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INCORPORATED  
AS A MUNICIPALITY  
22 FEBRUARY 1859  
PROCLAIMED AS  
A CITY JULY 1990

26<sup>th</sup> April, 2007

## EXTRAORDINARY COUNCIL MEETING

NOTICE IS HEREBY GIVEN THAT AN EXTRAORDINARY COUNCIL MEETING OF THE COUNCIL OF THE CITY OF RANDWICK WILL BE HELD IN THE COUNCIL CHAMBER, TOWN HALL, 90 AVOCA STREET, RANDWICK, ON  
**FRIDAY, 27<sup>TH</sup> APRIL, 2007 AT 7:30 A.M.**

### **1 Prayer & acknowledgement of local indigenous people**

#### **Prayer**

*"Almighty God,*

*We humbly beseech you to bestow your blessings upon this Council and to direct and prosper our deliberations to the advancement of your glory and the true welfare of the people of the City of Randwick and Australia.*

*Amen"*

#### **Acknowledgement of local indigenous people**

*"I would like to acknowledge that we are here today on the land of the Bidjigal people of the Dharwahal Nation. The Bidjigal people are the traditional owners and custodians of this land and form part of the wider Aboriginal nations of the Sydney area. On behalf of Randwick City Council I would also like to acknowledge and pay my respects to the Elders both past and present."*

### **2 Apologies/Granting of leave of absences**

### **3 Declaration of Pecuniary & Non-Pecuniary Interests**

### **4 Addressing of Council by Members of the Public**

### **5 Urgent Business**

### **6 Motions Pursuant to Notice**

- 6.1 Notice of Rescission Motion by Councillors Matson, Hughes and Woodsmith – Ordinary Council Meeting - 24<sup>th</sup> April, 2007 - Item 8.5 – Director, City Planning Report 19/2007 - 155-157 Arden Street, Coogee

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GENERAL MANAGER

**MOTIONS PURSUANT TO NOTICE****6.1 Notice of Rescission Motion by Councillors Matson, Hughes and Woodsmith – Ordinary Council Meeting - 24<sup>th</sup> April, 2007 - Item 8.5 – Director, City Planning Report 19/2007 - 155-157 Arden Street, Coogee (DA/611/2006 & PROP017326 & 333)**

That the resolution passed at the Ordinary Council Meeting held on Tuesday, 24<sup>th</sup> April, 2007, reading as follows:

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

- A. *Council support the objection under State Environmental Planning Policy No. 1 in respect to non-compliances with Clauses 32(1) and 33(4) of the Randwick Local Environmental Plan 1998 (relating to maximum floor space ratio and wall height) on the grounds that the proposed development complies with the objectives of the Clause and will not adversely affect the amenity of the surrounding locality, and that Department of Planning be advised accordingly.*
- B. *Council as the responsible authority grant its development consent as a “Deferred Commencement” under Section 80(3) of the Environmental Planning and Assessment Act 1979 (as amended) to Development Application No. 611/2006 for demolition of the existing dwellings and construction of a three storey multi-unit development comprising 11 dwelling and a semi-basement level car parking for 18 vehicles at 155-157 Arden Street, Coogee, subject to the following conditions:-*

**Deferred Commencement Conditions:**

*The consent is not to operate until the following materials/amendments have been submitted to and approved by Council’s Director of City Planning:*

1. *The proposed one bedroom dwelling (Dwelling No. 11) at the top level of eastern section of the building and the associated curved roof shall be deleted to comply with the external wall height standard under Clause 33(4) of the RLEP and to ensure the bulk and scale of the development are in sympathy with the scenic qualities and topography of the foreshore area and to improve the amenity of the adjoining properties.*
2. *Details of the proposed design, colours, materials and finishes to the proposed sandstone retaining wall to Arden Street, pedestrian bridge and associated balustrades.*
3. *Details of all proposed fencing on site boundaries.*
4. *Details of the proposed colours, materials and finishes of the external surfaces to the building (i.e. a schedule and brochure/s or sample board).*
5. *The sill height of the windows on the southern elevation of Dwelling Nos. 6 and 8 are to be fixed and provided with obscured glazing below 1.5m above floor level or alternatively, the widows are to be provided with fixed louvres to minimise privacy impacts on southern adjoining property at No. 159 Arden Street.*
6. *A privacy screen having a minimum height of 1.5m, measured from the*

*finished terrace level, is to be provided to the southern side of the terrace area for Dwelling 4 and the screen shall be constructed of obscured glazing to minimise overlooking impact on southern adjoining property at No. 159 Arden Street.*

7. *Privacy screens are to be provided to the northern and southern sides of the balconies for Dwelling Nos. 3, 4, 5, 7, 8 and 9 to minimise overlooking into the living areas and private open spaces of the adjoining and nearby properties to the north and south.*
8. *The storage room at the semi-basement level shall be reconfigured to provide a total of 10 separate storage spaces. Evidence of compliance with the minimum storage area per dwelling under Part 5.3 Storage of Development Control Plan for Multi-Unit Housing is to be submitted to Council.*
9. *The bicycle storage area shall be suitably sized to accommodate 5 bicycles.*
10. *Details of the proposed levels, grades and siting of the proposed right-of-way, its impact on the useability of the communal open space area, and an arborist report assessing the likely impact of the right-of-way on the Swamp Mahogany and Norfolk Island Hibiscus trees. The proposed right-of-way shall not reduce the minimum landscaped area of the proposed development to less than 50% of the site area in accordance with clause 31 of RLEP 1998.*

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

#### **Development Consent Conditions**

- C. *Subject to compliance with the deferred commencement 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:*

#### **Referenced Plans:**

1. *The development must be implemented substantially in accordance with the following amended plans:*
  - *numbered 013, Issue A, dated 12 November 2006 and received by Council on 13 November 2006,*
  - *numbered 030, Issue F, dated 28 November 2006 and received by Council on 28 November 2006,*
  - *numbered 031, Issue E, dated 7 November 2006 and received by Council on 13 November 2006,*
  - *numbered 032, 040 and 052, Issue D, dated 5 November 2006 and received by Council on 13 November 2006,*
  - *numbered 033 and 034, Issue C, dated 14 October 2006 and received by Council on 16 October 2006,*
  - *numbered 041, Issue D, dated 23 November 2006 and received by Council on 28 November 2006,*
  - *numbered 042, Issue C, dated 28 November 2006 and received by Council on 28 November 2006,*
  - *numbered 050 and 051, Issue C, dated 14 October 2006 and received by Council on 16 October 2006,*

*the application form and on any supporting information received with the application, except as may be amended by the details/amendments approved pursuant to the deferred commencement conditions and the following conditions as may be shown in red on the attached plans:*

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

2. *A separate development application is required to be submitted to and approved by the Council for any proposed works to facilitate access to the adjoining property at No. 159 Arden Street, Coogee.*
3. *Subject to compliance with Deferred Commencement Condition No. 10, a Right of Way over 155-157 Arden Street in favour of Units 1 to 5 inclusive of SP 77817, (159 Arden Street, Coogee), shall be created prior to the issuing of an Occupation Certificate. All costs associated with the survey and registration of the Right of Way are to be met by the owner of the subject site at 155-157 Arden Street, Coogee.*

*The terms of the right of way shall include the following:*

- *The right of way shall not become operational until such time as approved carspaces have been constructed within 159 Arden Street, such carspaces being attached to Units 1 to 5 inclusive of SP 77817.*
  - *The name of the person empowered to release, vary or modify the terms of the Right of Way – Randwick City Council.*
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. *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.*
  6. *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.*

7. *Power supply and telecommunications cabling to the development shall be underground.*
8. *A single common television aerial, and/or satellite dish (having a maximum diameter of 700mm and not located on the front or street elevation of the building) is to be installed to serve the development.*
9. *The reflectivity index of glass used in the external façade of the development must not exceed 20 percent. The details and samples of the*

*glass to be used are to be submitted with the colour and material schedule for the approval of Council's Director of City Planning, **prior to the commencement of works.***

10. *Internal or external clothes drying facilities are to be provided in accordance with the provisions of the Building Code of Australia.*

*Should external clothes drying facilities be provided, the facilities must be adequately screened by vegetation and details are to be incorporated into the landscaping plans, to the satisfaction of the certifying authority.*

11. *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.*
12. *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.*
13. *In accordance with the provisions of clauses 143A and 154A of the Environmental Planning & Assessment Regulation 2000, a 'Design Verification Certificate' must be provided to the Certifying Authority and the Council, **prior to issuing a construction certificate** and an **occupation certificate**, respectively.*
14. *Solar hot water heaters or other structures are not permitted to be installed on the roof of the building unless the prior written approval of Council's Director of Planning has been obtained beforehand.*

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

15. *In accordance with Council's Section 94 Contributions Plan effective from 2 September 1999, the following monetary contribution is to be paid to Council.*
- |    |   |                    |
|----|---|--------------------|
| a) | <i>for the provision or improvement of open space</i>           |                    |
|    |   | <i>\$11,867.17</i> |
| b) | <i>for the provision or improvement of community facilities</i> |                    |
|    |   | <i>\$5,246.98</i>  |
| c) | <i>Administration</i>   | <i>fee</i>         |
|    |   | <i>\$425.00</i>    |

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

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

16. *The consolidation of the separate lots into a single lot must take place, prior to the use or the occupation of the development. Details of the consolidation of lots are to be provided to Council prior to occupation of the*

*development.*

17. *A separate Development Application is required to be submitted to and approved by Council with regard to the strata subdivision of the building.*

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

18. *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.*

19. *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.*

20. *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)*

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

22. *A report, prepared by a suitably qualified and experienced consultant in acoustics, shall be submitted to the Council prior to an **occupation certificate** being issued for the development, which demonstrates and certifies that noise and vibration emissions from the development comply with the relevant provisions of the Protection of the Environment Operations Act 1997, NSW Environmental Protection Authority Noise Control Manual & Industrial Noise Policy and conditions of Council's approval, to the satisfaction of Council's Manager Health, Building & Regulatory Services.*

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

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

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

24. *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.*

25. *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.*

26. **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.

27. **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.*

28. *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.*

29. *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".*
30. *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.*

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

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

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

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

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

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

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

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

33. *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.*

34. *The building is required to be provided with a smoke alarm system complying with Clause 3 of Specification E2.2a of the Building Code of Australia or a smoke detection system complying with Clause 4 of Specification E2.2a of the Building Code of Australia or a combination of a smoke alarm system within the sole-occupancy units and a smoke detection system in areas not within the sole-occupancy units. The smoke detectors located within the stairway, corridors or the like must be interconnected.*  
*Additional requirements regarding the design and installation of the smoke detection and alarm system may be specified in the construction certificate for the development.*

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

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

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

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

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

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

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

located upon:

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

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

39. *The installation of ground or rock anchors underneath any adjoining premises including (a public roadway or public place) must not be carried out without specific written consent of the owners of the affected adjoining premises and (where applicable) details of compliance must be provided to the certifying authority **prior to the commencement of any excavation or building works.***
40. *A Certificate of Adequacy prepared by a professional engineer shall be submitted to the certifying authority (and the Council, if the Council is not the certifying authority) **prior to occupation of the building**, certifying the structural adequacy of the building and that the building works satisfy the relevant structural design requirements of the Building Code of Australia.*

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

41. *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.*

42. *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.*

43. *All excavations and backfilling associated with the erection or demolition of a building must be executed safely in accordance with appropriate professional standards and excavations are to be properly guarded and supported to prevent them from being dangerous to life, property or buildings.*

*Retaining walls, shoring or piling must be provided to support land which is excavated in association with the erection or demolition of a building, to prevent the movement of soil and to support the adjacent land and buildings, if the soil conditions require it. Adequate provisions are also to be made for drainage.*

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

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

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

45. *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.*

46. *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.*

47. *A report prepared by a suitably qualified and experienced consultant in acoustics/vibration shall be submitted to the Principal Certifying Authority (PCA) and a copy is to be provided to Council **upon commencement of works**, certifying that noise and vibration emissions from the construction of the development satisfies the relevant provisions of the Protection of the Environment Operations Act 1997, Councils conditions of consent and relevant Standards relating to noise and vibration. In support of the above, it is necessary to submit all relevant readings and calculations made.*

*Any recommendations and requirements contained in the report are to be implemented accordingly and should noise and vibration emissions not comply with the terms and conditions of consent, work must cease forthwith and is not to recommence until details of compliance are submitted to the PCA and Council.*

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

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

49. *Temporary toilet facilities are to be provided, at or in the vicinity of the work site throughout the course of demolition and construction, to the satisfaction of WorkCover NSW and the toilet facilities must be connected to a public sewer or other sewage management facility approved by Council.*

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

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

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

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

*Bulk bins/waste containers must not be located upon the footpath,*

*roadway or nature strip at any time without the prior written approval of the Council, unless the waste container is located upon the road in accordance with the Roads & Traffic Authority Guidelines and Requirements, and the container is exempt from an approval under Development Control Plan for Exempt & Complying Development and Council's Local Approvals Policy. Applications to place a waste container in a public place can be made to Council's Building Services section.*

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

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

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

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

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

*Dust control measures and practices may include: -*

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

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

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

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

*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.*

55. *A temporary timber, asphalt or concrete crossing is to be provided to the site entrance across the kerb and footway area, with splayed edges, to the satisfaction of Council, unless access is via an existing concrete crossover.*
56. *The applicant/builder is required to hold Public Liability Insurance, with a minimum liability of \$5 million and a copy of the Insurance cover is to be provided to Council.*
57. *Public safety must be maintained at all times and public access to the site and building works, materials and equipment on the site is to be restricted, when work is not in progress or the site is unoccupied.*

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

*material approved by Council.*

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

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

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

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

*If it is proposed to locate any site fencing, hoardings or amenities upon 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.*

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

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

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

59. *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.*

60. *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.*

61. *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.*
62. *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.*
63. *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.*

### **Security Deposit Conditions**

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

64. *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 retaining wall, 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) \$100,000.00 - *Damage / Civil Works Security Deposit*

*The damage/civil works security deposit may be provided by way of cash, cheque or bank guarantee and is refundable upon:*

- *A satisfactory inspection by Council (upon completion of all works on the site) that no damage has occurred to the Council assets; and*
- *Completion of the civil works (as conditioned in this development consent) by a Council approved contractor.*

*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 parking to the development:***

65. *Traffic directional arrows are to be marked in permanent materials on the floor of each parking level.*

66. *Signs indicating 8 kilometres per hour speed limit are to be provided on the car parking levels and at the carpark entry.*

67. *A "STOP" sign is to be provided at the exit point of the exit driveway.*

68. *All vehicles must enter and exit the site in a forward direction.*

69. *All costs of traffic management measures associated with the development are to be borne by the developer.*

70. *The residential car spaces are to be suitably and securely separated from the visitor spaces.*

71. *A sign legible from the street must be permanently displayed to indicate that visitor parking is available on the site and these parking spaces must be clearly marked and accessible at all times.*

72. *The car parking spaces and driveways must be kept clear of goods at all times and must not be used for storage purposes.*

73. *Public access to the visitor's carparking spaces is to be maintained at all times and an intercom system is to be provided adjacent to the vehicular entrance to the carpark, together with appropriate signage providing instructions for use.*

**Traffic Conditions/Civil Works Conditions**

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

74. *The applicant shall meet the full cost for a Council approval contractor to:*
- a. *Reconstruct the existing sandstone retaining wall in Arden Street in general accordance with the submitted drawing 'Sandstone wall reinstatement diagram', Sheet 013 (issue A) dated 12/11/2006. The new wall shall be constructed:*
    - i. *From the northern side of the vehicular crossing to the end of the retaining wall at the Arcadia Street intersection;*
    - ii. *From the southern side of the vehicular crossing to a point determined by a suitably qualified structural engineer but not less than 5 metres south of the southern property boundary. This shall include construction of a new set of stairs immediately to the south of the crossing; and*
    - iii. *Along both sides of the new driveway access.*

*Notes:*

- *The alignment of the retaining wall to the north of the new crossing shall be set back from the existing alignment to facilitate suitable sight lines for vehicles exiting the site.*
  - *Concrete secant piling or similar (for the new retaining wall) shall be installed behind the existing wall prior to any wall demolition works.*
  - *The new retaining wall shall be constructed with a sandstone blockwork face.*
- b. *Reconstruct the existing concrete footpath located along the full length of the new retaining wall. Any unpaved areas on the nature strip must be turfed and landscaped to Council's specification.*
  - c. *Construct a new pedestrian footbridge over the vehicular access along the alignment of the existing footpath.*
  - d. *Install stainless steel guard rails adjacent to the new retaining wall, stairs, footbridge, and at any other potentially dangerous locations.*
  - e. *Construct a new concrete heavy duty vehicular crossing opposite the proposed vehicular access to the site.*
  - f. *Construct a 1 metre wide median island (with appropriate line-marking and signposting) in Arden Street to the satisfaction of the Randwick Traffic Committee.*

- g. Construct concrete kerb and gutter (with associated road works) for the length of the new retaining wall except opposite the vehicular crossing. The alignment of the new kerb shall be approved by Council's Transport Management Group prior to the commencement of work.*
  - h. Construct a minimum 600mm wide concrete footpath between the retaining wall and new kerb and gutter for the full length of the new retaining wall to the north of the proposed vehicular crossing.*
  - i. Provide new line marking in Arden Street (for the length of the new retaining wall) to the satisfaction of the Randwick Traffic Committee.*
- 75. The applicant must meet the full cost for Council or a Council approved contractor to repair/replace any damaged sections of Council's footpath, kerb & gutter, nature strip etc which are due to building works being carried out at the above site. This includes the removal of cement slurry from Council's footpath and roadway.*
- 76. In accordance with the requirements of the Roads Act 1993, 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. Detailed plans and specifications of the proposed works (including inspection and test plans) are to be submitted to and approved by the Director of City Services prior to commencing any works within the road reserve/public place.*

*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.*

*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.*

- 77. The civil works shall be designed by a suitably qualified structural engineer who shall supervise all works and certify on completion that they have been constructed in accordance with their design. The new retaining walls shall be structurally independent of the proposed footpath bridge.*
- 78. The applicant's consulting structural (and/or geotechnical) engineer shall inspect and monitor the condition of the retaining wall throughout all excavation and construction works to ensure that the wall does not suffer any damage.*
- 79. All works on the along the Arden Street site frontage shall be undertaken by a Council approved contractor. The contractor engaged to undertake the works must hold full public liability in relation to any claims sustained as a result of the works.*

*The contractor must keep a policy of public risk insurance with respect to the works on Council property. The limit of public risk shall be not less than \$10,000,000 or such other sum as the Council may reasonably nominate in writing from time to time as the amount, which may be paid arising out of any one single accident or event.*

*NOTES:*

- a. *The policy shall extend to cover death or injury to any person and damage to property of any person sustained when such person is using or working within the Arden Street road reserve in the area adjacent to the subject works.*
  - b. *The policy must name the Council as the owner and the contractors undertaking the work as the insured and must contain a clause that the insurer will not change the insurance without first giving the Council ten (10) days prior written notice.*
  - c. *The insurance must be with an insurer approved by the Council and a copy of the policy or a certificate of insurance shall be submitted to Council prior to the commencement of work on Council property.*
80. *Prior to erecting any scaffolding/formwork within Council's road reserve, the applicant shall obtain a hoarding permit. The applicant is advised to Contact Council's Building Certification Unit (9399 0944) regarding this matter.*
81. *Safe pedestrian access shall be maintained along Arden Street at all times.*
82. *Prior to the issue of a construction certificate, the applicant shall submit for approval and have approved by Council's Transport Management Group a detailed traffic management plan. The plan shall demonstrate:*
- d. *How construction and delivery vehicles will access the development site during the demolition and construction phase of the development;*
  - e. *How traffic flows (including all STA bus operations) on Arden Street will be managed during demolition of the old retaining wall and construction of the new wall; and*
  - f. *How pedestrian traffic in Arden Street will be managed during construction.*

*Note: Generic traffic control plans for lane occupancies or roads closures will not be accepted. Separate application will need to be made for approval of any traffic control plans.*

83. *Prior to an occupation certificate being issued for the development, a positive covenant under section 88E of the Conveyancing Act 1919 shall be registered on the title of the subject property, which provides for:-*
- i) *The registered proprietors of the Lot(s) burdened to clean, maintain, renew and repair the pedestrian footbridge (including supporting elements) located over the vehicular entrance to the site in Arden Street and the portion of the new retaining wall immediately adjacent to the new crossing;*
  - ii) *The registered proprietors of the Lot(s) burdened to hold full public liability in relation to any claims sustained as a result of the pedestrian footbridge (including supporting elements) and the portion of the retaining wall immediately adjacent to the crossing;*
  - iii) *The registered proprietors of the Lot(s) burdened to keep a policy of*

*public risk insurance with respect to the pedestrian footbridge (including supporting elements) and the portion of the retaining wall immediately adjacent to the new crossing. The limit of public risk shall be not less than \$10,000,000 or such other sum as the Council may reasonably nominate in writing from time to time as the amount, which may be paid arising out of any one single accident or event.*

**NOTES:**

- a. The policy shall extend to cover death or injury to any person and damage to property of any person sustained when such person is using the pedestrian footbridge or the area beneath the footbridge.*
- b. The policy must name the Council as the owner and the registered proprietors of the Lot(s) burdened as the insured and must contain a clause that the insurer will not change the insurance without first giving the Council ten (10) days prior written notice.*
- c. The insurance must be with an insurer approved by the Council and a copy of the policy or a certificate of insurance shall be delivered by the registered proprietors of the Lot(s) burdened to the Council.*
- iv) The registered proprietors of the Lot(s) burdened to ensure that no new structures are erected, nor goods stored, nor any work carried out in, on or over the public footway other than those approved by Council.*
- v) The positive covenant not be released, varied or modified without the consent of the Council.*

*The proposed wording for the positive covenant shall be prepared by suitably qualified legal advisors and shall be to the satisfaction of Council. All costs associated with creating, reviewing and registering the 88E instrument shall be met by the applicant.*

- 84. Prior to the issuing of an occupation certificate, the applicant shall submit to Council a bond or unconditional bank guarantee for \$60,000 as a security deposit to ensure the stability and structural integrity of the retaining wall in the vicinity of the subject development site for a period of 12 months from the date of issue of an occupation certificate.*
- 85. A Works Zone is to be provided in Arden Street for the duration of the construction works. The 'Works Zone' shall be provided to the satisfaction of the Randwick Traffic Committee and shall have a minimum length of 12 metres. The prescribed fee for the Works Zone must be paid to Council at least four (4) weeks prior to the commencement of work on the site.*
- 86. The garage door shall be set back 5 metres from the property boundary to ensure that vehicles queue within the site.*
- 87. The access driveway ramps and internal carpark layout shall comply with the requirements of AS 2890.1 (2004). The plans submitted for the construction certificate shall demonstrate compliance with this requirement*

**Alignment Level Conditions**

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

88. *The Council's Asset's Coordinator and Development Engineer have inspected the above site and determined that the design alignment levels (concrete/paved/tiled level) at the property boundary shall:*

- *Grade linearly between RL 26.97 (AHD) on the northern side of the driveway and RL 26.76 (AHD) on the southern side of the driveway.*

*Further, a high point shall be provided in the driveway to RL 27.11 (AHD) on the northern side of the driveway and RL 26.88 (AHD) on the southern side of the driveway (as detailed on the submitted Level 1 Plan, Sheet 031 (Issue E), by Buzacott Webber, dated 07.11.06).*

89. *The design alignment levels issued by Council and their relationship to the kerb must be indicated on the building plans for the construction certificate.*

90. *The above alignment levels and the site inspection by Council's Development Engineer has been issued at a prescribed fee of \$880 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.*

**Service Authority Conditions**

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

91. *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.*

92. *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 to facilitate the proposed development and associated civil works. The applicant must make the necessary arrangements with the service authority.*

*Note: The applicant shall liaise directly with Sydney Water in regard to building over the existing sewer line.*

93. *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.*

94. *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.*

95. *The applicant shall meet the full cost for 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 issue of an occupation certificate for the development.*

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

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

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

*The Section 73 Certificate must be submitted to the Principal Certifying Authority prior to occupation of the development.*

### ***Drainage Conditions***

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

97. *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.*
98. *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.*
99. *As the subject development site falls away from Arden Street, all site stormwater must be discharged either:*
- 1. To council's street drainage system in Beach Street by gravity via a private drainage easement through an adjoining private property (or properties); OR*
  - 2. To an infiltration system designed in accordance with Council's requirements (subject to a satisfactory Geotechnical Engineers report).*
- Should the applicant demonstrate that all reasonable attempts to procure a private drainage easement/s have failed, and the ground conditions preclude the use of infiltration, a pump system may be permitted. The pump 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.*
- 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.*
100. *The rate of discharge from the site to Council's kerb and gutter must not*

*exceed 25 litres/second during the 1 in 20 year storm event.*

101. *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.*
102. *A childproof and corrosion resistant fastening system shall be installed on access grates over pits/trenches where water is permitted to be temporarily stored.*
103. *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.**

104. *One covered car washing bay shall be provided for this development.*
  - a) *The car washing bay must be drained to sewer to the requirements of Sydney Water and proof of compliance is to be submitted to the certifying authority, prior to a construction certificate being issued for the proposed development.*

- b) *The car washing bay must be located outside any required/approved stormwater detention system.*
  - c) *The car washing bay may be located within a visitor parking space provided it is signposted with 'Exclusive Carwash Bay Use Sat 2:00pm – 5:00pm and Sunday 10:00am – 2:00pm, Visitor parking at other times'*
  - d) *The car washing bay must be constructed with a minimum 20mm bund around the perimeter of the car washing bay (or equivalent)*
  - e) *A water tap shall be located adjacent to the car washing bay.*
105. *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).*
106. *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.*
107. *Should significant flows of seepage water be encountered within the depth of the basement excavation, the basement carpark is to be suitably tanked and waterproofed. A Structural Engineer/Geotechnical Engineer shall certify the tanking & waterproofing has been carried out to an acceptable standard, to the satisfaction of the certifying authority. A copy of the certification is to be forwarded to Council.*

**Notes: -**

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

**Waste Management Conditions**

***The following conditions are applied to provide adequate provisions for***

**waste management:**

108. *The waste storage area shall be sized to contain a total of 10 x 240 litre bins (5 garbage bins & 5 recycle bins) whilst providing satisfactory access to these bins.*
109. *The waste storage areas are to be provided with a tap and hose and the floor is to be graded and drained to the sewer to the requirements of Sydney Water.*
110. *The waste storage areas shall be clearly signposted.*
111. *The door to the storage area and garbage room within the basement carpark immediately to the north or the vehicular entrance shall be moved approximately 0.5 metres north so that it is clear of the driveway ramp. The plans submitted for the construction certificate shall demonstrate compliance with this requirement.*
112. *Prior to the issuing of a construction certificate for the proposed development the applicant is to submit to Council and have approved by Council's Manager of Waste Services, a Waste Management Plan detailing waste and recycling storage and disposal for the development site.*

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

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

113. *Landscaping at the site shall be installed substantially in accordance with the Landscape Plan prepared by Environmental Partnership, drawing number DA02, Issue 2, dated November 2006, and stamped received at Council 20th November 2006, subject to the following additional details/amendments being shown on an amended plan, to the satisfaction of the certifying authority, prior to the issue of a construction certificate:*
- i. The location and quantities of all proposed planting and existing trees to be retained or removed.*
  - ii. For the purpose of providing partial privacy and screening, as well as to maintain reasonable levels of environmental amenity between this site and adjoining properties, the following shall be provided:*
    - i) A minimum number of 10 x 75 litre (pot size at the time of planting), evergreen native tree species along the length of the northern boundary, using those species which will attain a minimum height at maturity of 6-8 metres;*
    - ii) A minimum number of 3 x 75 litre (pot size at the time of planting) broad canopied, evergreen native tree species along the length of the eastern boundary using those species which will attain a minimum height of 10 metres at maturity;*
    - iii) A minimum number of 2 x 75 litre (pot size at the time of planting), evergreen native tree species along the length of the*

*southern boundary, using those species which will attain a minimum height at maturity of 6-8 metres*

- iii. Additional notation showing soil and mulch details, irrigation details, edging, paving, fencing details, surface finishes, retaining wall details, and any other landscape elements in sufficient detail to fully describe the proposed landscape works.*

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

- iv. Position of existing and proposed site services including water, gas, electricity, sewer, stormwater, etc.*
- 114. The plan shall respect the prevailing coastal influences and the coast's special design considerations and requirements, and shall be designed accordingly. Generally, species selection shall be restricted to local indigenous coastal species which require minimal watering once established or species with water needs that match rainfall and drainage conditions.*
- 115. The landscaping shall be installed in accordance with the approved landscape documentation prior to the issue of a final occupation certificate and shall be maintained in accordance with those plans.*
- 116. Documentary evidence is to be obtained from a suitably qualified Landscape Architect and submitted to the principal certifying authority (PCA) (and Council, if Council is not the PCA) prior to the issuing of a final occupation certificate, which confirms that the landscaping works have been completed in accordance with the approved landscaping plans and relevant conditions of development consent, to the satisfaction of the PCA.*
- 117. To ensure satisfactory maintenance of the landscaped areas, an automatic drip irrigation system shall be installed throughout all planted areas. The applicant will be required to demonstrate, to the satisfaction of the certifying authority, that the system has been connected to the site's rainwater tanks, with back-up connection to the mains supply, to all current Sydney Water requirements, and relevant Australian Standards.*
- 118. 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.*
- 119. Any detention tanks and below ground stormwater infiltration systems located within the landscaped areas shall have a minimum soil cover of 600mm to ensure sufficient soil depth to permit the establishment of landscaping on top of these services as stipulated by these conditions of development consent.*

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

*landscaped areas.*

### **Tree Management**

120. *The applicant shall submit a total payment of \$680.00 (no GST) to Council, being to*

- a. *Compensate for the loss of amenity caused by removal of the two Banksia serrata (Saw Toothed Banksia's) on Council's Arden Street nature strip which need to be removed to accommodate the proposed vehicle entry and associated pedestrian stairs and paths in the location shown (replacement plantings will not be possible upon completion due to a lack of available space in this area).*

*The contribution shall be paid into **Tree Amenity Income account no 4001.768401** at the Cashier on the Ground Floor of the Administrative Centre **prior to a construction certificate being issued for the development.***

121. *The following specimens shall be removed from the site to facilitate the proposed works (Note: Replacement planting must be installed in accordance with the landscape plan approved by the certifying authority):*

- a. *One Eucalyptus ficifolia (Flowering Gum) in the front yard of 155 Arden Street, near the southwest corner of the existing dwelling due to poor form as well as to accommodate construction as shown,*
- b. *Two Eucalyptus robusta (Swamp Mahogany's) in the rear yard of 155 Arden Street, near the northeast corner of the existing dwelling, due to poor form, inappropriate siting close to the existing dwelling and to accommodate construction as shown,*
- c. *Two Howea fosteriana (Kentia Palms) along the eastern edge of the existing dwelling at 155 Arden Street, to accommodate the proposed works as shown,*
- d. *One Howea fosteriana (Kentia Palm), one Washington robusta (Washington Palm) and another Archontophoenix cunninghamiana (Bangalow Palm) in the rear yard of 155 Arden Street, along the northern boundary, to allow for the provision of replacement screen planting in this area, as well as to accommodate the proposed works as shown,*
- e. *The dead Metrosideros excelsa (NZ Xmas Tree) and Phoenix canariensis (Canary Island Date Palm) in the rear yard of 155 Arden Street, about halfway along the southern boundary,*
- f. *One Eucalyptus robusta (Swamp Mahogany), one Howea fosteriana (Kentia Palm) and one Archontophoenix cunninghamiana (Bangalow Palm) in the rear yard of 157 Arden Street, along the eastern edge of the existing dwelling to accommodate the proposed works in the location shown,*
- g. *One Archontophoenix cunninghamiana (Bangalow Palm), and one Eucalyptus robusta (Swamp Mahogany) in the rear yard of 157 Arden Street, along the southern boundary due to poor form as well as to accommodate the proposed works and replacement planting as shown,*
- h. *One Eucalyptus robusta (Swamp Mahogany) in the rear yard of 157 Arden Street, near the southeast corner due to poor form and habit, as well as to accommodate the proposed works in the*

- location shown,*
- i. *Any Syagrus romanzoffianum (Cocos Palms) throughout the site, as this species is no longer covered by Council's revised Tree Preservation Order.*

### **Tree Protection Measures**

122. *In order to ensure the retention of the Araucaria heterophylla (Norfolk Island Pine) in the rear yard of 155 Arden Street, in the northeast corner in good health, the following measures are to be undertaken:*

- a. *All detailed architectural, building, demolition, engineering (structural, stormwater & drainage, services), and landscape documentation submitted for the construction certificate application shall show the retention of this specimen with the position of its trunk and full diameter of its canopy clearly shown on all drawings.*
- b. *Detailed architectural, building, demolition, engineering (structural, stormwater & drainage, services), and landscape documentation submitted for the construction certificate application shall show no alteration in the existing soil levels or the location of any structures, services, footings, paving, detention tanks, stormwater infiltration systems, pipes, cutting or battering of the existing soil profile, or any excavations within a radius of 3.5 metres from the outside edge of its trunk.*
- c. *Any excavations required for footings, structures, retaining walls, basement car parks, services, pipes, detention tanks, stormwater infiltration systems, paving etc within 5.0 metres of the outside edge of the tree trunk shall be initially performed by hand, under the direction of, and to the satisfaction of, a suitably qualified Arborist with any roots encountered to be cut cleanly by hand.*
- d. *The tree is to be physically protected by the installation of 1.8 metre high steel mesh/chainwire fencing which is to be located a minimum distance of 3.5 metres off the western side of its trunk, and a minimum distance of 4 metres off the southern side of its trunk, matching up with the northern and eastern boundaries respectively, to completely enclose this tree.*

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

- e. *The erection of signage on the fence containing the following words: "TREE PROTECTION ZONE", "DO NOT ENTER".*
- f. *Within this zone there is to be no storage of materials or machinery or site office/sheds, nor is cement to be mixed or chemicals spilt/disposed of in the area and no stockpiling of soil or rubble.*
- g. *The installation of woodchip mulch to a depth of 75mm within the fenced off protection area as described in Point c.*

123. *In order to ensure the retention of the Archontophoenix cunninghamiana (Bangalow Palm) located in the rear yard of 155 Arden Street, to the*

*northwest of the Norfolk Island Pine, as well as the Eucalyptus robusta (Swamp Mahogany) and Lagunaria patersonii (Norfolk Island Hibiscus) in the rear yard of 157 Arden Street, along the eastern boundary in good health, the following measures are to be undertaken:*

- a. All detailed architectural, building, demolition, engineering (structural, stormwater & drainage, services), and landscape documentation submitted for the construction certificate application shall show the retention of these specimens, with the position of their trunks and full diameter of their canopies/crowns clearly shown on all drawings.*
- b. Detailed architectural, building, demolition, engineering (structural, stormwater & drainage, services), and landscape documentation submitted for the construction certificate application shall show no alteration in the existing soil levels or the location of any structures, services, footings, paving, detention tanks, stormwater infiltration systems, pipes, cutting or battering of the existing soil profile, or any excavations within a radius of 3 metres from the outside edge of the Swamp Mahogany and Norfolk Island Hibiscus, and a distance of 1 metre from the Bangalow Palm.*
- c. The trees are to be physically protected by the installation of 1.8 metre high steel mesh/chainwire fencing which shall be installed a minimum distance of 2.5 metres from the outside of their trunks to completely enclose the trees.*

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

- d. The erection of signage on the fence clearly displaying the words: "TREE PROTECTION ZONE", "DO NOT ENTER".*
  - e. Within this zone there is to be no storage of materials or machinery or site office/sheds, nor is cement to be mixed or chemicals spilt/disposed of in the area and no stockpiling of soil or rubble.*
  - f. Any excavations required for footings, structures, retaining walls, basement carparks, services, pipes, detention tanks, stormwater infiltration systems, paving etc within 4 metres of the trunks of the Swamp Mahogany and Norfolk Island Hibiscus, and a distance of 1.5 metres from the Bangalow Palm shall be initially performed by hand, under the direction of, and to the satisfaction of, the site Arborist with any roots encountered to be cut cleanly by hand.*
- 124. Prior to the physical commencement of any work at the site, the certifying authority will be required to confirm that the applicant has engaged a professional and qualified Arborist (the site Arborist) who holds the minimum qualification of Certificate 4 in Arboriculture, and is also a registered member of a nationally recognized organisation.*

*The site Arborist will be required to be present on site for any of those components of the proposed works which have the potential to impact those trees to be retained, with all site staff required to adhere to the recommendations of the site Arborist.*



125. *Upon physical completion of all site works, the applicant's Arborist will be required to forward written confirmation confirming compliance with the conditions of consent and any on site instructions. This certification shall be to the satisfaction of the certifying authority (with a copy to be forwarded to Council if Council is not the certifier), prior to the issue of a final occupation certificate.*
126. *Permission is granted for only the selective and minimal pruning of those lower growing branches from the western side of the Araucaria heterophylla (Norfolk Island Pine) located in the rear yard of 155 Arden Street, in the northeast corner, which need to be pruned back to the trunk in order to avoid conflict/damage from machinery during the course of the proposed works.*

*This pruning shall not substantially alter the shape or habit of the tree, and must only be undertaken by the site Arborist, to the requirements of Australian Standard AS 4373-1996 'Pruning of Amenity Trees.'*

**ADVISORY MATTERS:**

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

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

- |    |                |   |   |
|----|----------------|---|---|
| a) | <i>Part B1</i> | - | <i>Structural provisions</i>                                |
| b) | <i>Part C1</i> | - | <i>Fire resistance and stability</i>                        |
| c) | <i>Part C2</i> | - | <i>Compartmentation and separation</i>                      |
| d) | <i>Part E1</i> | - | <i>Fire fighting equipment</i>                              |
| e) | <i>Part E2</i> | - | <i>Smoke Hazard Management</i>                              |
| f) | <i>Part E3</i> | - | <i>Lift Installations</i>                                   |
| g) | <i>Part E4</i> | - | <i>Emergency lighting, exit signs &amp; warning systems</i> |
| h) | <i>Part F1</i> | - | <i>Damp and weatherproofing</i>                             |
| i) | <i>Part F2</i> | - | <i>Sanitary and other facilities</i>                        |
| j) | <i>Part F5</i> | - | <i>Sound Transmission and Insulation</i>                    |

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

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

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

**BE AND IS HEREBY RESCINDED.**

Upon the abovementioned Rescission Motion being carried, it is intended to move the following motion:

- (a) The sandstone retaining walls to be heritage listed by a draft LEP and the General Manager be authorised to prepare and exhibit; and
- (b) Refusal of the Development Application 611/2006.