

**MINUTES OF HEALTH BUILDING AND PLANNING COMMITTEE MEETING OF  
THE COUNCIL OF THE CITY OF RANDWICK  
HELD ON TUESDAY, 13TH FEBRUARY 2007 AT 6:32 PM**

**PRESENT:**

The Mayor, Cr P. Tracey (Central Ward)

Councillor B. Notley-Smith (East Ward)

|              |   |   |
|--------------|---|---|
| North Ward   | - | Crs J. Kenny & M. Woodsmith   |
| South Ward   | - | Crs R. Belleli & A. White   |
| East Ward    | - | Crs M. Matson (Deputy Chairperson) &<br>D. Sullivan (arrived 6.50 pm)     |
| West Ward    | - | Crs B. Hughes, S. Nash (Chairperson)<br>(arrived 6.40 pm) & J.Procopiadis |
| Central Ward | - | Crs A. Andrews & C. Bastic (arrived 8.25pm)                               |

**Cr Matson chaired the meeting until Cr Nash arrived at 6.40pm.**

**OFFICERS PRESENT:**

|   |                                       |
|---|---------------------------------------|
| General Manager                           | Mr. R. Brownlee.                      |
| Director, City Services                   | Mr. J. Frangoples.                    |
| Director, City Planning                   | Ms. S. Truuvvert.                     |
| Director, Governance & Financial Services | Mr. G. Banting.                       |
| Manager Development Assessment            | Mr. K. Kyriacou (arrived<br>7.22 pm). |
| Senior Administrative Coordinator         | Ms. J. Hartshorn.                     |
| Communications Manager                    | Ms. D. Brien.                         |

**1. APOLOGIES/GRANTING OF LEAVE OF ABSENCES.**

Apologies were received from Crs Bastic, Nash and Sullivan (for late arrival) and from Cr Seng for non-attendance.

**RESOLVED: (Notley-Smith/Procopiadis)** that the apologies from Crs Bastic, Nash and Sullivan (for late arrival) and Cr Seng for non-attendance at the Health, Building & Planning Committee Meeting of the Council held on Tuesday, 13<sup>th</sup> February, 2007 be received & accepted.

**2. CONFIRMATION OF THE MINUTES.**

**CONFIRMATION OF THE MINUTES OF THE HEALTH, BUILDING AND PLANNING COMMITTEE MEETING HELD ON TUESDAY, 5<sup>TH</sup> DECEMBER 2006.**

H1 **RESOLUTION: (Belleli/Andrews)** that the Minutes of the Meeting of the Health, Building and Planning Committee held on Tuesday, 5<sup>th</sup> December 2006 (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.**

Crs Andrews, Procopiadis, Tracey and White declared non-pecuniary interests in Item 6.3 (Development Application Report – 268-270 Anzac Parade, Kensington - the Doncaster Hotel); and Item 6.8 (Development Application Report – 147 Avoca Street, Randwick - the Coach & Horses Hotel), as both parties are ALP election campaign donors.

Later in the meeting (see page 3 of these Minutes) Cr Sullivan declared a non-pecuniary interest in Item 6.2 (Development Application Report – 45 Market Street, Randwick) as aspects of his job are involved in the child care industry.

Later in the meeting (see page 3 of these Minutes) Crs Bastic and Sullivan declared non-pecuniary interests in Item 6.3 (Development Application Report – 268-270 Anzac Parade, Kensington - the Doncaster Hotel); and Item 6.8 (Development Application Report – 147 Avoca Street, Randwick - the Coach & Horses Hotel), as both parties are ALP election campaign donors.

**Cr Nash arrived at the meeting at this point and took the Chair.**

### **4. ADDRESSING OF COUNCIL BY MEMBERS OF THE PUBLIC.**

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

#### **6.1 Development Application Report - 36 Curtin Crescent, Maroubra**

|               |                       |  |
|---------------|-----------------------|--|
| The Objector  | Ms Suzanne Summerauer | 27 Meagher Ave, Maroubra                               |
| The Applicant | Mr David Shannon      | on behalf of the Applicant<br>36 Curtin Cres, Maroubra |

#### **6.2 Development Application Report - 45 Market Street, Randwick**

|               |   |  |
|---------------|---|--|
| The Objector  | Mr David Fisher   | 9/41 Market St, Randwick                             |
| The Applicant | Ms Genevieve Lilly<br>Mr Tim McCarthy<br>Mr Brian Marston | on behalf of the Applicant<br>45 Market St, Randwick |

#### **6.3 Development Application Report - 268-270 Anzac Parade, Kensington**

|               |                     |   |
|---------------|---------------------|---|
| The Objector  | Ms Susan Egan       | 172A Doncaster Ave, Kensington                        |
| The Applicant | Mr Michael Staunton | on behalf of Applicant<br>6/2 Barracks Street, Sydney |

#### **6.4 Development Application Report - 23 McLennan Avenue, Randwick**

|               |                 |   |
|---------------|-----------------|---|
| The Objector  | Mr Les Timer    | 25 McLennan Ave, Randwick                           |
| The Applicant | Mr Nick Salerni | on behalf of Applicant<br>23 McLennan Ave, Randwick |

#### **6.6 Development Application Report - 14 Pearce Street, South Coogee**

|              |                 |   |
|--------------|-----------------|---|
| The Objector | Mr Graham Allen | Consultant on behalf of Julie Fox<br>12 Pearce Street, South Coogee |
|--------------|-----------------|---|



*maintain the integrity and amenity of the building and the street scape, to the satisfaction of Council.*

3. *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, 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.*

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

4. *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.*
5. *Failure to comply with these legislative requirements is an offence and may result in the commencement of legal proceedings, issuing of `on-the-spot` penalty infringements or service of a notice and order by Council.*
6. *All new building work must be carried out in accordance with the provisions of the Building Code of Australia (BCA), in accordance with Clause 98 of the Environmental Planning and Assessment Regulation 2000.*
7. *Prior to the commencement of any building works, a construction certificate must be obtained from the Council or an accredited certifier, in accordance with the provisions of the Environmental Planning & Assessment Act 1979 and Environmental Planning & Assessment Regulation 2000.*
8. *A copy of the construction certificate, the approved plans 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*
9. *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.*
10. *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.*
11. *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.*

12. *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).*
13. *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.*
14. *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.*
15. *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".*
16. *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.*
17. *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.*
18. *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.*
19. *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.*
20. *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.*

21. *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*
22. *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.*
23. *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.*
24. *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.*
25. *At the time of this development consent, Long Service Levy payment is applicable on building work having a value of \$25,000 or more, at the rate of 0.35% of the cost of the works.*

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

26. *All demolition work is to be carried out in accordance with the provisions of AS2601- Demolition of Structures.*
27. *The demolition of buildings and the removal, storage, handling and disposal of building materials must be carried out in accordance with the relevant requirements of WorkCover NSW, the NSW Department of Environment & Conservation (formerly the Environment Protection Authority) and Randwick City Council policies and conditions, including:*
  - *Occupational Health and Safety Act 2000*
  - *Occupational Health and Safety (Hazardous Substances) Regulation 2001*
  - *Occupational Health and Safety (Asbestos Removal Work) Regulation 2001*
  - *WorkCover NSW Code of Practice for the Safe Removal of Asbestos*
  - *Australian Standard 2601 (2001) – Demolition of Structures*
  - *The Protection of the Environment Operations Act 1997 and Protection*

*of the Environment Operations (Waste) Regulation 1996.*

- *Relevant Department of Environment & Conservation (DEC)/Environment Protection Authority (EPA) and WorkCover NSW Guidelines.*
- *Randwick City Council Asbestos Policy (adopted 13 September 2005)*

*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.*

28. *Any building/demolition works involving asbestos products are to be carried out in accordance with WorkCover New South Wales's requirements, guidelines and codes of practice.*
29. *Except with the written approval of Council's Manager of Health, Building & Regulatory Services, all building, demolition and associated site works (including site deliveries) must only be carried out between the hours of 7.00am to 5.00pm on Monday to Friday inclusive and (except as detailed below) between 8.00am to 5.00pm on Saturdays.*

*All building, demolition and associated site works are strictly prohibited on Sundays, Public Holidays and also on Saturdays adjacent to a Public Holiday.*

*In addition, the use of any rock excavation machinery or any mechanical pile drivers or the like is restricted to the hours of 8.00am to 5.00pm (maximum) on Monday to Friday only, to minimise the noise levels during construction and loss of amenity to nearby residents.*

30. *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.*
31. *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.*
32. *Public safety and convenience must be maintained at all times during demolition, excavation and construction works.*
33. *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.*
34. *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.*
35. *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.*
36. *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.*

37. *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.*
38. *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.*
39. *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.*
40. *A warning sign for sediment control, 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. *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.*
42. *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 any part of the footpath, nature strip or any 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.*

43. *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.*

44. *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.*
45. *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.*
46. *If it is proposed to locate any site fencing, hoardings or amenities upon any part of the footpath, nature strip or any 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.*

#### **Service Authority Conditions**

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

47. *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.*
48. *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.*

#### **Drainage Conditions**

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

49. *Prior to the issuing of an occupation certificate, a restriction shall be placed on the title of the subject property preventing the storage of goods and the installation of any walls coverings, floor coverings and fixtures that may be adversely affected by flooding, within the redeveloped portion of the site.*

#### **Landscape Conditions**

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

50. *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.*
51. *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.*

#### **Noise 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:**

52. *The hours of the operation of the smokers area, bar areas and bottle shop are restricted to:
  - a) Monday to Friday: 10:00am to 12 midnight
  - b) Saturday: 10:00am to 12 midnight
  - c) Sunday: 10:00am to 12 midnight*
53. *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.*
54. *In this regard, the operation of the premises and plant and equipment shall not give rise to a sound pressure level at any affected premises that exceeds the background (LA90), 15 min noise level, measured in the absence of the noise source/s under consideration by more than 5dB(A). The source noise level shall be assessed as a LAeq, 15 min and adjusted in accordance with the NSW Environmental Protection Authority's Industrial Noise Policy 2000 and Environmental Noise Control Manual (sleep disturbance).*
55. *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.*
56. *A report, prepared by a suitably qualified and experienced consultant in acoustics, shall be submitted to the Council within one month of an occupation certificate being issued for the development, which demonstrates and certifies that noise and vibration emissions from the development comply with the relevant provisions of the Protection of the Environment Operations Act 1997, NSW Environmental Protection Authority Noise Control Manual & Industrial Noise Policy and conditions of Council's approval, to the satisfaction of Council's Manager Environmental Health & Building Services.*
57. *There shall be no entertainment in the form of amplified music on any part of the Smokers Garden at any time.*
58. *The maximum number of patrons in the smoking garden at any one time is restricted to twenty (20).*
59. *There shall be no public address system within the Smokers Garden at any time.*
60. *There shall be no consumption of food or alcohol within the Smoker's Garden after 10pm Monday to Sunday.*
61. *There shall be a 2.8 meter high barrier consisting of four sets of bi fold glass door. The glass doors are to have 12.38mm thick laminated along the entire southern side of the Smoker's Garden as shown on the attached plan. The doors are to be acoustically sealed with raven seals or equivalent on all sides.*
62. *The four sets of glass bi-fold doors facing Curtin Crescent must be closed at 7pm Monday to Sunday with the doors fitted with a visual alarm into the management area of the Club to ensure closure is maintained and to ensure the doors are not reopened.*
63. *The management of the Sands Hotel will formulate a detailed Plan of Management that will ensure the use of the Smokers Garden and noise emanating from the use of the Smoker's Garden will have no adverse impact*

on the surrounding residential community at any time. The Plan of Management must be submitted to and approved by the Director of City Planning before the issue of a Construction Certificate.

### **Safer by Design Conditions**

**The following conditions are applied to provide adequate consideration for crime prevention through environmental design:**

64. *Lighting in and around the hotel should meet minimum Australia and New Zealand Lighting Standards and be commensurate with a moderate crime risk. Lighting objectives relevant to crime and fear reduction are outlined in Australia Lighting Standard AS1158. This and other standards specify the types and quantities of lighting that can be used in different applications.*
65. *The existing surveillance system should be expanded to enhance the physical security of the hotel and assist in the identification of people involved in anti-social or criminal behaviour. The system should also comply with the Surveillance and Privacy requirements of legislation.*
66. *Additional cameras should be installed in the hotel to maximise surveillance opportunities. One or more cameras should be strategically mounted in the following areas:*
  - a) *On the external terraces to monitor within these areas.*
67. *Digital or analogue technology should be used to record images from these cameras. Recording equipment should be installed away from the counter area to avoid tampering. Video tapes need to be replaced quarterly to maintain quality images.*
68. *The external wall of the hotel may be the target of malicious damage offences, graffiti artists. With this in mind the wall area from ground to the first floor level should be constructed of non porous materials or treated with anti-graffiti materials to reduce opportunities for this kind of activity.*
69. *Signs providing directional information should not be located at decision making points and not near concealment points.*
70. *Creative markings within car parks aid in way finding and help owners to locate their vehicles. Bright motifs and designs are more effective than coloured/numbered columns. Design details must be submitted to Council for approval.*
71. *Park Smarter warnings signs should be strategically located at the entry/egress point and throughout the car park to warn motorists to lock their vehicles and remove any items of value from the vehicle to reduce opportunities for crime. Design details must be submitted to Council for approval.*
72. *To many people, routine maintenance is a strong indicator of area control and safety. Well maintained public space and community facilities encourage regular use, which in turn, creates natural supervision of public areas. With this in mind a clear maintenance policy needs to be established and implemented for gardens, lighting, rubbish, and damage to property, etc.*
73. *Access control measures should be used to restrict, channel and encourage people, and motor vehicles throughout the facility. Access control should be used to increase the time and effort required to commit crime and to increase the risk to criminals. With this in mind strong consideration should be given to*

*the installation of an access control system (code or car operated locksets) into the overall security plan for the proposed development to control the movement of people within the facility. This type of system can provide an audit trail of those who have used the area at anytime and also make it easier to remove people access to certain areas by simply recoding or removing the card access.*

74. *Fire exit doors to the hotel need to be of reasonable construction and fitted with quality locking devices which comply with the Building Code of Australia (fire regulations) and Australian Standards – Lock Sets AS:4145. This standard is intended for use when assessing the security and durability of a lockset. Locksets for use in fire doors, egress doors and emergency exits are subject to further requirements or regulations in the interests of personal safety. Other documents which should be consulted are AS1428, General requirements for access-Buildings, AS:1905, Fire resistant door sets and the Building Code of Australia for specific purpose doors in buildings.*
75. *There was no information provided as the access. Within this in mind the doors to this area need to be fitted with a quality lock-set which complies with the Building Code of Australia (fire regulations) and Australian Standard Lock Sets AS: 4145 to restrict access to the stores area and property.*
76. *A Lock Set which complies with the Building Code of Australia (fire regulations) and Australian Standards Lock Sets AS:4145 should be installed to restrict access behind the counter area, access to money and alcohol.*
77. *The doors to this area should be of solid construction and fitted with quality locking devices which comply with the Building Code of Australia (fire regulations) and Australian Standards – Lock Sets. AS:4145.*
78. *The existing monitored intruder alarm system designed and installed to the Australian Standard Intruder alarm systems – Systems installed in client's premises; AS:2001:1998; which specifies the minimum requirements for the construction, installation, operation and maintenance of intruder alarm equipment and installed systems. It applies to intruder alarms systems suitable for private premises, commercial premises and special installations, and provides guidance for the preparation of a maintenance contract between client and an alarm company should be expanded to the proposed development areas to enhance the physical security of the hotel.*
79. *Detectors should be incorporated into the systems design. The light emitting diodes (LEDs) (red lights) within the detectors should be deactivated, to avoid offenders being able to test the range of the system.*
80. *Duress facilities should be incorporated into the systems design to enable staff to activate the system manually in the event of an emergency, such as robbery. **NB Duress devices should only be used when it is safe to do so.** Devices should be considered for the front reception desk, cashiers office, counting room and secure room.*
81. *As a number of hotels across the state have had telephone lines cut to prevent alarms being reported to the security monitoring company, a supplementary system such as Global Satellite Mobile (GSM) or Radio Frequency (RF) systems should be used to transmit alarm signal by either mobile telephone or radio frequency.*

### **Advisory Matters**

*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 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.*

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

**6.2 DEVELOPMENT APPLICATION REPORT - 45 MARKET STREET, RANDWICK.  
(DA/658/2006 & PROP0011425)**

(Cr Sullivan had previously declared a non-pecuniary interest in this item – see Agenda Item 3 of these minutes.)

H3 **RESOLUTION: (Tracey/Procopiadis)** *that the application be deferred to allow for an independent traffic consultant to undertake a peer review of the applicant's traffic and parking study and assess the likely parking impacts generated by the proposed Child Care Centre on the parking capacity of the street network and any potential safety impacts associated with the drop off and pick up of children attending the centre.*

A. **MOTION: (Tracey/Woodsmith)** that Council as the responsible authority refuse development consent to Development Application No 658/2006 for change of use to child care centre accommodating 46 children operating from 7 am to 6 pm Monday to Friday; including, use of on-street parking, stacked off-street parking, acoustic barriers and landscaping, alterations and additions, rear terrace at 45 Market Street, Randwick NSW for the following reasons:

**TRAFFIC AND PARKING**

1. The provision of off-street parking does not satisfy the minimum number of parking spaces required by Development Control Plan - Parking. *Section 79C(1)(a)(iii) Environmental Planning and Assessment Act.*
2. The provision of 3 stacked off-street parking spaces does not satisfy the maximum allowance for stacked parking specified in Development Control Plan – Parking. *Section 79C(1)(a)(iii) Environmental Planning and Assessment Act.*
3. The parking demand generated by the facility would have an unreasonable impact on the availability of on-street parking in Market Street. *Section 79C(1)(b) Environmental Planning and Assessment Act.*
4. The proposed stacked car-parking arrangements will require multiple reverse manoeuvres to the street, which would have an unreasonable impact on the safe operation of Market Street. *Section 79C(1)(b) Environmental Planning and Assessment Act.*
5. The nature and frequency of vehicle movements associated with dropping off and picking up children would have an unreasonable impact on the safe operation of the Market Street/Clovelly Road intersection. *Section 79C(1)(b) Environmental Planning and Assessment Act.*
6. The nature and frequency of vehicle movements associated with dropping off and picking up children would have an unreasonable impact on the safe operation of Market Street. *Section 79C(1)(b) Environmental Planning and Assessment Act.*

**VISUAL AND ACOUSTIC PRIVACY**

7. The noise generated by playing children would have an unreasonable impact on the acoustic privacy of adjoining dwellings. *Section 79C(1)(b) Environmental Planning and Assessment Act.*

8. The play areas would have an unreasonable impact on the visual privacy of adjoining dwellings. Section 79C(1)(b) Environmental Planning and Assessment Act.

#### **LOCAL ENVIRONMENTAL PLAN**

9. The proposal does not comply with the minimum landscaped area prescribed by Clause 31 of the Randwick Local Environmental Plan 1998. *Section 79C(1)(a)(i) Environmental Planning and Assessment Act.*
10. The objection pursuant to State Environmental Planning Policy No 1 does not adequately demonstrate that compliance with Clause 31 of the Randwick Local Environmental Plan 1998 would be unreasonable or unnecessary in the circumstances of the case. *Section 79C(1)(a)(i) Environmental Planning and Assessment Act.*

#### **CHILD CARE CENTRES POLICY**

11. The proposed use is not adequately co-located with open space facilities where parking is available and does not satisfy the preferred location requirements of Council's Child Care Centres Policy. *Section 79C(1)(e) Environmental Planning and Assessment Act.*
12. The subject site is not a large corner site and does not satisfy the preferred site characteristics of Council's Child Care Centres Policy. *Section 79C(1)(e) Environmental Planning and Assessment Act.*
13. The subject building is 2 levels and does not satisfy the preferred requirement for single level accommodation in Council's Child Care Centres Policy. *Section 79C(1)(e) Environmental Planning and Assessment Act.*

#### **SOLAR ACCESS**

14. The proposed additions create an unacceptable impact on the availability of sunlight for dwellings to the south. *Section 79C(1)(b) Environmental Planning and Assessment Act.*

#### **PUBLIC INTEREST**

15. The impacts of the proposed development are considered to outweigh the benefits to the community. Therefore approval would not be in the public interest. *Section 79C(1)(e) Environmental Planning and Assessment Act.*

#### **SUITABILITY OF THE SITE**

16. The site is not large enough to accommodate on-site parking and ground level accommodation and is therefore not considered to be suitable for the development. *Section 79C(1)(c) Environmental Planning and Assessment Act.*

#### **SUBMISSIONS MADE IN ACCORDANCE WITH THE REGULATIONS**

17. The development proposal was the subject of significant opposition from adjoining and adjacent residents. *Section 79C(1)(d) Environmental Planning and Assessment Act.* - LOST.

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

#### **6.3 DEVELOPMENT APPLICATION REPORT - 268-270 ANZAC PARADE, KENSINGTON. (DA/733/2004/A & PROP037057)**

(Crs Andrews, Bastic, Procopiadis, Sullivan, Tracey and White had previously declared a non-pecuniary interest in this item – see Agenda Item 3 of these minutes.)

H4 **RESOLUTION: (Tracey/Bastic) that:**

- A. Council as the responsible authority grant its consent under Section 96 of the Environmental Planning and Assessment Act 1979 (as amended) to Modify Development Consent No. DA/733/2004/A for Doncaster Hotel at 268-270 Anzac Parade, Kensington in the following manner:

**Add Condition No. 2A that reads:**

- 2A. The glass foldable screen on the first floor outdoor dining terrace shall be deleted from the plans.

**Amend Condition No. 9 to read as follows:**

9. The number of patrons on the first floor terrace is to be limited to 135 at any one time during its permitted hours of operation.

**Amend Condition No. 117 to read as follows:**

117. The hours of operation of the outdoor dining area are restricted to:

Monday to Saturday 11:00am to 11:00pm

Sunday and Public Holidays 12:00 midday to 10:00pm

**Replace Condition No. 121 with Conditions 121A and 121B that reads:**

- 121A. Subject to Condition 121B, the LA10 noise level emitted from the licensed premises shall not exceed the background noise level in any Octave Band Centre Frequency (31.5Hz-8kHz inclusive) by more than 5dB between 07.00am and 12.00 midnight at the boundary of any affected residence.

The LA10 noise level emitted from the licensed premises shall not exceed the background noise level in any Octave Band Centre Frequency (31.5Hz-8kHz inclusive) between 12.00 midnight and 07.00am at the boundary of any affected residence.

Notwithstanding compliance with the above, the noise from the licensed premises shall not be audible within any habitable room in any residential premises between the hours of 12.00 midnight and 07.00am.

In this Condition 121A, "any affected residence" means any affected residence other than any residential lot located in the building known as the Capella Apartment development situated at 266 Anzac Parade and 101-105 Doncaster Avenue Kensington.

- 121B. Condition 121A does not apply in respect of the building known as the Capella Apartment development situated at 266 Anzac Parade and 101-105 Doncaster Avenue, Kensington and instead the following noise criteria shall apply in respect of that building.

The LA10 noise level emitted from the licensed premises shall not exceed the background noise level in any Octave Band Centre Frequency (31.5Hz-8kHz inclusive) by more than 5dB between 07.00am and 12.00m midnight when the LA10 noise level is measured inside any habitable room of any residential lot when the doors and windows of the residential lot are closed.

The LA10 noise level emitted from the licensed premises shall not exceed the background noise level in any Octave Band Centre Frequency (31.5Hz-8kHz inclusive) between 12.00 midnight and 07.00am at the boundary of any affected residence.

Notwithstanding compliance with the above, the noise from the licensed premises shall not be audible within any habitable room in any residential premises

*between the hours of 12.00 midnight and 07.00am.*

*In this Condition 121B, "any habitable room of any residential lot" means any habitable room of any residential lot located in the building known as the Capella Apartment development situated at 266 Anzac Parade and 101-105 Doncaster Avenue, Kensington.*

*In this Condition 121B, "any affected residence" includes any residential lot located in the building known as the Capella Apartment development situated at 266 Anzac Parade and 101-105 Doncaster Avenue, Kensington.*

**Add Condition No. 136 to read as follows:**

136. Clause 10.4 of the Plan of Management dated 4 August 2005 shall be amended as follows:

*At 10:00pm on Sunday and public holidays and 11:00pm Monday to Saturday all use of the first floor terrace shall cease and any remaining patrons escorted inside. The doors to the first floor terrace shall be locked as soon as practicable after cleaning.*

**Add Condition No. 137 to read as follows:**

137. The use of the first floor terrace area is limited for a trial period of 1 year from the date of issue of the occupation certificate.

A separate application must be made to the Council, prior to the expiration of the 1 year trial period, in accordance with the relevant provisions of the Environmental Planning and Assessment Act 1979 to continue use of the terrace after the 1 year trial period. The application should demonstrate that the use of the terrace area has not resulted in an adverse impact to the amenity of residents in the locality and shall be determined under the delegated authority of the Director of City Planning.

**MOTION: (Hughes/Matson)** that the application be deferred to the Ordinary Council Meeting to be held on Tuesday 27 February 2007 to allow the Heffron Community Group sufficient time to obtain expert advice on the acoustic issues associated with the application. - **LOST.**

**MOTION: (Hughes/Woodsmith)** that the recommendation with an additional condition as follows:

137. The use of the first floor terrace area is limited for a trial period of 1 year from the date of issue of the occupation certificate.

A separate application must be made to the Council, prior to the expiration of the 1 year trial period, in accordance with the relevant provisions of the Environmental Planning and Assessment Act 1979 to continue use of the terrace after the 1 year trial period. The application should demonstrate that the use of the terrace area has not resulted in an adverse impact to the amenity of residents in the locality and shall be determined by Council.

**AMENDMENT: (Tracey/Bastic) – CARRIED.**

**The AMENDMENT became the MOTION (Tracey/Bastic) and was AGAIN CARRIED - SEE RESOLUTION.**

**6.4 DEVELOPMENT APPLICATION REPORT - 23 MCLENNAN AVENUE, RANDWICK. (DA/722/2006 & PROP006925)**



H5 **RESOLUTION: (Bastic/White) that:**

- A. 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 DA/722/2006 for Alterations and new rear first floor addition, new front vehicle gate, demolition of rear detached garage and landscaping to rear private open space at 23 McLennan Avenue, Randwick subject to the following conditions: -

**Deferred Commencement Conditions**

The consent shall not operate until the applicant satisfies Council as to the following matters, to the satisfaction of the Director of City Planning: -

1. An archival recording of the property shall be prepared and submitted to and approved by Council's Director City Planning. 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.
2. The colours, materials and finishes of the external surfaces to the building, the front fence and gates and the side entry screen fence are to be sympathetic with the existing building. Sections of unpainted brick must not be painted. 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.

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

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

**Deferred Commencement Conditions**

**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:**

1. The development must be implemented substantially in accordance with the plans numbered A-00, A-01, A-02, A-03, A-04, A-05, A-06, A-07, A-09 and A-10 all Issue B, dated November 2006 and received by Council on 10 November 2006, 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 colours, materials and finishes of the proposed development shall be in accordance with the details approved pursuant to the deferred commencement conditions.
3. There must be no encroachment of the structure/s onto any adjoining premises or onto Council's road reserve, footway or public place, unless permission has been obtained from the owner/s of the adjoining land accordingly.
4. 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.

**The following condition is imposed to satisfy relevant requirements of the Sydney Water Corporation.**

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

*The approved Construction Certificate plans must be submitted to a Sydney Water Quick Check agent or Customer Centre prior to commencing any building or excavation works, to determine whether the development will affect Sydney Water's sewer and water mains, stormwater drains and/or easements, and if any further requirements need to be met.*

*If suitable, the plans will be appropriately stamped. For Quick Check agent details please refer to Sydney Water's web site at [www.sydneywater.com.au](http://www.sydneywater.com.au) and go to the Building, Developing and Plumbing, then Quick Check or Building and Renovating or telephone 13 20 92.*

*The principal certifying authority is required to ensure that a Quick Check Agent/Sydney Water has appropriately stamped the plans before commencing works.*

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

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

7. 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 manufacturer's details.

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

8. 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:**

9. 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.*

10. *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:***

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. ***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.

*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.*

14. ***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.*

15. *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.*

16. *A sign must be erected and maintained in a prominent position on the site for the duration of the works, which contains the following details:*

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

17. *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.*

18. ***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.*

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 0.35% of the cost of the works.*

21. *Smoke alarms are required to be installed in each Class 1 building or residential 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. *The demolition, removal, storage, handling and disposal of building products and materials must be carried out in accordance with the relevant requirements of WorkCover NSW, the NSW Department of Environment & Conservation (formerly the Environment Protection Authority) and Randwick City Council policies and conditions, including:*

- *Occupational Health and Safety Act 2000*
- *Occupational Health and Safety (Hazardous Substances) Regulation 2001*
- *Occupational Health and Safety (Asbestos Removal Work) Regulation 2001*
- *WorkCover NSW Code of Practice for the Safe Removal of Asbestos*
- *Australian Standard 2601 (2001) – Demolition of Structures*
- *The Protection of the Environment Operations Act 1997 and Protection of the Environment Operations (Waste) Regulation 1996.*
- *Relevant Department of Environment & Conservation (DEC) / Environment Protection Authority (EPA) and WorkCover NSW Guidelines.*
- *Randwick City Council Asbestos Policy (adopted 13 September 2005)*

*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.*

23. *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.*

24. *Except with the written approval of Council's Manager of Health, Building & Regulatory Services, all building, demolition and associated site works (including site deliveries) must only be carried out between the hours of 7.00am to 5.00pm on Monday to Friday inclusive and between 8.00am to 5.00pm on Saturdays and all building activities are strictly prohibited on Sundays and Public Holidays.*

*In addition, the use of any rock excavation machinery or any mechanical pile drivers or the like, is restricted to the hours of 8.00am to 5.00pm (maximum) on Monday to Friday only, to minimise the noise levels during construction and loss of amenity to nearby residents.*

25. *Noise and vibration emissions during the construction of the building and associated site works must not result in damage to nearby premises or result in an unreasonable loss of amenity to nearby residents and the relevant provisions of the Protection of the Environment Operations Act 1997 must be satisfied at all times.*

26. *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.*

*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.*

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

*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.*

28. *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*

*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.*

29. *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.*

30. *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:***

31. *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 maintain reasonable levels of public health, amenity and safety:***

32. *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:*

- *Occupational Health and Safety Act 2000*
- *Occupational Health and Safety (Hazardous Substances) Regulation 2001*
- *Occupational Health and Safety (Asbestos Removal Work) Regulation 2001*
- *WorkCover NSW Code of Practice for the Safe Removal of Asbestos*
- *Australian Standard 2601 (2001) – Demolition of Structures*
- *The Protection of the Environment Operations Act 1997 and Protection of the Environment Operations (Waste) Regulation 1996.*
- *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.*

33. *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):*

- *The name, address, contact details and licence number of the Demolisher /Asbestos Removal Contractor*
- *Details of hazardous materials, including asbestos*



- *Method/s of demolition and removal of asbestos*
- *Measures and processes to be implemented to ensure the health & safety of workers and community*
- *Measures to be implemented to minimise any airborne asbestos and dust*
- *Methods and location of disposal of any asbestos or other hazardous materials*
- *Other relevant details, measures and requirements to be implemented as identified in the Asbestos Survey*
- *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.*

34. *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.*
35. *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.*
36. *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.*

37. *A Certificate or Statement, prepared by a suitably qualified person (ie 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.*

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

38. *The applicant must meet the full cost for Council or a Council approved contractor to:*
  1. *Reconstruct/extend concrete vehicular crossing and layback at kerb opposite the vehicular entrance to the site.*

39. *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.*
40. *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.*
41. *The brick fence at the front of the site is to be reconstructed and recessed back from the boundary so as to ensure the sliding gate is totally located within the development site and not encroaching on to council property.*

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

42. *The Council's Development Engineer has inspected the above site and have determined that the design alignment level (concrete/paved/tiled level) at the property boundary for driveways, access ramps and pathways or the like, must match the back of the existing footpath along the full site frontage.*
43. *The design alignment levels (concrete/paved/tiled level) issued by Council and their relationship to the footpath must be indicated on the building plans for the construction certificate. The design alignment level at the street boundary, as issued by the Council, must be strictly adhered to.*
44. *The above alignment levels and the site inspection by Council's Development Engineer 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.*

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

45. *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.*
46. *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:***

47. *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.*

48. *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.*

**ADVISORY MATTERS:**

- A1 ***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 (PCA) for this development.***

***Failure to obtain a Construction Certificate and appoint a PCA before commencing works is an offence, which renders the responsible person liable to a maximum penalty of \$1.1 million under the Environmental Planning & Assessment Act 1979.***

- A2 *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 detail 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.*

- A3 *The applicant is to advise Council in writing and/or photographs of any signs of existing damage to the Council roadway, footway, or verge prior to the commencement of any building/demolition works.*

**MOTION: (Matson/Hughes)** that the application be deferred to next Ordinary Council Meeting to be held on Tuesday 27 February 2007 to enable the Director of City Planning to report back to Council reconciling the difference between the objectors and the experts views in relation to solar access – **LOST**.

**MOTION: (Bastic/White) CARRIED – SEE RESOLUTION.**

**6.5 DEVELOPMENT APPLICATION REPORT - 2-20 NEWTON STREET, LITTLE BAY (LOT 4). (DA/873/2006 & PROP051819)**

- H6 **RESOLUTION: (Sullivan/White) that:**

- A. *Council support the objection under State Environmental Planning No. 1 (SEPP No. 1) in respect to non-compliance with Clause 30A(3) of the Randwick Local Environmental Plan 1998 (as amended), relating to minimum landscaped area, on the grounds that the proposed development is consistent with the relevant objectives of the clauses and will not adversely affect the amenity of the surrounding locality and that the Department of Planning be advised accordingly.*

AND

B. Council as the responsible authority grant its development consent under Section 80 and 80A of the Environmental Planning and Assessment Act 1979 (as amended) to Development Application No DA/873/2006 & PROP051819 for the Construction of ten x two storey attached courtyard dwellings with associated car parking, landscaping and subdivision into 10 Torrens Title allotments. at 2-20 Newton Street, Little Bay (Lot 4) subject to the following conditions:-

1. The development must be implemented substantially in accordance with the plans numbered 1021-DA-02 to 1021-DA-13, Issue E, dated October 2006 and received by Council on 9 October 2006, the amended plan numbered 1021-DA-01 Issue E, dated October 2006 and received by Council on 23 January 2006, the draft subdivision plan prepared by Mark John Andrew, Surveyor's Reference 050702 SUBD, printed 26 September 2006 and stamped received by Council on 9 October 2006, the application form, and on any supporting information received with the application, except as may be amended by the following conditions and the details approved pursuant to the deferred commencement conditions and as may be shown in red on the attached plans:

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

2. The colours, materials and finishes of the external surfaces of the dwelling hours are to be consistent with that indicated in the sample board accompanying the subject development application and received by Council on 9 October 2006.

3. A minimum floor to ceiling height of 2.7 metres is required for all the habitable rooms in the proposed development. Details of compliance are to be provided in the construction certificate plans.

4. Alternate window types for the ground floor living and dining areas are to be provided to allow the windows to be opened at night to maintain cross ventilation without compromising security. Details of compliance are to be provided in the construction certificate plans.

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. There must be no encroachment of the structure/s onto any adjoining premises or onto Council's road reserve, footway or public place, unless permission has been obtained from the owner/s of the adjoining land accordingly.

7. 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.

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

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

9. The reflectivity index of glass used in the external façade of the development must not exceed 20 percent.

10. 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.

11. *Lighting to the premises shall be designed so as not to cause a nuisance to nearby residents or motorists and to ensure that light overspill does not affect the amenity of the area.*

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

12. *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* \$3,713.80
  - b) *for the provision or improvement of community facilities* \$1,642.20
  - 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 satisfy the provisions of Council's environmental plans, policies and codes for subdivision works:***

13. *The applicant shall create suitable rights of carriageway, easements for services, easements for access 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.*
14. *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.*
15. *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 maintain the heritage significance and amenity of the premises and locality:***

***Geological Heritage***

16. *Excavation within the possible extent of the Palaeovalley Area should not be below RL 26 unless endorsed by Randwick City Council and the NSW Heritage Office.*

***Aboriginal Archaeology***

17. *Should Aboriginal objects be found, the Department of Environment and Conservation (DEC) is to be informed (as required by the provisions of the National Parks and Wildlife Act 1974). Subject to an assessment of the extent, integrity and significance of any exposed objects, applications under either Section 87 or Section 90 of the National parks and Wildlife Act may be required before work resumes.*
18. *Prior to the commencement of the proposed works, all contractors and relevant personnel involved are to be made aware of the existence of Aboriginal archaeological remains at the Prince Henry site by way of an induction process and of the possibility that more as yet undiscovered Aboriginal cultural material may*

exist there.

19. *Site contractors are to be advised of their obligations under the National Parks and Wildlife Act 1974 (NSW) and notification procedures in the event that any Aboriginal cultural material is disturbed or exposed during site works.*

### **Historical Archaeology**

20. *Prior to commencement of any subsurface disturbance (excavation), all those involved are to be made aware of the potential for historical archaeological relics to survive within the area. This is to be done through a site induction, which also notifies all involved of their obligations under the Heritage Act 1977 (NSW); and.*
21. *In the event that historical archaeological remains or deposits are exposed during the works, the excavation work shall cease immediately and an evaluation of their potential extent and significance should be undertaken and the Heritage Council of NSW notified under the requirements of the Heritage Act.*

### **The following conditions are applied to meet the requirements of the Heritage Council of NSW:**

22. *The development must be implemented substantially in accordance with the General Terms of Approval issued by the Heritage Council of NSW as detailed in the letter from the Council dated 30 November 2006.*

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

23. *In accordance with Section 80A (11) of the Environmental Planning and Assessment Act 1979 and Clause 97A of the Environmental Planning and Assessment Regulation 2000, it is a prescribed condition that all of the required commitments listed in the relevant BASIX Certificate for this development are fulfilled.*
24. *In accordance with the provisions of the Environmental Planning & Assessment Regulation 2000, a relevant BASIX Certificate and associated documentation must be submitted to the Certifying Authority with the Construction Certificate application for this development.*

*The required commitments listed and identified in the BASIX Certificate are to be included on the plans, specifications and associated documentation for the proposed development, to the satisfaction of the Certifying Authority.*

*The design of the building must not be inconsistent with the development consent and any proposed variations to the building to achieve the BASIX commitments may necessitate a new development consent or amendment to the existing consent to be obtained, prior to a construction certificate being issued.*

25. *The following provisions are to be implemented in accordance with the relevant BASIX Certificate and details are to be included in the Construction Certificate documentation (as applicable), to the satisfaction of the Certifying Authority:*
  - *Stormwater management (i.e. rainwater tanks)*
  - *Water efficiency (i.e. triple A rated taps and showers, dual flush toilets and water re-use)*
  - *Landscaping provisions*
  - *Thermal comfort (i.e. construction materials, glazing and insulation)*
  - *Energy efficiency (i.e. cooling & heating provisions and hot water systems)*

26. *In accordance with Clause 154B of the Environmental Planning & Assessment Regulation 2000, a Certifying Authority must not issue a final Occupation Certificate for this development, unless it is satisfied that each of the required BASIX commitments has been fulfilled.*

*Relevant documentary evidence of compliance with the BASIX commitments is to be forwarded to the Council upon issuing the final Occupation Certificate.*

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

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

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

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

29. ***Prior to the commencement of any building works***, a construction certificate must be obtained from the Council or an accredited certifier, in accordance with the provisions of the Environmental Planning & Assessment Act 1979 and Environmental Planning & Assessment Regulation 2000.

30. ***Prior to the commencement of any building 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.*

31. *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.*

32. *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".*

33. *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.*

34. ***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.*

35. *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.*

36. *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 0.35% of the cost of the works.*

37. *Smoke alarms are required to be installed in each Class 1 building or residential 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:***

38. *The demolition, removal, storage, handling and disposal of building products and materials must be carried out in accordance with the relevant requirements of WorkCover NSW, the NSW Department of Environment & Conservation (formerly the Environment Protection Authority) and Randwick City Council policies and conditions, including:*

- *Occupational Health and Safety Act 2000*
- *Occupational Health and Safety (Hazardous Substances) Regulation 2001*
- *Occupational Health and Safety (Asbestos Removal Work) Regulation 2001*
- *WorkCover NSW Code of Practice for the Safe Removal of Asbestos*
- *Australian Standard 2601 (2001) – Demolition of Structures*
- *The Protection of the Environment Operations Act 1997 and Protection of the Environment Operations (Waste) Regulation 1996.*
- *Relevant Department of Environment & Conservation (DEC) / Environment Protection Authority (EPA) and WorkCover NSW Guidelines.*
- *Randwick City Council Asbestos Policy (adopted 13 September 2005)*

*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.*

39. *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.*
40. *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.*

41. *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.*
42. *Except with the written approval of Council's Manager of Health, Building & Regulatory Services, all building, demolition and associated site works (including site deliveries) must only be carried out between the hours of 7.00am to 5.00pm on Monday to Friday inclusive and between 8.00am to 5.00pm on Saturdays and all building activities are strictly prohibited on Sundays and Public Holidays.*

*In addition, the use of any rock excavation machinery or any mechanical pile*

*drivers or the like, is restricted to the hours of 8.00am to 5.00pm (maximum) on Monday to Friday only, to minimise the noise levels during construction and loss of amenity to nearby residents.*

43. *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.*

*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.*

44. *A Registered Surveyor's check survey certificate or compliance certificate is to be forwarded to the principal certifying authority (and a copy is to be forwarded to the Council, if the Council is not the principal certifying authority), detailing compliance with Council's approval at the following stage/s of construction:*

- a) *Prior to construction of the footings or first completed floor slab (prior to the pouring of concrete), showing the area of the land, building and boundary setbacks and levels of the building.*
- 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.*

45. *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.*

46. *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.*

47. *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.*

48. *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.*

49. *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.*

50. *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.*

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

*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.*

52. *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 (greater than 3m in length) or any container or other article.*

53. *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.*

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

54. *A Site Audit Statement (SAS) and Summary Site Audit Report (SSAR) have been issued for this site. The SSAR includes an Unexpected Finds Protocol, which must be complied with.*

*The owner, builder, site workers and the Principal Certifying Authority are to be made aware of this Unexpected Finds Protocol and its requirements prior to any works commencing.*

55. *Details of any 'unexpected finds' including details of any investigation procedures, remedial actions taken and validation must be forwarded to Council accordingly.*

56. *Any fill importation to the site is to be monitored and classified by a suitably qualified person. 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'.*

**Traffic conditions/Civil Works Conditions**

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

57. The applicant shall:

- a) Construct concrete vehicular crossings and laybacks at kerb opposite each of the proposed vehicular entrances to the site;
- b) Remove any redundant concrete vehicular crossings and laybacks and to reinstate the area with concrete footpath, turf and kerb and gutter.

All civil works are to be in accordance with Australian Standard specifications for driveways, and in general accordance with Randwick City Council's 'Standard Kerb and Gutter and Vehicular Crossing Detail' (Drawing SD4).

58. All new walls adjacent to vehicular crossings must be lowered to a height of 600mm above the internal driveway level for a distance of 1.50m within the site or splayed 1.5 metre by 1.5 metre to provide satisfactory sight lines. Details are to be submitted to the Certifying Authority prior to the release of the construction certificate showing compliance with this condition.

59. Each of the driveway openings shall be 3.00 metres wide in accordance with AS/NZS2890.1:2004.

**Alignment Level Conditions**

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

60. The Council's Development Engineer 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 match the back of the approved concrete footpath along the full site frontage.

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

61. 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.

**Service Authority Conditions**

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

62. 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.

63. 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.

64. 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.

65. 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 to determine whether or not an electricity substation is required for the development.
66. 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 of the plan of subdivision.*

### **Drainage Conditions**

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

67. **Stormwater drainage plans have not been approved as part of this development consent.** 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.*
- 68. All stormwater run-offs naturally draining to Lot 4 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.*
- 69. Stormwater runoff from the site shall be managed in accordance with the Prince Henry drainage strategy prepared by Connell Wagner. This shall involve stormwater runoff from each site being discharged by gravity to the kerb and gutter or drainage system in New Road 2 (Newtown Street).*

*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.*
- 70. 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.*
- 71. A childproof and corrosion resistant fastening system shall be installed on access grates over pits/trenches where water is permitted to be temporarily stored.*
- 72. 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.*
- 73. 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.**

74. *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:*
- i. Finished site contours at 0.2 metre intervals;*
  - ii. The location, diameter, gradient and material (i.e PVC, RC etc) of all stormwater pipes;*
  - iii. Details of any infiltration/absorption systems; and*
  - iv. Details of any pumping systems installed (including wet well volumes).*
75. *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 inspection/s of the site stormwater drainage system by the certifying engineers and shall be provided to the satisfaction of the PCA.*

#### **Waste Management Conditions**

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

76. *The individual waste storage areas shall each be sized to contain 1 x 120 litre garbage bin, 1 x 240 litre recycling bin and 1 x 240 litre green waste bin 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.*
77. *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.*

### **Strata Subdivision Conditions**

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

78. *The applicant shall create suitable right of carriageway, easements for access, 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.*
79. *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.*
80. *The applicant shall provide Council with a survey plan of the property prior to endorsement of the subdivision plans.*

### **Landscape Conditions**

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

81. *Landscaping at the site shall be installed substantially in accordance with the landscape concept plans prepared by Anton James Design, drawing number LDA-001, issue A, dated 25.09.05 and stamped received at Council on 9th October 2007, 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:*

**(NOTE: A copy of the approved landscape plan shall be forwarded to Council upon issue of the construction certificate if Council is not the certifier for the site).**

- a. *A site plan at an appropriate scale showing site boundaries for each individual lot and any existing or proposed street trees.*
- b. *A planting plan at a scale of 1:100 or 1:200 for each individual lot indicating the location of all proposed planting, with all plants to be drawn at their mature size, with the designs to be prepared in accordance with the landscaping performance criteria and controls for Precinct P1, as set out in the Prince Henry Site Development Control Plan dated 8th December 2004.*
- c. *A planting schedule which also lists plant numbers, plant spacings where appropriate, pot sizes, the estimated size of the plant at maturity (height & spread) and proposed staking methods when applicable.*

*Note: All species proposed for use shall be selected from the list of suitable native species provided in Appendix A of the Prince Henry Site Development Control Plan, dated 8 December 2004.*

- d. *Additional notation showing soil and mulch details, irrigation details, edging, paving, fencing details, surface finishes, retaining wall details, and any other landscape elements in sufficient detail to fully describe the proposed landscape works.*
- e. *Sectional elevations through the site showing existing and proposed groundlines, building elevations, and mature height of proposed planting.*
- f. *The landscape plans shall show the provision of 1 x 100 litre (pot size at the time of planting) tree (not a palm) located within the courtyard/private*

*open space of each individual lot. The species selected shall be one which will attain a minimum height of 6 metres at maturity.*

- g. These individual trees shall be suitably located within the individual courtyards/private open spaces having regard to their size at maturity, location of adjoining residences and aspect, so that pruning to control their size and/or habit will not be required.*
- 82. The landscape concept plan 'Courtyard Option 1' shall be implemented for all centrally located lots (i.e. L4-2 to L4-9), with the individual landscape plans to reflect this requirement.*
- 83. 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.*
- 84. In order to ensure satisfactory maintenance of the landscaping, an automatic drip irrigation system shall be installed throughout all planted areas (excluding turf). Details are to be submitted, to the satisfaction of the certifying authority, prior to the issue of a construction certificate, demonstrating that this system will be connected to the sites rainwater tanks, with back-up connection to the mains supply, in accordance with current Sydney Water requirements.*
- 85. In order to permit the establishment of landscaping, all detention tanks and below ground stormwater infiltration systems located within the landscaped areas shall have a minimum soil cover of 600mm.*

**ADVISORY MATTERS:**

- A1 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 (PCA) for this development.*

*Failure to obtain a Construction Certificate and appoint a PCA before commencing works is an offence, which renders the responsible person liable to a maximum penalty of \$1.1 million under the Environmental Planning & Assessment Act 1979.*

- A2 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.*

- A3 The applicant is to advise Council in writing and/or photographs of any signs of existing damage to the Council roadway, footway, or verge prior to the commencement of any building/demolition works.*

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

**6.6 DEVELOPMENT APPLICATION REPORT - 14 PEARCE STREET, SOUTH COOGEE. (DA/887/2006 & PROP035039)**

H7 **RESOLUTION: (Sullivan/White) 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/887/2007 & PROP035039 for Alterations & additions to the existing dwelling, including first floor addition; alterations to ground floor and basement; extension to the rear, ground floor and upper floor decks; provision of a flat steel roof; landscaping; front fence; external spiral staircase and stormwater drainage. at 14 Pearce Street, SOUTH COOGEE subject to the following conditions: -*

***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:***

1. *The development must be implemented substantially in accordance with the plans numbered Sheets DA-01, DA-02, DA-03, DA-04, DA-05, DA-06, DA-07, DA-08, DA-09, DA-10, DA-11, DA-12 and DA-13 stamped as received by Council on 27th December 2006; amended plans DA-14, SD-01, SD-02, SD-03, SD-04, SD-05, SD-06, SD-07, SD-08, SD-09, SD-10, SD-11, SD-12, SD-13, SD-14, SD-15, SD-16, SD-17, SD-18, 264030-HO1 and 25038DT stamped as received by Council on 13 October 2006, the application form and any supporting information received with the application.*
2. *The colours, materials and finishes of the external surfaces to the building are to be compatible with the existing building 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. *There must be no encroachment of the structure/s onto any adjoining premises or onto Council's road reserve, footway or public place, unless permission has been obtained from the owner/s of the adjoining land accordingly.*
4. *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.*

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

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. *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.*

7. *Details of compliance with the requirements for insulation are to be included in the construction certificate application.*
8. *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.*

#### ***Drainage Conditions***

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

9. *Detailed drainage plans shall be submitted to and approved by the certifying authority prior to the issue of a construction certificate. The drainage plans shall demonstrate compliance with the conditions of this development approval.*
10. *Stormwater runoff from the site shall be discharged either:*
  - a. *To the kerb and gutter along the site frontage by gravity (without the use of a charged system); OR*
  - b. *Through a private drainage easement(s) to Council's kerb and gutter (or underground drainage system); OR*
  - c. *To a suitably sized infiltration area. As a guide the infiltration area shall be sized based on a minimum requirement of 1 m<sup>2</sup> of infiltration area (together with 1 m<sup>3</sup> of storage volume) for every 20 m<sup>2</sup> of roof/impervious area on the site.*
  - d. *Prior to the use of infiltration in rear draining lots (where there is no formal overland escape route to Council's kerb and gutter/street drainage system), a geotechnical investigation will be required to determine whether the ground is suitable for infiltration. Should rock and/or a water table be encountered within two metres of the proposed base of the infiltration pit, or the ground conditions comprise low permeability soils such as clay, infiltration may not be appropriate.*

*NOTE: Should the applicant be unable to obtain a private drainage easement over properties to the rear of the development site (to facilitate stormwater discharge in accordance with option b)); and ground conditions preclude the use of infiltration (Option c), consideration may be given to the use of a charged system or a pump out system to drain that portion of the site that cannot be drained by gravity to the kerb and gutter at the front of the property.*

11. *Should a charged system be required to drain any portion of the site, the charged system must be designed with suitable clear-outs/inspection points at pipe bends and junctions.*
12. *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 required 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.*
13. *The pump system must also be designed and installed strictly in accordance with Randwick City Council's Stormwater Code.*

14. *All pump out water must pass through a stilling pit prior to being discharged by gravity to the kerb and gutter.*
15. *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.*
16. *The installation of rainwater tanks and grey-water treatment systems shall comply with the following noise control requirements:*
  - a. *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.*
  - b. *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.*
  - c. *Plant and equipment associated with rainwater tank(s) and grey-water treatment systems are to be enclosed in a sound absorbing enclosure or installed within a building, to minimise noise emissions and possible nuisance to nearby residents.*
  - d. *The operation of plant and equipment associated with the rainwater tank(s) and grey-water treatment systems are to be restricted to the following hours if the noise emitted can be heard within a habitable room in any other residential premises:*
    - *before 8.00am or after 8.00pm on weekends or public holiday; or*
    - *before 7.00am or after 8.00pm on weekdays.*

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

17. *Prior to the issuing of an occupation certificate the applicant must meet the full cost for Council or a Council approved contractor to:*
  - a. *Construct a concrete vehicular crossing and layback at kerb opposite the vehicular entrance to the site.*
18. *The driveway opening at the property boundary shall be a minimum of 3.00 metres in accordance with AS2890.1:2004. The plans submitted for the construction certificate shall demonstrate compliance with this requirement.*
19. *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.*
20. *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:***

21. *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:
  - a. RL 23.76 (AHD) at the eastern property boundary
  - b. RL 23.95 (AHD) at the western side of the proposed driveway
  - c. RL 25.09 (AHD) at the eastern side of the existing Right of Way
  - d. (Grade linearly between each of these points)
  - e. (As per the levels shown on the Site Analysis Plan DA-01 Issue A by Tobias Partners dated 13 October 2006)*
22. *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. The design alignment level at the street boundary, as issued by the Council, must be strictly adhered to.*
23. *The above alignment levels and the site inspection by Council's Development Engineer 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.*
24. *The top of footings of any structures constructed on the boundary alignment must be at least 150mm below the alignment level as specified for the vehicular access. This condition has been attached to accommodate future footpath construction at this location.*

***Service Authority Conditions***

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

25. *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.*
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. *The approved plans must be submitted to a Sydney Water Quick Check agent or Customer Centre to determine whether the development will affect any Sydney Water asset's sewer and water mains, stormwater drains and/or easement, and if further requirements need to be met. Plans will be appropriately stamped.*

*Please refer to the web site [www.sydneywater.com.au](http://www.sydneywater.com.au) for:*

- a. *Quick Check agent details – see Building Developing and Plumbing then Quick Check; and*
- b. *Guidelines for Building Over/Adjacent to Sydney Water Assets – see Building Developing and Plumbing then Building and renovating.*

c. Or telephone 13 20 92.

### **Landscape Conditions**

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

28. *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.*
29. *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.*

**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.*
31. *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.*
32. *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.*
33. *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.*
34. *Prior to the commencement of any building works, the person having the benefit of the development consent must: -*
  - a. *appoint a Principal Certifying Authority for the building work; and*
  - b. *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*
  - c. *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*
  - d. *give at least two days notice to the Council, in writing, of the persons intention to commence building works.*
35. *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.*
36. *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.*

37. *A sign must be erected and maintained in a prominent position on the site, which contains the following details:*
  - a. *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);*
  - b. *name, address and telephone number of the Principal Certifying Authority; and*
  - c. *a statement stating that "unauthorised entry to the work site is prohibited".*
38. *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.*
39. *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.*
40. *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.*

41. *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.*

42. *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): -*
- a. has been informed in writing of the licensee's name and contractor number; and*
  - b. is satisfied that the licensee has complied with the insurance requirements of Part 6 of the Home Building Act 1989, or*
43. *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: -*
- a. has been informed of the person's name and owner-builder permit number; or*
  - b. 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.*
44. *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.*
45. *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 0.35% of the cost of the works.*

46. *Smoke alarms are required to be installed in each Class 1 building or residential 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:**

47. *The demolition, removal, storage, handling and disposal of building products and materials must be carried out in accordance with the relevant requirements of WorkCover NSW, the NSW Department of Environment & Conservation (formerly the Environment Protection Authority) and Randwick City Council policies and conditions, 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.*
  - h. *Randwick City Council Asbestos Policy (adopted 13 September 2005)*

*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.*

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.*
50. *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.*
51. *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.*
52. *Except with the written approval of Council's Manager of Health, Building & Regulatory Services, all building, demolition and associated site works (including site deliveries) must only be carried out between the hours of 7.00am to 5.00pm on Monday to Friday inclusive and between 8.00am to 5.00pm on Saturdays and all building activities are strictly prohibited on Sundays and Public Holidays.*

*In addition, the use of any rock excavation machinery or any mechanical pile drivers or the like, is restricted to the hours of 8.00am to 5.00pm (maximum) on Monday to Friday only, 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. *Public safety and convenience must be maintained at all times during demolition, excavation and construction works.*
55. *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.*
56. *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.*
57. *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.*
58. *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.*
59. *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*
60. *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.*
61. *Building operations such as brick cutting, washing tools or equipment and mixing mortar are not permitted on public footpaths, roadways, nature strips, in any public place or any location which may lead to the discharge of materials into the stormwater drainage system.*
62. *A warning sign for soil and water management must be displayed in a prominent position on the building site, visible to both the public and site workers. The sign must be displayed throughout the construction period. Copies of a suitable warning sign are available at Council's Customer Service Centre for a nominal fee.*
63. *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.*
64. *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.*
65. *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.*

66. *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.*
67. *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.*
68. *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.*
69. *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: -*
  - 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 (greater 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:***

70. *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 maintain reasonable levels of public health, amenity and safety:***

71. *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.*

72. *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*
73. *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.*

74. *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.*
75. *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.*
76. *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.*
77. *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.*
78. *A Certificate or Statement, prepared by a suitably qualified person (ie 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.*

#### **ADVISORY MATTERS:**

- A1 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 (PCA) for this development.***

***Failure to obtain a Construction Certificate and appoint a PCA before commencing works is an offence, which renders the responsible person liable to a maximum penalty of \$1.1 million under the Environmental Planning & Assessment Act 1979.***

- A2 *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.*

- A3 *The applicant is to advise Council in writing and/or photographs of any signs of existing damage to the Council roadway, footway, or verge prior to the commencement of any building/demolition works.*

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

**6.7 DEVELOPMENT APPLICATION REPORT - 11 LIGURIA STREET, MAROUBRA.  
(DA/514/2006 & PROP004568)**

**(Note: A Notice of Rescission Motion was handed to the General Manager prior to the conclusion of the meeting and will be considered at the Ordinary Council Meeting to be held on Tuesday 27 February 2007)**

H8 ***RESOLUTION: (Matson/Hughes) 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/514/2006 for Alterations and new upper floor addition including new ground and first floor balconies and deck at the front and rear and new rear pool and landscaping at 11 Liguria Street, Maroubra subject to the following conditions: -*

***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:***

1. *The development must be implemented substantially in accordance with the plans numbered 06/0015-1B, 06/0015-2B, 06/0015-3B and 06/0015-4B, dated 18 November 2006, and received by Council on 4 December 2006, 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 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, 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. *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.*
4. *There must be no encroachment of the structure/s onto any adjoining premises or onto Council's road reserve, footway or public place, unless permission has been obtained from the owner/s of the adjoining land accordingly.*
5. *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.*
6. *The first floor bathroom and kitchen windows shall be of obscure glazing. Details of compliance are to be noted in the **construction certificate** plans or specifications.*
7. *The rear first floor balcony shall be reduced in depth by 1m from the southern side of the structure so that it does not protrude further than 2.8m from the outside face of the rear first floor wall. The roof structure above the balcony shall be amended so that is setback from the southern side of the amended balcony by 1m. Details of compliance are to be noted in the **construction certificate** plans or specifications.*

***The following condition is imposed to satisfy relevant requirements of the Sydney Water Corporation.***

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

*The approved Construction Certificate plans must be submitted to a Sydney Water Quick Check agent or Customer Centre prior to commencing any building or excavation works, to determine whether the development will affect Sydney Water's sewer and water mains, stormwater drains and/or easements, and if any further requirements need to be met.*

*If suitable, the plans will be appropriately stamped. For Quick Check agent details please refer to Sydney Water's web site at [www.sydneywater.com.au](http://www.sydneywater.com.au) and go to the Building, Developing and Plumbing, then Quick Check or Building and Renovating or telephone 13 20 92.*

*The principal certifying authority is required to ensure that a Quick Check Agent/Sydney Water has appropriately stamped the plans before commencing works.*

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

9. *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.*



10. *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.*

11. *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:**

12. *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.*

13. *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:**

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.*

15. *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.*

16. **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.*

*A copy of the construction certificate, the approved plans & specifications and development consent conditions must be kept on the site at all times and be made available to the Council officers and all building contractors for assessment.*

17. **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.*

18. *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.*

19. *A sign must be erected and maintained in a prominent position on the site for the duration of the works, which contains the following details:*
- *name, address, contractor licence number and telephone number of the principal contractor, including a telephone number at which the person may be contacted outside working hours, or owner-builder permit details (as applicable);*
  - *name, address and telephone number of the Principal Certifying Authority;*

- *and*  
• *a statement stating that “unauthorised entry to the work site is prohibited”.*

20. *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.*

21. ***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.*

22. *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.*

23. *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 0.35% of the cost of the works.*

24. *Smoke alarms are required to be installed in each Class 1 building or residential 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:***

25. *The demolition, removal, storage, handling and disposal of building products and materials must be carried out in accordance with the relevant requirements of WorkCover NSW, the NSW Department of Environment & Conservation (formerly the Environment Protection Authority) and Randwick City Council policies and conditions, including:*

- *Occupational Health and Safety Act 2000*
- *Occupational Health and Safety (Hazardous Substances) Regulation 2001*
- *Occupational Health and Safety (Asbestos Removal Work) Regulation 2001*
- *WorkCover NSW Code of Practice for the Safe Removal of Asbestos*
- *Australian Standard 2601 (2001) – Demolition of Structures*
- *The Protection of the Environment Operations Act 1997 and Protection of the Environment Operations (Waste) Regulation 1996.*
- *Relevant Department of Environment & Conservation (DEC) / Environment Protection Authority (EPA) and WorkCover NSW Guidelines.*
- *Randwick City Council Asbestos Policy (adopted 13 September 2005)*

*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.*

26. *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.*

27. *Except with the written approval of Council's Manager of Health, Building & Regulatory Services, all building, demolition and associated site works (including site deliveries) must only be carried out between the hours of 7.00am to 5.00pm on Monday to Friday inclusive and between 8.00am to 5.00pm on Saturdays and all building activities are strictly prohibited on Sundays and Public Holidays.*

*In addition, the use of any rock excavation machinery or any mechanical pile drivers or the like, is restricted to the hours of 8.00am to 5.00pm (maximum) on Monday to Friday only, 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.*

*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.*

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.*

*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.*

31. *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*

*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.*

32. *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.*

33. *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 (greater 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:***

34. *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 maintain reasonable levels of public***

**health, amenity and safety:**

35. *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:*

- *Occupational Health and Safety Act 2000*
- *Occupational Health and Safety (Hazardous Substances) Regulation 2001*
- *Occupational Health and Safety (Asbestos Removal Work) Regulation 2001*
- *WorkCover NSW Code of Practice for the Safe Removal of Asbestos*
- *Australian Standard 2601 (2001) – Demolition of Structures*
- *The Protection of the Environment Operations Act 1997 and Protection of the Environment Operations (Waste) Regulation 1996.*
- *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.*

36. *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):*

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

37. *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.*

38. *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.*

39. *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.*

40. *A Certificate or Statement, prepared by a suitably qualified person (ie 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.*

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

41. *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.*

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

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



*"Cardio Pulmonary Resuscitation: published by the Australian Resuscitation Council.*

43. *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; and*
  - *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; and*
  - *The pool plant and equipment shall not be operated during the following hours if the noise emitted can be heard within a habitable room in any other residential premises, or, as otherwise specified in relevant Noise Control Regulations:*
    - ***before 8.00am or after 8.00pm on any Sunday or public holiday; or***
    - ***before 7.00am or after 8.00pm on any other day.***

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

44. *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 drainage and associated infrastructure:***

45. *Detailed drainage plans shall be submitted to and approved by the certifying authority prior to the issue of a construction certificate. The drainage plans shall demonstrate compliance with the conditions of this development approval.*
46. *Stormwater runoff may be discharged through a private drainage easement(s) to the coastal reserve to the rear of the site, provided that:*
- a. *All stormwater runoff is taken through a sediment/silt arrestor pit located within the site prior to being discharged through the private drainage easement;*
  - b. *A headwall and appropriate scour protection is provided around the outlet pipe in the reserve.*
47. *Should the applicant be unable to obtain a private drainage easement over properties to the rear of the development site (to facilitate stormwater discharge in accordance with the above condition); and ground conditions preclude the use of infiltration, consideration may be given to the use of a pump out system.*

*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 required 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 Randwick City Council's Stormwater Code.*

48. *All pump out water must pass through a stilling pit prior to being discharged by gravity to the kerb and gutter.*
49. *The sediment/silt arrester pit shall be constructed with:-*

- *The base of the pit located a minimum 300mm under the invert level of the outlet pipe.*
- *The pit must be constructed from cast in-situ concrete, precast concrete or double brick.*
- *The grate is to be a galvanised heavy-duty grate that has a provision for a child proof fastening system.*
- *A minimum of 4 x 90 mm diameter weep holes located in the walls of the pit at the floor level with a suitable geotextile material with a high filtration rating located over the weep holes.*
- *A galvanised heavy-duty screen located over the outlet pipe (Mascot GMS Multi-purpose filter screen or similar).*
- *A child proof and corrosion resistant fastening system for the access grate (spring loaded j-bolts or similar).*
- *The inlet pipeline located on the side of the pit so that the stormwater will discharge across the face of the screen.*
- *A sign adjacent to this pit stating that:*

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

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

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

50. *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:**

51. *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.*
52. *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.*

**ADVISORY MATTERS:**

A1 ***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 (PCA) for this development.***

***Failure to obtain a Construction Certificate and appoint a PCA before commencing works is an offence, which renders the responsible person liable to a maximum penalty of \$1.1 million under the Environmental Planning & Assessment Act 1979.***

A2 *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 detail 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.*

A3 *The applicant is to advise Council in writing and/or photographs of any signs of existing damage to the Council roadway, footway, or verge prior to the commencement of any building/demolition works.*

**MOTION: (Procopiadis/White)** that the recommendation be adopted subject to the deletion of proposed condition No. 7.

**AMENDMENT: (Matson/Hughes) – CARRIED.**

**The AMENDMENT became the MOTION and was AGAIN CARRIED – SEE RESOLUTION.**

**6.8 DEVELOPMENT APPLICATION REPORT - 147 AVOCA STREET, RANDWICK.  
(DA/529/2005/A & PROP022109)**

(Crs Andrews, Bastic, Procopiadis, Sullivan, Tracey and White had previously declared a non-pecuniary interest in this item – see Agenda Item 3 of these minutes.)

**(Note: A Notice of Rescission Motion was handed to the General Manager prior to the conclusion of the meeting and will be considered at the Ordinary Council Meeting to be held on Tuesday 27 February 2007)**

H9 ***RESOLUTION: (Andrews/Bastic)*** that Council as the responsible authority grant its consent under Section 96 of the Environmental Planning and Assessment Act 1979 (as amended) to Modify Development Consent No. 529/2005 on property 147 Avoca Street, Randwick, in the following manner:

***Amend Condition No. 1 to read:***

1. The development must be implemented substantially in accordance with plans numbered DWG.N0-WD05 to DWG.N0-WD07, DWG.N0-WD09 & DWG.N0-WD10, Issue D, dated 31 January 2005 and received by Council on 29 June 2005 and amended plan numbered DWG.N0-WD13, Issue A, dated 24 October 2005 and received by Council on 4 November 2005, the application form and on any supporting information received with the application, as amended by the **Section 96 plans numbered DWG. N0-WD110, DWG. N0-WD111, DWG. N0-WD117, dated 31 January 2005, DWG. N0-WD120, dated 24 October 2005 and DWG. N0-WD142, dated 9 June 2006 and received by Council on 8 September 2006, only in so far as they relate to the modifications highlighted on the Section 96 plans and detailed in the Section 96 application**, except as may be amended by the following conditions and as may be shown in red on the attached plans:

**Amend Condition 7 to read:**

7. Video surveillance devices must be installed in the first floor outdoor area and ground floor smoking area with monitors placed within the Hotel to ensure the staff can effectively supervise activities on the outdoor area.

**Amend Condition 8 to read:**

8. A member of staff must be stationed on or near the first floor outdoor area and ground floor smoking area whenever there are more than 10 persons on it to ensure that they do not cause disturbance to amenity of the locality.

**Condition 9 is deleted.**

**Condition 11 is deleted.**

**Amend Condition 12 to read:**

12. All seating and tables provided to the first floor outdoor area shall comply with the provisions of the Building Code of Australia.

**Amend Condition 13 to read:**

13. A maximum number of 60 patrons is permitted on the first floor outdoor area between 10:00am and 12 midnight Monday to Sunday and a maximum number of 10 patrons is permitted on the first floor outdoor area between 12 midnight and 10:00am Monday to Saturday. The maximum number of 40 patrons is permitted on the ground floor smoking area at any time.

**Amend condition 14 to read:**

14. The entry/exit doors to the ground floor smoking area and first floor outdoor area shall remain closed at all times other than in cases of emergency or entering and exiting the area.

**Amend Condition 15 to read:**

15. The entry/exit doors to the ground floor smoking area and first floor outdoor area shall be provided with acoustically treated seals, designed and installed by a suitably qualified person.

**Amend Condition 16 to read:**

16. The entry/exit doors to the ground floor smoking area and first floor outdoor area shall be fitted with self-closing devices.

**Condition 17 is deleted.**

**Amend Condition 23 to read:**

23. The  $L_{10}$  noise level emitted from the licensed premises shall not exceed the background noise level ( $L_{90}$ ) in any Octave Band Centre Frequency (31.5Hz – 8kHz

inclusive) by more than 5dB between 7.00am and 12.00 midnight at the boundary of any affected residence. The background noise level shall be measured in the absence of noise emitted from the licensed premises.

The  $L_{A10}$  noise level emitted from the licensed premises shall not exceed the background noise level ( $L_{A90}$ ) in any Octave Band Centre Frequency (31.5Hz – 8kHz inclusive) between 12.00 midnight and 7.00am at the boundary of any affected residence. The background noise level shall be measured in the absence of noise emitted from the licensed premises.

Notwithstanding compliance with the above, the noise from the licensed premises shall not be audible within any habitable room in any residential premises between the hours of 12.00 midnight and 7.00am.

**Amend Condition 24 to read:**

24. Recommended acoustic attenuation measures detailed in acoustic reports titled 'Acoustic Assessment – Proposed Refurbishment Coach & Horses' dated 26<sup>th</sup> August 2005, 'Provision of Mechanical Plant Upgrading Coach & Horses' dated 4<sup>th</sup> October 2005, 'Acoustic Assessment - Proposed Smoking Area Coach & Horses Hotel, Randwick' dated 26 September 2005 shall be fully complied with. Details of acoustic design compliance shall be submitted to the certifying authority prior to a construction certificate being issued.

**Amend Condition 25 to read:**

25. A compliance report, prepared by a suitably qualified and experienced consultant in acoustics, shall be submitted to the Council:
- i. 1 month after occupation of the premises;
  - ii. 6 months after occupation of the premises.

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 Industrial Noise Policy Noise Control Manual (sleep disturbance) recommended design noise goals detailed in acoustic reports by the Acoustic Group Titled 'Acoustic Assessment – Proposed Refurbishment Coach & Horses' dated 26<sup>th</sup> August 2005, 'Provision of Mechanical Plant Upgrading Coach & Horses' dated 4<sup>th</sup> October 2005, 'Acoustic Assessment - Proposed Smoking Area Coach & Horses Hotel, Randwick' dated 26 September 2005 and conditions of Council's approval, to the satisfaction of Council's Manager Environmental Health & Building Services.

**Add the following 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:**

74. The smoking area at ground floor level and the bar, pool/snooker table and outdoor areas at first floor level are permitted to operate between:
- Monday to Saturday: 24 hours a day.  
Sunday: 10.00 am to 12 Midnight.
75. That no amplified speakers for music or similar are permitted in the ground floor smoking area and first floor outdoor area.
76. The proposed door from the gaming area to Alison Road shall be kept closed between 10.00pm and 8.00am except in cases of emergency use.

***The following conditions are applied to ensure that the development complies with the Crime Prevention Guidelines of the New South Wales Environmental Planning and Assessment Act 1979 and the Safer by Design Crime Risk Evaluation undertaken by the NSW Police Force:***

77. *Mirrors or mirrored tiles shall be fitted to the corners outside the lift foyers within the car park areas to enable staff and patrons to view activities around the corners, reducing concealment and entrapment opportunities.*
78. *Lighting in and around the hotel should meet Australian and New Zealand Lighting Standards and be commensurate with a moderate crime risk. Lighting objectives relevant to crime and fear reduction are outlined in Australian lighting standard AS 1158. This and other standards specify the types and quantities of lighting that can be used in different applications.*
79. *The existing surveillance system should be expanded to enhance the physical security of the hotel and assist in the identification of people involved in anti-social or criminal behaviour. The system should also comply with the Surveillance and Privacy requirements of legislation.*
80. *Additional cameras should be installed in the hotel to maximise surveillance opportunities. One or more cameras should be strategically mounted in the following areas:*
  - *Outside the cashiers office to monitor the entry point and customer service area.*
  - *At the rear of the cashier's office to monitor customers in of the counter.*
  - *On the external courtyards to monitor activities within these area.*
81. *Digital or analogue technology should be used to record images from these cameras. Recording equipment should be installed away from the counter area to avoid tampering. Videotapes need to be replaced quarterly to maintain quality images.*
82. *The external wall of the club may be the target of malicious damage offences, graffiti artists. With this in mind the wall area from ground to the first floor level should be constructed or non porous materials or treated with anti graffiti materials to reduce opportunities for this type of activity.*
83. *Signs providing directional information should not be located at decision making points and not near concealment points.*
84. *Access control measures should be used to restrict, channel and encourage people, and motor vehicles throughout the facility. Access control should be used to increase the time and effort required to commit crime and to increase the risk to criminals. With this in mind strong consideration should be given to the installation of an access control system (code or card operated locksets) into the overall security plan for the proposed development to control the movement of people within the facility. This type of system can provide an audit trail of those who has used the area at anytime and also make it easier to remove people access to certain areas by simply recoding or removing the card access.*
85. *Fire exit doors to the hotel needs to be of reasonable construction and fitted with quality locking devices which comply with the Building Code of Australia (fire regulations) and Australian Standards - Lock Sets. AS:4145. This Standard is intended for use when assessing the security and durability of a lockset. Locksets for use in fire doors, egress doors and emergency exits are subject to further requirements or regulations in the interests of personal safety. Other documents which should be consulted are AS:1428, General requirements for access –*

*Building, AS: 1905, Fire resistant door sets and the Building Code of Australia for specific purpose doors in buildings.*

86. *There does not appear to be any access control behind the bar areas. With this in mind a door or gate fitted with a quality lock set which comply with the Building Code of Australia (fire regulations) and Australian Standards Lock Sets AS:4145 should be installed to restrict access behind the counter area, access to money and alcohol.*
87. *The cash handling area should be designed to the Australian Standard for Safes & Strongrooms, Australian Standards - Safes & Vaults AS:3809:1998. This Standard is used to determine the extent or requirements of security features of the premises with the proviso that, depending upon the criminal, the conditions at the place of the crime and the availability of tools, considerably longer times are likely to occur in real burglary attacks.*
88. *The door to this office should be of solid construction and fitted with quality locking devices which comply with the Building Code of Australia (fire regulations) and Australian Standards – Lock Sets. AS:4145. Further consideration should also be given to the installation of a door viewing device to enable staff to identify visitors prior to admitting them to the office.*
89. *The doors to external courtyard and additional door at Alison Road should be of solid construction and fitted with quality locking devices which comply with the Building Code of Australia (fire regulations) and Australia Standards - Lock Sets. AS:4145.*
90. *The existing monitored intruder alarm system designed and installed to the Australian Standard Intruder alarm systems – Systems installed in client's premises; AS:2001:1998; which specifies the minimum requirements for the construction, installation, operation and maintenance of intruder alarm equipment and installed systems. It applies to intruder alarm systems suitable for private premises, commercial premises and special installations, and provides guidance for the preparation of a maintenance contract between a client and an alarm company should be expanded to the proposed development areas to enhance the physical security of the hotel.*
91. *Detectors should be incorporated into the systems design. The light emitting diodes (LEDs) (red lights) within the detectors should be deactivated, to avoid offenders being able to test the range of the system.*
92. *Duress facilities should be incorporated into the system design to enable staff to activate the system manually in the event of an emergency, such as a robbery. NB Duress devices should only be used when it is safe to do so. Devices should be considered for the front reception desk, cashiers office, counting room and secure room.*
93. *As a number of hotels across the state have had telephone lines cut to prevent alarms being reported to the security monitoring company, a supplementary system such as Global Satellite Mobile (GSM) or Radio Frequency (RF) systems should be used to Transmit alarm signal by either mobile telephone or radio frequency.*

**AMENDMENT: (Matson/Woodsmith)** that the recommendation be adopted.  
**- LOST.**

Councillors Matson and Woodsmith rose and demanded a division.

The DIVISION was then taken and the names of the Councillors voting for and against the AMENDMENT were as follows:

| FOR             | AGAINST        |
|-----------------|----------------|
| Cr Belleli      | Cr Andrews     |
| Cr Hughes       | Cr Bastic      |
| Cr Matson       | Cr Kenny       |
| Cr Notley-Smith | Cr Procopiadis |
| Cr Woodsmith    | Cr Nash        |
| -               | Cr Sullivan    |
| -               | Cr Tracey      |
| -               | Cr White       |

**AMENDMENT: (Tracey/Procopiadis)** that the recommendation be adopted subject to the following amendments to Conditions 11 and 17:

11. The approval for the use of the first floor outdoor area is limited for a period of 12 months only from the date of the issue of any occupation certificate to enable the Council to monitor and assess the impact of the activity on the public health, safety and amenity of the surrounding environment and that the operation be reviewed at the end of the trial period and be determined by Council staff under delegated authority.
17. The first floor outdoor area shall not be used before 10.00 am or after 3.00 am, Monday to Sunday. - **LOST.**

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

Councillors Matson and Woodsmith rose and demanded a division.

The DIVISION was then taken and the names of the Councillors voting for and against the MOTION were as follows:

| FOR            | AGAINST         |
|----------------|-----------------|
| Cr Andrews     | Cr Hughes       |
| Cr Bastic      | Cr Matson       |
| Cr Belleli     | Cr Notley-Smith |
| Cr Kenny       | Cr Tracey       |
| Cr Nash        | Cr Woodsmith    |
| Cr Procopiadis | -               |
| Cr Sullivan    | -               |
| Cr White       | -               |

#### **6.9 DEVELOPMENT APPLICATION REPORT - 2-14 & 16-26 BURRAGULUNG STREET, RANDWICK. (DA/872/2006 & PROP051727 & 728)**

H10 **RESOLUTION: (Woodsmith/Kenny) 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/872/2006 for the construction of 12 new two-storey dwelling houses and Torrens title subdivision into 12 lots, at 2-14 and 16-26 Burragulung Road, Randwick, subject to the following conditions:-
  1. The development must be implemented substantially in accordance with the plans numbered DA-005 to DA-022, all Issue A, all dated September 2006, and stamped received by Council on 6 October 2006, 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 of the new building are to be consistent with that indicated in the sample board accompanying the subject development application and received by Council on 6 October 2006.*
3. *The ceiling height of all first floor levels shall be 2.7m high. Details shall be submitted to the Director – City Planning for approval, prior to the issue of the construction certificate.*
4. *The south facing bedroom balconies to Marida Street and Douligah Avenue shall be partially covered to protect these openings. Details shall be submitted to the Director – City Planning for approval, prior to the issue of the construction certificate.*
5. *Partial roof cover to all pergolas on the first floor shall be provided to provide weather protection to sliding doors. Details shall be submitted to the Director – City Planning for approval, prior to the issue of the construction certificate.*
6. *The applicant shall prepare a wild-life management plan containing appropriate measures and procedures for treating any wildlife that may be affected by the proposed development or that may wander into the site from the neighbouring Randwick Environmental Park and elsewhere, and these provisions shall form part of induction points for workers and staff on-site. The induction points shall include contact details of WIRES for rescue and retrieval. Details are to be submitted to Council for approval, prior to the issuing of the construction certificate.*
7. *Street numbering must be provided to the premises in a prominent position, to the satisfaction of Council.*
8. *The reflectivity index of glass used in the external façade of the development must not exceed 20 percent.*
9. *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.*
10. *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.*
11. *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.*

**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:**

12. *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.*
13. *All building, construction and associated site works must only be carried out between the hours of 7.00am to 5.00pm on Monday to Saturday 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.*

14. *The use of any rock excavation machinery or any mechanical pile drivers, concrete pumping, compactors, pneumatic hammering plant and backhoes is restricted to the hours of 8.00am to 5.00pm (maximum), Monday to Saturday, to minimise the noise levels during construction and loss of amenity to nearby residents.*
15. *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.*

16. *All construction activities shall be carried out and managed in accordance with Construction Management Plan dated October 2006 and conditions of consent.*

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

17. *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). Hazardous or intractable wastes arising from the demolition, excavation and remediation 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 are applied to ensure that the development satisfies the provisions of the Environmental Planning and Assessment Act 1979 and Regulations:***

18. *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.***

19. *All building work must be carried out in accordance with the provisions of the Building Code of Australia (BCA), in accordance with Clause 98 of the Environmental Planning and Assessment Regulation 2000.*
20. *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.*

21. *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) 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.*

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

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

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

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

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

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

23. *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 0.35% of the cost of the works.*

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

***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:***

25. *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.*
26. *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.*

27. *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.*

28. *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.*

*29. 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.*

*30. Except with the written approval of Council's Manager of Health, Building & Regulatory Services, all building, demolition and associated site works (including site deliveries) must only be carried out between the hours of 7.00am to 5.00pm on Monday to Friday inclusive and between 8.00am to 5.00pm on Saturdays and all building activities are strictly prohibited on Sundays and Public Holidays.*

*In addition, the use of any rock excavation machinery or any mechanical pile drivers or the like, is restricted to the hours of 8.00am to 5.00pm (maximum) on Monday to Friday only, to minimise the noise levels during construction and loss of amenity to nearby residents.*

*31. 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.*

*32. 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. Vibration levels are to be monitored during the works to ensure compliance with relevant criteria.*

*33. 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".*

*34. 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.*

*35. 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.*

36. *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.*
37. *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.*
38. *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.*

39. *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.*

40. *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 the site management plan which shall 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.*

41. *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.*

42. *A warning sign for sediment control, 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.*

43. *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.*

*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 any part of the footpath, nature strip or any 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 maintain reasonable levels of environmental amenity and public health safety.**

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

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

45. 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 provide adequate security against damage to Council's infrastructure:**

46. 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) \$12,000.00 - 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:***

47. *Prior to the issuing of an Occupation Certificate the applicant must meet the full cost for Council or a Council approved contractor to:
  - a) *Construct a concrete vehicular crossing and layback at kerb opposite each of the proposed vehicular entrances.**
48. *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.*
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.*
50. *The minimum driveway width for each Lot shall be 3.00 metres, as per AS2890.1:2004. The plans submitted for the construction certificate shall demonstrate compliance with this requirement.*
51. *All construction traffic associated with the proposed development shall not use local residential streets, including but not limited to, Ellen Street and Hendy Avenue.*
52. *A construction traffic management plan for the proposed development shall be prepared and approved by the Director – City Planning prior to the issue of a construction certificate. The construction traffic management plans shall include, but not be limited to, measures that will be employed to ensure that all construction traffic uses only Bundock Street to access the subject site and not other residential streets in the locality.*
53. *The applicant shall meet the full cost for Council or a Council approved contractor to construct and install a median in Bundock Street at its existing intersection with Hendy Avenue as required under the Master Plan/Deemed DCP for the Defence Site Randwick. Details shall be submitted to the Director – City Planning for approval, prior to the issue of the construction certificate.*

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

54. *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 generally be:
  - *2.5% above the top of the kerb level at all points opposite the kerb, along the full site frontage.**

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

55. *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.*
56. *The above alignment levels and the site inspection by Council's Development Engineer has been issued at a prescribed fee of \$10,111 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.*
57. *The top of footings of any structures constructed on the boundary alignment must be at least 150mm below the issued alignment level. 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:***

58. *A public utility impact assessment must be carried out on all public utility services on the site, roadway, nature strip, footpath, public reserve or any public areas associated with and/or adjacent to the development/building works and include relevant information from public utility authorities and exploratory trenching or pot-holing, if necessary, to determine the position and level of service.*
59. *The applicant must meet the full cost for telecommunication companies, gas providers, Energy Australia and Sydney Water to adjust/repair/relocate their services as required. The applicant must make the necessary arrangements with the service authority.*
60. *Documentary evidence from the relevant public utility authorities confirming that their requirements have been satisfied, must be submitted to the certifying authority prior to a construction certificate being issued for the development.*
61. *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 to determine whether or not an electricity substation is required for the development.*
62. *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:**

63. Detailed drainage plans shall be submitted to and approved by the certifying authority prior to the issue of a construction certificate. The drainage plans shall demonstrate compliance with the conditions of this development approval.
64. Generally all site stormwater from Lots 50, 51, 52, 69, 70 & 71 shall be piped to a sediment/silt arrester pit that drains to an infiltration area with a minimum 5 m<sup>2</sup> base area. An overflow pipe shall be provided from the silt arrester pit to drain to Council's kerb and gutter.

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

Notes:

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

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

b. The infiltration/rubble pit shall:-

- i. have a minimum 300 mm of soil cover (600 mm where the pit is located under a garden/landscaping area).
- ii. be located a minimum of 3.0 metres from the dwelling or other structure (closer if a structural engineer certifies that the infiltration area will not adversely affect the structure) and 2.1 metres from the adjacent side or rear boundaries.
- iii. be constructed with a minimum 200 mm thick layer of 20 mm basalt/blue metal (or similar) that is wrapped in a suitable geotextile material covering with a high filtration rating (Geofabrics Bidim "A" range of filtration fabrics or equivalent). A suitable means of dispersing the stormwater over the area of infiltration is to be constructed.  
Note: other equivalent methods of infiltration may be adopted.
- iv. have a minimum base area of 5.0 square metres (m<sup>2</sup>).

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

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

*note a. above).*

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

- d. The overflow pipe/s from the rainwater tank/s shall be directed into the infiltration area.*
- 65. All site stormwater from Lots 47, 48, 49, 66, 67 & 68 shall be discharged into the interallotment drainage systems at the rear of the properties. All site stormwater must be taken through a sediment/silt arrester prior to discharging into the drainage system.*

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

- The base of the pit located a minimum 300mm under the invert level of the outlet pipe.*
- The pit must be constructed from cast in-situ concrete, precast concrete or double brick.*
- The grate is to be a galvanised heavy-duty grate that has a provision for a child proof fastening system.*
- A minimum of 4 x 90 mm diameter weep holes located in the walls of the pit at the floor level with a suitable geotextile material with a high filtration rating located over the weep holes.*
- A galvanised heavy-duty screen located over the outlet pipe (Mascot GMS Multi-purpose filter screen or similar).*
- A child proof and corrosion resistant fastening system for the access grate (spring loaded j-bolts or similar).*
- The inlet pipeline located on the side of the pit so that the stormwater will discharge across the face of the screen.*
- A sign adjacent to this pit stating that:*

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

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

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

- 66. The individual waste storage areas for the dwellings shall each be sized to contain a total of 3 bins (1 x 120 litre garbage bin, 1 x 240 litre recycling bin & 1 x 240 litre green waste bin) 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.*
- 67. 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.*

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

- 68. The applicant shall create suitable right of carriageway, easements for access,*

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.

69. 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.
70. 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:**

71. Prior to the issue of a construction certificate, the certifying authority will be required to ensure that the landscape plans submitted by HPA Architects, job number 1635, drawing number DA-023 to DA-27, issue A, dated September 2006 and stamped received at Council on 6th October 2006, comply with the landscaped area design objectives and controls as detailed in the Development Control Plan for the Defence Site Kingsford, dated 21st May 2003.
72. The following species are considered unsuitable for use at the site due to undesirable characteristics, some of which are able to spread vegetatively and invade areas of remnant bushland which exist elsewhere within the site, and as such, they shall be deleted from the planting schedule and planting plans, and replaced with more appropriate alternative species:
  - *Ulmus parvifolia* (Chinese Weeping Elm)
  - *Nandina domestica* (Sacred Bamboo)
  - *Liriope muscari* 'Evergreen Giant' (Liriope)
  - *Fatsia japonica* (Fatsia)
  - *Coprosma x kirkii* (Coprosma)
73. Upon completion of the landscape works, and prior to the issue of a final occupation certificate, documentation shall be obtained from a qualified landscape architect, confirming that the landscaping has been installed in accordance with the approved documentation. A copy shall be forwarded to Council is not the certifying authority for the site.
74. To ensure satisfactory maintenance of the landscaping, an automatic drip irrigation system shall be installed throughout all planted areas (turf exempt), with details to be provided confirming that the system shall be connected to the sites rainwater tanks, with back-up connection to the mains supply, in accordance with current Sydney Water requirements.
75. 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.

**Tree Management**

76. The footpath and street tree masterplan contains several inappropriately located street trees which will impede the line of sight of approaching vehicles when exiting the individual dwellings, and as such, this plan shall be amended to include the following, to the satisfaction of the certifying authority, prior to the issue of a construction certificate:
  - Delete the most eastern street tree proposed near the eastern boundary of Lot 46 in Gumara Street,

- Delete the street tree proposed in front of Lot 48 in Gumara Street,
- Relocate the street tree proposed near the eastern boundary of Lot 51 in Marida Street a further 2 metres to the west,
- Delete the street tree proposed in front of Lot 67 in Marida Street,
- Delete the most eastern street tree proposed in front of Lot 65 in Marida Street,
- Relocate the most western street tree proposed in front of Lot 65 in Marida Street to the western side of the proposed car parking bay,
- Relocate the street tree proposed in front of Lot 72 in Dooligah Street to a minimum distance of 3 metres further to the west. If this is not possible, this street tree shall be deleted.

(NOTE: THE APPLICANT MAY WISH TO CONTACT COUNCIL'S LANDSCAPE DEVELOPMENT OFFICER ON 9399-0613 SHOULD THEY NEED TO DISCUSS THESE ISSUES FURTHER).

### **Advisory Conditions**

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

**MOTION: (Woodsmith/Kenny) CARRIED – SEE RESOLUTION.**

### **6.10 DEVELOPMENT APPLICATION REPORT – 1891 BOTANY ROAD, MATRAVILLE. (F2006/00713)**

H11 **RESOLUTION: (White/Sullivan)** that in respect of the Part6 3A Major Project Development Application for a New Paper Mill at 1891 Botany Road, Matraville, and Council submit to the Director General:

- (a) the summary of issues outlined in Attachment A, and
- (b) the without prejudice conditions of approval outlined in Attachment B

### **ATTACHMENT A - SUMMARY OF ISSUES**

#### **Master-planning**

1. The land area is greater than 4000 square metres and the proposal development is not minor in nature, or ancillary to the current use, but considered a major redevelopment. The applicant submits that these requirements are usually for residential or commercial development with multiple users and that the proposed development does not require a Masterplan. This is not the case.
2. There are a number of matters that remain unresolved in AMCOR's whole of site planning. The proposal makes brief mention of the potential for some land to be excised and sold in the future. The proposal does not adequately detail remediation of those parts of the site that have potential to be excised to future owners. It would be inappropriate to allow the excision of that land and to burden the future owners with remediation. It is probable that the land would remain potentially unusable. The demolition and removal of building and equipment that would be made redundant by the proposed development is not adequately addressed, and there is no allowance for future incremental expansion and growth. Future development would be ad-hoc and contrary to the requirements of this clause. A concept plan should be developed for the whole of the site.

#### **Total Water Cycle Management**

3. Consideration should be given to the possibility of using additional water from long dam (when available) for industrial water supply. Whilst groundwater and/or

*mains water supply backup may still be required, it is considered that stormwater should be utilised when available (i.e. during periods of heavy rainfall).*

4. *Consideration should also be given to the possible treatment of groundwater/stormwater for use in those parts of the process where potable water is currently used.*
5. *To reduce the demand for potable (drinking) water and the amount of stormwater run-off and the associated adverse impacts, rainwater tanks should be installed.*
6. *The Environmental Assessment discusses ways in which potable water use is reduced as a result of the proposed development. The Department of Planning is requested to consider the TWCS documentation in the Environmental Assessment and to consider the imposition of additional requirements for the reduction in potable water use, (options such as further treatment and reuse of water from the Long Dam together with use of treated groundwater from the Orica site and surrounds should be considered).*
7. *Stormwater runoff from the redeveloped site must be discharged (by gravity) to either:*
  - *The underground drainage system in Botany Street, via new and/or existing kerb inlet pits; AND/OR*
  - *A suitably sized infiltration system (subject to geotechnical investigation confirming that the ground conditions are suitable for an infiltration system). AND/OR*
  - *The "LONG DAM" located to the west of the development site and over the channel that eventually drains in the Bunnerong Canal.*

#### ***Discharge to Botany Bay***

8. *The 2005 PFM report noted that the current DEC license allows treated process water to be discharged to the Bunnerong Outfall canal when the SWSOOS is unavailable. It was understood from discussions at the PFM that the DEC would be requiring discharge of treated process water into Botany Bay to cease as part of this proposal. Randwick City Council would support this initiative from the DEC however the EAR makes no reference to cessation of discharge of treated process water into Botany Bay. The Department of Planning is requested to consider this issue with a view to ending the discharge of treated process water into Botany Bay.*

#### ***Flooding***

9. *The August 2000 Development Application report specifically conditioned the applicant to undertake a flood study. The EAR makes reference to onsite stormwater detention, (an argument is made for onsite detention requirements to be deleted from this application), however, no flood study has been undertaken for the various catchments that drain through or adjacent to the subject development site. Conditions relating to preparation and submission of a flood study/ies to establish the 1 in 100 year flood levels within and adjacent to the site have been included within this report. The subject conditions have requested the study/ies to be undertaken prior to preparation of Construction Certificate plans however this study should have been undertaken and referenced as part of the EAR.*
10. *The Department of Planning are advised that the required drainage analysis and subsequent consideration of floor levels, driveway levels and protection of openings may affect the height of the development AND/OR floor to ceiling heights within the development.*

### **Heritage**

11. *The heritage building and the street address in McCauley Street is a significant heritage element in Matraville. This item should not be wholly removed. A greater analysis of opportunities to retain parts of the heritage item and create interpretive elements should be required of the applicant.*
12. *Conservation and interpretation of the façade would allow the historical dimension of the manufacturing process on the site to be interpreted by the public.*
13. *A conservation plan for the McCauley Street façade should be prepared in accordance with the principles of the Australian ICOMOS Burra Charter. The Plan should be prepared by an architect suitably qualified and experienced in heritage consideration. An archival record for the property should also be prepared.*

### **Contamination and Remediation**

14. *Removal of Underground Storage Tanks and Rededication issues do not seem to have been taken seriously. As a bare minimum the Underground Storage tanks (USTs) should be removed and tank pit excavations validated in accordance with Work Cover requirements and DEC Guidelines under the Contaminated Land Management Act 1997 to ensure any contamination of soil and groundwater is appropriately managed.*
15. *A Site Audit Statement and Summary Report for the land subject to this application will need to be prepared in accordance with the DEC Guidelines and submit to the appropriate authorities prior to works commencing. The Site Audit Statement shall confirm the land is suitable for its intended and / or continued use.*

### **Car Parking**

16. *The site access driveway, internal carpark layouts, loading area and internal circulation areas shall generally comply with AS 2890.1 (2004) and the RTA's Guide to Traffic Generating Developments.*
17. *The proposed development has a floor space in excess of 15,000 square metres; the subject site will also retain some existing floor space and offices. The applicant proposes to maintain the existing level of onsite parking, (the applicant states that 100 parking spaces will be available for staff demand). Council's DCP-Parking and the RTA's Guide to Traffic Generating Developments would both require the provision of a significantly higher level of onsite parking. Any departure from accepted standards / guides such as those referenced must be supported by appropriate documentation, surveys etc.*

### **Traffic**

18. *The EAR does not model the impacts of the proposed development on the surrounding signalised intersections and makes only minimal reference to traffic changes in the Port Botany area as part of the Sydney Ports Expansion.*
19. *The applicant should prepare a detailed traffic and transport study. The study shall include a detailed assessment of the traffic impacts from the upgraded facility (both external and within the site) together with options for mitigating these effects.*
20. *The study should include estimates of traffic movements generated by the upgraded mill together with a quantified assessment of the impacts on the surrounding signalised intersections and road network, (a suitable model shall be prepared to examine in detail the impact of the proposed development on signalised intersections and the overall road network). It is noted that the traffic study should incorporate the traffic changes proposed in the Port Botany area as part of the Sydney Ports Expansion, and shall compare the total predicted traffic*



generation rates with existing rates. Traffic safety concerns associated with vehicles queuing adjacent to the site frontage in Botany Road should be addressed as part of this study. The traffic and transport study shall be prepared in consultation with Randwick City Council and the Roads and Traffic Authority.

21. *Heavy vehicle access to the site associated with the proposed development should be from Botany Road only. Council will not support heavy vehicle access from McCauley Street. The EAR makes reference to traffic using the existing vehicular entry/exit point in McCauley Street, adjacent to Australia Avenue. There should be no increase in vehicle movements entering/exiting the site via this driveway crossing and no heavy vehicles are to use this vehicular crossing. All vehicles using this crossing should travel via the signalised intersection at Botany Road and McCauley Street.*
22. *Heavy vehicles routes to and from the site should not utilise the residential streets through Matraville town centre, in particular Bunnerong Road, (between Beauchamp Road and Perry Street), and Perry Street should not be used by heavy vehicles accessing the site. Heavy vehicles routes shall include Foreshore Road, Botany Road, Beauchamp Road and Denison Street. A condition requiring the applicant to formalise agreements with transport carriers on the use of agreed truck routes has been included within this report.*
23. *The Department of Planning is advised that Randwick City Council supports improved usage of rail transport in conjunction with this, and other Port Botany industries. The DoP is requested to consider the imposition of conditions/strategies for improving the usage of the rail network.*

#### **Public Utilities**

24. *A public utility impact assessment should be carried out on all public utility services on the site, roadway, nature strip, public reserve or any public areas associated with and/or adjacent to the development/building works that may be affected by the proposed works.*
25. *Documentary evidence should be obtained from the relevant public utility authorities confirming that their requirements (with respect to any services that may be affected) have been satisfied.*
26. *Energy Australia should be contacted to determine whether an electricity substation is required for the site as a consequence of this development.*
27. *A detailed assessment of all easements, pipelines, services etc currently burdening the site should be undertaken. Should any of these easements/services require relocation or removal as part of the proposal, the applicant should provide written confirmation from the benefited authority/lot/person that the proposed removal and/or relocation is acceptable.*
28. *Given that the proposed works will be in excess of \$2 million the applicant should be required to meet all costs associated with replacing the overhead wires with underground cables in the vicinity of the development site.*

#### **Waste Management**

29. *A construction and demolition waste management plan should be prepared, submitted for approval and be approved prior to the issuing of a Construction Certificate for the proposed development.*
30. *The waste/paper storage areas on site shall be graded and drained to the sewer to the requirements of Sydney Water. Stormwater runoff from these areas shall not be discharged to the stormwater system.*

### **Employment**

31. *Employment targets for the East Region (BBCC, Waverley, Woollahra, Randwick) are in the vicinity of an extra 17,000 jobs to 2031 (Randwick will have to meet about half of that). Identifying and demonstrating employment generation in the proposal would be supported.*
32. *The economic benefit of the operational expansion should be considered and ideally should incorporate employment generation.*

### **Energy**

33. *The proposed new mill will result in a 33% increase in energy consumption and subsequently a significant increase in greenhouse gas production. Efforts should be made to further minimise and offset these impacts through the use of green power and/or through the purchasing the equivalent in renewable energy certificates to ensure there is no net increase in greenhouse gas emissions from the new mill.*

### **Signage**

34. *Signage details were not provided for assessment.*

### **Visual Impact**

35. *A colour scheme and materials schedule should be submitted. Corporate or bright colours should be avoided.*

### **Tree Removal**

36. *Any proposed tree removals should be subject to the provision of suitably advanced replacements in order to adequately compensate for the loss of established canopy from the site.*

### **Weed Management**

37. *All existing weeds on the site shall be identified and management plans prepared for their control and eradication.*

## **ATTACHMENT B - WITHOUT PREJUDICE APPROVAL CONDITIONS**

### **Security Deposit Conditions**

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

1. *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. *\$10000.00 - Damage / Civil Works Security Deposit*
2. *The damage/civil works security deposit may be provided by way of a cash or cheque with the Council and is refundable upon:*
  - a. *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*
  - b. *Completion of the civil works as conditioned in this development consent by Council.*

3. *The applicant is to advise Council, in writing, of the completion of all building works and/or obtaining an occupation certificate, if required.*
4. *The applicant is to advise Council in writing and/or photographs of any signs of existing damage to the Council roadway, footway, or verge prior to the commencement of any building/demolition works.*

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

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

5. *Prior to the issuing of an Occupation Certificate the applicant must meet the full cost for Council or a Council approved contractor to:
  - a. *Remove all redundant vehicular crossings and to reinstate the areas to Council's specification.*
  - b. *Reconstruct the northern most vehicular crossing in McCauley Street. The reconstructed vehicular crossing shall be a full width industrial crossing and layback at kerb.*
  - c. *Construct kerb and gutter for the full site frontage of McCauley Street except opposite the northern most vehicular entry and exit point.*
  - d. *Carry out a full depth, minimum 3.0 metre wide, road construction in front of the kerb and gutter along the full McCauley Street site frontage.*
  - e. *Carry out drainage works as required across the McCauley Street site frontage.*
  - f. *Construct a minimum 1.3 metre wide concrete footpath along the full McCauley Street site frontage. Any unpaved areas on the nature strip must be turfed and landscaped to Council's specification.*
  - g. *Carry out street tree planting along the Botany Road and McCauley Street site frontages in accordance with Council's Street Tree Masterplan.**
6. *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.*
7. *A separate written approval from Council is required to be obtained in relation to all works which are located externally from the site within the road reserve/public place, in accordance with the requirements of the Roads Act 1993. Detailed plans and specifications of the proposed works are to be submitted to and approved by the Director of City Services prior to commencing any works within the road reserve/public place.*
8. *All works within the road reserve/public place must be carried out to the satisfaction of Council and certification from a certified practicing engineer is to be provided to Council upon completion of the works.*
9. *Relevant Council assessment and inspection fees, as specified in Council's adopted Pricing Policy, are required to be paid to Council prior to commencement of the works.*

10. *All new walls adjacent to vehicular crossings must be lowered to a height of 600mm above the internal driveway level for a distance of 1.50m within the site or splayed 1.5 metre by 1.5 metre to provide satisfactory sight lines. Details are to be submitted to the Certifying Authority prior to the release of the construction certificate showing compliance with this condition.*
11. *Heavy vehicle access to the site shall be from Botany Road only. There must be no heavy vehicle access from McCauley Street. All heavy vehicle movements accessing the site via the main entrance in Botany Road must approach and depart the site from and to the west via the State Road network.*
12. *Heavy vehicles routes to and from the site shall not utilise the residential streets through Matraville town centre, in particular Bunnerong Road, (between Beauchamp Road and Perry Street), and Perry Street should not be used by heavy vehicles accessing the site. Heavy vehicles routes shall include Foreshore Road, Botany Road, Beauchamp Road and Denison Street.*
13. *Prior to the issuing of a Construction Certificate for the subject development the applicant must arrange letters of agreement, to be signed by the applicant and its major transport carrier/s, to use agreed truck routes for the upgraded paper mill.*
14. *Prior to the issuing of an Occupation Certificate copies of the signed agreement/s between the applicant and its major transport carrier/s must be forwarded to Randwick City Council for its information and records.*
15. *Prior to the issue of a construction certificate, the applicant shall submit for approval, and have approved by the Certifying Authority, a detailed construction traffic management plan. The plan shall demonstrate how construction and delivery vehicles will access the development site during the demolition and construction phase of the development. The construction management plan must be prepared in consultation with Randwick City Council and the Roads and Traffic Authority.*
16. *All traffic associated with the subject development shall comply with the terms of the approved construction traffic management plan.*
17. *Any vehicle access to the subject site via McCauley Street, including any proposed construction traffic, must be restricted to entry and exit only via the signalised intersection of Botany Road/McCauley Street. There is to be no increase in vehicle movements entering/exiting the site via McCauley Street and no heavy vehicles are to use McCauley Street.*
18. *The provision of onsite vehicle parking must comply with Council's DCP- Parking or alternatively the applicant must demonstrate to the Certifying Authority that the proposed parking provision is satisfactory in meeting peak parking demands for the site. The Construction Certificate plans must either demonstrate compliance with Council's DCP-Parking requirements for the site or a detailed parking analysis must be undertaken and submitted for approval, and be approved by the Certifying Authority, prior to the issue of a Construction Certificate for the development.*

### **Alignment Level Conditions**

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

19. *The design alignment level at the property boundaries for driveways, access ramps, pathways, footings or the like, must be obtained from Council's Development Engineer prior to the lodgement of a Construction Certificate*

*Application. An alignment level issue fee of \$1000.00 will be payable at the time of requesting the alignment levels. The design alignment level at the property boundaries must be strictly adhered to.*

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

#### **Private Service Conditions**

**The following conditions are applied to provide adequate consideration for private services:**

21. *Prior to lodgement of a Construction Certificate a detailed assessment of all easements, pipelines, services etc currently burdening the site shall be undertaken. Should any of these easements/services require relocation or removal as part of the proposal, the applicant shall provide written confirmation from the benefited authority/lot/person to the Certifying Authority that the proposed removal and/or relocation is acceptable.*

#### **Service Authority Conditions**

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

22. *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.*
23. *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.*
24. *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.*
25. *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 to determine whether or not an electricity substation is required for the development.*
26. *The applicant shall meet the full cost of the overhead power lines and telecommunication cables located in the vicinity of the development site to be relocated underground and all redundant power poles to be removed. The applicant shall liaise directly with the relevant service utility authorities to organise for the wires/cables to be relocated. All wires cables must be relocated underground to the satisfaction of the relevant service utility authority prior to the issuing of an occupation certificate for the development.*
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.*

28. *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.*
29. *The Notice must be issued to the Principal Certifying Authority prior to the construction certificate being issued.*
30. *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:***

#### **Protection from flooding**

31. *Prior to lodgement of a Construction Certificate for the proposed development the applicant shall prepare and submit to the Certifying Authority for approval a flood study (including plans and drainage calculations compiled by a suitably experienced and qualified Civil Engineer) which determines the 1 in 100 year flood level within and adjacent to the site.*
32. *The flood study should be undertaken using "DRAINS" Urban Drainage Simulation Model (and HECRAS for determining flow depths). Alternative flood modelling programs may be used, however, the applicant will be required to meet the full cost for an independent hydraulic consultant to review the model as Council does not have the computer software to run alternative flood modelling programs.*
33. *The following information must be submitted to Council with the flood study:*
  - a. *All "DRAINS" and "HECRAS" data files on 3 1/2" MS-DOS formatted diskettes together with a suitable index to relate data files to the various run parameters.*
  - b. *Plans showing:*
    - i. *All catchments and sub-catchments areas contributing to flows in the vicinity of the development site;*
    - ii. *"DRAINS" sub-catchments and areas and nomenclature used to define the various piped reaches;*
    - iii. *Overland flow paths;*
    - iv. *Location and sections of all drainage lines showing pipe sizes and grades;*
    - v. *Pit/gully surface levels as well as invert levels of inlet and outlet pipes;*
    - vi. *Proposed finished surface levels and 0.2m contours over the development site (it is noted that all levels shall be relative to the Australian Height Datum); and*
    - vii. *Location of all "HECRAS" cross sections.*
34. *The flood study shall be prepared in full consultation with Randwick City Council and shall include detailed consideration of the following:*
  - a. *Flood levels and operational details for the long dam.*
  - b. *McCauley street overland flow*

- c. *Flood levels for the watercourse/creek draining through site from east of the site.*
35. *To minimise the possibility of localised floodwater entering the ground floor additions, all new floor areas shall be a minimum of 300 mm above the calculated 1 in 100 year flood level.*
36. *The Construction Certificate plans must demonstrate compliance with the findings of the approved flood study/ies.*
37. *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 Development Manual (New South Wales Government, April 2005). 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.*
38. *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.*

#### ***Internal and External Drainage works***

39. *Stormwater drainage plans have not been approved as part of this development consent. 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 e.g. the nature of the soil in the site and/or the presence of rock etc.*
40. *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.*
41. *All site stormwater must be discharged (by gravity) to either:*
- a. *The underground drainage system in Botany Road, 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). AND/OR*
  - c. *The "LONG DAM" located to the west of the development site and over the channel that eventually drains in the Bunnerong Canal.*
42. *All new kerb inlet pits shall be constructed in general accordance with Council's standard drawing SD7a.\*
43. *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.*
44. *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.*
45. *A childproof and corrosion resistant fastening system shall be installed on access grates over pits/trenches where water is permitted to be temporarily stored.*
46. *A reflux valve shall be provided (within the site) over any pipelines discharging from the site to ensure that stormwater from Council drainage system does not surcharge back into the site stormwater system.*
47. *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 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.*
48. *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.*
49. *All site stormwater from trafficked areas must be passed through a suitably designed Gross Pollutant Trap and Oil Separator prior to discharge to the*



*stormwater system external to the site. The design of the GPT shall be based on a 3 month ARI storm event.*

50. *All other site stormwater proposed for discharge to the stormwater system external to the site must do so via a sediment/silt arrester pit. The sediment/silt arrester pit/s 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.*
51. *The sediment/silt arrester pit/s shall be constructed in accordance with the following requirements: -*
- a. The base of the pit located a minimum 300mm under the invert level of the outlet pipe.*
  - b. The pit constructed from cast in-situ concrete, precast concrete or double brick.*
  - c. 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.*
  - d. A galvanised heavy-duty screen located over the outlet pipe/s (Mascot GMS multipurpose filter screen or equivalent).*
  - e. The grate being a galvanised heavy-duty grate that has a provision for a child proof fastening system.*
  - f. A child proof and corrosion resistant fastening system provided for the access grate (e.g. spring loaded j-bolts or similar).*
  - g. A sign adjacent to the pit stating:*  
  
*"This sediment/silt arrester pit shall be regularly inspected and cleaned."*
52. *Sketch details of a standard sediment/silt arrester pit may be obtained from Council's Drainage Engineer.*
53. *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. Finished site contours at 0.2 metre intervals;*
  - b. The location, diameter, gradient and material (i.e PVC, RC etc) of all stormwater pipes;*
  - c. Details of any infiltration/absorption systems; and*
  - d. Details of any pumping systems installed (including wet well volumes).*
54. *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 inspection/s of the site stormwater drainage system by the certifying engineers and shall be provided to the satisfaction of the PCA.*

55. *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.*
56. *Site discharge pipelines shall cross the verge at an angle no less than 45 degrees to the kerb line.*
57. *A work-as-executed plan prepared and signed by the hydraulic engineer or a registered surveyor, must be submitted to Council prior to the issuing of an occupation certificate, detailing the as constructed details for all works within Council's road reserve (including detailed levels).*
58. *All drainage details (for the external drainage works) shall be prepared by a suitably qualified hydraulic consultant who shall, at the completion of the works, certify that the drainage works have been constructed in accordance with the approved drainage plans and relevant standards. The plans and specifications for all works on Council property shall be submitted to and approval by Council prior to the issuing of a construction certificate.*
59. *Any seepage water must be drained directly into an absorption pit within the site. Seepage water must not be drained from the site.*
60. *The waste/paper storage areas on site shall be graded and drained to the sewer to the requirements of Sydney Water. Stormwater runoff from these areas shall not be discharged to the stormwater system.*

#### **Waste Management Conditions**

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

61. *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.*
62. *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:***

#### **Tree Management**

63. *Permission is granted for the removal of only those trees falling within the area occupied by the approved works. Removal of any of the remaining trees on the site shall be subject to separate application under the Tree Preservation Order.*
64. *The applicant shall be required to ensure the retention and long term health of all trees located on adjoining properties adjacent to the proposed development. As a general guide there shall be minimal excavation or root pruning within the dripline/s of the subject tree/s.*

65. *All site trees that are located within the vicinity of the proposed works, covered by Council's Tree Preservation Order and identified as being retained in conjunction with the proposed works, are to be the subject of a detailed Tree Management plan. The TMP shall detail all proposed measures for ensuring the health and stability of the subject trees and shall be submitted for approval, and approved by the Certifying Authority, prior to the issuing of a Construction Certificate for the development.*
66. *All existing weeds on the site shall be identified and management plans prepared for their control and eradication. This management plan shall be submitted to the certifying Authority for approval, and be approved, prior to the issue of a Construction Certificate for the development.*
67. *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: (White/Sullivan) CARRIED – SEE RESOLUTION.**

**7. MISCELLANEOUS.**

**7.1 DIRECTOR, CITY PLANNING REPORT 4/2007 - CLASSIFICATION OF LAND UNDER THE LOCAL GOVERNMENT ACT, 1993 - 206/97 BOYCE ROAD, 215/1 AND 216/1 BRUCE BENNETTS PLACE, MAROUBRA JUNCTION (THE PACIFIC SQUARE DEVELOPMENT). (F2005/07997)**

H12 **RESOLUTION: (Sullivan/White)** *that Council's affordable housing units located at 206/97 Boyce Road, 215/1 and 216/1 Bruce Bennetts Place, Maroubra Junction, be classified as 'operational' land in accordance with the provisions of the Local Government Act 1993.*

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

**8. CONFIDENTIAL ITEMS (CLOSED SESSION).**

Nil.

**9. NOTICES OF RESCISSION MOTIONS.**

A Notice of Rescission Motion on Item 6.7 was submitted to the General Manager prior to the conclusion of the meeting by Crs Bastic, Procopiadis and White and will be considered at the next Ordinary Council on Tuesday 27 February 2007.

A Notice of Rescission Motion on Item 6.8 was submitted to the General Manager prior to the conclusion of the meeting by Crs Hughes, Matson and Woodsmith and will be considered at the next Ordinary Council on Tuesday 27 February 2007.

The meeting closed at 9.45 p.m.

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CHAIRPERSON