
8. *External timber or metal framed and brick veneer walls and roofs are to be provided with insulation (i.e. bulk insulation and a reflective building membrane/reflective sarking/foil insulation), having a minimum total thermal resistance R-value of 3.0 in roofs and 1.5 in external walls. The insulation and reflective building membrane is to be installed in accordance with the relevant requirements of the Building Code of Australia and the manufacturer's details.*

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

9. *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.*

*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:*

10. *Surface water/stormwater must be drained and discharged to the street gutter or suitably designed absorption pit, to the satisfaction of the Certifying Authority and details are to be included in the construction certificate application for the development.*

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

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

11. *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:*

12. *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.*

13. *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.*
14. *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.*
15. *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 person's 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.*

16. *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.*

17. *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".*

18. *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.*

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

20. *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.*

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

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

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

*Smoke alarms are not to be located in ‘dead-air-spaces’, in the corner junction of walls and ceilings between exposed rafters/joists or at the apex of raked ceilings, as detailed in Part 3.7.2 of the Building Code of Australia – Housing Provisions.*

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

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

22. *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.*
23. *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”.*
24. *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.*
25. *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.*

26. *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.*
27. *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.*
28. *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.*
29. *Public safety and convenience must be maintained at all times during demolition, excavation and construction works.*

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

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

30. *Building materials, sand, soil, waste materials or construction equipment must not be placed upon the footpath, roadway or nature strip at any time and the footpath, nature strip and road must be maintained in a clean condition and free from any obstructions, soil and debris at all times.*
31. *Bulk bins/waste containers must not be located upon the footpath, roadway or nature strip at any time without the prior written 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.*

32. *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*
33. *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.*

34. *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.*
35. *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 geo-textile fabric attached to the inside of the fence to provide dust control, or other material approved by Council.*

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

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

*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.*

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

36. *A Certificate of Adequacy supplied by a professional engineer shall be submitted to the certifying authority (and the Council, if the Council is not the certifying authority) prior to a construction certificate being issued for the development, certifying the structural adequacy of the existing structure to support the additional storey.*

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

37. *The applicant must meet the full cost for Council or a Council approved contractor to construct an asphalt vehicular crossing opposite the vehicular entrance to the site in the rear lane.*
38. *The applicant must meet the full cost for Council or a Council approved contractor to repair/replace any damaged sections of Council's footpath, kerb & gutter, nature strip etc which are due to building works being carried out at the above site. This includes the removal of cement slurry from Council's footpath and roadway.*
39. *The applicant shall note that all external work, carried out on Council property, shall be in accordance with Council's Policy for "Vehicular Access and Road and Drainage Works". An application for the cost of the Council civil works is to be submitted to Council at the completion of the internal building works. An application fee shall be payable to Council for the quotation of the required works. The applicant may elect to use his contractor for the required works, subject to Council approval, however a design and supervision fee based on the lowest quotation from Council's nominated contractor will be required to be paid prior to the commencement of any works.*

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

40. *The Council's Department of Asset & Infrastructure Services has inspected the above site and have determined that the design alignment level (concrete/paved/tiled level) at the property boundary for driveways, access ramps and pathways or the like, must:*
- *Be 60mm above the edge of bitumen at all point opposite the bitumen along the full site frontage in Cliff Lane, and*
  - *match the back of the existing footpath along the full site frontage in Greville Street.*

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

41. *The design alignment levels (concrete/paved/tiled level) issued by Council and their relationship to the roadway/footpath must be indicated on the building plans for the construction certificate. The design alignment level at the street boundary, as issued by the Council, must be strictly adhered to.*
42. *The above alignment levels and the site inspection by Council's Department of Asset & Infrastructure Services have been issued at a prescribed fee of \$110.00 (inclusive of GST). This amount is to be paid prior to a construction certificate being issued for the development.*

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

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

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

- 45. That part of the naturestrip upon Council's footway which is damaged during the construction of the proposed works shall be excavated to a depth of 150mm, backfilled with topsoil equivalent with 'Organic Garden Mix' as supplied by Australian Native Landscapes, and re-turfed with Kikuyu turf or similar. Such works shall be completed at the applicant's expense prior to the issue of a final Occupation Certificate.*
- 46. The naturestrip upon Council's footway shall be maintained by the applicant in accordance with Council guidelines. Such maintenance shall include, but not be limited to, watering, mowing, fertilising, and the removal of weeds.*

#### *Tree Management*

- 47. A construction detail shall be included on the plans submitted for the construction certificate application, and will be required to show, to the satisfaction of the certifying authority, the use of pier and beam style footings (or a similar approved alternative method) in order to allow construction around and over any roots which are encountered during re-construction of the front boundary wall.*
- 48. Any excavations required for footings, structures, paving etc within 4 metres of the tree trunk shall be undertaken by hand and under the direction of, and to the satisfaction of, a suitably qualified Arborist with all roots being cleanly cut.*

#### **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.*

- A2 *The applicant is to advise Council in writing and/or photographs of any signs of existing damage to the Council roadway, footway, or verge prior to the commencement of any building/demolition works.*

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

**5.5 DEVELOPMENT APPLICATION REPORT - 152-156 BARKER STREET, RANDWICK. (DA298/2004)**

H106 **RESOLUTION: (Andrews/His Worship the Mayor, Cr T. Seng) that:**

- A. *Council as the responsible authority grant its development consent as a **Deferred Commencement** under Section 80(3) of the Environmental Planning and Assessment Act 1979 (as amended) to Development Application No.04-00298 for demolition of existing dry cleaners and construction of a part three part four storey mixed residential/commercial development containing 18 residential units (6 x 1 bed, 7 x 2 bed, 5 x 3 bed), 225m<sup>2</sup> commercial area and a basement car park containing 35 spaces at 152 – 156 Barker Street, Randwick subject to the following conditions:-*

***Deferred Commencement Conditions***

*The consent is not to operate until the following material has been submitted to and approved by the Director City Planning:*

- 1. The colours, materials and finishes of the external surfaces to the building are to be compatible with surrounding buildings in the heritage conservation area. Details of the proposed colours, materials and textures (ie- a schedule and brochure/s or sample board) are to be submitted to and approved by Council's Director City Planning.*
- 2. The applicant shall submit details from suitably qualified structural and geotechnical engineers outlining how it is proposed to ensure that the proposed development will not dam or slow the movement of groundwater through the site. This report shall include details regarding how provision will be made for groundwater to flow around/under the subject development (assuming that the adjoining sites may also redevelop and construct basement car parking areas in the future).*

*Note: Should the proposed amendments result in any increase in the dewatering drawdown radius, an amended excavation and dewatering report shall be submitted to ensure that the proposed modified construction technique will not result in detrimental damage to adjoining properties.*

*The evidence required to satisfy this condition must be submitted to Council within 12 months of the date of this consent.*

***Development Consent Conditions***

- B. *Subject to compliance with the deferred commencement condition, to the satisfaction of*

*the Director City Planning, development consent be granted under Section 80 and 80A of the Environmental Planning and Assessment Act 1979 (as amended) to Development Application No. 298/2004 for demolition of existing dry cleaners and construction of a part three, part four storey mixed residential/commercial development containing 18 residential units (6x1 bed, 7x2 bed, 5x3 bed) 225m<sup>2</sup> commercial area and basement parking for 35 spaces (Heritage Conservation Area), subject to the following conditions:-*

1. *The development must be implemented substantially in accordance with the plans numbered DA01 to DA10 (and all numbers in between) dated 31 Jan 05, as received by Council and stamped 2 February 2005, the application form and on any supporting information received with the application, except as may be amended by the details approved pursuant to the Deferred Commencement Conditions and the following conditions:*
2. *A sign legible from the street must be permanently displayed to indicate that visitor parking is available on the site and these parking spaces must be clearly marked and accessible at all times.*
3. *A roller door or gate is to be provided to the carparking to maintain security to the carparking area. Public access to the visitors carparking spaces is to be maintained at all times and this may be achieved by the installation of a suitable intercom system adjacent to the carpark entry.*

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

4. *An intercom to be provided to both pedestrian entries at the building line to secure the development for residents and visitors. Details of compliance are to be provided in the relevant plans and specifications for the **construction certificate**.*
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. *Fences located on the side or rear boundaries of the premises shall not exceed a maximum height of 1800mm\*, to maintain reasonable levels of amenity to the adjoining premises.*

*\*An allowance of up to 150mm is permitted at required 'step-downs' or changes in level.*

7. *There must be no encroachment of any part of the structure/s onto the adjoining premises or onto Council's road reserve, footway or public place.*
8. *Any gate openings shall be constructed so that the gates, when hung, will be fitted in such a manner that they will not open over the footway or public place.*
9. *All plumbing and drainage pipes, other than rainwater heads, gutters and downpipes, must be concealed within the building.*
10. *Street numbering must be provided to the premises in a prominent position, to the*

*satisfaction of Council.*

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

11. *The enclosure of balconies is prohibited by this consent.*
12. *Power supply and telecommunications cabling to the development shall be underground.*
13. *A single common television aerial, and/or satellite dish (having a maximum diameter of 700mm and not located on the front or street elevation of the building) is to be installed to serve the development.*
14. *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.*
15. *The finished ground levels external to the building are to be consistent with the development consent and are not to be raised (other than for the provision of paving or the like on the ground) without the written consent of Council.*
16. *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.*
17. *Adequate lighting for security and safety is to be provided to the common areas and external areas of the development. Details are to be provided with the Construction Certificate application.*
18. *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.*
19. *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.*
20. *Solar hot water heaters or other structures are not permitted to be installed on the roof of the building unless the prior written approval of Council's Director of Planning has been obtained beforehand.*
21. *The development must be designed and constructed to achieve a minimum energy efficiency NatHERS rating of 3.5 stars or equivalent and a NatHERS certificate or equivalent, prepared by a suitably qualified person, is to be submitted to the certifying*

*authority with the construction certificate application.*

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

22. *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.*
23. *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.*
24. *An archival recording of the former stables building at the rear 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*
25. *In the unlikely event that historical archaeological remains or deposits are exposed during the works, all work should cease while an evaluation of their potent extent and significance is undertaken and the NSW Heritage Office notified under the requirements of the Heritage Act.*
26. *Eighteen (18) bicycle spaces shall be provided within the proposed development.*

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

27. *The applicant is to engage an Environment Protection Authority (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 and approved by Council, **prior to a construction certificate being issued**, stating that the site is suitable for the intended development and use.*

*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 must be complied with. Written confirmation by the owner of the site is to be submitted to the Council stating all (if any) conditions will be complied with.*

28. *The site audit statement shall be developed and prepared in accordance with the following requirements:*
  - a. *The proponent shall engage the services of a site auditor holding current accreditation in accordance with sections 49 and 50 of the Contaminated Land Management Act 1997.*



- b. *All remediation works shall be carried out in accordance with the requirements of the Contaminated Land Management Act 1997, environmental planning instruments applying to the site, guidelines made by the NSW Environment Protection Authority and Planning NSW, Randwick City Council's Contaminated Land Policy 1999 and the Protection of the Environment Operations Act 1997.*
- c. *The remediation of the site including ground water must fully comply with all relevant Commonwealth and State Legislation, Regulations and Standards.*
- d. *Site remediation for any part of the site must be completed prior to the issue of a subdivision certificate for that part of the site. No subdivision certificate will be issued for any part of the site until the receipt by Council of an acceptable site audit statement for that part of the site.*
- e. *Any beneficial reuse of material onsite is to be monitored and classified by a suitably experienced environmental specialist, together with the site auditor. Such material must be certified by a Site Audit Statement (SAS) together with a Summary Site Audit Report (SSAR) in the format defined by the Contaminated Land Management Regulation 1998 and shall be furnished to Council **prior to the commencement of building works**. The site audit statement issued to Council shall be unconditional, in that it requires no further monitoring, on going review or remedial actions, and shall cover both land and groundwater.*
- f. *The Consultant and Auditor, in their assessment of appropriate soil investigation levels, must take into account all environmental concerns (for example, the potential effects on wildlife) and the protection of ground and surface water.*
- g. *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.*
29. *All remediation works shall be carried out in accordance with the requirements of the Contaminated Land Management Act 1997, environmental planning instruments applying to the site, guidelines made by the NSW Environment Protection Authority and Planning NSW, Randwick City Council's Contaminated Land Policy 1999 and the Protection of the Environment Operations Act 1997.*
30. *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).*

31. *Should any underground tanks be discovered they shall be removed in accordance with:*
- *NSW Environmental Protection Authority 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.*
32. *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.*
33. *Any fill importation to the site is to be monitored and classified by the site auditor appointed for remediation of the site or a person with his qualifications. Only 'virgin excavated natural material' is to be imported to the site, as defined within the NSW EPA 'Environmental Guidelines; Assessment, Classification and management of Liquid and Non-Liquid Wastes. 1999'.*
34. *A Site Health & Safety Plan must be prepared prior to the commencement of remediation works by a suitably qualified person and a copy is to be forwarded to Council. All works are to be carried out in accordance with this plan. This plan shall include:*
- *hazard identification and control*
  - *site security*
  - *personal protective equipment*
  - *work zones and decontamination procedures*
  - *contingency plans and incident reporting*
  - *environmental monitoring*
35. *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.*
36. *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.*
37. *On-site land farming of contaminated soil is not permitted, except with the written approval of Council's Manager Environmental Health & Building Services.*
38. *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.*

39. *All remediation work shall be conducted within the following hours:*

*Monday – Friday        7am – 5pm*

*Saturday    8am – 5pm*

*No work permitted on Sundays or Public Holidays*

40. *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.*

41. *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:***

42. *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).*

43. *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.*

44. *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, recommendations in Wilkinson Murray report dated November 2004 detailed in Section 5 (Discussion), to the satisfaction of Council's Manager Environmental Health & Building Services.*

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

45. *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.*

46. *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.*
47. *The location and facilities for the collection, storage and disposal of wastes generated within the premises shall be submitted to and approved by Council **prior to the commencement of works.***

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

48. *Appliances provided within the development must satisfy the following energy ratings as a minimum:*

*Clothes dryers minimum 2.5 star  
Dishwashers minimum 3 star  
Air conditioners minimum 4 star  
Clothes washers minimum 4 star  
Fridge minimum 4 star*

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

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

50. *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 1.5m 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 relevant construction certificate, to the satisfaction of the Certifying Authority.*

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

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

51. *In accordance with Council's Section 94 Contributions Plan effective from 2 September*

1999, the following monetary contribution is to be paid to Council.

a)	for the provision or improvement of open space	\$33,381.66
b)	for the provision or improvement of community facilities	\$14,760.04
c)	Administration fee	\$425.00

The contribution must be paid in cash or by bank cheque **prior to a construction certificate being issued** for the proposed development, together with payment of the required **Section 94 Administration Fee of \$425.00**. Council's Section 94 Contribution Plans may be inspected at the Customer Service Centre, Administrative Centre, 30 Frances Street, Randwick.

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

52. 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.

53. 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.

54. 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.

55. 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.

56. 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.*

57. *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".*

58. *An Occupation Certificate must be obtained from the Principal Certifying Authority prior to any occupation of the building work encompassed in this development consent (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.*

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

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

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

61. *A report shall be prepared by a professional engineer and submitted to the certifying authority prior to the issuing of a construction certificate, detailing the proposed methods of excavation, shoring or pile construction, including details of 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.*

62. *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.*

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

64. *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.*
65. *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:***

66. *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.*
67. *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".*
68. *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.*
69. *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.*

70. *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.*
71. *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.*
72. *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.*
73. *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.*
74. *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.*
75. *A coloured works-as-executed fire services plan is to be submitted to the Council prior to occupation of the development, detailing the location of the essential fire safety measures installed within the building premises.*
76. *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 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.

77. A report prepared by a suitably qualified and experienced consultant in acoustics/vibration shall be submitted to the Principal Certifying Authority and the Council upon commencement of works, certifying that noise and vibration emissions from the construction of the development complies with the provisions of the Protection of the Environment Operations Act 1997, the Noise Control Manual published by the Environment Protection Authority and relevant conditions of approval. In support of the above it is necessary to submit all relevant readings and calculations made.

*Should noise and vibration emissions not comply with the terms and conditions of consent, work must cease forthwith and is not to recommence until details of compliance are submitted to Council.*

78. 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”.

79. 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.

80. 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.*

81. 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.

82. 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.*

83. *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.*

84. *During demolition excavation and construction works, dust emissions must be minimised, so as not to result in a nuisance to nearby residents or result in a potential pollution incident.*

*Adequate dust control measures must be provided to the site prior to the works commencing and the measures and practices must be maintained throughout the demolition, excavation and construction process, to the satisfaction of Council.*

*Dust control measures and practices may include:-*

- *Provision of geotextile fabric to all perimeter site fencing (attached on the prevailing wind side of the site fencing).*
- *Covering of stockpiles of sand, soil and excavated material with adequately secured tarpaulins or plastic sheeting.*
- *Installation of a water sprinkling system or provision hoses or the like.*
- *Regular watering-down of all loose materials and stockpiles of sand, soil and excavated material.*
- *Minimisation/relocation of stockpiles of materials, to minimise potential for disturbance by prevailing winds.*

- *Revegetation of disturbed areas.*

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

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

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

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

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

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

*Details of the proposed sediment control measures are to be detailed in a soil and 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.*

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

*Building operations such as brick cutting, washing tools or equipment and mixing*

*mortar are not permitted on public footpaths, roadways, nature strips, in any public place or any location which may lead to the discharge of materials into the stormwater drainage system.*

88. *A warning sign for soil and water management must be displayed in a prominent position on the building site, visible to both the public and site workers. The sign must be displayed throughout the construction period. Copies of a suitable warning sign are available at Council's Customer Service Centre for a nominal fee.*
89. *A 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.*
90. *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.*
91. *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.*

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

92. *Access and facilities for people with disabilities must be provided in accordance with the relevant provisions of the Building Code of Australia.*

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

93. *The building is required to be provided with a smoke alarm system complying with Clause 3 of Specification E2.2a of the 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 conditions are applied to satisfy the relevant pollution control criteria and to maintain reasonable levels of health, safety and amenity to the locality:***

94. *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.*

### ***Security Deposit Conditions***

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

95. *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 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.*

*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:***

96. *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.*
- b) *Remove the redundant concrete vehicular crossings and laybacks and to reinstate the area with concrete footpath, turf and integral kerb and gutter to Council's specification.*

- c) *Reconstruct any damaged sections of kerb and gutter for the full site frontage. It is noted that this may require road reconstruction in front of any new kerb and gutter.*
- d) *Remove the existing concrete footpath along the full site frontage and construct a new concrete footpath along the full site frontage to Council's requirements. Any unpaved areas on the nature strip must be turfed and landscaped to Council's specification.*
97. *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.*
98. *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.*
99. *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.*
100. *The driveway opening at the Barker Street frontage must be minimum 5.50 metres wide and located at least 1.5 metres clear of the side property boundary.*
101. *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. Details are to be submitted to the Certifying Authority prior to the release of the construction certificate showing compliance with this condition.*
102. *The awning in Barker Street over Council's footpath shall be set back a minimum of 0.60 metres from the kerb alignment.*
103. *The minimum clear distance from the existing footpath levels along the Barker Street site frontages to the underside of the proposed awning (or any attached signage) shall be 2.60 metres.*
104. *A Works Zone is to be provided in Barker 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:***

105. *The Council's Department of Asset & Infrastructure Services has inspected the above site and have determined that the design alignment level (concrete/paved/tiled level) at the property boundary for driveways, access ramps and pathways or the like, must match the back of the existing footpath along the full site frontage.*

*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.*

106. *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.*

107. *The above alignment levels and the site inspection by Council's Department of Asset & Infrastructure Services have been issued at a prescribed fee of \$1162 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:***

108. *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.*

109 *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.*

110. *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.*

111. *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.*



112. 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:**

113. The floor level of all habitable, commercial and storage areas (excluding the basement carparking area) shall be a minimum of 300mm above the back of the existing Council footpath level (or suitably protected from flooding) up this same level.

The submitted ground floor plan (drawing DA01 by Noel Bell, Ridley Smith & partners dated 31 Jan 2005) shows the ground floor level being set at RL 44.30 m (AHD) (i.e. 300mm above existing footpath level at the proposed pedestrian access point) in accordance with this requirement.

114. The proposed internal driveway (and any other openings into the basement carpark) must be designed with a high point to a minimum RL of 44.26 m (AHD).

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

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

116. 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 (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.*
117. *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.*
118. *All stormwater runoff being discharged from the site shall be directed to Council's underground drainage system in Middle Street via the existing private drainage easement. The connection to Council's underground drainage system shall be through the existing grated inlet pit or a new kerb inlet pit. Any new kerb inlet pits shall be constructed in general accordance with Council's standard drawing SD6.*
119. *Prior to the issuing of a construction certificate, the applicant shall submit to the certifying authority full details regarding the size, condition and location of the existing stormwater pipeline/s draining from the subject development site through the private drainage easement to Middle Street.*

*The pipeline/s (within the easement) shall be capable of conveying at least the 1 in 20*

year flow (it is noted that this includes the controlled runoff from the subject development site plus any other flows currently draining through the easement from adjoining sites). Should the capacity of the existing pipeline/s be inadequate for conveying the 1 in 20 year flow, the applicant shall meet all costs associated with upgrading the pipeline/s as required.

120. *Prior to the issuing of an occupation certificate, the easement shall be suitably contoured (if required) to convey all stormwater up to the 1 in 100 year storm event through to Middle Street without adversely affecting adjoining properties. Should the easement be unable to contain the 1 in 100 year flows, the pipeline/s through the easement shall be upgraded to ensure that the 1 in 100 year flows are appropriately managed.*
121. *Should the existing pipeline/s be used to convey stormwater flows from the development site through to Middle Street, the existing pipeline/s shall be cleared of any rubbish/debris and any damaged sections shall be repaired/replaced prior to connecting the new stormwater outlet into the existing pipeline/s.*
122. *On-site detention must be provided to ensure that the maximum discharge from the above site is not to exceed that which would occur during a 1 in 5 year storm of 1 hour duration for the existing site conditions. All other stormwater run-off from the above site for all storms up to the 1 in 20 year storm is to be retained on the site for gradual release to the kerb and gutter or drainage system as required by the Director of Assets and Infrastructure Services. Provision is to be made for satisfactory overland flow should a storm in excess of the above parameters occur.*

***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.*

123. *The detention area must be regularly cleaned and maintained to ensure it functions as required by the design.*
124. *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 car parks or in any area which may be used for storage of goods.*

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

125. *Any stormwater detention areas with above ground storage must be suitably signposted where required, warning people of the maximum flood level.*

126. *The floor level of all habitable and storage areas adjacent to the detention area must be a minimum of 300mm above the maximum water level for the design storm or alternately a permanent 300mm high water proof barrier is to be constructed.*

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

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

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

129. *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.*

130. *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.*

131. *With the exception of the site discharge pipe, any 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.*

132. *Site discharge pipelines shall cross the verge at an angle no less than 45 degrees to the kerb line.*

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

- d) within the site at or near the street boundary prior to the site stormwater discharging from the site into the drainage easement; and*
- e) 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.***

134. *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 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:*

- 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 areas.*

135. *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.*
136. *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 (including pipe/s located within the drainage easement);*
  - e) *The orifice size(s) (if applicable);*
  - f) *Details of any infiltration/absorption systems;*
  - g) *Details of any pumping systems installed (including wet well volumes).*
  - h) *Details of the point of discharge from the easement into Council's underground drainage system in Middle Street*
137. *Prior to the issuing of an occupation certificate, the applicant shall submit to the Principal Certifying Authority (PCA) and Council's Director of Asset and Infrastructure Services, certification from a suitably qualified and experienced Hydraulic Engineer confirming that the design and construction of the stormwater drainage system complies with the conditions of development consent. The certification must be provided to the satisfaction of the PCA.*
138. *As the above site may encounter groundwater 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 groundwater 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).*
139. *Excavation, shoring and dewatering of the site shall be undertaken in accordance with the details contained in the report by Golder Associates titled: 'Dewatering Requirements During Construction – Proposed mixed use development for 152-156 Barker Street, Randwick' and subsequent information submitted to Council in accordance with deferred commencement condition 2. The plans submitted for the*

*construction certificate shall demonstrate compliance with this requirement.*

*A suitably qualified geotechnical consultant shall be engaged to supervise/monitor construction of the proposed basement structure and ensure that all works are undertaken in accordance with the details set out in the dewatering report (referenced above).*

140. *The applicant shall obtain a Water License (for temporary dewatering) from the Department of Land and Water Conservation prior to the issuing of a construction certificate.*

141. *A dilapidation survey of the surrounding properties and infrastructure shall be undertaken by a suitably qualified person prior to commencement of work on the site.*

### **Waste Management Conditions**

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

142. *The garbage room areas shall be sized to contain a total of 18 x 240 litre bins (9 garbage bins & 9 recycle bins) whilst providing satisfactory access to these bins.*

143. *The commercial garbage room shall be sized to contain a total of 2 x 240 litre bins (1 garbage bin and 1 recycling bin) whilst providing satisfactory access to these bins.*

144. *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.*

145. *The bin storage areas shall be suitably signposted.*

146. *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:***

147. *Detailed landscape plans shall be submitted to, and approved by, the certifying authority, prior to the issue of a construction certificate. If Council is not the certifying authority for the site, the applicant will be required to forward a copy of the approved plans to Council for record purposes. The detailed landscape plans shall be prepared in general accordance with the landscaping details shown on the 'landscape plan-01 (revision F)' and the 'section and images plan-02 (revision C)', dated April 2004, prepared by McGregor & Partners Landscape Architects, with the following additional information included on the plan:*

a) *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.*

*b) All planter boxes and garden beds constructed on slab must have a minimum soil depth of 600mm and all lawn areas must have a minimum soil depth of 300mm. Planter box details shall be submitted with the detailed landscape plans.*

*148. 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.*

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

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

*150. The naturestrip upon Council's footway shall be excavated to a depth of 150mm, backfilled with topsoil equivalent with 'Organic Garden Mix' as supplied by Australian Native Landscapes, and re-turfed with Kikuyu Turf or similar. Such works shall be installed prior to the issue of a final Occupation Certificate.*

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

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

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

*153. In order to reduce the amount of stormwater generated by the site, as well to recharge groundwater supplies, porous paving shall be used in all paved areas (excluding the driveway) not over slab. Details are to be provided with the construction certificate application.*

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

*155. 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.*

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

### ***Tree Management***

157. *The applicant shall submit a total payment of \$726.00 to Council,*

- a. *Being the cost for Council to supply and install 3 x 75 litre street trees on the western side of the proposed driveway at the completion of all works (\$660.00 + GST)*

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

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

158. *The following trees shall be removed (and not transplanted) as part of the proposal and 10 x 100 litre broad canopied replacement trees (not palms) shall be provided within the deep soil zones of the site. The species selected shall be those that will attain a minimum height of 6 metres at maturity.*

- a) *The row of four (4) Syagrus romanzoffianum (Cocos Palms) towards the front of the site, along the eastern boundary*  
b) *The two (2) Ficus microcarpa var. 'Hillii' (Hills Weeping Figs) immediately to the south*  
c) *The four (4) Syagrus romanzoffianum (Cocos Palms) towards the southwest corner of the site.*

159. *A refundable deposit in the form of cash, cheque or bank guarantee (with no expiry date) for the amount of \$15,000.00 shall be lodged with Council prior to a construction certificate being issued for the proposed development to ensure the implementation and maintenance of the landscape works in accordance with the approved landscape documentation.*

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

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

**ADVISORY MATTERS:**

- A1 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 Services Department to arrange for an inspection of the landscaping to be carried out. Should the landscaping be found to be unsatisfactory, thus necessitating further inspections, the applicant is advised that each additional inspection will be charged at \$55.00 (incl.GST) and that this amount shall be paid into Account Number 41901939, Code RGJ at the Cashier on the Ground Floor of the Administrative Centre prior to any further inspection being carried out.

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

- A2 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 E1 - Fire fighting equipment
- c) Part E2 - Smoke Hazard Management
- d) Part E4 - Emergency lighting, exit signs and warning systems
- e) Part F4 - Light and ventilation, in particular, carpark ventilation.

Details of compliance with the relevant provisions of the Building Code of Australia and conditions of development consent are to be submitted with the Construction Certificate application.

- A3 The applicant is advised that the Construction Certificate plans and specification must comply with the provisions of the Building Code of Australia (BCA).

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

- a) Part B1 - Structural provisions
- b) Part C1 - Fire resistance and stability
- c) Part C2 - Compartmentation and separation
- d) Clause C2.6 - Vertical separation of openings in external walls
- e) Part C3 - Protection of openings
- f) Clause C3.2&C3.4 - Protection of openings in external walls
- g) Part D1 - Provisions for escape
- h) Clause D1.2 - Number of exits required
- i) Clause D1.3 - When fire-isolated exits are required
- j) Clause D1.4 - Exit travel distances

- k) Clause D1.5 - Distance between alternative exits
- l) Part D2 - Construction of exits
- m) Clause D2.4 - Separation of rising and descending stair flights
- n) Part D3 - Access for people with disabilities
- o) Clause D3.5 - Car parking for people with disabilities
- p) Part E1 - Fire fighting equipment
- q) Part E2 - Smoke Hazard Management
- r) Part E3 - Lift Installations
- s) Part E4 - Emergency lighting, exit signs & warning systems
  
- t) Part F1 - Damp and weatherproofing
- u) Part F2 - Sanitary and other facilities
- v) Part F3 - Room sizes
- w) Part F4 - Light and ventilation
- x) 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 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: (Tracey/Woodsmith)** that Council as the responsible authority refuse development under Section 80 of the Environmental Planning and Assessment Act 1979 (as amended) to Development Application No.04-00298 for demolition of existing dry cleaners and construction of a part three part four storey mixed residential/commercial development containing 18 residential units (6 x 1 bed, 7 x 2 bed, 5 x 3 bed), 225m<sup>2</sup> commercial area and a basement car park containing 35 spaces at 152 – 156 Barker Street, Randwick on heritage conservation grounds. **LOST.**

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

#### **5.6 DEVELOPMENT APPLICATION REPORT - 126 MARINE PARADE, MAROUBRA. (DA 0576/2004)**

H107 **RESOLUTION: (Andrews/Belleli)** that Council, as the consent authority, grant its consent under Section 96(2) of the Environmental Planning and Assessment Act 1979 (as amended) to vary conditions of Development Consent No.0576/04 for permission to demolition of existing building & construct a new four level multi-unit housing development containing 4 x 3 bedroom dwellings with basement carparking for 6 vehicles and strata subdivision for 126 Marine Parade, Maroubra, as follows: -

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

1. *The development must be implemented substantially in accordance with the plans numbered A:100, dated 17.11.03, A:001D, A:002D, A:003D, A:004D, A:005D, A:006D, A:100B, A:101B, A:102B, A:103B A:104B, A:200D A:201D, A:202D, A:203D, A:204A, A:300BA:301D dated 07.11.03 and stamp as received by Council 15*

*July 2004 as drawn by Smart Design Studio, the plans provided to Council by faxed on 24.8.04 showing amendments to the basement and landscaping, the application form, the landscape plan by ASPECT Sydney dated as received on 15 July 2004, the application form and on any supporting information received with the application, as amended by the Section 96 'A' plans numbered A:001, A:002, A:003, A:004, A:005, A:006, A:200, A:201, A:202, A:203, A:300, A:301, dated 20 May 2005 and received by Council on 21 July 2005, only in so far as they relate to the modifications highlighted on those 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:*

**Conditions No. 84 to No. 87 are added, as follows:**

***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:***

84. *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  $L_{Aeq, 15 \text{ min}}$  sound pressure level at any affected premises that exceeds the background  $L_{A90, 15 \text{ min}}$  noise level, measured in the absence of the noise source/s under consideration by more than 5dB(A) in accordance with relevant NSW Department of Environment & Conservation Noise Control Guidelines.*

85. *The operation of air conditioning unit/s is restricted, if the noise emitted can be heard within a habitable room in any other residential premises, the air conditioning unit/s shall not be operated during the following hours, or, as otherwise specified in relevant Noise Control Regulations:*

*before 8.00am or after 10.00pm on any Saturday, Sunday or public holiday; or before 7.00am or after 10.00pm on any other day.*

86. *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.*

87. *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.*

**Condition No. 51 is to be amended to read as follows:**

51. *The Council's Department of Asset & Infrastructure Services have liaised with Zig Peshos of Smart design Studio and have determined that the design alignment level (concrete/paved/tiled level) at the property boundary for the driveway/carpark entrance shall be as shown on the submitted plans marked Drwg No A:001 L dated 20/5/05.*

*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.*

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

**5.7 DEVELOPMENT APPLICATION REPORT - 110-122 AVOCA STREET, RANDWICK. (DA/10882004)**

H108 **RESOLUTION:** *(Sullivan/Andrews) that:*

- A. *Council support the objection under State Environmental Planning Policy No. 1 to vary the provisions of Clause 33 (5) of the Randwick Local Environmental Plan 1998 (as amended) relating to maximum building heights on the grounds that the proposed development complies with the objectives of the clause and will not adversely affect the amenity of the locality and the Director of Planning be notified accordingly;*

AND

- B. *Council, as the responsible authority, grant its development consent as a Deferred Commencement under Section 80(3) of the Environmental Planning and Assessment Act, 1979 (as amended) to Development Application No. 1088/2004 for demolition of existing shops and residences at 118-122 Avoca Street, retention and restoration works to the "Hetta Building" at 110-116 Avoca Street, Randwick (Heritage Item) and the construction of a new mixed use retail/residential development containing 31 dwellings, one (1) shop and basement parking for 58 vehicles at 110-122 Avoca Street, Randwick, subject to the following conditions:-*

**DEFERRED COMMENCEMENT CONDITION**

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

1. *The colours, materials and finishes of the external surfaces to the building are to be compatible with the existing heritage building on the site and surrounding heritage buildings adjacent and nearby to maintain the integrity and amenity of the building and the streetscape. Details of the proposed colours, materials and finishes (i.e. a sample board keyed to **all** building elevations) are to be submitted and shall include the following:-*

*metal roof sheeting painted or colour bonded to minimise reflection and to be sympathetic and compatible with the building and surrounding environment details and samples of the glass to be used. The reflectivity index of glass used in the external façade of the development must not exceed 20 percent and certification of such is required with the sample board.*

2. *Parking spaces shall be allocated on the plans to the various uses and units on the site both proposed and existing.*

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

### **DEVELOPMENT CONSENT CONDITIONS**

- C. *Subject to compliance with the deferred commencement condition, to the satisfaction of the Director City Planning, development consent be granted under Section 80 and 80A of the Environmental Planning and Assessment Act 1979 (as amended) to Development Application No. 1088/2004 for demolition of existing shops and residences at 118-122 Avoca Street, retention and restoration works to the "Hetta Building" at 110-116 Avoca Street, Randwick (Heritage Item) and the construction of a new mixed use retail/residential development containing 31 dwellings, one (1) shop and basement parking for 58 vehicles at 110-122 Avoca Street, Randwick, subject to the following conditions:-*

### **REFERENCED PLANS:**

1. *The development must be implemented substantially in accordance with the plans numbered DA 01 to DA 13 all Issue B, AN 08, Issue B and AN 15, Issue A, all dated 15 April, 2005 and prepared by Hill Thalix; Landscape Plans LP 01-03, Issue B, dated 22 April, 2005, prepared by Jane Irwin, Landscape Architecture and all received by Council on 5 May, 2005, the application form and on any supporting information received with the application, except as may be amended by the satisfaction of the deferred commencement conditions and as may be shown in red on the attached plans and the following conditions:*

### **ENVIRONMENTAL AMENITY:**

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

2. *The painting of the building in corporate or bright colours is not permitted (unless specific development consent has been obtained from Council accordingly).*
3. *There must be no encroachment of any part of the structure/s onto the adjoining premises or onto Council's road reserve, footway or public place.*
4. *Any gate openings shall be constructed so that the gates, when hung, will be fitted in such a manner that they will not open over the footway or public place.*
5. *External walls sited less than 500mm from the boundaries of the site are to be erected as 'face brickwork' or other maintenance free materials, to ensure that adequate provisions are made for maintenance purposes within the property boundaries.*
6. *All plumbing and drainage pipes, other than rainwater heads, gutters and downpipes, must be concealed within the building.*
7. *Street numbering must be provided to the premises in a prominent position, to the satisfaction of Council.*

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

8. *The enclosure of balconies is prohibited by this consent.*
9. *Power supply and telecommunications cabling to the development shall be underground.*
10. *A single common television aerial, and/or satellite dish (having a maximum diameter of 700mm and not located on the front or street elevation of the building) is to be installed to serve the development.*
11. *The reflectivity index of glass used in the external façade of the development must not exceed 20 percent. The details and samples of the glass to be used are to be submitted to the Certifying Authority, **prior to the commencement of works.***
12. *Internal or external clothes drying facilities are to be provided in accordance with the provisions of the Building Code of Australia.*
13. *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.*
14. *A separate Development Application is required to be submitted to and approved by Council with regard to the proposed new commercial usage of the building prior to occupancy.*
15. *The finished ground levels external to the building are to be consistent with the development consent and are not to be raised (other than for the provision of paving or the like on the ground) without the written consent of Council.*
16. *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.*
17. *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.*
18. *The installation of roller shutters or security grilles to the shopfront is not permitted, unless a specific development consent has been obtained from Council.*
19. *No signage is permitted above the awning level and all signage and advertising must be in accordance with Council's Development Control Plan (DCP) for Outdoor Advertising and development consent must be obtained for all signage and advertising in accordance with Council's Local Environmental Plan 1998 (unless exempt from approval under Council's DCP for Exempt and Complying Development). 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.*

20. *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.*
21. *Details of any proposed electricity power supply poles to be provided to service the development are to be submitted to and approved by Council's Director of Planning, prior to installation.*
22. *Solar hot water heaters or other structures are not permitted to be installed on the roof of the building unless the prior written approval of Council's Director of Planning has been obtained beforehand.*

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

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

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

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

24. *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.*
25. *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.*
26. *Appliances provided within the development must satisfy any relevant BASIX requirements and as a minimum appliances should satisfy the following energy ratings:*
  - *Clothes dryers minimum 2.5 star*
  - *Dishwashers minimum 3 star*
  - *Air conditioners minimum 4 star*
  - *Clothes washers minimum 4 star*
  - *Fridge minimum 4 star*
27. *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 1.5m from the side boundaries and is to have a maximum height of 2.4 metres above ground. The tank is to be installed behind the front building line and is to be located at or below ground level and be incorporated into the relevant construction certificate, 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/s are applied to satisfy the increased demand for public amenities and public services:***

28. *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>\$47,724.71</i>
b) <i>for the provision or improvement of community facilities</i>	<i>\$21,101.74</i>
c) <i>Administration fee</i>	<i>\$ 450.00</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.*

#### **CONSERVATION/HERITAGE:**

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

29. *The conservation policies and maintenance program outlined in the Hetta Building Maintenance Schedule prepared by Hill Thalys are to be implemented in conjunction with the proposed development. An architect suitably qualified and experienced in heritage conservation shall be engaged to oversee the implementation of the maintenance works to ensure the use of technically sound and appropriate techniques. All work shall be carried out in accordance with the principles of the Australia ICOMOS Burra Charter and to the satisfaction of the Director of City Planning.*

30. *The colours, materials and finishes of the external surfaces to the building are to be compatible with the Hetta building and surrounding buildings in the heritage conservation area. In particular the proposed brickwork to the new development is to be compatible with that of the Hetta building. Unpainted surfaces, eg-brickwork/stonework are to remain unpainted.*

31. *A process of test excavation is to be undertaken across remaining unexcavated portions of the site prior to construction, in accordance with the recommendations of the Interim Archaeological Assessment Report, similar to the test excavation which has been undertaken at the rear of No.118 Avoca Street and portions of Nos.116 and 114 Avoca Street.*

32. *A copy of any excavation permit required under Section 140 of the Heritage Act, 1977, shall be submitted to and approved by Council's Director of City Planning, in accordance with Section 80A (2) of the Environmental Planning and Assessment Act 1979 prior to a construction certificate being issued for the development.*

### **COMMERCIAL / INDUSTRIAL**

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

33. *All loading and unloading associated with the use or operation of the business premises shall be carried out within the designated loading dock.*
34. *No goods or machinery or advertising signs are to be placed on Council's footway at any time.*

### **OCCUPATIONAL HEALTH & SAFETY AND DANGEROUS GOODS:**

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

35. *All site works shall comply with the occupational health and safety requirements of WorkCover NSW.*
36. *Prior to demolition of any building constructed before 1970, the person acting on this consent shall prepare a Work Plan prepared in accordance with Australian Standards AS2601-2001, Demolition of Structures by a suitably qualified person. The Work Plan shall outline the identification of any hazardous materials, including materials containing asbestos and surfaces coated with lead paint and the plan should detail the method of demolition, the precautions to be employed to ensure public safety and to minimise any dust nuisance and methods of disposal of any hazardous materials. A copy of the work plan is to be forwarded to the Council prior to commencing such works.*
37. *Hazardous dust must not be allowed to escape from the site. The use of fine mesh dust proof screens or other relevant measures is recommended. Any existing accumulations of dust (eg, ceiling voids and wall cavities) must be removed by the use of an industrial vacuum fitted with a high efficiency particulate air (HEPA) filter or equally effective methods. All dusty surfaces and dust created from work is to be suppressed by a fine water spray. Water must not be allowed to enter the street and stormwater systems. Demolition is not to be performed during high winds, which may cause dust to spread beyond site boundaries.*
38. *The removal, cleaning and disposal of any lead-based paints must be carried out in accordance with the relevant provisions of AS2601-2001, Demolition of Structures, The Protection of the Environment Operations Act 1997 and the requirements and guidelines of the Environmental Protection Authority.*

### **ASBESTOS POLICY REQUIREMENTS**

39. *The demolition, removal, storage, handling and disposal of products and materials containing asbestos must be carried out in accordance with Randwick City Council's Asbestos Policy and the relevant requirements of WorkCover NSW and the NSW Department of Environment & Conservation (formerly the Environment Protection Authority), including:*
- a. *Occupational Health and Safety Act 2000*
  - b. *Occupational Health and Safety (Hazardous Substances) Regulation 2001*
  - c. *Occupational Health and Safety (Asbestos Removal Work) Regulation 2001*
  - d. *WorkCover NSW Code of Practice for the Safe Removal of Asbestos*
  - e. *Australian Standard 2601 (2001) – Demolition of Structures*
  - f. *The Protection of the Environment Operations Act 1997 and Protection of the Environment Operations (Waste) Regulation 1996.*
  - g. *Relevant Department of Environment & Conservation (DEC) / Environment Protection Authority (EPA) and WorkCover NSW Guidelines.*

*A copy of Council's Asbestos Policy is available on Council's web site at [www.randwick.nsw.gov.au](http://www.randwick.nsw.gov.au) in the Building & Development section or a copy can be obtained from Council's Customer Service Centre.*

40. *A Demolition Work Plan must be prepared for the development in accordance with Australian Standard AS2601-2001, Demolition of Structures.*

*The Work Plan must include the following information (as applicable):-*

- a. *The name, address, contact details and licence number of the Demolisher /Asbestos Removal Contractor*
- b. *Details of hazardous materials, including asbestos*
- c. *Method/s of demolition and removal of asbestos*
- d. *Measures and processes to be implemented to ensure the health & safety of workers and community*
- e. *Measures to be implemented to minimise any airborne asbestos and dust*
- f. *Methods and location of disposal of any asbestos or other hazardous materials*
- g. *Other relevant details, measures and requirements to be implemented as identified in the Asbestos Survey*
- h. *Date the demolition and removal of asbestos will commence*

*The Demolition Work Plan must be submitted to Council and the Principal Certifying Authority (PCA) if the Council is not the PCA, not less than two (2) working days before commencing any demolition works involving asbestos products or materials. A copy of the Demolition Work Plan must also be maintained on site and be made available to Council officers upon request.*

**Note** *it is the responsibility of the persons undertaking demolition work to obtain the relevant WorkCover licences and permits.*

41. *A WorkCover licensed demolition or asbestos removal contractor must undertake removal of more than 200 m<sup>2</sup> of bonded asbestos (or as otherwise specified by WorkCover or relevant legislation). Removal of friable asbestos material must only be undertaken by contractor that holds a current friable asbestos removal licence.*

42. *On demolition sites involving the removal of asbestos, a professionally manufactured sign must be clearly displayed in a prominent visible position at the front of the site, containing the words 'DANGER ASBESTOS REMOVAL IN PROGRESS' and include details of the licensed contractor. The sign shall measure not less than 400mm x 300mm and the sign is to be installed prior to demolition work commencing and is to remain in place until such time as all asbestos has been safely removed from the site.*
43. *Asbestos waste must be stored, transported and disposed of in compliance with the Protection of the Environment Operations Act 1997 and the Protection of the Environment Operations (Waste) Regulation 1996.*

*Asbestos waste must be disposed of at an approved waste disposal depot (refer to the DEC or Waste Service NSW for details of sites). Copies of all receipts detailing method and location of disposal must be maintained on site and be provided to Council officers upon request, as evidence of correct disposal.*

44. *A Certificate or Statement, prepared by a suitably qualified person (i.e. an occupational hygienist, licensed asbestos removal contractor, building consultant, architect or experienced licensed building contractor), must be provided to Council upon completion of the works (prior to an Occupation Certificate being issued), which confirms that the relevant requirements contained in the Asbestos Survey and conditions of consent, in relation to the safe removal and disposal of asbestos, have been satisfied.*

#### **CONTAMINATED LAND & REMEDIATION**

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

45. *All 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).*
46. *Any new information which comes to light during 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.*
47. *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.*

48. *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).*

**NOISE EMISSION CONDITIONS:**

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

49. *The 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 ( $L_{A90}$ , 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  $L_{Aeq, 15 min}$  and adjusted in accordance with the NSW Environmental Protection Authority's Industrial Noise Policy 2000 and Environmental Noise Control Manual (sleep disturbance).*

50. *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.*

51. *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;  
40 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:*

- 35 dB(A) between 10pm and 7am in sleeping areas;*
- 45 dB(A) between 7am and 10pm and 40 dB(A) between 10pm and 7am in living areas.*

*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.*

52. *A report, prepared by a suitably qualified and experienced consultant in acoustics, shall be submitted to Council prior to an construction certificate being issued for the development, which demonstrates that noise and vibration emissions from the development and immissions into the development comply with the relevant provisions*

*of the Protection of the Environment Operations Act 1997, NSW Environment Protection Authority Noise Control Manual & Industrial Noise Policy, and conditions of Council's approval, to the satisfaction of Council's Manager Environmental Health and Building Services.*

53. *A report, prepared by a suitably qualified and experienced consultant in acoustics, shall be submitted to Council prior to an occupation certificate being issued for the development, which demonstrates that noise and vibration emissions from the development and immissions into the development comply with the relevant provisions of the Protection of the Environment Operations Act 1997 ,NSW Environment Protection Authority Noise Control Manual & Industrial Noise Policy, and conditions of Council's approval, to the satisfaction of Council's Manager Environmental Health and Building Services.*
54. *That any acoustic attenuation proposed shall not impede the premises being ventilated in accordance with the Building Code of Australia. Details of compliance to be submitted with the construction certificate application to the Council or Certifying Authority.*

#### **ENVIRONMENTAL POLLUTION & CONTROL:**

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

55. *The 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.*
56. *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.*
57. *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.***

#### **PRESCRIBED BUILDING & FIRE SAFETY REQUIREMENTS:**

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

58. *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.*

59. *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.*
60. ***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.
61. ***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 person's 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.*

62. *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.*

63. *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”.*

64. *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.*

65. *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.*

66. *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.*

67. *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.*

68. *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.*

#### **STRUCTURAL ADEQUACY:**

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

69. *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.*
70. *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 engineer's report is to be submitted to the Council, if the Council is not the certifying authority.*

71. *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**.*

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

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

*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**.*

73. *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**.*

74. *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.*

#### **CONSTRUCTION SITE MANAGEMENT:**

*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:*

75. *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.*
76. *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.*
77. *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.*

78. *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.*
79. *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.*
80. *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.*
81. *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.*
82. *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.*
83. *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.*

84. *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.*
85. *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.*
86. *Public safety and convenience must be maintained at all times during demolition, excavation and construction works.*
87. *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.*
88. *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.*
89. *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.*

90. *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:*
- a. location and construction of protective fencing / hoardings to the perimeter of the site;*
  - b. location of site storage areas/sheds/equipment;*
  - c. location of building materials for construction;*
  - d. provisions for public safety;*
  - e. dust control measures;*
  - f. site access location and construction*
  - g. details of methods of disposal of demolition materials;*
  - h. protective measures for tree preservation;*
  - i. provisions for temporary sanitary facilities;*
  - j. location and size of waste containers/bulk bins;*
  - k. details of proposed sediment and erosion control measures;*
  - l. 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.*

91. *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:-*

- a. Provision of geotextile fabric to all perimeter site fencing (attached on the prevailing wind side of the site fencing).*
  - b. Covering of stockpiles of sand, soil and excavated material with adequately secured tarpaulins or plastic sheeting.*
  - c. Installation of a water sprinkling system or provision hoses or the like.*
  - d. Regular watering-down of all loose materials and stockpiles of sand, soil and excavated material.*
  - e. Minimisation/relocation of stockpiles of materials, to minimise potential for disturbance by prevailing winds.*
  - f. Revegetation of disturbed areas.*
92. *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.*

93. *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.*

94. *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.*
95. *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.*
96. *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.*

97. 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:-
- a. any works or hoisting of materials over a public footway or adjoining premises, or
  - b. 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.*

98. 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:-
- a. Install or erect any site fencing, hoardings or site structures
  - b. Operate a crane or hoist goods or materials over a footpath or road
  - c. Placement of a waste skip (grater than 3m in length) or any container or other article.

#### **ACCESS & FACILITIES FOR DISABLED:**

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

99. *Access, facilities and car parking for people with disabilities must be provided 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**.*

### **SECURITY DEPOSIT CONDITIONS**

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

100. *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) \$5000.00 - *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 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.*

*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/CIVIL WORKS/ROADS AND TRAFFIC AUTHORITY CONDITIONS:**

*The following conditions are applied to provide adequate provisions for access, transport and infrastructure and requirements of the Roads and Traffic Authority:*

101. *The design and construction of the gutter crossing and the painted median shall be in accordance with the Road and Traffic Authority's Design Guide and other Australian Codes of Practice. Details of these requirements should be obtained from the Road and Traffic Authority's Project Services Manager, Traffic Projects Section, Blacktown (Ph 02 88142144).*

*The certified copies of the design shall be submitted to the Road and Traffic Authority (RTA) for consideration and approval **prior to the release of the construction certificate and commencement of road works**.*

*The developer shall be responsible for all public utility adjustment/relocation works, necessitated by the above work and as required by the various public utility authorities and/or their agents.*



*The RTA fees for administration, plan checking, civil works inspections and project management shall be paid by the developer prior to the release of the approved design plans.*

102. *Detailed design plans and hydraulic calculations for stormwater drainage system shall be submitted to the Roads and Traffic Authority (RTA) for approval prior to the commencement of any works. Details should be forwarded to:-*

*The Sydney Asset Management  
PO Box 558  
Blacktown NSW 2148*

*A plan checking fee will be payable and a performance bond may be required before the RTA's approval is issued. With regard to the Civil Works requirement please contact the RTA's Project Engineer, External Works on Ph: 88142114 or Fax: 8814 2111.*

103. *All works associated with the proposed development shall be at no cost to the Roads and Traffic Authority.*
104. *The layout of the car parking areas associated with the subject development including driveways, turning paths, grades (including transition grades), aisle widths, sight distance requirements and parking dimensions shall be in accordance with Australian Standard (AS) 2890.1 - 2004 and AS 2890.2 – 2002 and shall be certified as such by an appropriately qualified traffic engineer prior to the issue of the construction certificate.*
105. *The applicant must meet the full cost for Council or a Council approved contractor to:-*
- a) *Construct a full width concrete heavy-duty vehicular crossing and layback at kerb opposite the proposed vehicular entrance to the site.*
  - b) *Remove any redundant concrete vehicular crossings and laybacks and to reinstate the area with full width footpath to Council's specification.*
  - c) *Reconstruct any damaged sections of kerb and gutter along the Avoca Street site frontage.*
  - d) *Reconstruct a full width footpath along the Avoca Street site frontage in accordance with Council's Urban Design Guidelines for Randwick.*

*Note: This may include seat installations, bins and tree grates as required by Council's Landscape Architect.*

106. *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.*
107. *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.*

108. *The driveway opening at the Avoca Street frontage must be a minimum of 6.00 metres wide (clear width).*
109. *The applicant shall meet the full cost for the supply and installation of a painted thermoplastic island (and associated works) across the full site frontage at a minimum, around the centreline of Avoca Street to prevent a southbound motorist in Avoca Street from turning right into the site.*

*Notes:*

1. *The applicant is to submit a proposed design to Council's Traffic Engineer for approval by Council & the RTA prior to the issuing of a Construction Certificate.*
  2. *The applicant shall obtain a quote for the works from Council's Traffic Engineer and the RTA prior to the issuing of an occupation certificate.*
110. *The driveway entrance and exit shall comply with the sight distance requirements of AS2890.1:2004. Details are to be submitted to the Certifying Authority **prior to the release of the construction certificate** showing compliance with this condition.*
  111. *A 'Stop' sign and hold line shall be installed within the site, on the northern side of the driveway entrance, to direct exiting vehicles to stop prior to entering Avoca Street. The plans submitted for the construction certificate shall demonstrate compliance with this requirement.*
  112. *To maintain road safety and traffic efficiency in Avoca Street, all vehicular access to the development shall be left-in and left-out and an 'All traffic left' sign and left turn pavement arrows shall be installed within the site, on the northern side of the driveway entrance, to direct exiting vehicles to turn left into Avoca Street. Details demonstrating compliance with this requirement shall be submitted to the Certifying Authority and Council (if not the Certifying Authority) **prior to the issue of the construction certificate.***
  113. *The minimum clear distance from the existing footpath levels along the Avoca Street site frontage to the underside of the proposed awning (or any attached signage) shall be 2.60 metres.*

*Note: All new awnings shall be set back a minimum of 0.60 metres from the kerb alignment.*

114. *A work zone is to be provided in Avoca Street for the duration of the construction works. The 'work zone' shall be provided to the satisfaction of the Randwick Traffic Committee and shall have a minimum length of 12 metres. The prescribed fee for the*

*work zone must be paid to Council at least four (4) weeks prior to the commencement of work on the site.*

*It is noted that the requirement for a workzone 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.*

115. *Prior to the issue of the Occupation Certificate, the applicant shall liaise with Council's Co-ordinator, Transport Management to have the Roads and Traffic Authority's recommendation for the removal of on-street parking, south of the new driveway to the existing driveway with the Telstra building, referred to the Randwick Traffic Committee for consideration, with the applicant required to fund any alterations consequently decided upon.*

### ***ALIGNMENT LEVEL CONDITIONS***

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

116. *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 **2.5% above the top of the kerb at all points opposite the kerb 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.*

*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.*

117. *The above alignment levels and the site inspection by Council's Department of Asset & Infrastructure Services have been issued at a prescribed fee of \$792 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:*

118. *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.*

119. *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.*
120. *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.*
121. *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.*
122. *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).*

### **STORMWATER DRAINAGE CONDITIONS**

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

123. *Engineering calculations and plans with levels reduced to Australian Height Datum in relation to site drainage shall be submitted to and approved by the certifying authority prior to a construction certificate being issued for the development. A copy of the engineering calculations and plans are to be forwarded to Council, prior to a construction certificate being issue, if the Council is not the certifying authority. The drawings and details shall include the following information:*
  - a) *A detailed drainage design supported by a catchment area plan, at a scale of 1:100 or as considered acceptable to the Council or an accredited certifier, and drainage calculations prepared in accordance with the Institution of Engineers publication, Australian Rainfall and Run-off, 1987 edition.*
  - b) *A layout of the proposed drainage system including pipe sizes, type, grade, length, invert levels, etc., dimensions and types of all drainage pipes and the connection*

*into Council's stormwater system. This may involve either connection to the Council's street gutter, or into a Council stormwater pit. Note: All proposals should indicate the location of the closest Council stormwater pit and line regardless of the point of discharge. This information can be obtained by a visual inspection of the area and perusing Council's drainage plans.*

- c) Generally all internal pipelines must be capable of discharging a 1 in 20 year storm flow. However the minimum pipe size for pipes that accept stormwater from a surface inlet pit must be 150mm diameter. The site must be graded to direct any surplus run-off (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:*
    - Roof areas*
    - Paved areas*
    - Grassed areas*
    - 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.*
- 124. 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.*
- 125. On-site detention must be provided to ensure that the maximum discharge from the above site is not to exceed that which would occur during a 1 in 5 year storm of 1 hour duration for the existing site conditions. All other stormwater run-off from the above site for all storms up to the 1 in 20 year storm is to be retained on the site for gradual release to the kerb and gutter or drainage system as required by the Director of Assets and Infrastructure Services. Provision is to be made for satisfactory overland flow should a storm in excess of the above parameters occur.*

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

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

126. *All site stormwater leaving the site must be discharged by gravity to the kerb and gutter or drainage system at the front of the property.*
127. *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.*
128. *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 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:*

- 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.*
129. *The detention area must be regularly cleaned and maintained to ensure it functions as required by the design.*
130. *The stormwater detention area must be suitably signposted where required, warning people of the maximum flood level.*
131. *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:*

- d) *It is noted that above ground storage will not be permitted in basement car parks or in any area which may be used for storage of goods.*
- e) *Mulch/bark must not be used in onsite detention areas*
132. *The floor level of all habitable and storage areas adjacent to the detention area must be a minimum of 300mm above the maximum water level for the design storm or alternately a permanent 300mm high water proof barrier is to be constructed.*

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

133. *A childproof and corrosion resistant fastening system shall be installed on access grates over pits/trenches where water is permitted to be temporarily stored.*
134. *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.*

135. *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.*
136. *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.***

137. A 'V' drain is to be constructed along the perimeter of the property, where required, to direct all stormwater to the detention area.
138. Any absorption trenches/infiltration pits must be designed in accordance with "Section 8.5 ABSORPTION TRENCHES" as stipulated in Randwick City Council's Private Stormwater Code.
139. Three 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.
140. 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).
141. Prior to the issuing of an occupation certificate, the applicant shall submit to the Principal Certifying Authority (PCA) and Council's Director of Asset and Infrastructure Services, certification from a suitably qualified and experienced Hydraulic Engineer confirming that the design and construction of the stormwater drainage system complies with the conditions of development consent. The certification must be provided to the satisfaction of the PCA.
142. As the above site may encounter groundwater 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 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 groundwater 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).*

*143. A dilapidation survey of the surrounding properties and infrastructure shall be undertaken by a suitably qualified person prior to the commencement of work on the site.*

*144. A report must be submitted to and approved by the Certifying Authority, prior to issuing the Construction Certificate, detailing the proposed method of excavation and dewatering. This report is to be prepared by suitably qualified and experienced Geotechnical, Hydrological and Structural Engineers and is to include but not be limited to:*

- The proposed method of shoring/piling and dewatering.*
- The zone of influence of any possible settlement.*
- The location of any proposed re-injection points in relation to the property boundaries (where re-injection equipment is to be located on land other than the subject premises, the written consent of the owner must also be provided to Council).*
- Monitoring of fluctuations of the water table during dewatering/construction to be undertaken by consulting engineers to ensure that the conditions of consent and other relevant requirements are satisfied.*
- The location of all proposed monitoring equipment in relation to the property boundaries (where monitoring equipment is to be located on land other than the subject premises, the written consent of the owner must also be provided to Council).*
- Details of any consultation and arrangements made with owners of any potentially affected nearby premises (i.e. in relation to access, monitoring and rectification of possible damage to other premises)*
- Details of groundwater quality and proposed disposal of any potentially contaminated groundwater in accordance with relevant requirements of the Department of Environment & Conservation, Council and the Protection of the Environment Operations Act 1997, in an environmentally sensitive manner.*
- The location of all pumping equipment in relation to the property boundaries.*
- The proposed method of noise attenuation for all pumping equipment, so as not to be more than 5dB (A) greater than the A – weighted L90 background sound pressure level between the hours of 7am to 10pm within any residential premises and not to be audible at all between the hours of 10pm and 7am within any residential dwelling.*
- Confirmation that the proposed methods of dewatering and excavation are appropriate and in accordance with 'best practice' principles and should not result in any unacceptable levels of settlement or damage of the adjoining or nearby buildings within the zone of influence.*

*Any practices or recommendations made by the consulting Engineer/s must be implemented accordingly.*

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

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

#### **WASTE MANAGEMENT:**

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

- 145. The garbage room shall be sized to contain the compactor (with safe working area) plus an additional 8 x 240 litre bins with adequate provision for access to all of the bins. Details showing compliance are to be included in the construction certificate. The compactor system shall be managed by a caretaker and the compactor is to be located in an area that is not readily accessible by residents.*
- 146. A minimum of 2 x 240 litre garbage bins shall be provided outside of the compactor area to facilitate disposal of non-recyclable residential garbage which cannot fit into the garbage chute system.*
- 147. The residential recycling room shall be sized to contain a total of 16 X 240 litre recycling bins with adequate provision for access to the bins.*
- 148. 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.*
- 149. The waste storage areas shall be clearly signposted.*
- 150. 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.*
- 151. The commercial garbage room shall be sized to contain a total of 2 x 240 litre bins (1 garbage bin and 1 recycling bin) whilst providing satisfactory access to these bins.*

#### **LANDSCAPE CONDITIONS**

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

- 152. Landscaping at the site shall be installed substantially in accordance with the landscape plans prepared by JAF of Jane Irwin Landscape Architecture, drawing number LP-01 to LP-03, project number 010501, Issue B, dated December 2004, subject to the following amendments being made and additional information being provided:*

- a. *Position of existing and proposed site services including water, gas, electricity, sewer, stormwater, etc.*
  - b. *The landscape plan shall show a minimum number of 6 x 100 litre sized broad canopied trees (not palms) suitably located within the deep soil zones of the site. The trees selected shall be of a species that attain a minimum height of 6 metres at maturity.*
  - c. *In order to reduce the amount of stormwater generated by the site, as well as to recharge groundwater supplies, porous paving shall be used in all paved areas not over slab. Details are to be provided with the construction certificate application.*
  - d. *Location of easements within the site and upon adjacent sites (if any).*
153. *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.*
154. *The applicant shall submit a landscape design for the Avoca Street frontage of the development in accordance with Council's Urban Design Guidelines for Randwick Commercial Centre. The landscape design shall include pavements and bin installations as required by Council's Landscape Architect – 9399 0786.*

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

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

*A refundable deposit in the form of cash or cheque of \$4,000 shall be lodged with Council prior to issue of a construction certificate for the proposed development in order to ensure the construction of the approved landscape works along the Avoca Street frontage.*

155. *To ensure satisfactory maintenance of all landscaping, an automatic drip irrigation system shall be installed throughout all planted areas, and is to comply with all Sydney Water requirements.*
156. *Any substation required shall be screened from view. The proposed location and elevation shall be shown on all detailed landscape drawings and specifications.*

157. *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***

158. *Permission is granted for the selective pruning of overhanging branches from the southern side of the Erythrina x sykesii (Coral Tree) located in the adjoining property to the north, St Jude's Church, close to the common boundary. This approval does not imply any right of entry onto a neighbouring property nor does it allow pruning beyond a common boundary. However, where such measures are desirable in the best interests of correct pruning procedures, it shall be necessary for the applicant to negotiate with the tree owner. All pruning must be undertaken by a qualified Arborist, with suitable qualifications in Arboriculture and to Australian Standard AS 4373-1996 'Pruning of Amenity Trees.'*

### ***Tree Protection Measures***

159. *In order to ensure the retention of the Erythrina x sykesii (Coral Tree) located in the adjoining property to the north, St Jude's Church grounds, in good health, the following measures are to be undertaken:*

- a. *All detailed architectural, building, demolition, engineering (structural, stormwater & drainage, services), and landscape documentation submitted for the construction certificate application shall show the retention of this tree with the position of the tree trunk and full diameter of the tree canopy clearly shown on all drawings.*
- b. *Additional information shall be provided, to the satisfaction of the certifying authority, detailing the method of excavation and construction to be used for the northern edge of the proposed excavated basement carpark and stairway beneath the southern edge of the dripline. Written confirmation shall be obtained from the consulting Arborist confirming the suitability of the methods proposed, and will also be shown on all plans submitted for the construction certificate application.*
- c. *The tree is to be physically protected by the installation of 1.8 metre high steel mesh/chainwire fencing, which is to be located a minimum distance of 2 metres off the northern property boundary within the dripline of the tree.*

*This fencing shall be installed prior to the commencement of demolition and construction works and shall remain in place until such time as the landscaping works in that area need to be completed.*

- d. *Within this zone there is to be no storage of materials or machinery or site office/sheds, nor is cement to be mixed or chemicals spilt/disposed of in the area*

*and no stockpiling of soil or rubble.*

- e. Any excavations required for footings, structures, retaining walls, basement carports etc within 7 metres of the tree trunk shall be undertaken by hand and under the direction of, and to the satisfaction of, a suitably qualified Arborist with all roots being cleanly cut.*
- f. The erection of signage on the fence with the following words clearly displayed: "TREE PROTECTION ZONE", "DO NOT ENTER".*

*160. In order to ensure the retention of the Jacaranda mimosifolia (Jacaranda) located about halfway along the northern boundary in good health, the following measures are to be undertaken:*

- a. All detailed architectural, building, demolition, engineering (structural, stormwater & drainage, services), and landscape documentation submitted for the construction certificate application shall show the retention of the existing tree specimen with the position of the tree trunk and full diameter of the canopy clearly shown on all drawings.*
- b. Detailed architectural, building, demolition, engineering (structural, stormwater & drainage, services), and landscape documentation submitted for the construction certificate application shall show no alterations in the existing soil levels cutting or battering of the existing soil profile within a radius of 4.5 metres from the outside edge of the tree trunk.*
- c. The tree is to be physically protected by the installation of 1.8 metre high steel mesh/chainwire fencing around the tree, and is to be located a minimum radius of 5 metres from the outside edge of the trunk.*

*This fencing shall be installed prior to the commencement of demolition and construction works and shall remain in place until such time as the landscaping works in that area need to be completed.*

- d. Within this zone there is to be no storage of materials or machinery or site office/sheds, nor is cement to be mixed or chemicals spilt/disposed of in the area, no stockpiling of soil or rubble, or any works listed in Point b.*

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

- e. Any excavations required for footings, structures, retaining walls, paving etc within 6 metres of the tree trunk shall be undertaken by hand and under the direction of, and to the satisfaction of, a suitably qualified Arborist with all roots being cleanly cut.*
- f. The installation of Eucalyptus leaf mulch to a depth of 75mm within the fenced off protection area as described in Point c.*
- g. The erection of signage on the fence with the following words clearly displayed:*

*"TREE PROTECTION ZONE", "DO NOT ENTER".*

- h. A refundable deposit in the form of cash or cheque of \$2,730.00 shall be lodged with Council prior to issue of a construction certificate for the proposed development in order to ensure the preservation of the tree in accordance with the requirements described in this condition.*

<i>QUANTITY</i>	<i>SPECIES</i>	<i>AMOUNT</i>
<i>1</i>	<i>Jacaranda mimosifolia (Jacaranda)</i>	<i>\$2,730.00</i>
	<b><i>TOTAL</i></b>	<b><i>\$2,730.00</i></b>

*The refundable deposit is placed to ensure that the tree protection measures as described in this condition are undertaken throughout the demolition and construction period. The refundable deposit will be released twelve (12) months from the time of issue of a final occupation certificate by the certifying authority providing the tree protection measures (including amendments to the plans) have been undertaken throughout the demolition and construction period and the tree has been retained in good health.*

*Any contravention of Council's conditions relating to the tree at any time during the demolition and construction period or prior to the issue of a final occupation certificate will result in the Council claiming all of the lodged security.*

- 161. A refundable deposit in the form of cash, cheque, or bank guarantee (with no expiry date) for the amount of \$12,000.00 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.*

*The contribution shall be paid into Landscaping Bond Code R41 at the Cashier on the Ground Floor of the Administrative Centre **prior to an occupation certificate being issued for the development.***

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

## **INFRASTRUCTURE, PLANNING AND NATURAL RESOURCES**

*The following conditions are applied to comply with the Department of Infrastructure Planning and Natural Resources General Terms of Approval dated 27 July, 2005:*

162. *Prior to the issue of the construction certificate, the applicant shall obtain a Water Licence under Part V of the Water Act 1912 and comply with the General Terms of Approval as specified by the Department of Infrastructure, Planning and Natural Resources (as attached).*

### **ADVISORY MATTERS:**

A1. *The applicant is advised that the Construction Certificate plans and specification must comply with the provisions of the Building Code of Australia (BCA). In this regard, the development consent plans do not show compliance with the deemed-to-satisfy provisions of the BCA, including:*

- a) *Part B1 - Structural provisions*
- b) *Part C1 - Fire resistance and stability*
- c) *Part C3 - Protection of openings*
- d) *Clause C3.2&C3.4 - Protection of openings in external walls*
- e) *Part D3 - Access for people with disabilities*
- f) *Clause D3.5 - Car parking for people with disabilities*
- g) *Part E1 - Fire fighting equipment*
- h) *Part E2 - Smoke Hazard Management*
- i) *Part E4 - Emergency lighting, exit signs & warning systems*
- j) *Part F1 - Damp and weatherproofing*
- k) *Part F4 - Light and ventilation*
- l) *Part F5 - Sound Transmission and Insulation*

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

*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.*

A2. *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.*

- A3. *In order to organise for an inspection for the release of the security deposit, the applicant shall contact the Principal Certifying Authority for the development to liaise with Council's Asset & Infrastructure Department to arrange for an inspection of the landscaping to be carried out. Should the landscaping be found to be unsatisfactory, thus necessitating further inspections, the applicant is advised that each additional inspection will be charged at \$55.00 (incl.GST) and that this amount shall be paid into Account Number 41901939, Code RGJ at the Cashier on the Ground Floor of the Administrative Centre prior to any further inspection being carried out.*

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

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

**5.8 DEVELOPMENT APPLICATION REPORT - 1 COWPER STREET AND 39 KING STREET, RANDWICK. (DA/520/2005)**

H108 **RESOLUTION:** *(Andrews/Belleli) that:*

- A. *the requirement for submission of a master plan under clause 40A of RLEP1998 be waived on the grounds that the proposed development is ancillary to the current use of the land and adequate planning controls already exist over the site.*

AND

- B. *Council support the objections under State Environmental Planning No. 1 (SEPP No.1) in respect to non-compliance with Clauses 33(2) & 33(4) of the Randwick Local Environmental Plan 1988, relating to Overall Height and External Wall Height, on the grounds that the proposed development is consistent with the objectives of the clauses and will not adversely affect the amenity of the surrounding locality and that the Department of Infrastructure Planning & Natural Resources be advised accordingly.*

AND

- C. *Council as the responsible authority grant its development consent under Section 80 and 80A of the Environmental Planning and Assessment Act 1979 (as amended) to Development Application No DA/520/2005 for Construction of new multi-unit housing development for student housing comprising 18 units (85 beds) over 4 storeys, associated landscaping, storage, bicycle parking and kiosk substation at 1 Cowper Street and 39 King Street, Randwick subject to the following conditions:-*
1. *The development must be implemented substantially in accordance with the plans drawn by Daryl Jackson Robin Dyke Pty Ltd numbered as follows:*

<i>Drawing Number</i>	<i>Revision Number</i>	<i>Date</i>
<i>A1.101</i>	<i>P</i>	<i>11.10.05</i>
<i>A1.102</i>	<i>N</i>	<i>11.10.05</i>



<i>A1.103</i>	<i>J</i>	<i>28.09.05</i>
<i>A1.104</i>	<i>M</i>	<i>11.10.05</i>
<i>A1.105</i>	<i>E</i>	<i>11.10.05</i>
<i>A2.001</i>	<i>J</i>	<i>11.10.05</i>
<i>A2.002</i>	<i>J</i>	<i>11.10.05</i>
<i>A2.003</i>	<i>H</i>	<i>11.10.05</i>

*all stamped received by Council on 12 October 2005, drawing titled "Typical Landscape Section" showing fence details numbered SK2 and stamped received by Council on 16 August 2005, the coloured sheet titled "Materials Sample" stamped received by Council on 12 October 2005, Revision A of the Landscape Concept Plan DAL01 dated 27.06.05 and stamped received by Council on 28 June 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:*

- 2. The security gates to the main entry to the development from King Street are to be constructed of palisade style gates (to match the front fencing) and are to be a minimum of 2 metres in height. This condition is imposed to ensure that a view from the street to the communal courtyard and vice versa can be achieved to increase opportunities for casual surveillance. Details are to be provided with the Construction Certificate application.*
- 3. The blade walls supporting the letterboxes on the King Street entry to the development are to be a maximum of 1.5 metres\* high to maintain reasonable levels of amenity to the adjoining residential development and the streetscape. This condition is imposed to clarify the plans and details are to be shown with the Construction Certificate application.*

*\*An allowance of up to 150mm is permitted at required 'step-downs' or changes in level.*

- 4. Fences located on the side or rear boundaries of the premises shall not exceed a maximum height of 1800 mm\*, to maintain reasonable levels of amenity to the adjoining premises. Any replacement fencing required as a result of the works will be in similar materials to existing fencing and be at the full cost of the applicant.*

*\*An allowance of up to 150mm is permitted at required 'step-downs' or changes in level.*

- 5. An intercom system is to be provided at the building line to secure the pedestrian entry from King Street for residents and to manage visitors. Details of compliance are to be provided in the relevant plans and specifications for the construction certificate.*
- 6. The development is to be used for student accommodation and owned by the University of NSW for use as shared accommodation. Any proposal to use the dwellings within the*

*development for separate occupancy or strata subdivision, requires a new development application. This condition is imposed to ensure that the parking impacts of the development are minimised.*

***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:***

7. *The bottom pane of the west facing bedroom windows to Units 38, 39, 48 and 49 are to be fixed and obscurely glazed. This condition is imposed to limit the potential for overlooking and the perception of overlooking created by the building when viewed from the adjoining dwelling house. Details are to be provided on the plans submitted with the Construction Certificate application.*
8. *There must be no encroachment of any part of the structures onto the adjoining premises or onto Council's road reserve, footway or public place.*
9. *Any gate openings shall be constructed so that the gates, when hung, will be fitted in such a manner that they will not open over the footway or public place.*
10. *Street numbering must be provided to the premises in a prominent position, to the satisfaction of Council.*
11. *No cooking facilities or sanitary fittings other than those indicated on the approved plans are to be installed in the premises without the prior written consent of the Council.*
12. *Power supply and telecommunications cabling to the development shall be underground.*
13. *A single common television aerial, and/or satellite dish (having a maximum diameter of 700mm and not located on the front or street elevation of the building) is to be installed to serve the development.*
14. *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.*
15. *Adequate lighting is to be provided to the premises, in particular the entry path to the development and 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.*
16. *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.*

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

**energy efficiency:**

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

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

18. *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.*

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

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

20. *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.*
21. *Appliances provided within the development must satisfy any relevant BASIX requirements and as a minimum appliances should satisfy the following energy ratings:*

*Clothes dryers minimum 2.5 star  
Dishwashers minimum 3 star  
Air conditioners minimum 4 star  
Clothes washers minimum 4 star  
Fridge minimum 4 star*

22. *A rainwater tank, of sufficient size to provide water for irrigation of landscaped areas within the development, is to be provided to the development in accordance with Council's Rainwater Tank Policy, to Council's satisfaction.*

*If located above ground, the tank is to be located a minimum of 1.5m from the side boundaries and is to have a maximum height of 2.4 metres and is to be installed behind the front building line at ground level. Details of the rainwater tank are to be incorporated into the relevant construction certificate, to the satisfaction of the Certifying Authority.*

*The noise level from the pump is not to exceed 5dBA above ambient background noise, measured at the property boundary and the pump must not be audible within any*

*dwelling located upon any other premises between 10pm and 8am.*

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

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

- a) *for the provision or improvement of open space \$47,297.00*
- b) *for the provision or improvement of community facilities \$20,913.44*

*The contribution must be paid in cash or by bank cheque **prior construction** of 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 relevant pollution control criteria and to maintain reasonable levels of health, safety and amenity to the locality:***

24. *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.*

25. *Adequate provisions are to be made within the premises for the storage, collection and disposal of waste and recyclable materials.*

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

26. *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.*

27. *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.*

28. ***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.

29. ***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.*

30. *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.*

31. *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".*

32. *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.*

33. *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.*

34. *In accordance with clause 98 of the Environmental Planning & 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.*

35. *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.*

36. *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:***

37. *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.*

38. *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**.*

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

40. *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:***

41. *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.*
42. *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.*

43. *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.*

44. *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.*
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. *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.*

47. *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.*

48. *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.*

49. *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.*

50. *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.*

51. *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.*
52. *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.*

53. *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.*

54. *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 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.*

55. *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.*

56. *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.*

57. *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.*

58. *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.*

*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.*

*Temporary fences or 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.*

59. *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 reasonable levels of access for people with disabilities:***

60. *To provide reasonable access for persons with disabilities, suitable access ramp/s are to be provided from the entry to the premises and to the building entrance to the satisfaction of the certifying authority and details are to be included in the **construction certificate**.*

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

61. ***Prior to issuing a construction certificate for works above the underside of the ground floor slab the land must be remediated to meet the relevant criteria in the National Environment Protection (Assessment of Site Contamination) Measure (NEPM) 1999 and the following requirements must be complied with:***

- a) *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.*

- b) *The RAP is to be prepared in accordance with the relevant Guidelines made or approved by the NSW Department of Environment and Conservation, including the Guidelines for Consultants Reporting on Contaminated Sites.*

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

*Excavation of Hydrocarbon-contaminated soil,  
Site management planning,  
Validation sampling and analysis,  
Prevention of cross contamination and migration or release of  
contaminants,  
Unexpected finds.*

- c) *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.*
- d) *The applicant is to engage a NSW Department of Environment and Conservation Accredited Site Auditor, accredited under sections 49 and 50 of the Contaminated Land Management Act 1997. The Site Auditor is to assess the suitability of the site for its intended development and use. The Site Audit Statement and Summary Site Audit Report is to be submitted to Council prior to a construction certificate being issued and must verify that the land has been remediated and the site is suitable for the intended development and satisfies the relevant criteria in the NEPM 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. The Site Audit Statement must, where no guideline made or approved under the NSW Contaminated Land Management Act is available (as with asbestos), clearly state the source of the standard adopted in determining the suitability of the land for the intended development and use and must also demonstrate its suitability to Council.*

*In relation to any asbestos contamination, a comprehensive remediation strategy and remedial action plan must be developed, to the satisfaction of the Site Auditor and NSW Department of Health or other suitably qualified and experienced specialist to the satisfaction of the Site Auditor.*

*The remediation strategy and remedial action plan must demonstrate that the land will be remediated in accordance with relevant guidelines (if any) and to a level or standard where no unacceptable health risk remains from asbestos exposure, which shall be verified upon completion of the remediation works to the satisfaction of the Site Auditor.*

- e) *Remediation works shall be carried out in accordance with the requirements of the Contaminated Land Management Act 1997, environmental planning instruments applying to the site, guidelines made by the NSW Department of Environment and Conservation and Department of Infrastructure Planning & Natural Resources, Randwick City Council's Contaminated Land Policy 1999 and the Protection of the Environment Operations Act 1997.*
- f) *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'.*
- g) *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*
  - *prevention of 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.*
- h) *The site remediation must be completed to the satisfaction of the Accredited Site Auditor and the written concurrence of Council must be obtained prior to the issuing of the construction certificate.*
- i) *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).*
- j) *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.*
- k) *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.*

- l) *Remediation work shall be conducted within the following hours:*

*Monday – Friday 7am – 5pm*

*Saturday 8am – 5pm*

*No work permitted on Sundays or Public Holidays*

- m) *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.*
- n) *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.*
- o) *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*
- p) *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.*
- q) *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.*

- r) *Should it be proposed to provide on-site containment/capping of asbestos or other contaminants, written details of the proposal must be contained in the Remedial Action Plan and must be referred to Council for consideration and written concurrence must be obtained from Council prior to implementation of the Remedial Action Plan.*

*A detailed Management Plan, prepared in accordance with Guidelines of the Assessment of ON-site Containment of Contaminated Soil must be prepared for all land subject to on-site containment/capping to the satisfaction of the*

*Site Auditor and relevant notations/restrictions are to be included on the Certificate(s) of the Title for the subject land.*

*A copy of the Management Plan(s) and details of relevant notations/restrictions upon the Certificates of Title must be forwarded to Council, together with a written statement from the Site Auditor, which confirms that the Management Plan is consistent with the Guidelines for the Assessment of ON-Site Containment of Contaminated Soils and any of the relevant guidelines and legislative requirements.*

- s) *The strategy for stage remediation of the site is to incorporate measures to ensure that adequate environmental and public health safeguards are implemented and monitored, including (but not limited to):*

*Cross-contamination, of any potential activity, which may result in the contamination of a clean or remediated area from an unremediated area,  
Drainage including cross-contamination via drainage,  
Worker health and safety  
Worker movement  
Environmental impact and potential for migration or release of contaminants from the site.*

*These shall be effectively addressed in a controlled manner through the development, implementation and monitoring of a detailed Site Management Plan (SMP) to be implemented during site remediation and infrastructure works.*

62. *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).*

***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:***

63. *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.*

64. *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:***

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

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

66. *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) *\$8000.00 - 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.*

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

67. *Details of the proposed angle parking bay along the King Street site frontage shall be submitted to Council's Traffic Committee for consideration and approval, prior to the issuing of a construction certificate. The plans submitted for the construction certificate shall be amended to incorporate any changes required by the Traffic Committee.*

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

- a) *Construct a concrete kerb and gutter for the full King Street site frontage.*

*Note: This will involve the realignment of the existing edge of roadway approximately 2.5 metres south in the location of the proposed angle parking bay.*

- b) *Carry out a full depth road re-construction in front of the new kerb and gutter along the full King Street site frontage.*

*Note: The width of road reconstruction shall be minimum of 1.5 metres in areas not adjoining the angle parking spaces; and minimum 4 metres in front of the indented kerb.*

- c) *Construct a full width concrete footpath along the full King Street site frontage.*

*Note: this will incorporate street trees, tree guards and tree grates as required by Council's Landscape Architect.*

- d) *Install thermoplastic linemarking and concrete wheelstops to designate each parking space.*
- e) *Reconstruct any damaged sections of kerb and gutter within the northernmost 40 metres of the Mulwaree Avenue site frontage.*
- f) *Reconstruct a full width concrete footpath along the northernmost 40 metres of the Mulwaree Avenue site frontage.*

***Note: Should the Traffic Committee require deletion of the proposed angle parking bay, the civil works along the King Street site frontage shall be amended accordingly. The applicant shall contact Council's Development Engineer on 9399 0881 in regard to this matter.***

69. *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.*
70. *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.*
71. *A Works Zone is to be provided in King 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.*

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

72. *The Council's Development Engineer has inspected the above site and has 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:*

***King Street: 160mm above the edge of the existing roadway along the full site frontage.***

***Mulwaree Avenue: 20mm above the top of the kerb level at all points opposite the kerb along the full site frontage.***

*Any enquiries regarding this matter should be directed to Council's Development Engineer on 9399 0923.*

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

73. *The design alignment levels (concrete/paved/tiled level) issued by Council and their relationship to the roadway/kerb must be indicated on the building plans for the construction certificate.*
74. *The above alignment levels and the site inspection by Council's Development Engineer have been issued at a prescribed fee of \$3850 calculated at \$44.00 (inclusive of GST) per metre of site frontage. This amount is to be paid prior to a construction certificate being issued for the development.*
75. *The top of footings of any structures constructed on the boundary alignment must be at least 150mm below the alignment level as specified for the vehicular access.*

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

76. *The applicant is to submit written documentation from all relevant service authorities and utility providers indicating that contact has been made with these authorities regarding protection of services and assets on the site and in the vicinity of the works (including where relevant footpath, naturestrip and public reserve) and include information from public utility authorities and exploratory trenching or pot-holing, if necessary, to determine the position and level of service. Documentation is to be provided to the certifying authority prior to issue of a Construction Certificate.*
77. *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.*
78. *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.*
79. *The new electricity substation shall be located within the site and shall be screened from view in accordance with the requirements of Energy Australia. The proposed location and elevation shall be shown on all detailed landscape drawings and specifications.*
80. *A Section 73 Compliance Certificate under the Sydney water Act 1994 must be obtained*

*from Sydney Water Corporation.*

*Application must be made through an authorised Water Servicing Coordinator. Please refer to the Building Developing and Plumbing section of the website [www.sydneywater.com.au](http://www.sydneywater.com.au) then refer to “Water Servicing Coordinator” under Developing Your Land” or telephone 13 20 92 for assistance.*

*Following application a “Notice of Requirements” will advise of water and sewer infrastructure to be built and charges to be paid. Please make early contact with the Coordinator, since building of water/sewer infrastructure 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:***

81. *The floor level of Units 44, 45 shall be at a minimum RL of 38.83 (AHD).*

*Note: The submitted Ground Floor plan (DA1.101 Rev L) demonstrates compliance with this requirement.*

82. *Units 46 and 47 shall be suitably waterproofed up to RL 38.83 (AHD). It is noted that this necessitates all windows, vents and other openings being located above RL 38.83 (AHD). The plans submitted for the construction certificate shall demonstrate compliance with this requirement.*

83. *The floor level of Units 40 and 41 shall be at a minimum RL of 38.46 (AHD) or suitably waterproofed up to this same level.*

*Note: The submitted Ground Floor plan (DA1.101 Rev L) demonstrates compliance with this requirement.*

84. *The floor level of Units 38 and 39 shall be at a minimum RL of 38.09 (AHD) or suitably waterproofed up to this same level.*

*Note: The submitted Ground Floor plan (DA1.101 Rev L) demonstrates compliance with this requirement.*

85. *All structural walls and supports at the ground floor level along the King Street site frontage shall be designed to **structurally** withstand hydrostatic pressure/stormwater inundation from floodwater during the probable maximum flood (PMF) event as defined in the Floodplain Management Manual (New South Wales Government, January 2001). Structural Engineering certification confirming that this condition has been complied with shall be submitted to the certifying authority prior to the issuing of a construction certificate.*

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

86. *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.*
87. *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.*
88. *All site stormwater must be discharged (by gravity) to either:*

a. *The underground drainage system in King Street, via a new 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.*

89. *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 5 year storm of 1 hour duration for the existing site conditions. All other stormwater run-off from the above site for all storms up to the 1 in 20 year storm is to be retained on the site for gradual release to the underground drainage system in King Street. 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.*

90. *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.***

91. *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.*

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

93. *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 car parks or in any area which may be used for storage of goods.*

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

94. *The stormwater detention area (and/or infiltration systems with above ground storage) must be suitably signposted where required, warning people of the maximum flood level.*
95. *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 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).*

96. *A childproof and corrosion resistant fastening system shall be installed on access grates over pits/trenches where water is permitted to be temporarily stored.*
97. *A 'V' drain is to be constructed along the perimeter of the property, where required, to direct all stormwater to the detention/infiltration area.*
98. *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.*

99. *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.*

100. *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 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 Development Engineer.*
- b. *If new linen plans are being prepared for the site, the plans shall indicate the location and dimensions of the detention/infiltration areas.*
101. *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);*
- f) *Details of any infiltration/absorption systems; and*
- g) *Details of any pumping systems installed (including wet well volumes).*

102. *Prior to the issuing of an occupation certificate, the applicant shall submit to the Principal Certifying Authority (PCA) and Council, certification from a suitably qualified and experienced 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.*

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

103. *The waste storage area for the redeveloped portion of the site shall be sized to contain a total of 18 x 240 litre bins (9 garbage bins & 9 recycle bins) whilst providing satisfactory access to these bins. Details showing compliance with this requirement are to be shown on the plans submitted to the certifying authority for the construction certificate.*

104. *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.*

105. *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 Waste Compliance Officer, a Waste Management Plan detailing waste and recycling storage and disposal for the development site, post construction.*

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

106. *Landscaping at the site shall be installed substantially in accordance with the landscape concept plan prepared by Jane Coleman, Landscape Architect, drawing number DA L01, revision A, dated 27/06/05 and stamped received at Council on 28th June 2005, subject to the following additional requirements and information being provided:*

- a. *A planting schedule listing all plants by botanic & common names, plant numbers, plant spacings for groundcovers, provision and placement of suitable accent plants, pot sizes, the estimated size of the plant at maturity (height & spread) and proposed staking methods when applicable.*

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

- b. *The selection of shade tolerant plants only for all planted areas proposed between*

*the Fig Trees and eastern edge of the eastern most wing of the proposed development.*

- c. 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.*

*Note: In order to reduce the amount of stormwater generated by the site, as well as to recharge groundwater supplies, porous paving shall be used in all paved areas unless otherwise directed in the Remedial Action Plan (RAP) for the works. Details are to be provided with the landscape plans submitted for the construction certificate application.*

- d. Additional notation showing the position of existing and proposed site services including water, gas, electricity, sewer, stormwater, etc, as well as the location of any easements within the site and/or upon adjacent sites.*
- e. Additional sectional elevations through the site showing the existing and proposed groundlines, building elevations, and mature height of proposed planting. It is noted that all raised planters must have a minimum soil depth of 600mm.*

*107. 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.*

*108. To ensure satisfactory maintenance of the landscaped areas, an automatic drip irrigation system shall be installed throughout all newly planted areas (excluding areas of turf).*

*The applicant will be required to demonstrate that the system will be connected to the sites rainwater tanks, with backup connection to the mains supply, in accordance with current Sydney Water requirements.*

*109. 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 soft landscaped areas.*

*110. The applicant shall submit a total payment of \$797.50 to Council,*

- a. Being the cost for Council to supply and install 5 x 45 litre street trees (Tristaniopsis laurina, Watergums) along the King Street nature strip/footpath at the completion of works (\$725.00 + GST),*

*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.***

111. Approval is granted for the removal of the following trees, subject to the provision of 4 x 75 litre trees in the central courtyard as proposed, using a species which will attain a minimum height of 6 metres at maturity.

- a. One *Jacaranda mimosifolia* (*Jacaranda*) near the northwest corner of the site,
- b. One *Ulmus* species (*Elm Tree*) immediately east of the tree described above.

112. Subject to all pruning works detailed in this condition being undertaken by a qualified Arborist, with suitable qualifications in Arboriculture, to the requirements of Australian Standard AS 4373-1996 'Pruning of Amenity Trees,' permission is granted for:

- i. The selective underpruning (crown lifting) of only those branches on the western sides of the five *Ficus microcarpa* var. 'Hillii' (*Hills Weeping Figs*) located along the eastern boundary which need to be removed in order to accommodate the proposed development as shown, prior to commencement of construction if necessary. This pruning work shall amount to no more than 25% of the total canopy cover of each individual tree.
- ii. The minimal pruning of only those previously lopped or damaged branches that need to be removed in order to improve the structure or appearance of the five trees.

Prior to the issue of a final occupation certificate, and to the satisfaction of the certifying authority, the applicant will be required to demonstrate compliance with this condition by the submission of a written report by the site Arborist, confirming his/her attendance at the site during the pruning works, and also that all measures and recommendations contained in this consent were adhered to during the course of the proposed works.

113. In order to ensure the retention of the five *Ficus microcarpa* var. 'Hillii' (*Hills Weeping Figs*) located along the eastern property boundary in good health, the following measures are to be undertaken:

- a. All detailed architectural, building, demolition, engineering (structural, stormwater & drainage, services), and landscape documentation submitted for the construction certificate application shall show the retention of all five trees with the position of their trunks and full diameter of their canopies clearly shown on all drawings.
- b. All five trees are to be physically protected by the installation of protective fencing in accordance with the University of New South Wales Tree protection guidelines for large contracts, to the distances specified in the Table of Recommendations, both of which are contained in the Arborists Report prepared by Hayden Coulter, UNSW Arborist, dated 22/06/05.
- c. All detailed architectural, building, demolition, engineering (structural, stormwater & drainage, services), and landscape documentation submitted for the construction certificate application will be required to detail the location (including distances) of the tree protection zone/fencing that is to be provided for the duration of the proposed works.

- d. Any excavations required for footings, structures, retaining walls, pipes, detention tanks, stormwater infiltration systems, paving etc within 5 metres of the trunks shall be undertaken by hand and under the direction of, and to the satisfaction of, a suitably qualified Arborist with all roots being cleanly cut.
- e. The installation of Eucalyptus leaf mulch to a depth of 75mm within the fenced off protection area as described in Point c.
- f. The erection of signage on the fence with the following words clearly displayed: "TREE PROTECTION ZONE", "DO NOT ENTER".
- g. A refundable deposit in the form of cash, bank check or bank guarantee (with no expiry date) of \$60,000.00 shall be lodged with Council prior to issue of a construction certificate for the proposed development in order to ensure the preservation of the trees in accordance with the requirements described in this condition.

<i><b>QUANTITY</b></i>	<i><b>SPECIES</b></i>	<i><b>AMOUNT</b></i>
5	<i>Ficus microcarpa var. Hillii' (Hills Weeping Fig)</i>	\$60,000.00
	<b>TOTAL</b>	\$60,000.00

*The refundable deposit is placed to ensure that the tree protection measures as described in this condition are undertaken throughout the demolition and construction period. The refundable deposit will be released **upon the issue of a final occupation certificate**, providing the tree protection measures (including amendments to the plans) have been undertaken throughout the demolition and construction period and the trees have been retained in good health.*

*Any contravention of Council's conditions relating to the trees at any time during the demolition and construction period or prior to the issue of a final occupation certificate will result in the Council claiming all of the lodged security.*

- h. *Prior to the issue of a final occupation certificate, and to the satisfaction of the certifying authority, the applicant will be required to demonstrate compliance with this condition by the submission of a written report by the site Arborist, confirming his/her attendance at the site during the critical stages of the proposed development, and also that all measures and recommendations contained in this consent were adhered to during the course of the proposed works.*
114. *A refundable deposit in the form of cash or cheque for the amount of \$6000.00 shall be lodged with Council prior to a construction certificate being issued for the proposed development to ensure the implementation and maintenance of the landscape works in accordance with the approved landscape documentation.*
- a. *The refundable deposit will be released twelve (12) months after the issue of a final occupation certificate by the principle certifying authority providing the*

*landscape works have been successfully implemented and maintained in accordance with the approved landscape documentation. Throughout the maintenance/bond period, the applicant shall be responsible for all routine maintenance such as grass cutting, weeding, watering, fertilising, spraying, staking and replacement of all failed plant stock. There must be no alteration to the original design, including substitution of trees and shrubs, without the prior approval of the Principal Certifying Authority.*

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

#### *Advisory Matters*

- A1 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 Landscape Technician to arrange for an inspection of the landscaping to be carried out. Should the landscaping be found to be unsatisfactory, thus necessitating further inspections, the applicant is advised that each additional inspection will be charged at \$55.00 (incl.GST) and that this amount shall be paid into Account Number 41901939, Code RGJ at the Cashier on the Ground Floor of the Administrative Centre prior to any further inspection being carried out.*

*The applicant shall present the receipt to Council's Landscape Technician to organise for a further inspection to be undertaken.*

- A2 The applicant is to advise Council in writing and/or photographs of any signs of existing damage to the Council roadway, footway, or verge prior to the commencement of any building/demolition works.*
- A3 The applicant is advised that the Construction Certificate plans and specification must comply with the provisions of the Building Code of Australia (BCA).*

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

- a) Part C2 - Compartmentation and separation*
- b) Part D1 - Provisions for escape*
- c) Part D3 - Access for people with disabilities*
- d) Part E1 - Fire fighting equipment*
- e) Part E4 - Emergency lighting, exit signs & warning systems*
- f) Part F2 - Sanitary and other facilities*
- g) Part F4 - Light and ventilation*
- h) 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.*

- A4. *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.*

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

**5.9 DIRECTOR, CITY PLANNING REPORT 82/2005 - AMENDED PLANS AND MEDIATION OUTCOME FOR DEVELOPMENT APPLICATION 68/2005 AT 47-53 DUDLEY STREET, COOGEE. (DA 68/2005)**

H108 **RESOLUTION:** *(Andrews/White) that:*

- A. *Council support the objections under State Environmental Planning No. 1 (SEPP No.1) in respect to non-compliance with Clause 32(1) of the Randwick Local Environmental Plan 1988, relating to Floor Space Ratio, on the grounds that the proposed development is consistent with the objective of the clause and will not adversely affect the amenity of the surrounding locality and that the Department of Infrastructure Planning & Natural Resources be advised accordingly.*

AND

- B. *Council as the responsible authority grant its development consent as a Deferred Commencement under Section 80(3) of the Environmental Planning and Assessment Act 1979 (as amended) to Development Application No 68/2005 for Demolition of existing dwellings and construction of a new 3 storey multi unit housing development comprising 3 x 1, 9 x 2 and 1 x 3 bedroom dwellings and basement carparking for 19 cars, boundary adjustment and land dedication to Council and strata subdivision into 13 lots at 47-53 Dudley Street, Coogee subject to the following conditions:*

***Deferred Commencement Conditions***

*The consent is not to operate until the following material has been submitted to and approved by the Director City Planning:*

1. *The applicant shall submit for approval, longitudinal sections along centre line and extremities of the driveway (at a scale of 1:20) demonstrating:*

*Compliance with the issued alignment level (i.e. to 150mm above the top of the existing kerb) at the property boundary;*

*Compliance with the required highpoint (i.e. to a minimum RL of 29.59 (AHD)) within the site; and*  
*Satisfactory ramp grades (including transitions) in accordance with AS 2890.1 (2004).*

2. *Planter boxes along the northern edge of the ground floor north facing balconies are to be lowered so that they are no higher than 1.3 metres above the level of the communal open space. This is to be achieved by lowering the floor to ceiling height of the carparking level to 2.1 metres for a width of 1.3 metres along the northern edge of the basement parking. Any balustrading required to the balconies is to be provided behind the planter boxes and is to be constructed of timber, glass or other lightweight material to minimise the bulk and scale of the walls and maximise the amenity of the public open space. Appropriate signage warning that the clearance at the end of the parking spaces is low is to be provided and proposed wording and location is to be indicated on the plans submitted to satisfy this condition.*
3. *A finishes schedule and lighting scheme for the car park lobby is to be provided prior to operation of the consent.*
4. *Details of the proposed landscaping to the rear (northern) boundary of the site including details of the species, the installed height of the trees and the likely height at maturity are to be provided. Sections showing sight lines from the balconies of units 6 and 11 with the landscaping installed are also to be provided.*
5. *Amended details of the proposed colours, materials and textures (ie: sample board and coloured elevations) are to be submitted to and approved by Council's Director City Planning. The colour scheme is to indicate a lighter tonal range from the submitted sample board to be more consistent with the predominant colours in the surrounding area.*

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

#### ***Development Consent Conditions***

1. *The development must be implemented substantially in accordance with Revision D of the plans drawn by CSA Architects and numbered LEY-01 through to LEY-09, dated 16/08/05 and stamped received by Council on 22 September 2005, the landscape plan prepared by Taylor Brammer numbered Revision A of LA01 dated 21.01.05 and stamped received by Council on 4 February 2005, the Flood Assessment Verification Report (including revised pages 1-4) prepared by AKY Civil Engineering dated December 2004 and stamped received by Council on 4 February 2005, the draft subdivision plans in 4 sheets Surveyor's Reference 031002 DSP drawn by Denny Linker & Co and stamped received by Council on 4 February 2005, the application form and on any supporting information received with the application, except as may be amended by the details submitted to satisfy the deferred commencement conditions and the following conditions and as may be shown in red on the attached plans:*
2. *Parking Spaces 15 and 16 are to be allocated to Unit 11 and spaces 17 and 18 are to be allocated to Unit 13 on the plans submitted for Construction Certificate and Strata Subdivision Certificate approval. All other units are to be allocated a minimum of 1*

*space. This condition is imposed to ensure the proper use of the stacked parking spaces.*

3. *A sign legible from the street must be permanently displayed to indicate that visitor parking is available on the site and these parking spaces must be clearly marked and accessible at all times.*
4. *A roller door or gate is to be provided to the carparking to maintain security to the carparking area. Public access to the visitors carparking spaces is to be maintained at all times and this may be achieved by the installation of a suitable intercom system adjacent to the carpark entry.*

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

5. *An intercom to be provided to both pedestrian entries at the building line to secure the development for residents and visitors. Details of compliance are to be provided in the relevant plans and specifications for the **construction certificate**.*
6. *The installation of air conditioning is not included in this consent. Air conditioning must not be installed without the prior approval of Council as required by the DCP for Exempt and Complying Development.*
7. *Metal roof sheeting is to be painted or colour bonded to minimise reflection and to be sympathetic and compatible with the building and surrounding environment.*
8. *The kitchen windows on the western elevation at first and second floor level, shall be of fixed and obscure glazing. This condition is imposed to prevent overlooking of 45 Dudley Street. Details are to be included in the Construction Certificate application.*
9. *Fences located on the side or rear boundaries of the premises shall not exceed a maximum height of 1800mm\*, to maintain reasonable levels of amenity to the adjoining premises.*

*\*An allowance of up to 150mm is permitted at required 'step-downs' or changes in level.*

10. *The north-south fence proposed to screen the rear yard of Unit 1 from the communal open space is to be a maximum height of 1.8m and be designed so that the upper two thirds of the fence is at least 50% open, where it does not adjoin a balcony, to maintain reasonable levels of amenity to the adjoining communal area. Details are to be provided with the Construction Certificate application.*
11. *There must be no encroachment of any part of the structure/s onto the adjoining premises or onto Council's road reserve, footway or public place.*
12. *Any gate openings shall be constructed so that the gates, when hung, will be fitted in such a manner that they will not open over the footway or public place.*
13. *All plumbing and drainage pipes, other than rainwater heads, gutters and downpipes, must be concealed within the building.*



14. *Street numbering must be provided to the premises in a prominent position, to the satisfaction of Council.*

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

15. *The enclosure of balconies is prohibited by this consent.*
16. *Power supply and telecommunications cabling to the development shall be underground.*
17. *A single common television aerial, and/or satellite dish (having a maximum diameter of 700mm and not located on the front or street elevation of the building) is to be installed to serve the development.*
18. *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.*

19. *The finished ground levels external to the building are to be consistent with the development consent and are not to be raised (other than for the provision of paving or the like on the ground) without the written consent of Council.*
20. *Where access is required to adjoining premises for construction purposes, the consent of the owner/s of the subject adjoining premises must be provided to the satisfaction of the Principal Certifying Authority, prior to carrying out any construction works from or upon the adjoining premises.*
21. *Adequate lighting for security and safety is to be provided to the common areas and external areas of the development. Details are to be provided with the Construction Certificate application.*
22. *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.*
23. *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.*
24. *Solar hot water heaters or other structures are not permitted to be installed on the roof of the building unless the prior written approval of Council's Director of Planning has been obtained beforehand.*

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

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

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

26. *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.*
27. *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.*
28. *Appliances provided within the development must satisfy the following energy ratings as a minimum:*

*Clothes dryers minimum 2.5 star  
Dishwashers minimum 3 star  
Air conditioners minimum 4 star  
Clothes washers minimum 4.5 star  
Fridge minimum 4 star*

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

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

30. *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 1.5m 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 relevant construction certificate, to the satisfaction of the Certifying Authority.*

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

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

31. *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>\$15,282.15</i> |
| b) <i>for the provision or improvement of community facilities</i> | <i>\$6,757.10</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.*

32. *The applicant shall install a "Low Clearance 2.00 metre" sign on the beam above the ramp into the basement carpark, to warn entering vehicles of the restricted height clearance.*

***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 use and operation of the premises shall not give rise to an environmental health or public nuisance and there are to be no emissions or discharges from the premises which will give rise to a public nuisance or result in an offence under the Protection of the Environment Operations Act 1997 and Regulations.*

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

34. *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).*

35. *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 ensure adequate environmental protection and occupational health and safety.***

36. *All hazardous or intractable wastes and materials (including asbestos) shall be removed and disposed of in accordance with the requirements of WorkCover NSW, the*

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

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

37. *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.*

38. *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.*

39. ***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.

40. ***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.*

41. *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.*

42. *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".*

43. *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.*

44. *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.*

45. *In accordance with clause 98 of the Environmental Planning & 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.*

46. *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.*

47. *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 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:***

48. *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:***

49. *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.*
50. *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.*

51. *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**.*

52. *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 abovestated premises, **prior to the commencement of any works**.*

53. *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.***

54. *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:***

55. *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.*
56. *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.*
57. *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.*
58. *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.*

59. *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.*

60. *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.*
61. *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.*
62. *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.*
63. *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.*
64. *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.*
65. *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.*
66. *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.*

67. *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.*

68. *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.*

69. *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.*

70. *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.*

71. *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.*

72. *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 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.*

73. *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.*

74. *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.*
75. *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.*
76. *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.*

*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.*

*Hoardings and 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.*

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

77. *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 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.*

*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:*

78. *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 Dudley Street.*

b) *Remove any redundant concrete vehicular crossings and laybacks and to reinstate the area with concrete footpath, turf and integral kerb and gutter to Council's specification.*

c) *Remove the existing sandstone kerb and gutter and construct new kerb and gutter for the full site frontage in both Dudley Street and Asher Street (except opposite the vehicular entrance/exit point).*

d) *Carry out a full depth, minimum 1.50 metre wide, road construction in front of the new kerb and gutter.*

e) *Remove the existing asphalt footpath along both the Dudley Street and Asher Street site frontages and construct new concrete footpath along both frontages to Council's specification. Any unpaved areas shall be turfed and landscaped to Council's requirements.*

*Note: The new concrete footpath along the Asher Street site frontage shall extend across the full width of the 0.5 metre strip of land to be dedicated to Council*

f) *Reconstruct the existing kerb inlet pit in Asher Street, if required. It is noted that the kerb inlet pit shall be constructed in general accordance with Council's standard drawing SD7.*

79. *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.*

80. *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.*
81. *All new walls (and/or landscaping) 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.*
82. *The driveway opening at the Dudley Street frontage must be a minimum 5.50 metres wide.*
83. *The internal driveway must be a minimum 5.50m wide (clear width) for the first 5 metres inside the property so as to allow entering & exiting vehicles to pass within the site. Should the driveway narrow after this point it is then to be designed with a minimum 1.5m x 1.5m splay to allow the passing to work.*
84. *The applicant shall install a convex mirror on the eastern wall at the bottom of the ramp to the basement carpark, in order to improve driver visibility. Details are to be submitted to the Certifying Authority prior to the release of the construction certificate showing compliance with this condition.*
85. *The applicant shall dedicate a 0.5 metres wide strip of land along the full Asher Lane site frontage and a 3m x 3m splay corner at the southeastern corner of the development site (intersection of Dudley Street & Asher Street) in general accordance with the setback and splay shown on the submitted ground floor and site plan LEY-02 Rev D.*

*The dedication shall be registered with the Department of Lands prior to the issuing of an occupation certificate for the development. The applicant shall meet all costs associated with the dedications.*

*Note: No portion of the development (including basement structures, garden areas, fences, eaves overhang, etc.) shall encroach into the dedications.*

86. *The applicant shall dedicate a 3m x 3m splay corner at the southeastern corner of the development site (intersection of Dudley Street & Asher Street). The applicant shall meet all costs associated with the dedication. Details are to be submitted to the Certifying Authority prior to the release of the construction certificate showing compliance with this condition.*

*Note: No portion of the development (including basement structures, garden areas, fences, eaves overhang, etc.) shall encroach into the splay corner.*

87. *A Works Zone is to be provided in Dudley 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.*

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

88. *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:*

*Dudley Street: 150mm above the top of the existing kerb at all points opposite the kerb, along the full site frontage.*

*Asher Street (at the realigned property boundary): 50mm above 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 Assets & Infrastructure Services Department on 9399 0923.*

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

89. *The design alignment levels (concrete/paved/tiled level) issued by Council and their relationship to the kerb must be indicated on the building plans for the construction certificate.*
90. *The above alignment levels and the site inspection by Council's Department of Asset & Infrastructure Services have been issued at a prescribed fee of \$2314 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.*
91. *The top of footings of any structures constructed on the boundary alignment must be at least 150mm below the alignment level as specified for the vehicular/pedestrian accesses. This condition has been attached to accommodate future footpath construction at this location.*

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

92. *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.*
93. *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.*

94. *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.*
95. *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.*
96. *A Section 73 Compliance Certificate under the Sydney water Act 1994 must be obtained. Application must be made through an authorised Water Servicing Coordinator. Please refer to “Your Business” section of Sydney Water’s web site at [www.sydneywater.com.au](http://www.sydneywater.com.au) then the “e-developer” icon or telephone 13 20 92.*

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

*The Notice must be issued to the Principal Certifying Authority prior to the construction certificate being issued.*

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

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

97. *The floor level of all ground floor units shall be at a minimum RL of 30.25 m (AHD).*
98. *A 600mm high solid boundary fence shall be constructed along the Dudley Street site frontage between the western boundary of the site and the pedestrian entry to units 1 and 2. The ground between the new fence and unit 1 shall be contoured to fall away from the new building and a clear overland flow path shall be provided from this area out to Dudley Street. The ground levels adjacent to unit 1 shall be at least 300mm lower than the FFL of unit 1 (i.e. at a maximum level of RL 29.95 m (AHD)).  
*The plans submitted for the construction certificate shall demonstrate compliance with this requirement.**
99. *A restriction on use under section 88E of the Conveyancing Act 1919 shall be attached to the title of the subject property to ensure that the western portion of the front fence and ground levels in the vicinity of unit 1 are not altered without the written consent of the Council. The restriction shall also note that there shall be no good stored or works undertaken within the section of land between the front boundary fence and unit 1 without the prior consent of the Council.*
100. *A high point shall be provided along the full width of the access driveway to the basement carpark to a minimum RL of 29.59 (AHD) (i.e. 150 mm above the determined*



*1 in 100 year overland flow level in Dudley Street).*

*It is noted that this shall be in general accordance with the amended ground floor and site plan LEY-02 (Rev C) by CSA Architects (dated 22 June 2005) and the submitted flood study AKY Civil Engineering dated December 2004.*

- 101. All windows, vents and other openings into the basement carpark (excluding the driveway opening) must be located at least 300 mm above the 1 in 100 year flood levels (as determined in the submitted flood study AKY Civil Engineering dated December 2004).*
- 102. 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 (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.*

103. *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.*
104. *All site stormwater must be discharged (by gravity) to either:*
- a) *The underground drainage system in Asher Street, via the existing or a new/reconstructed kerb inlet pit in Asher Lane; 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.*
105. *The stormwater system shall be designed with appropriate consideration given to the surrounding flood levels. Reflux valves shall be provided (within the site) over the pipeline/s discharging from the site to ensure that stormwater from Council drainage system does not surcharge back into the site stormwater system.*
106. *Site discharge pipelines shall cross the verge at an angle no less than 45 degrees to the kerb line.*
107. *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.*

108. *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.***

109. *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.*

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

111. *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 car parks or in any area which may be used for storage of goods.*

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

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

113. *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 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).*

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

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

116. *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.*

117. *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.*

118. *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.*
119. *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).*
120. *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.*
121. *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).*

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

122. *The residential waste room shall be sized to contain a total of 14 x 240 litre bins*

*(comprising 7 garbage bins & 7 recycle bins) whilst providing satisfactory access to these bins.*

123. *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.*
124. *The garbage storage areas are to be clearly signposted.*
125. *Prior to the occupation of the development, the owner or applicant is required to contact Council's Manager of Waste in regards to meeting Council's requirements for waste services for the premises.*
126. *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 Waste Compliance Officer, 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.*

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

127. *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/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.*
128. *The applicant shall create suitable rights of carriageway, easements for services and internal stormwater lines, as required. The applicant shall be advised that the minimum easement width for any internal stormwater line is 0.9 metres.*
  129. *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.*
  130. *The applicant shall provide Council with a survey plan of the property prior to endorsement of the subdivision plans.*

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

131. *Landscaping shall be installed substantially in accordance with the submitted landscape plan prepared by TO of Taylor Brammer Landscape Architects, job number 04-187S, dated 21.01.2005, with the following additional requirements to be provided on the detailed landscape plan submitted to the certifying authority for the construction certificate application. (If Council is not the certifying authority for this site, the applicant will still be required to forward a copy of the approved landscape plan to Council for records purposes):*

- a. *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.*

*Note:*

- (i) *The schedule shall show the Ficus benjamina (Weeping Fig) being deleted and replaced with a more suitable, non-invasive and non-aggressive species.*
  - (ii) *The plan shall respect the prevailing coastal influences and the coast's special design considerations and requirements, and shall be designed accordingly. Generally, species selection shall be restricted to local indigenous coastal species that require minimal watering once established or species with water needs that match rainfall and drainage conditions.*
- b. *Additional notation showing soil and mulch details, irrigation details, lighting 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.*
  - c. *Position of existing and proposed site services including water, gas, electricity, sewer, stormwater, etc.*
  - d. *Sectional elevations through the site showing the existing and proposed groundlines, building elevations, and mature height of proposed planting.*

*Note: (i) All planter boxes and garden beds constructed on slab must have a minimum soil depth of 600mm. Planter box details shall be submitted with the detailed landscape plans.*

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

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

133. *Any substation required shall be suitably screened from view. The proposed location*

*and elevation, as well as proposed screening method shall be shown on all detailed landscape drawings and specifications.*

134. *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.*

135. *Approval is granted for the removal of the following tree subject to the planting of 8 x 100 litre broad canopied replacement trees (not palms) within the deep soil zones around the site. The species selected shall be those that will attain a minimum height of 6 metres at maturity.*

a) *One Archontophoenix cunninghamiana (Bangalow Palm) along the northern boundary.*

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

137. *In order to ensure the retention of the three (3) Eucalyptus botryioides (Bangalay's) located along the Dudley Street frontage in good health, the following measures are to be undertaken:*

a. *All detailed architectural, building, demolition, engineering (structural, stormwater & drainage, services), and landscape documentation submitted for the construction certificate application shall show the retention of the existing tree specimens with the position of the tree trunks and full diameter of the tree canopies clearly shown on all drawings.*

b. *The trees are to be physically protected by the installation of protective fencing (using 1.8 metre high steel mesh/chainwire fencing) which is to be located a minimum radius of 1 metre from the outside edge of the tree trunk.*

*This fencing shall be installed prior to the commencement of demolition and construction works and shall remain in place until all works are completed.*

c. *There is to be no storage of materials, soil, rubble, machinery or site office/sheds; nor is cement to be mixed or chemicals spilt/disposed within the fenced off areas.*

*Any works required within this zone (only as approved on the construction certificate) shall be under the direction of, and to the satisfaction of, Council's Landscape Technician.*

d. *All excavations required along the western edge of the proposed vehicle entry/driveway adjacent to the middle tree shall be undertaken by hand with all*



roots being cleanly cut and immediately backfilled.

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

138. In order to ensure the retention of the three *Archontophoenix cunninghamiana* (Bangalow Palms) located along the northern boundary in good health, the following measures are to be undertaken:

- a. All detailed architectural, building, demolition, engineering (structural, stormwater & drainage, services), and landscape documentation submitted for the construction certificate application shall show the retention of the existing specimens with the position of the trunks, full diameter of the canopies and retention of existing soil levels around their base clearly shown on all drawings.

- b. The palms are to be physically protected by the installation of protective fencing around the palms using 1.8 metre high steel mesh/chainwire fencing. This fencing shall be located to a minimum radius of 1 metre from the outside edge of the trunks.

*This fencing shall be installed prior to the commencement of demolition and construction works and shall remain in place until all works are completed.*

- c. There is to be no storage of materials, soil, rubble, machinery or site office/sheds; nor is cement to be mixed or chemicals spilt/disposed within the fenced off areas.

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

- d. Any excavations required for footings, structures, retaining walls, basement carports, services, pipes, paving etc within 1.5 metres of the trunks shall be undertaken by hand and under the direction of, and to the satisfaction of, a suitably qualified Arborist with all roots being cleanly cut.

- e. The installation of woodchip mulch to a depth of 75mm within the fenced off protection area as described in Point c.

- f. The erection of signage on the protective fencing with the following words clearly displayed: "TREE PROTECTION ZONE", "DO NOT ENTER".

- g. A refundable deposit in the form of cash or cheque of \$1,200.00 shall be lodged with Council prior to issue of a construction certificate for the proposed development in order to ensure the preservation of the palms in accordance with the requirements described in this condition.

<i>QUANTITY</i>	<i>SPECIES</i>	<i>AMOUNT</i>
3	<i>Archontophoenix cunninghamiana</i> <i>(Bangalow Palms)</i>	\$1,200.00
	<i>TOTAL</i>	\$1,200.00

*The refundable deposit is placed to ensure that the protection measures as described in this condition are undertaken throughout the demolition and construction period. The refundable deposit will be released twelve (12) months from the time of issue of a final occupation certificate by the certifying authority providing the tree protection measures (including amendments to the plans) have been undertaken throughout the demolition and construction period and the palms have been retained in good health.*

*Any contravention of Council's conditions relating to the palms at any time during the demolition and construction period or prior to the issue of a final occupation certificate will result in Council claiming all or part of the lodged security.*

139. *A refundable deposit in the form of cash, cheque or bank guarantee (with no expiry date) for the amount of \$13,000.00 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.*

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

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

**ADVISORY MATTERS:**

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

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

- a) *Part B1 - Structural provisions*
- b) *Part C1 - Fire resistance and stability*
- c) *Part C2 - Compartmentation and separation*
- d) *Part C3.11 - Bounding construction: Class 2,3 and 4 buildings*
- e) *Part D1 - Provisions for escape*
- f) *Clause D1.2 - Number of exits required*
- g) *Clause D1.3 - When fire-isolated exits are required*
- h) *Clause D1.4 - Exit travel distances*
- i) *Clause D1.5 - Distance between alternative exits*
- j) *Part D2 - Construction of exits*
- k) *Clause D2.20 - Swinging doors*
- l) *Part E1 - Fire fighting equipment*
- m) *Part E2 - Smoke Hazard Management*
- n) *Part E4 - Emergency lighting, exit signs & warning systems*
- o) *Part F1 - Damp and weatherproofing*
- p) *Table F2.1 - Sanitary facilities for employees*
- q) *Part F4 - Light and ventilation*
- r) *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 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) CARRIED – SEE RESOLUTION.**

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

For	Against
Andrews	Belleli
Bastic	Hughes
Kenny	Matson
Nash	Notley-Smith
Procopiadis	Tracey
His Worship the Mayor, Cr T. Seng	Woodsmith
Sullivan	
White	

#### **5.10 DEVELOPMENT APPLICATION REPORT - 1250 ANZAC PARADE, MALABAR. (232/2005)**

H109 **RESOLUTION:** *(Andrews/Belleli) 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/232/2005 for Demolition of Katingal maximum security gaol and construction of a new two storey building to be used as a central store and will include storage area, loading dock, fire truck bay, administrative offices and plant room (Heritage Item). at 1250 Anzac Parade, Malabar subject to the following conditions:-*

**REFERENCED PLANS:**

1. *The development must be implemented substantially in accordance with the plans numbered DA01 through to DA03 and ST1, dated 21.02.05 and received by Council on 31 March 2005, the application form and on any supporting information (statement of environmental effects and heritage impact statement) received with the application, except as may be amended by the following conditions and as may be shown in red on the attached plans:*
2. *The Photographic Recording of Katingal Long Bay Correctional Centre, prepared by Graham Brooks for the Department of Corrective Services in February 2003 is to be submitted to and approved by Council's Director of City Planning, in accordance with Section 80A (2) of the Environmental Planning and Assessment Act 1979 prior to works commencing 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.*
3. *Public access to the audio recordings of former inmates and warders of Katingal which have been made should be made available.*
4. *Ground disturbance and excavation undertaken as part of the proposed works should be undertaken on consultation with the La Perouse Aboriginal Land Council (LPALC) and, where requested, be subject to LPALC monitoring.*
5. *Should any Aboriginal objects be found, the Department of Environment and Conservation (DEC) should be informed (as required by the provisions of the National Parks and Wildlife Act 1974 (NSW). Subject to an assessment of the extent, integrity and significance of any exposed objects, applications under either Section 87 or Section 90 or Section 91 of the National Parks and Wildlife Act may be required before work can resume.*
6. *The colours, materials and landscaping of the proposed central store are to be in accordance with the recommendations of the Heritage Impact Statement.*
7. *A representative of the La Perouse Local Aboriginal Land Council must be present on site during the removal of the concrete floor slabs of the building proposed to be demolished.*
8. *If any archaeological relics are uncovered during excavation, work must cease on the part of the site and the heritage Council is to be notified in accordance with Section 146 of the Heritage Act. The Heritage Office may require the relics to be recorded by a suitably qualified archaeologist prior to the recommencement of works*

9. *A copy of the photographic archival recording of Katingal is to be submitted to the Heritage Council prior to the commencement of any demolition work*
10. ***Prior to commencement of construction work on site, 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 commencement of construction work on site.*

- 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 a construction certificate is issued for the development.*

- 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.*
- iv. The applicant is to engage a NSW Department of Environment and Conservation Accredited Site Auditor, accredited under sections 49 & 50 of the Contaminated Land Management Act 1997. The Site Auditor is to assess the suitability of the site for its intended development and use. The Site Audit Statement and Summary Site Audit Report is to be submitted to Council and must verify that the land has been remediated and the site is suitable for the intended development and satisfies the relevant criteria in the NEPM 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.*

*The Site Audit Statement must be submitted to Council, prior to the issuing of a construction certificate for the development.*

- v. Remediation works shall be carried out in accordance with the requirements of the Contaminated Land Management Act 1997, environmental planning instruments applying to the site, guidelines made by the NSW Department of Environment and Conservation and Department of Infrastructure Planning & Natural Resources, Randwick City Council's Contaminated Land Policy 1999 and the Protection of the Environment Operations Act 1997.*
- vi. The site remediation including ground water must fully comply with all relevant Commonwealth and State Legislation, Regulations and Standards.*
- vii. 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'.*
- viii. 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, and  
details of provisions for monitoring implementation of remediation works including details of the person/consultant responsible.*

- ix. Remediation must be completed to the satisfaction of the Accredited Site Auditor and the written concurrence of Council must be obtained prior to the issuing of the construction certificate.*
- x. 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 ensure that the development satisfies the provisions of the Environmental Planning and Assessment Act 1979 and Regulations:***

- 11. 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.*

- 12. 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.*
- 13. The applicant must provide certification of compliance with the Building Code of Australia as required by Clause 116G of the Environmental Planning & Assessment Act, 1979.*

*The applicant must also certify that the building works are substantially in accordance with the Development Consent.*

***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 demolition works involving asbestos products are to be carried out in accordance with relevant WorkCover New South Wales requirements, guidelines and codes of practice.*
16. *All building, demolition and associated site works must only be carried out between the hours of 7.00am to 5.00pm on Monday to Friday inclusive, between 8.00am to 5.00pm on Saturdays and all building activities are strictly prohibited on Sundays and public holidays, except with the specific written authorisation of Council's Manager of Environmental Health and Building Services.*
17. *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.*
18. *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.*

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

22. *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.*

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

23. *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*

### ***Civil Works Conditions***

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

24. *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.*
25. *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.*

### **Service Authority Conditions**

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

26. *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.*
27. *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 obtained prior to commencement of work on the site.*

*The Section 73 Certificate must be obtained prior to occupation of the development.*

### **Drainage Conditions**

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

28. *On-site detention (OSD) shall be provided in general accordance with the masterplan stormwater drainage strategy and subsequent letter from the Department of Commerce dated 21 October 2004. In particular OSD area 1 (together with all infrastructure necessary to direct stormwater from surrounding sites into the OSD area) shall be constructed in conjunction with the proposed central store.*

*Stormwater discharge from OSD area 1 shall be directed to the underground drainage system in Anzac Parade via a new or existing kerb inlet pit. All new kerb inlet pits shall be constructed in accordance with Council’s standard drawing SD7.*

29. *Any 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.*
30. *Stormwater runoff from the Central Store shall be directed to Anzac Parade via the existing stormwater system; however, provision shall be made for the future connection of the Central Store to OSD area 3.*
31. *OSD area 1 is an above ground detention area located within an uncovered carpark. This detention area shall be constructed in general accordance with the following requirements:*

*The storage depth shall not generally exceed 150 mm, with an isolated absolute maximum depth of 200mm at the lowest point in the detention storage area (Note: the maximum depth must be controlled by a clear flow path to ensure that the depth never exceeds 200mm);*

*The minimum slope of the car park floor shall 1 % (in accordance with the requirements of AS 2890.1 (2004); and*

*At least the first 15 % of the required storage volume shall be provided either below ground or outside of the parking area to ensure that regular flooding of the car park does not occur during smaller storm events.*

32. *Engineering calculations and plans with levels reduced to Australian Height Datum in relation to site drainage shall be submitted to Council for consideration prior to the commencement of work on the site. The drawings and details shall demonstrate compliance with the approved masterplan and shall include the following information:*
33. *A detailed drainage design for OSD area 1 supported by a catchment area plan (and associated calculations) detailing the areas that will be draining to the OSD system.*
34. *A layout of the proposed drainage system including pipe sizes, type, grade, length, invert levels, etc.*

*Generally all internal pipelines must be capable of discharging at least 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.*

35. *Details of the proposed connection/s into Council's stormwater system.*
36. *Proposed finished surface levels and grades of car parks and internal roadways.*
37. *The details of any special features that will affect the drainage design e.g. the nature of the soil in the site and/or the presence of rock etc.*
38. *All stormwater run-off naturally draining to the subject development site must be collected and discharged through new stormwater system/s. Such drainage shall, if necessary, be constructed prior to the commencement of building work.*
39. *The floor levels of all habitable and storage areas shall be located a minimum of 300mm above (or provided with a suitable waterproof barrier to 300mm above) the top water level in any adjacent above ground on-site detention area.*
40. *The floor levels of all habitable and storage areas shall be located a minimum of 300mm above (or provided with a suitable waterproof barrier to 300mm above) any 1 in 100 year flood levels/overland flow depths on the site.*
41. *Rainwater tanks shall not be considered as contributing to detention storage requirements unless it can be demonstrated through continuous modelling (using historical rainfall data for the area) that there will always be available storage in rainwater tanks at the beginning of critical storm events.*

*Overflow from rainwater tanks should be directed to the on-site detention area/s.*

42. *Stormwater pollution control devices shall be provided prior to stormwater being discharged either from the site or into any infiltration areas. The pollution control devices shall be capable of treating all runoff up to at least the 3 month ARI storm event.*
43. *The detention area/s must be regularly cleaned and maintained to ensure they function as required by the design.*
44. *Above ground stormwater detention area/s must be suitably signposted warning people of the maximum flood level.*
45. *A corrosion resistant fastening system shall be installed on access grates over pits/trenches where water is permitted to be temporarily stored.*
46. *A 'V' drain shall be constructed along the perimeter of the property, where required, to direct all stormwater to the detention areas.*
47. *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.*
48. *Prior to occupation of the new central store, 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 include the following details:*
  - i. *The location of the detention areas with finished surface levels;*
  - ii. *Finished site contours at 0.2 metre intervals;*
  - iii. *Volume of storage available in the detention areas;*
  - iv. *The location, diameter, gradient and material (i.e. PVC, RC etc) of all stormwater pipes; and*
  - v. *The orifice size(s).*
49. *Prior to occupation of the central store, the applicant shall submit to the Council's Director City 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.*
50. *A "restriction as to user and positive covenant" shall be placed on the title of the subject property prior to occupation of the development. Such restriction and positive covenant shall relate to the onsite stormwater detention systems and shall not be released, varied or modified without the consent of the Council.*

*Notes:*

- a. *The "restriction as to user and positive covenant" are to be to the satisfaction of Council. A copy of Council's standard wording/layout for the restriction and positive covenant may be obtained from Council's Asset and Infrastructure Services Department.*

- b. Any new linen plans shall indicate the location and dimensions of the detention/infiltration areas.

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

51. *Should groundwater and/or seepage water be encountered within the depth of the proposed excavations, the basement structures shall to be suitably tanked and waterproofed. A Structural Engineer\Geotechnical Engineer shall certify the tanking & waterproofing has been carried out to an acceptable standard and a copy of the certification is to be forwarded to Council.*

*Notes:-*

- a) *Any subsoil drainage is to be disposed of within the site and is not to be discharged to Council's kerb & gutter and/or underground drainage system.*
- b) *Adequate provision is to be made for groundwater to drain around the basement (to ensure that the basement will not dam or slow the movement of the ground water through the development site).*

### **Waste Management Conditions**

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

52. *Prior to occupation of the new central store, the applicant shall submit to Council and have approved by Council's Manager of Waste, an operational waste management plan for the store detailing waste management practices, recycling, reuse and waste reduction measures.*

### **ADVISORY MATTERS**

- A1. *The applicant is to advise Council in writing and/or photographs of any signs of existing damage to the Council roadway, footway, or verge prior to the commencement of any building/demolition works.*
- A2. *The applicant is advised that plans and specifications 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 D1     | - | Provisions for escape                            |
| b) | Part D3     | - | Access for people with disabilities              |
| c) | Clause D3.5 | - | Car parking for people with disabilities         |
| d) | Part E1     | - | Fire fighting equipment                          |
| e) | Part E4     | - | Emergency lighting, exit signs & warning systems |
| f) | Part F2     | - | Sanitary and other facilities                    |

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

**6. MISCELLANEOUS.**

**6.1 GENERAL MANAGER'S REPORT 53/2005 - THE DRAFT RANDWICK CITY PLAN. (F2004/07978)**

H110 **RESOLUTION:** *(Seng/Belleli) that Council:*

1. *note the comprehensive process undertaken towards the preparation of the Draft Randwick City Plan; and*
2. *endorse the public exhibition of the Draft Randwick City Plan package, commencing in November 2005 and finishing at the end of February 2006 subject to the following amendments to the draft City Plan:-*
  - a) *on page 26, by adding 'including light rail' after the wording 'allowing for multiple transport types';*
  - b) *on page 34, by adding 'and advocate for preservation of future light rail corridors' after the wording 'implemented within 10 years';*
  - c) *on page 36, by adding 'including light/standard rail' to the end of the second Key Action;*
  - d) *on page 36, by adding 'including the University and Hospital, after 'destinations' in the 5th Key Action; and*
  - e) *on page 36, by adding another Key Action 'Investigate car pooling and car sharing schemes'.*

**MOTION: (Seng/Belleli) CARRIED – SEE RESOLUTION.**

**6.2 DIRECTOR, CITY PLANNING REPORT 80/2005 - UNDERGROUNDING OF CABLES. (F2004/00508)**

H111 **RESOLUTION:** *(Nash/Belleli) that:*

- (a) *the applicants of development applications be required to meet all costs associated with replacing overhead wires with underground cables in the vicinity of the development site when the cost of works on the site exceeds \$2 million;*
- (b) *the applicants of development applications be required to meet all costs associated with replacing overhead wires with Aerial Bundled Cables in the vicinity of the development site, when the cost of works on the site exceeds \$1 million up to \$2 million and;*
- (c) *the Director, City Planning investigate the feasibility of funding the undergrounding of existing overhead cables for new development under the new options provided for in the Environmental Planning & Assessment Act (Developer Contributions) Act 2005.*

**MOTION: (Nash/Belleli) CARRIED – SEE RESOLUTION.**

**6.3 DIRECTOR, GOVERNANCE & FINANCIAL SERVICES' REPORT 44/2005 - FINANCIAL REPORTS. (F2004/08339)**

H112 **RESOLUTION:** *(Andrews/Nash) that:*

1. *the financial reports for the year ended 30 June 2005 be adopted;*
2. *in relation to the statements required in accordance with Section 413(2)(c) of the Local Government Act 1993: -*
  - (a) *Council resolve that in its opinion the general purpose financial report and the special purpose financial reports for the year ended 30 June 2005 and special schedules are properly drawn up in accordance with the provisions of the Local Government Act 1993 and the Regulations there under; and*
  - (b) *the statements be approved and signed by the Mayor, another Councillor, the General Manager and the Responsible Accounting Officer.*
3. *the financial reports be referred to Council's Auditors for audit;*
4. *arrangements be made to place copies of the audited financial reports on public exhibition and the necessary advertisements be published;*
5. *copies of the audited financial reports be forwarded to the Department of Local Government; and*
6. *the audited financial reports be presented at a meeting of council to be held on 13 December 2005 in accordance with Section 418 of the Local Government Act 1993.*

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

**7. GENERAL BUSINESS.**

Nil.

**8. NOTICE OF RESCISSION MOTIONS.**

Nil.

The meeting closed at 8.35 p.m.

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CHAIRPERSON