

**MINUTES OF HEALTH BUILDING AND PLANNING COMMITTEE MEETING OF  
THE COUNCIL OF THE CITY OF RANDWICK  
HELD ON TUESDAY, 10TH JULY 2007 AT 6:42 PM.**

**PRESENT:**

The Mayor, Cr P. Tracey (Central Ward)

North Ward	-	Cr M. Woodsmith
South Ward	-	Cr R. Belleli
East Ward	-	Crs M. Matson (Deputy Chairperson), B. Notley-Smith & D. Sullivan
West Ward	-	Cr S. Nash (Chairperson)
Central Ward	-	Crs A. Andrews, C. Bastic & T. Seng

**OFFICERS PRESENT:**

General Manager	Mr. R. Brownlee.
Director, City Planning	Ms. S. Truuvvert.
Director, Governance & Financial Services	Mr. G. Banting.
Acting Director, City Services	Mr. M. Shaw.
Manager Development Assessment	Mr. K. Kyriacou.
Manager Administrative Services	Mr. D. Kelly.

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

Apologies were received from Crs Daley, Hughes, Kenny and White.

**RESOLVED: (Andrews/Matson)** that the apologies from Crs Daley, Hughes, Kenny and White for non-attendance at the Health, Building & Planning Committee Meeting of the Council held on Tuesday, 12<sup>th</sup> June, 2007 be received & accepted.

Leave of absence had previously been granted to Cr Procopiadis. See Minute No: 60/2007.

**2. CONFIRMATION OF THE MINUTES.**

**CONFIRMATION OF THE MINUTES OF THE HEALTH, BUILDING AND PLANNING COMMITTEE MEETING HELD ON TUESDAY, 12<sup>th</sup> JUNE 2007.**

H45 **RESOLUTION: (Andrews/Belleli)** that the Minutes of the Meeting of the Health, Building and Planning Committee held on Tuesday, 12<sup>th</sup> June 2007 (copies of which were circulated to all Councillors) be and are hereby confirmed as a correct record of the proceedings of that meeting.

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

Nil.

**4. 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:

Item 6.1 DEVELOPMENT APPLICATION REPORT - 351 RAINBOW STREET, SOUTH COOGEE.

Objector Mr Sam Malik – Architect

Item 6.4 DEVELOPMENT APPLICATION REPORT - 260 - 260A MAROUBRA ROAD, MAROUBRA.

Applicant Mr Alex Smith – Architect

Item 6.5 DEVELOPMENT APPLICATION REPORT - 19 PACIFIC STREET, CLOVELLY.

Applicant Ms Rae Morgan

Item 6.6 DEVELOPMENT APPLICATION REPORT - 17 CHURCH STREET, RANDWICK.

Objector Mr Patrick De Permentier

Applicant Mr Anthony Gilsenan

Item 6.7 DEVELOPMENT APPLICATION REPORT - 135 DONCASTER AVENUE, KENSINGTON.

Objector Mr Charles Dodgeson

Item 6.8 DEVELOPMENT APPLICATION REPORT - 112 - 124 ANZAC PARADE, KENSINGTON.

Applicant Ms Genevieve Slattery – Architect

The meeting was adjourned at 7.17 p.m. and was resumed at 7.34 p.m.

## 5. URGENT BUSINESS.

Nil.

## 6. DEVELOPMENT APPLICATIONS.

### 6.1 DEVELOPMENT APPLICATION REPORT - 351 RAINBOW STREET, SOUTH COOGEE. (DA/1114/2004/C & PROP042071)

H46 **RESOLUTION: (Andrews/Seng) that:**

A. Council as the responsible authority refuse development consent under Section 96 of the Environmental Planning and Assessment Act 1979 (as amended) to modify Development Application No.1114/2004/C for increasing the height of the building by 200mm and increasing the roof area over first floor balconies on eastern elevation at 351 Rainbow Street, South Coogee for the following reasons:

1. The proposal involving the increase in building height is inconsistent with the objectives and performance requirements of Part 4.3 "Height, Form and Materials" of the Dwelling Houses and Attached Dual Occupancies Development Control Plan in that it will result in excessive height and scale.

2. *The proposed development is inconsistent with Part 4.3.3 "Performance Requirements and Design Solutions" of the Dwelling Houses and Attached Dual Occupancies Development Control Plan insofar that it will have an intrusive impact on the view enjoyed from the adjoining property at 349 Rainbow Street, South Coogee.*

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

**6.2 DEVELOPMENT APPLICATION REPORT - 45 MILITARY ROAD, MATRAVILLE. (DA/1101/2006 & PROP042452)**

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

- A. *Council as the responsible authority waive the requirement for masterplan under Clause 40A of the Randwick Local Environmental Plan 1998 because adequate guidelines and controls applying to the land are already in place.*
- 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/1101/2006 to construct burial crypts and a mausoleum including landscaping and access construction at 45 Military Road, Matraville 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 DA01 to DA10 received by Council on 18 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 surrounding heritage listed buildings. Details of the proposed colours, materials and textures (ie- a schedule and brochure/s or sample board) are to be submitted to and approved by Council's Director of City Planning, in accordance with Section 80A (2) of the Environmental Planning and Assessment Act 1979 prior to a construction certificate being issued for the development.*

***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:***

3. ***Prior to issuing a construction certificate for the development, a detailed site contamination investigation must be undertaken by an independent appropriately qualified environmental consultant in order to provide information on land and ground water contamination and migration in relation to past and current activities and uses that may have occurred on the site.***

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

*to issuing a construction certificate for the development.*

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

*The written concurrence of Council must be obtained before a construction certificate is issued for the development.*

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

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

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

- i. *Excavation of Hydrocarbon-contaminated soil,*
  - ii. *Validation sampling and analysis,*
  - iii. *Prevention of cross contamination and migration or release of contaminants,*
  - iv. *Site management planning,*
  - v. *Ground water remediation, dewatering, drainage, monitoring and validation,*
  - vi. *Unexpected finds.*
- c. *Prior to commencing any remediation works, a written statement is to be provided to the Council by the Site Auditor, which confirms that the Remediation Action Plan satisfies the relevant legislative guidelines and requirements and that the land is able to be remediated to the required level and be suitable for the intended development and use.*
  - d. *The applicant is to engage a NSW Department of Environment and Conservation Accredited Site Auditor, accredited under sections 49 & 50 of the Contaminated Land Management Act 1997. The Site Auditor is to assess the suitability of the site for its intended development and use. The Site Audit Statement and Summary Site Audit Report is to be submitted to Council and must verify that the land has been remediated and the site is suitable for the intended development and satisfies the relevant criteria in the NEPM 1999.*

*Any requirements contained within an Environmental Management Plan (EMP) which forms part of the Site Audit Statement and Site Audit Report, form part of this consent and Council must be consulted with prior to the development of the EMP.*

*The Site Audit Statement must be submitted to Council, prior to the issuing*

*of a construction certificate for the development.*

- e. Remediation works shall be carried out in accordance with the requirements of the Contaminated Land Management Act 1997, environmental planning instruments applying to the site, guidelines made by the NSW Department of Environment and Conservation and Department of Infrastructure Planning & Natural Resources, Randwick City Council's Contaminated Land Policy 1999 and the Protection of the Environment Operations Act 1997.*
  - f. The site remediation including ground water must fully comply with all relevant Commonwealth and State Legislation, Regulations and Standards.*
  - g. Any fill importation to the site is to be monitored and classified by the Site Auditor appointed for remediation of the site or a person with his qualifications. Only 'Virgin Excavated Natural Material' (VENM) is to be imported to the site, as defined within the NSW EPA 'Environmental Guidelines; Assessment, Classification and management of Liquid and Non-Liquid Wastes. 1999'.*
  - h. A Site Remediation Management Plan must be prepared prior to the commencement of remediation works by a suitably qualified environmental consultant and be implemented throughout remediation works. A copy is to be forwarded to Council. The Site Remediation Management Plan shall include measures to address the following matters:
    - o general site management, site security, barriers, traffic management and signage*
    - o hazard identification and control*
    - o worker health & safety, work zones and decontamination procedures*
    - o cross contamination*
    - o site drainage and dewatering*
    - o air and water quality monitoring*
    - o disposal of hazardous wastes*
    - o contingency plans and incident reporting, and*
    - o details of provisions for monitoring implementation of remediation works including details of the person/consultant responsible.**
  - i. Remediation must be completed to the satisfaction of the Accredited Site Auditor and the written concurrence of Council must be obtained prior to the issuing of the construction certificate.*
  - j. 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).*
- 5. An Acid Sulfate Soils Management Plan is required prior be developed prior to a construction certificate being issued for the development.*

#### **Security Deposit Conditions**

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

- 6. 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) \$2000.00 - Damage / Civil Works Security Deposit
7. 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.
8. The applicant is to advise Council, in writing, of the completion of all building works and/or obtaining an occupation certificate, if required.
9. 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:**

10. Prior to the issuing of an Occupation Certificate, the applicant must meet the full cost for Council to undertake civil works including, but not limited to:
- Construction of a vehicular crossing, parking lane, concrete kerb and gutter, central median, footpath and roadworks, together with the installation of landscaping, signposting and linemarking along the Military Road site frontage going from the north-east corner of the development site for a distance of approximately 106metres in a south-west direction, (i.e fronting all of Stage 2 and Stage 4 and extending to the tangent point intersection of the development site with 31-41 Military Road). The applicant must contact Council's Development Engineer to discuss the extent of works prior to lodgement of a Construction Certificate application.
  - Removal of the existing road pavement in Military Road at the intersection of Military Road and the redundant access roadway located adjacent to the common boundary with 31-41 Military Road.
11. The applicant shall liaise directly with Council's City Services Department in regard to the design of, and Council's requirements for, the reconstruction of Military Road fronting the development site.
12. 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.
13. 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.
14. 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.*

15. *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.*
16. *Prior to the lodgement of a Construction Certificate Application the applicant must either:*
  - a. *submit to the Certifying Authority for approval, and have approved, detailed traffic and parking studies that demonstrate the adequacy of the proposed parking provision given both the loss of existing on-site parking as a result of the development and the potential for the development to generate parking demand at a time when there is demand associated with services at the crematorium; OR*
  - b. *amend the proposed internal parking layout and road network to provide compensatory parking for those spaces lost by the construction of the proposed Stages 1, 3 and 4 works. The compensatory parking must comply with the relevant provisions of AS 2890.1-2004 and must not impact on any trees covered by Council's Tree Preservation Order. The amendments must be shown on the Construction Certificate Application for approval by the Certifying Authority.*
17. *The applicant must liaise with Council's Development Engineer prior to undertaking the traffic/parking studies or amending the internal parking layout.*

#### **Alignment Level Conditions**

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

18. *The design alignment level for the Military Road property boundary for driveways, access ramps and pathways or the like, shall be obtained in writing from Council's Coordinator of Assets, (9399 0928), prior to lodgement of a Construction Certificate.*
19. *The design alignment levels (concrete/paved/tiled level) issued by Council must be indicated on the building plans for the construction certificate. The design alignment level at the street boundary, as issued by the Council, must be strictly adhered to.*
20. *The above alignment levels will be issued at a prescribed fee of \$121.00 (inclusive of GST). This amount is to be paid to Council prior to a construction certificate being issued for the development.*
21. *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.*

**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. *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.*

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

25. *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.*
26. *Any seepage water must be drained directly into an absorption pit within the site. Seepage water must not be drained from the site.*
  27. *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.*
  28. *All site stormwater from the redeveloped portion of the site must be discharged (by gravity) to either:*
    - a. *The kerb and gutter or drainage system in Military Road at the front of the property ; OR*
    - b. *A suitably sized infiltration system (subject to geotechnical investigation confirming that the ground conditions are suitable for an infiltration system).*
  29. *Should stormwater be discharged to Council's street drainage system, on-site detention must be provided to ensure that the maximum discharge from the above site is not to exceed that which would occur during 1 in 10 year storm of 1 hour duration for the existing site conditions. All other stormwater run-off from the above site for all storms up to the 1 in 100 year storm is to be retained on the site for gradual release to the kerb and gutter or drainage system as required by Council. Provision is to be made for satisfactory overland flow should a storm in excess of the above parameters occur.*

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

*Where possible the detention tank must have an open base to infiltrate stormwater to the groundwater. Note that the ground water and any rock stratum has to be a minimum of 2.0 metres below the base of the tank.*
  30. *Should stormwater be discharged to an infiltration system, the infiltration area shall be sized for all storm events up to the 1 in 100 year storm event.*
  31. *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.*
  32. *The detention area/infiltration system must be regularly cleaned and maintained to ensure it functions as required by the design.*
  33. *The maximum depth of ponding in above ground detention areas (and/or infiltration systems with above ground storage) shall be as follows:*
    - a. *150mm in uncovered carparking areas (with an isolated maximum depth of 200mm permissible at the low point pit within the detention area)*
    - b. *300mm in landscaped areas (where child proof fencing is not provided*

*around the outside of the detention area and sides slopes are steeper than 1 in 10)*

- c. 600mm in landscaped areas where the side slopes of the detention area have a maximum grade of 1 in 10.*
- d. 1200mm in landscaped areas where a childproof fence is provided around the outside of the detention area*

*Notes:*

- o It is noted that above ground storage will not be permitted in basement carparks or in any area which may be used for storage of goods.*
  - o Mulch/bark must not be used in onsite detention areas*
- 34. Any above ground stormwater detention areas (and/or infiltration systems with above ground storage) must be suitably signposted where required, warning people of the maximum flood level.*
- 35. The floor level of all habitable and storage areas adjacent to the detention area (and/or infiltration systems with above ground storage) must be a minimum of 300mm above the maximum water level in the detention area for the design storm or alternately a permanent 300mm high water proof barrier is to be constructed.*

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

- 36. A childproof and corrosion resistant fastening system shall be installed on access grates over pits/trenches where water is permitted to be temporarily stored.*
- 37. A 'V' drain is to be constructed along the perimeter of the property, where required, to direct all stormwater to the detention/infiltration area.*
- 38. 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.*

- 39. 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.*
- 40. The sediment/silt arrester pit 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."*

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

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

*Notes:*

- o The "restriction on the use of land" and "positive covenant" are to be to the satisfaction of Council. A copy of Council's standard wording/layout for the restriction and positive covenant may be obtained from Council's Development Engineer.*
  - o If new linen plans are being prepared for the site, the plans shall indicate the location and dimensions of the detention/infiltration areas.*
  - o The works as executed drainage plan and hydraulic certification must be submitted to Council prior to the "restriction on the use of land" and "positive covenant" being executed by Council.*
- 42. Prior to the issuing of an occupation certificate, the applicant shall submit to Council, a works-as-executed drainage plan prepared by a registered surveyor and approved by a suitably qualified and experienced Hydraulic Engineer. The works-as-executed drainage plan shall be to the satisfaction of the Principal Certifying Authority (PCA) and shall include the following details:*
    - a. The location of the detention basin with finished surface levels;*
    - b. Finished site contours at 0.2 metre intervals;*
    - c. Volume of storage available in the detention areas;*
    - d. The location, diameter, gradient and material (i.e PVC, RC etc) of all stormwater pipes;*
    - e. The orifice size(s) (if applicable);*
    - f. Details of any infiltration/absorption systems; and*
    - g. Details of any pumping systems installed (including wet well volumes).*
  - 43. 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.*

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

44. *Landscaping for Stage 1 of the proposed development shall be installed substantially in accordance with the Landscape Plan prepared by Jane Irwin Landscape Architecture, drawing number LSC01, job number 051004, issue A, dated 04.10.06, and stamped received at Council on 18th December 2006 subject to the following additional requirements being shown on an amended landscape plan :*

a. *Deletion of *Ralphiolepis indica* (Indian Hawthorn) from the planting plan and planting schedule due to the ability of this species to be spread by birds and invade areas of remnant native bushland, and shall be replaced with a suitable alternative species of similar form and function. The same applies to any plans submitted for subsequent stages.*

45. *Detailed landscape plans, of a similar style and level of detail as to what has been provided for Stage 1, shall be provided for Stages 2, 3 & 4 of the proposed development, and shall be approved by the certifying authority, prior to the issue of a construction certificate. The plans are to be prepared by a qualified Landscape Architect who is eligible for membership with the Australian Institute of Landscape Architects (AILA), and shall include the following:*

a. *A site plan at an appropriate scale showing existing site/stage boundaries, existing trees within the site/stage (clearly identified as being retained or removed), features on adjoining sites/stages within 6 metres of the site/stage boundary, existing and proposed ground levels shown as spot heights and/or contours over the site, at site/stage boundaries, and at the base of the trees to be retained, proposed building envelope, proposed areas of pavement, and proposed landscaped areas.*

b. *A planting plan at a scale of 1:100 or 1:200 indicating the location of all proposed planting and existing trees to be retained. All plants are to be drawn at their mature size with a dense planting of shrubs, accent or feature plants and ground covers within all garden beds so that a continuous planted cover is achieved, with plant spacings to be clearly indicated.*

c. *A planting schedule listing all plants by botanic & common names, plant numbers, plant spacings, pot sizes, the estimated size of the plant at maturity (height & spread) and proposed staking methods when applicable.*

d. *Additional notation showing soil and mulch details, 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 the existing and proposed groundlines, building elevations, and mature height of proposed planting.*

f. *The plan shall respect the aspect and exposure of the site/stage, with*

*species selection to contain a predominance of indigenous coastal species which require minimal watering once established or species with water needs that match rainfall and drainage conditions.*

- g. Location of easements within the site and upon adjacent sites (if any).*
  - h. All 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.*
46. *Upon completion of all site works, and prior to the issue of a final occupation certificate, documentary evidence is to be obtained from a qualified Landscape Architect, and submitted to the principal certifying authority (PCA), and Council, if Council is not the PCA, which confirms that the landscaping works have been installed in accordance with the approved landscaping plans and relevant conditions of development consent.*
47. *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**

48. *Approval is granted for the removal of the following trees:*
- a. One Banksia integrifolia (Coastal Banksia) towards the northwest corner of the site to accommodate Stage 4 works in the location shown.*
  - b. The row of six Erythrina x sykesii (Coral Trees) about halfway along the eastern boundary of the site to accommodate Stage 3 works as shown.*
  - c. Six of the most northern Lophostemon confertus (Brush Box's) in the group of 10 Brush Box's, located on the western side of the internal roadway, running in a north-south direction, in order to accommodate the reconfigured roadway associated with Stage 3 & 4 of the proposed works as shown.*
  - d. One Eucalyptus haemastoma (Scribbly Gum) to the south of the trees described above, on the opposite/eastern side of the existing internal roadway, within an existing garden bed within "The Glade" to accommodate the new car parking bay as proposed.*
  - e. Two Lophostemon confertus (Brush Box) further to the west of the tree described above, beyond the southern end of the group of three Brush Box's to be retained, to accommodate the reconfigured internal roadway and carpark as shown.*
  - f. Another Lophostemon confertus (Brush Box) and one Eucalyptus sideroxylon (Ironbark) to the west of the two trees described above, currently within the garden bed containing a stand of Melaleuca armillaris (Bracelet Honey Myrtles), to accommodate the reconfigured internal roadway and carpark as shown.*
  - g. One Lophostemon confertus (Brush Box) along the western boundary, at the northwest corner of the existing carpark on the western side of the site, to accommodate the proposed vehicle entry/exit as shown.*

- h. *One Lophostemon confertus (Brush Box) and one Araucaria columnaris (Cooks Pine) located centrally within individual tree squares in the most eastern carpark area to accommodate the reconfigured carpark and associated replanting as shown.*
49. *This approval is subject to the following requirements being shown on the relevant landscape plans for Stages 2, 3 & 4, prior to the issue of a construction certificate:*
- a. *A minimum of six 75 litre (pot size at the time of planting) Lophostemon confertus (Brush Box) along the western edge of the internal roadway, to the north of the remaining three Brush Box's in this group which are to be retained, as well as a further two to the south of this group, in order to maintain this formal avenue planting (to be shown on Stage 3 landscape plan).*
  - b. *A minimum of five 75 litre (pot size at the time of planting) tree species (not palms) within the garden bed between the internal roadway and the western edge of "The Glade", as has been shown on the submitted plans, using those species which will attain a minimum height at maturity of 6 metres (Stage 2 & 3 landscape plans).*
  - c. *A minimum of four 25 litre (pot size at the time of planting) trees (not palms), located in individual tree squares, centrally within the most eastern carpark, running in a north-south direction as has been shown, using those species which will attain a minimum height at maturity of 6 metres (Stage 2 plan).*

50. *Given the substantial contribution these trees provide to the environmental amenity and character of the site, a separate tree survey/plan prepared by an Arborist who holds a minimum of AQF Level 4 in Arboriculture or equivalent, and is a member of a nationally recognized association, shall be submitted, to the satisfaction of the certifying authority, prior to the issue of a construction certificate, which accurately locates and identifies those trees listed for retention in this consent, together with the extent of protective fencing that is to be provided.*

*This plan is required both due to the number of trees to be retained at the site, and to avoid confusion during the site planning and construction phases of the proposed development.*

51. *Should the pruning of any lower growing branches from any of the trees to be retained be required in order to avoid damage/conflict from site machinery or similar during the course of the proposed works, it shall only be performed by an Arborist who holds a minimum of AQF Level 4 in Arboriculture or equivalent, and is a member of a nationally recognized association, to the requirements of Australian Standard AS 4373-1996 'Pruning of Amenity Trees', with the level of pruning not to substantially alter the habit or form of the subject trees.*

**NOTE: SHOULD THE APPLICANT SEEK CLARIFICATION ON ANY OF THESE CONDITIONS RELATING TO THE REMOVAL OR PROTECTION OF TREES AT THE SITE, THEY MAY CONTACT COUNCIL'S LANDSCAPE DEVELOPMENT OFFICER ON 9399-0613.**

### **Tree Protection Measures**

52. *The following trees shall be retained as part of the proposed development:*
- a. *The three most southern Lophostemon confertus (Brush Box's) in the row of 10 Brush Box's running in a north-south direction along the western side of the existing internal roadway.*

- b. *The row of five Lophostemon confertus (Brush Box) running in an east-west direction at the northern end of the most western carpark.*
  - c. *The row of eight Lophostemon confertus (Brush Box) running in an east-west direction along the western edge of the most western carpark, fronting onto Military Road.*
  - d. *The row of five Lophostemon confertus (Brush Box's) running in an east-west direction, within the centrally located garden bed in the most western carpark.*
  - e. *The stand of Melaleuca armillaris (Bracelet Honey Myrtles) within the most eastern garden bed within the most western carpark.*
  - f. *The two Melaleuca quinquinervia (Broad Leafed Paperbarks) at the northeast corner of the site, on either side of the internal roadway, beyond the western edge of the Memorial Grove Crypts.*
  - g. *The row of five Lophostemon confertus (Brush Box) running in a north-south direction, within the most western garden bed in the eastern carpark.*
  - h. *One Eucalyptus robusta (Swamp Mahogany) in the northern garden bed of the eastern carpark.*
  - i. *The row of three Lophostemon confertus (Brush Box) running in an east-west direction within the existing garden bed at the southern end of the eastern carpark.*
53. *In order to ensure the retention of the trees listed above 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 positions of their trunks and full diameter of their canopies clearly shown on all drawings.*
  - b. *The trees are to be physically protected by the installation of 1.8 metre high steel mesh/chainwire fencing which shall be installed around each individual tree or a group of trees, at minimum to the extent of their driplines, or, along the back of existing kerb and gutter/roadways as applicable, in order to completely enclose the subject trees.*
  - c. *This fencing shall be installed prior to the commencement of demolition and construction works and shall remain in place until all works are completed, with the words "TREE PROTECTION ZONE", "DO NOT ENTER" clearly displayed.*
  - d. *Within these zones there is to be no storage of materials or machinery or site office/sheds, nor is cement to be mixed or chemicals spilt/disposed of and no stockpiling of soil or rubble, or any works listed in Point b.*
  - e. *Any excavations required for footings, structures, retaining walls, services, pipes, detention tanks, stormwater infiltration systems, paving etc beneath the extent of the driplines of any of the subject trees shall be initially undertaken by hand and under the direction of, and to the satisfaction of, the site Arborist, with all roots to be cut cleanly by hand,*

and the affected area backfilled as soon as practically possible.

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

54. *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.*
55. *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.*
56. *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.*
57. *Prior to the commencement of any building works, a construction certificate must be obtained from Council's Building Certification Services or an accredited certifier, in accordance with the provisions of the Environmental Planning & Assessment Act 1979 and Environmental Planning & Assessment Regulation 2000.*
58. *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.*
59. *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 and notify the Principal Certifying Authority and Council accordingly in writing, and*
  - c. *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.*
60. *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.*
61. *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).*
62. *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.

63. *The principal contractor 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.*
64. *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:*
  - 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,*
  - b. *name, address and telephone number of the Principal Certifying Authority,*
  - c. *a statement stating that "unauthorised entry to the work site is prohibited".*
65. *An Occupation Certificate must be obtained from the Principal Certifying Authority prior to any occupation of the building work encompassed in this development consent, in accordance with the relevant provisions of the Environmental Planning & Assessment Act 1979.*
66. *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.*
67. *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.*
68. *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.*
69. *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.*
70. *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 excavation or building work must not be carried out unless the Principal Certifying Authority:*
71. *Details of the principal building contractor 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.*
72. *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.*

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

74. *A Certificate 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 issuing an occupation certificate, which certifies that the building works satisfy the relevant structural design requirements of the Building Code of Australia.*
75. *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:*
76. *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.*
77. *All building, demolition and associated site works are strictly prohibited on Sundays, Public Holidays and also on Saturdays adjacent to a Public Holiday.*
78. *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.*
79. *Noise and vibration emissions during the construction of the buildings 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.*
80. *Noise and vibration from any rock excavation machinery and pile drivers (or the like) must be minimised by using appropriate plant and equipment and silencers and a construction noise and vibration minimisation strategy, prepared by a suitably qualified consultant is to be implemented during the works, to the satisfaction of the Principal Certifying Authority.*
81. *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.*
82. *Public safety and convenience must be maintained at all times during demolition, excavation and construction works.*
83. *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.*

84. *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.*
85. *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.*
86. *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.*
87. *A Construction Site Management Plan is to be developed and implemented prior to the commencement of demolition, excavation or building works. The site management plan must include the following measures, as applicable to the type of development:*
- a. location and construction of protective fencing / hoardings to the perimeter of the site;*
  - b. location of site storage areas/sheds/equipment;*
  - c. location of building materials for construction;*
  - d. provisions for public safety;*
  - e. dust control measures;*
  - f. site access location and construction*
  - g. details of methods of disposal of demolition materials;*
  - h. protective measures for tree preservation;*
  - i. provisions for temporary sanitary facilities;*
  - j. location and size of waste containers/bulk bins;*
  - k. details of proposed sediment and erosion control measures;*
  - l. construction noise and vibration management;*
  - m. construction traffic management provisions.*
88. *The site management measures are to be implemented prior to the commencement of any site works and be maintained throughout the works, to maintain reasonable levels of public health, safety and convenience, to the satisfaction of Council. A copy of the approved Construction Site Management Plan must be maintained on site and be made available to Council officers upon request.*
89. *During demolition excavation and construction works, dust emissions must be minimised, so as not to result in a nuisance to nearby residents or result in a potential pollution incident.*
90. *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.*
91. *Dust control measures and practices may include: -*
- a. Provision of geotextile fabric to all perimeter site fencing (attached on the prevailing wind side of the site fencing).*
  - b. Covering of stockpiles of sand, soil and excavated material with adequately secured tarpaulins or plastic sheeting.*

- c. *Installation of a water sprinkling system or provision hoses or the like.*
  - d. *Regular watering-down of all loose materials and stockpiles of sand, soil and excavated material.*
  - e. *Minimisation/relocation of stockpiles of materials, to minimise potential for disturbance by prevailing winds.*
  - f. *Revegetation of disturbed areas.*
92. *During construction stages, sediment laden stormwater run-off shall be controlled using the sediment control measures outlined in the manual for Managing Urban Stormwater – Soils and Construction, published by the NSW Department of Housing.*
  93. *Details of the proposed sediment control measures are to be detailed in a site water management plan and must be submitted to and approved by the principal certifying authority prior to the commencement of any site works. The sediment and erosion control measures must be implemented prior to the commencement of any site works and be maintained throughout construction. A copy of the approved details must be forwarded to the Council and a copy is to be maintained on-site and be made available to Council officers upon request.*
  94. *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.*
  95. *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.*
  96. *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.*
  97. *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.*
  98. *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.*
  99. *Public safety must be maintained at all times and public access to the site and building works, materials and equipment on the site is to be restricted.*
  100. *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.*
  101. *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.*

102. *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.*
103. *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.*
104. *Temporary fences and hoardings are to be structurally adequate, safe and be constructed in a professional manner and the use of poor quality materials or steel reinforcement mesh as fencing is not permissible.*
105. *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.*
106. *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.*
107. *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 upon any part of the footpath, road or nature strip or in any public place: -*
  - a. *Install or erect any site fencing, hoardings or site structures*
  - b. *Operate a crane or hoist goods or materials over a footpath or road*
  - c. *Placement of a waste skip or any other container or article in a public place.*

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

108. *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.*

**ADVISORY MATTERS:**

109. *The applicant is advised that the Construction Certificate plans and specification must comply with the provisions of the Building Code of Australia (BCA).*
110. *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.*
111. *The applicant and developer is advised to ensure that the development is not inconsistent with Council's consent and if necessary consult with Council's Building Certification Services or your accredited certifier prior to submitting your construction certificate application to enable these matters to be addressed accordingly.*
112. *The applicant/owner is advised that this approval does not guarantee compliance with the provisions of the Disability Discrimination Act 1992 and the applicant should therefore consider their liability under the Act. In this regard, the applicant is advised that compliance with the requirements of the Building Code of Australia and Australian Standard 1428.1 - Design for Access and Mobility does not necessarily satisfy the objectives of the Disability Discrimination Act 1992.*
113. *The applicant/owner is requested to give consideration to providing access and facilities for people with disabilities in accordance with Australian Standard 1428 Parts 1, 2, 3 and 4 - Design for Access and Mobility, which may be necessary to satisfy the objectives of the Disability Discrimination Act 1992.*
114. *The applicant is to advise Council in writing and/or photographs of any signs of existing damage to the Council roadway, footway, or verge prior to the commencement of any building/demolition works.*

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

**6.3 DEVELOPMENT APPLICATION REPORT - 29 PARK STREET, CLOVELLY.  
(DA/1082/2005/A & PROP034164)**

H48 **RESOLUTION: (Andrews/Seng)** *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.1082/2005 on the property at 29 Park Street, Clovelly in the following manner:*

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

*The development must be implemented substantially in accordance with the plans numbered DRG.2511 DA1 B, dated 23 December 2005 and received by Council on 26 June 2006, the sample of colours and external finishes and landscape plan received by Council on 19 March 2007 that satisfied the deferred commencement conditions of Development Consent No.1082/2005, the application form and on any supporting information received with the application, as amended by the **Section 96 plans numbered Drg. 2511 DA C and received by Council on 11 May 2007, the sheet titled "Colour Schedule Part 2" received by Council 11 May 2007, and the sample of "Helioscreen - Gold" fabric received by Council on 23 May 2007, only in so far as they relate to the modifications highlighted on the Section 96 plans and detailed in the Section 96 application.***

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

**6.4 DEVELOPMENT APPLICATION REPORT - 260 - 260A MAROUBRA ROAD,  
MAROUBRA. (DA/472/2005/B & PROP13474 & 80)**

H49 **RESOLUTION: (Andrews/Seng)** that Council as the consent authority, grant its consent under Section 96 of the Environmental Planning and Assessment Act 1979 as amended to modify Development Consent DA/472/2005 to raise floor slabs by 600mm and ridge height of middle two storey section of development by 500mm and a portion of the three storey sections of the development by 300mm at 260-260A Maroubra Road, Maroubra in the following manner:

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

*The development must be implemented substantially in accordance with the plans numbered KRO-01 to KRO-01, dated 1st April, 2005 and received by Council on 15th June, 2005, the application form and on any supporting information received with the application, as amended by the:*

**Section 96 'B' plans numbered ANC-96-01 to ANC-96-04 dated 18 June 2007 and received by Council on 19 June 2007;**

**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 on the attached plans.**

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

**6.5 DEVELOPMENT APPLICATION REPORT - 19 PACIFIC STREET, CLOVELLY (DA/285/2007 & PROP032760)**

(Note: A rescission motion on this matter was submitted to the General Manager prior to the close of the meeting.)

H50 **RESOLUTION: (Notley-Smith/Matson)** that this matter be deferred to allow the applicant to speak to relevant Council officers on options for parking at the rear of the property.

**MOTION: (Andrews/Bastic)** that the recommendation be approved subject to standard conditions, including conditioning the size of vehicles that can be parked in the carspace.

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

A division was called for by the Mayor, Cr. P. Tracey and Cr Andrews. Voting was as follows: -

<b>For</b>	<b>Against</b>
Belleli	Andrews
Matson	Bastic
Nash	Sullivan
Notley-Smith	Mayor, Cr. P. Tracey
Seng	
Woodsmith	

**RESOLVED: (MOTION): (Matson/Woodsmith)** that it be noted in the minutes that the chair had to reprimand Cr Sullivan for three acts of disorder. (It is noted that Cr Sullivan apologised at the meeting)

**6.6 DEVELOPMENT APPLICATION REPORT - 17 CHURCH STREET, RANDWICK. (DA/1007/2006 & PROP003171)**

H51 **RESOLUTION: (Andrews/Seng)** that:

- A. *Council support objections under State Environmental Planning Policy No. 1 (SEPP 1) in respect to non-compliance with Clause 32 of Randwick Local Environmental Plan 1998, relating to Floor Space Ratio, on the grounds that the proposed development is consistent with the objective of the clause and will not adversely affect the amenity of the surrounding locality and that the Department of Planning be advised accordingly.*
- B. *Council's original Determination of Development Application No DA/1007/2006, dated 27th March 2007 for Section 82A Review of Council's decision to refuse the application for attic additions to the approved multi-unit development and amendments which include a reduction in the roof ridge height by 0.250m and the attic ceiling height by 0.3m. be rescinded.*
- C. *Council as the responsible authority grant its development consent under Section 80 and 80A of the Environmental Planning and Assessment Act 1979 (as amended) to Development Application No DA/1007/2006 & PROP003171 for Section 82A Review of Council's decision to refuse the application for attic additions to the approved multi-unit development and amendments which include a reduction in the roof ridge height by 0.250m and the attic ceiling height by 0.3m. at 17 Church Street, Randwick NSW 2031 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 04.116A, dated April 2004 and received by Council on the 22nd November 2006 as amended by "Shadow Elevation" plans received by Council on the 17th May 2007, 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. *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.*
- 5. *To maintain a reasonable level of privacy to the adjoining properties the attic windows shall be fixed and obscured to a minimum height of 1600mm as measured from floor level. Details shall be provided on the plans accompanying the Construction Certificate application.*

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



6. *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.*

7. *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.*
8. *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.*

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 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.*

10. *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.*

11. *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:*
  - o *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)*
  - o *name, address and telephone number of the Principal Certifying Authority,*
  - o *a statement stating that "unauthorised entry to the work site is prohibited".*
12. *An Occupation Certificate must be obtained from the Principal Certifying Authority prior to any occupation of the building work encompassed in this development consent (including alterations and additions to existing buildings), in accordance with the relevant provisions of the Environmental Planning & Assessment Act 1979.*

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

13. *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.*

14. *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):*

- o *has been informed in writing of the licensee's name and contractor number;*
- and*
- o *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:*

- o *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.*

***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:***

15. *The 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.*

16. *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.*
17. *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.*
18. *Public safety and convenience must be maintained at all times during demolition, excavation and construction works.*

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

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

*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.*

19. *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.*
20. *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.*

21. *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: -*
- o Install or erect any site fencing, hoardings or site structures*
  - o Operate a crane or hoist goods or materials over a footpath or road*
  - o Placement of a waste skip (greater than 3m in length) or any other container or article.*

#### **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.*

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

**6.7 DEVELOPMENT APPLICATION REPORT - 135 DONCASTER AVENUE, KENSINGTON. (DA/211/2007 & PROP018339)**

H52 **RESOLUTION: (Andrews/Seng) 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/211/2007 for Alterations and rear ground and first floor additions to existing dwelling including new double garage at rear. at 135 Doncaster Avenue, Kensington 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 07/009-01 to 07/009-04, all dated 1 March 2007 and received by Council on 22nd March 2007, 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. *Privacy screens having a height of 1.8m shall be provided to the northern and southern edges of the proposed upper level rear balcony. Details of compliance are to be provided in the construction certificate plans.*
3. *The sill height of windows W3 and W4 to the kitchen along the southern elevation and window W1 along the northern elevation shall be increased to be a minimum height of 1.5m above floor level, or alternatively, the windows are to be fixed and provided with translucent, obscured, frosted or sandblasted glazing below 1.5m above floor level.*
4. *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.*

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. *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.

8. *The proposed rumpus room shall not be let, adapted or used for separate residential occupation or commercial purposes at any time.*

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

9. *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*
10. *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 consideration for service authority assets:***

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

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

12. *The top of the footings for the rear of the garage are to be constructed at least 200mm below the existing ground level at this location which is approximately RL 21.70 AHD*
13. *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. Infiltration systems shall be located a minimum 2.1 metres from any side or rear boundary and 3 metres from adjoining structures.*

*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.*

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

14. *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.*

**Tree Management**

15. *The applicant shall submit a total payment of \$107.25 (including GST) to Council:*
  - a. *Being the cost for Council to supply and install 1 x 25 litre street tree, Schinus areira (Peppercorn Tree) to the south of the existing vehicular crossing at the completion of all works (\$97.50 + GST).*

*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.*

*The applicant will be required to contact Council's Landscape Development Officer on 9399-0613, giving at least two working weeks notice, to arrange for the provision of a replacement street tree upon completion of all site works.*

16. *Approval is granted for the removal of the following trees subject to the planting of 1 x 25 litre (pot size at the time of planting) broad canopied replacement tree (not a palm) within the rear yard of the site, using a native species which will attain a minimum height of 6 metres at maturity. The selected species and its proposed location shall be clearly represented on the plans submitted for the construction certificate application, to the satisfaction of the certifying authority:*
  - a) *One Syagrus romanzoffianum (Cocos Palm) in the front yard, near the northeast corner of the existing dwelling, as well as another one in the rear yard, in the southwest corner of the site, as this species is exempt under Council's Tree Preservation Order (TPO).*
  - b) *One Cinnamomum camphora (Camphor Laurel) in the rear yard, towards the northwest corner of the site, hard up against the common boundary, due to being listed as an environmental weed in the Randwick LGA, as well as to accommodate the proposed garage and driveway in the location shown.*
17. *Permission is granted for the minimal and selective pruning of only those lower growing, overhanging branches from the northeast quarter of the Eucalyptus cinerea (Argyle Apple) located in the rear yard of the adjoining property to the south, 137 Todman Avenue, close to the common boundary, which need to be specifically removed in order to avoid damage/conflict during the course of the proposed works*

18. *This approval does not imply any right of entry onto a neighbouring property nor does it allow pruning beyond a common boundary; however, where such measures are desirable in the best interests of correct pruning procedures, it shall be necessary for the applicant to negotiate with the tree owner*
19. *All pruning must be undertaken by a professional Arborist, who holds a minimum of AQF Level IV in Arboriculture, and is a registered member of a nationally recognized organisation, to the requirements of Australian Standard AS 4373-1996 'Pruning of Amenity Trees.'*

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

20. *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.***

21. *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.*
22. *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.*

23. *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)

24. *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 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:*

25. *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.*

26. *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:***

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.*

*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.*

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 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”.*

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 of buildings and the removal, storage, handling and disposal of building materials (including asbestos) 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. *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.*

40. *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.*

41. *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.*

42. *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.*

43. *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.*

44. *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.*

45. *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:-*
- o Install or erect any site fencing, hoardings or site structures*
  - o Operate a crane or hoist goods or materials over a footpath or road*
  - o Placement of a waste skip (grater than 3m in length) or any container or other article.*

### **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: (Andrews/Seng) CARRIED – SEE RESOLUTION.**

### **6.8 DEVELOPMENT APPLICATION REPORT - 112-124 ANZAC PARADE, KENSINGTON. (DA/788/2005 & PROP004722 & 734)**

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

- A. Council's original determination of Development Application No. 788/2005 dated 12 December 2006 for demolition of the existing buildings on the site and construction of a six storey mixed retail and residential development comprising 40 dwellings and two levels of basement carparking for a total of 68 vehicles at 112-124 Anzac Parade, Kensington, be rescinded.
- 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. 788/2005 for Section 82A review of the determination to refuse the demolition of the existing buildings on the site and construction of a six storey mixed retail and residential development comprising 40 dwellings and two levels of basement carparking for a total of 68 vehicles at 112-124 Anzac Parade, Kensington, 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 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.

2. Amended architectural plans shall be submitted to and approved prior to any consent becoming operative. The amended plans shall provide:
  - o A vertical emphasis at the corner of Anzac Parade and Ascot Street by further expressing the junction of building planes through the use of other architecture features to reinforce the street corner.
  - o Amended foyer entry from Anzac Parade to provide a greater width and sense of space, particularly in the regards to the section of corridor adjacent to the recycling room.
  - o Sunshade and weather protection to windows and balconies where possible.
  - o The inclusion of material in the awning that provides improved shade protection to the shop fronts and pedestrians.
3. A report must be submitted to and approved by the Council's Director of City Planning, detailing the proposed method of excavation and dewatering process. This report is to be prepared by suitably qualified and experienced Geotechnical, Hydrological and Structural Engineers and is to include but not limited to:
  - The proposed method of shoring/piling and dewatering.
  - The zone of influence of any possible settlement.
  - The location of any proposed re-injection points in relation to the property boundaries (where re-injection equipment is to be located on land other than the subject premises, the written consent of the owner must also be provided to Council).
  - Monitoring of fluctuations of the water table during dewatering/construction to be undertaken by consulting engineers to ensure that the conditions of consent and other relevant requirements are satisfied.

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

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

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

### **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 plans numbered DA002A to DA016A, dated March 2007 and received by Council on 7 May 2007, 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. *The external colours, materials and finishes of the proposed development shall be in accordance with the details and plans submitted to and approved by the Director of City Planning pursuant to the deferred commencement condition.*



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. *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.*

5. *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.*

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

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

7. *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.*

8. *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.*

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

**The following condition is applied to satisfy the concerns raised by Sydney Airport Corporation:**

10. *Should the height of any temporary structure and/or equipment be greater than 150 feet (45.72 metres) above existing ground height (AEGH), a new approval must be sought in accordance with the Civil Aviation (Building Control) Regulations Statutory Rules 1998 No. 161.*

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

11. *In accordance with Council's Section 94 Contributions Plan effective from 30 July 2003, the following monetary contribution is to be paid to Council.*

<i>a) for the provision or improvement of open space</i>	<i>\$66,507.23</i>
<i>b) for the provision or improvement of community facilities</i>	<i>\$29,406.62</i>
<i>c) for townscape improvements applicable to residential development</i>	<i>\$152,196.00</i>
<i>d) for townscape improvements applicable to commercial development</i>	<i>\$17,177.21</i>
<i>e) Administration 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:**

12. *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.*
13. *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.**

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

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

15. *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.*
16. *Hot water service pipes are to be provided with insulation and must also satisfy any relevant requirements of Building Code of Australia and AS 3500.*
17. *Appliances provided within the development must satisfy any relevant BASIX requirements and as a minimum appliances should satisfy the following energy ratings:*
  - *Clothes dryers minimum 2.5 star*
  - *Dishwashers minimum 3 star*
  - *Air conditioners minimum 4 star*
  - *Clothes washers minimum 4 star*
  - *Fridge minimum 4 star*
18. *Landscaped areas must contain a predominance of species that require minimal watering once established or species with water needs that match rainfall and drainage conditions.*

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

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

19. **Prior to issuing a construction certificate for the development**, a detailed site contamination investigation must be undertaken by an independent appropriately qualified environmental consultant in order to provide information on land and ground water contamination and migration in relation to past and current activities and uses that may have occurred on the site.

The report is to be prepared in accordance with Council's Contaminated Land Policy 1999 and relevant Guidelines made or approved by the NSW Department of Environment and Conservation (formerly EPA), including the Guidelines for Consultants Reporting on Contaminated Sites and the National Environment Protection (Assessment of Site Contamination) Measure (NEPM) 1999. Also, as detailed in the Planning Guidelines to SEPP 55 – Remediation of Land, the report is to assess the nature, extent and degree of contamination upon the land. The detailed site contamination report must be sufficiently detailed and be submitted to and accepted by Council's Manager of Environmental Health & Building Services prior to issuing a construction certificate for the development.

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

The written concurrence of Council must be obtained before a construction certificate is issued for the development.

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

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

This RAP is to include procedures for the following:

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

- *Ground water remediation, dewatering, drainage, monitoring and validation,*
  - *Unexpected finds.*
- iii. *Prior to commencing any remediation works, a written statement is to be provided to the Council by the Site Auditor, which confirms that the Remediation Action Plan satisfies the relevant legislative guidelines and requirements and that the land is able to be remediated to the required level and be suitable for the intended development and use.*
- iv. *The applicant is to engage a NSW Department of Environment and Conservation Accredited Site Auditor, accredited under sections 49 & 50 of the Contaminated Land Management Act 1997. The Site Auditor is to assess the suitability of the site for its intended development and use. The Site Audit Statement and Summary Site Audit Report is to be submitted to Council and must verify that the land has been remediated and the site is suitable for the intended development and satisfies the relevant criteria in the NEPM 1999.*

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

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

- v. *Remediation works shall be carried out in accordance with the requirements of the Contaminated Land Management Act 1997, environmental planning instruments applying to the site, guidelines made by the NSW Department of Environment and Conservation and Department of Infrastructure Planning & Natural Resources, Randwick City Council's Contaminated Land Policy 1999 and the Protection of the Environment Operations Act 1997.*
- vi. *The site remediation including ground water must fully comply with all relevant Commonwealth and State Legislation, Regulations and Standards.*
- vii. *Any fill importation to the site is to be monitored and classified by the Site Auditor appointed for remediation of the site or a person with his qualifications. Only 'Virgin Excavated Natural Material' (VENM) is to be imported to the site, as defined within the NSW EPA 'Environmental Guidelines; Assessment, Classification and management of Liquid and Non-Liquid Wastes. 1999'.*
- viii. *A Site Remediation Management Plan must be prepared prior to the commencement of remediation works by a suitably qualified environmental consultant and be implemented throughout remediation works. A copy is to be forwarded to Council. The Site Remediation Management Plan shall include measures to address the following matters:*
- *general site management, site security, barriers, traffic management and signage*
  - *hazard identification and control*
  - *worker health & safety, work zones and decontamination procedures*
  - *cross contamination*

- *site drainage and dewatering*
  - *air and water quality monitoring*
  - *disposable of hazardous wastes*
  - *contingency plans and incident reporting, and*
  - *details of provisions for monitoring implementation of remediation works including details of the person/consultant responsible.*
- ix. *Remediation must be completed to the satisfaction of the Accredited Site Auditor and the written concurrence of Council must be obtained prior to the issuing of the construction certificate.*
- x. *The works shall not give rise to environmental pollution or public nuisance or, result in an offence under the Protection of the Environment Operations Act 1997 or NSW Occupational Health & Safety Act (2000) & Regulations (2001).*
20. *Site remediation must be carried out in accordance with the following general requirements (as applicable):*
- a) *Remediation works shall be carried out in accordance with the requirements of the Contaminated Land Management Act 1997, environmental planning instruments applying to the site, guidelines made or approved by the NSW Department of Environment and Conservation (formerly EPA) and the NSW Department of Infrastructure Planning & Natural Resources (formerly Planning NSW), Randwick City Council's Contaminated Land Policy 1999 and the Protection of the Environment Operations Act 1997.*
- b) *A Site Audit Statement and Summary Site Audit Report is to be submitted to Council, **prior to a construction certificate (or subdivision certificate) being issued**, which confirms that the land has been remediated and the site is suitable for the intended development and use and satisfies the relevant criteria in the National Environment Protection (Assessment of Site Contamination) Measure 1999.*
- c) *The Environmental Consultant and Auditor, in their assessment of appropriate soil investigation levels, must take into account all environmental concerns (for example, the potential effects on wildlife) and the protection of ground and surface water.*
- d) *The remediation of the site including ground water must fully comply with all relevant Commonwealth and State Legislation, Regulations and Standards.*
- e) *Any variations to the proposed remediation works or remediation action plan shall be approved by the Site Auditor and a written statement is to be provided to the Council by the Site Auditor prior to the commencement of such works, which confirms the Site Auditors approval of the amended remediation action plan / works, and*
- f) *Should any underground tanks be discovered they shall be removed in accordance with relevant NSW DEC/EPA Guidelines; Australian Institute of Petroleum's (AIP) Code of Practice for the Design, Installation and Operation of Underground Petroleum Storage Systems (CP4-1998); and WorkCover NSW requirements. In the event of conflict between AIP Code of Practice and WorkCover requirements the latter shall prevail.*

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

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

- h) *Any fill importation to the site is to be monitored and classified by the Site Auditor appointed for remediation of the site or a person with his qualifications. Only 'Virgin Excavated Natural Material' (VENM) is to be imported to the site, as defined within the NSW EPA 'Environmental Guidelines; Assessment, Classification and management of Liquid and Non-Liquid Wastes. 1999'.*

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

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

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

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

- l) *Remediation work shall be conducted within the following hours:  
Monday – Friday 7am – 5pm  
Saturday 8am – 5pm  
No work permitted on Sundays or Public Holidays*

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

- n) *Any new information which comes to light during remediation, demolition or construction works which has the potential to alter previous conclusions*

*about site contamination shall be notified to the Council and the Principal Certifying Authority immediately.*

21. *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).*
22. *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 satisfy the relevant pollution control criteria and to maintain reasonable levels of health, safety and amenity to the locality:***

23. *The use and operation of the premises shall not give rise to an environmental health or public nuisance and there are to be no emissions or discharges from the premises, which will give rise to a public nuisance or result in an offence under the Protection of the Environment Operations Act 1997 and Regulations.*
24. *Development consent is required to be obtained in relation to the specific 'use' of commercial tenancies/occupancies and 'shop fit outs', in accordance with the relevant requirements of the Environmental Planning & Assessment Act 1979.*
25. *The location and facilities for the collection, storage and disposal of wastes generated within the premises shall be submitted to and approved by Council **prior to the commencement of works.***

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

26. *The residential units are to achieve the following internal acoustic amenity criteria:*
  - a) *In naturally ventilated residential units; the repeatable maximum  $L_{Aeq}$  (1 hour) shall not exceed:*
    - *35 dB(A) between 10pm and 7am in sleeping areas when the windows are closed;*
    - *45 dB(A) in sleeping areas when windows are open;*
    - *45 dB(A) in living areas (24 hours) when the windows are closed, and*
    - *55 dB(A) in living areas when the windows are open.*
  - b) *In residential units provided with mechanical ventilation, air conditioning or other complying means of ventilation, when doors and windows are shut, the repeatable maximum  $L_{Aeq}$  (1 hour) shall not exceed:*
    - *38 dB(A) between 10pm and 7am in sleeping areas;*
    - *46 dB(A) in living areas (24 hours).*

Details of compliance with the relevant criteria is to be included in the construction certificate application and written confirmation of compliance is to be provided to the Council and the Certifying Authority, by the Acoustic consultant, **prior to the construction certificate being issued.**

27. The operation of all plant and equipment shall not give rise to an 'offensive noise' as defined in the Protection of the Environment Operations Act 1997.

The project specific criteria for noise emissions shall be in accordance with the acoustical report dated 9 September 2005, prepared by 'Acoustic Logic Consultancy Pty Ltd', when measured at the nearest affected boundary:

	<b>Day (7am – 10pm)</b>	<b>Evening (6pm – 10pm)</b>	<b>Night (10pm – 7am)</b>
	58 L <sub>Aeq</sub> (15mins)	50 L <sub>Aeq</sub> (15mins)	41 L <sub>Aeq</sub> (15mins)

28. The use of the premises and the operation of plant and equipment shall not give rise to the transmission of a vibration nuisance or damage to other premises.
29. A report, prepared by a suitably qualified and experienced consultant in acoustics, shall be submitted to the Council prior to an **occupation certificate** being issued for the development, which demonstrates and certifies that noise and vibration emissions from the development comply with the relevant provisions of the Protection of the Environment Operations Act 1997, NSW Environmental Protection Authority Noise Control Manual & Industrial Noise Policy and conditions of Council's approval, to the satisfaction of Council's Manager Environmental Health & Building Services.

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

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

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

31. All new building work must be carried out in accordance with the provisions of the Building Code of Australia (BCA), in accordance with Clause 98 of the Environmental Planning and Assessment Regulation 2000.
32. **Prior to the commencement of any building works**, a construction certificate must be obtained from the Council or an accredited certifier, in accordance with the provisions of the Environmental Planning & Assessment Act 1979 and Environmental Planning & Assessment Regulation 2000.
33. **Prior to the commencement of any building works**, the person having the benefit of the development consent must: -
- i) appoint a Principal Certifying Authority for the building work, and
  - ii) appoint a principal contractor for the building work, or in relation to residential building work, obtain an owner-builder permit in accordance



*with the requirements of the Home Building Act 1989, and notify the Principal Certifying Authority and Council accordingly in writing, and*

- iii) unless the person having the benefit of the consent is the principal contractor (i.e. owner-builder), notify the principal contractor of the required critical stage inspections and other inspections to be carried out, as specified by the Principal Certifying Authority, and*
- iv) give at least two days notice to the Council, in writing, of the 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.*

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

*The Principal Certifying Authority must specify the relevant stages of construction to be inspected in accordance with section 81A (2) (b1) (ii) of the Environmental Planning & Assessment Regulation 2000 and a satisfactory inspection must be carried out, to the satisfaction of the Principal Certifying Authority, prior to proceeding to the subsequent stages of construction or finalisation of the works (as applicable).*

*Documentary evidence of the building inspections carried out and details of compliance with Council's consent is to be maintained by the Principal Certifying Authority. Details of critical stage inspections carried out and copies of certification relied upon must also be forwarded to Council with the occupation certificate.*

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

- 35. A sign must be erected and maintained in a prominent position on the site, which contains the following details:*
- name, address, contractor licence number and telephone number of the principal contractor, including a telephone number at which the person may be contacted outside working hours, or owner-builder permit details (as applicable)*
  - name, address and telephone number of the Principal Certifying Authority,*
  - a statement stating that "unauthorised entry to the work site is prohibited".*
- 36. An Occupation Certificate must be obtained from the Principal Certifying Authority prior to any occupation of the building work encompassed in this development consent (including alterations and additions to existing buildings), in accordance with the relevant provisions of the Environmental Planning & Assessment Act 1979.*

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

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

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

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

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

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

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

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

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

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

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

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

41. *The building is required to be provided with a smoke alarm system complying with Clause 3 of Specification E2.2a of the Building Code of Australia or a smoke detection system complying with Clause 4 of Specification E2.2a of the Building Code of Australia or a combination of a smoke alarm system within the sole-occupancy units and a smoke detection system in areas not within the sole-occupancy units. The smoke detectors located within the stairway, corridors or the like must be interconnected.*

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

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

42. *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.*
43. *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.*

44. *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**.*

45. *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.**

46. 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.**
47. A Certificate of Adequacy prepared by a professional engineer shall be submitted to the certifying authority (and the Council, if the Council is not the certifying authority) **prior to occupation of the building**, certifying the structural adequacy of the building and that the building works satisfy the relevant structural design requirements of the Building Code of Australia.

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

48. All demolition work is to be carried out in accordance with the provisions of AS2601-1991. The Demolition of Structures, as in force at 1 July 1993.
49. 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.
50. 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.*

51. 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.

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 (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.*

53. *Noise and vibration emissions during the construction of the building and associated site works must not result in damage to nearby premises or result in an unreasonable loss of amenity to nearby residents and the relevant provisions of the Protection of the Environment Operations Act 1997 must be satisfied at all times.*
54. *Noise and vibration from any rock excavation machinery and pile drivers (or the like) must be minimised by using appropriate plant and equipment and silencers and a construction noise and vibration minimisation strategy, prepared by a suitably qualified consultant is to be implemented during the works, to the satisfaction of the Principal Certifying Authority.*
55. *A report prepared by a suitably qualified and experienced consultant in acoustics/vibration shall be submitted to the Principal Certifying Authority and the Council **upon commencement of works**, certifying that noise and vibration emissions from the construction of the development complies with the provisions of the Protection of the Environment Operations Act 1997, the Noise Control Manual published by the Environment Protection Authority and relevant conditions of approval. In support of the above it is necessary to submit all relevant readings and calculations made.*

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

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

59. *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.*
60. *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.*
61. *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.*

62. *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.*

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

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

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

64. *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.*

65. *A temporary timber crossing is to be provided to the site entrance across the kerb and footway area, with splayed edges, to the satisfaction of Council, unless access is via an existing concrete crossover.*

66. *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.*

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

*A temporary safety fence is to be provided to protect the public, located to the perimeter of the site. Temporary fences are to have a minimum height of 1.8*

*metres and be constructed of cyclone wire fencing, with geotextile fabric attached to the inside of the fence to provide dust control, or other material approved by Council.*

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

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

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

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

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

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

68. *A 'B Class' overhead type hoarding is required is be provided to protect the public, located adjacent to the development, prior to the commencement of any works on the site which comprise: -*

- any works or hoisting of materials over a public footway or adjoining premises, or*
- any building or demolition works on buildings which are over 7.5m in height and located within 3.6 metres of the street alignment.*

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

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

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 or nature strip or in any public place: -*

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



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

70. Access, facilities and car parking for people with disabilities must be provided to and within the building in accordance with the relevant provisions of the Building Code of Australia and AS1428.1, AS4299 and 2890.1 and relevant Council development control plans for the subject development, to the satisfaction of the Certifying Authority. Details of the proposed access, facilities and car parking for people with disabilities are to be included in the plans / specifications for the **construction certificate**.

**Security Deposit Conditions**

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

71. The following damage/civil works security deposit requirement is to be complied with prior to a construction certificate being issued for the development, as security for making good any damage caused to the roadway, footway, verge or any public place; or as security for completing any public work; and for remedying any defect on such public works, in accordance with section 80A(6) of the Environmental Planning and Assessment Act 1979:

- a) \$1000.00 - Damage / Civil Works Security Deposit

The damage/civil works security deposit may be provided by way of a cash or cheque with the Council and is refundable upon:

- o 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
- o Completion of the civil works as conditioned in this development consent by Council.

The applicant is to advise Council, in writing, of the completion of all building works and/or obtaining an occupation certificate, if required.

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

**Traffic Conditions/Civil Works Conditions**

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

72. The applicant must meet the full cost for Council or a Council approved contractor to:
- a. Construct a heavy-duty concrete vehicular crossing and layback at kerb opposite the vehicular entrance to the site in Ascot Street.
  - b. Remove all redundant concrete vehicular crossings and layback and to

*reinstate the area with footpath and integral kerb and gutter to Council's specification.*

- c. Reconstruct the kerb and gutter along both site frontages except opposite the vehicular entrance to the site (including associated roadworks as required).*
  - d. Reconstruct the existing Council footpath along both site frontages in accordance with Council's Urban Design Guidelines for the Kensington Commercial Centre.*
- 73. 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.*
- 74. 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.*
- 75. 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.*
- 76. The driveway opening at the Ascot Street frontage must be 5.50 metres wide and located at least 1.5 metres clear of the side property.*
- 77. A Works Zone is to be provided in the vicinity of the site for the duration of the construction works. The 'Works Zone' shall be provided to the satisfaction of the Randwick Traffic Committee and shall have a minimum length of 12 metres. The prescribed fee for the Works Zone must be paid to Council at least four (4) weeks prior to the commencement of work on the site.*
- It is noted that the requirement for a Works Zone may be waived if it can be demonstrated (to the satisfaction of Council's traffic engineer) that all construction related activities (including all loading and unloading operations) may be undertaken wholly within the site.*
- 78. Prior to the issue of a construction certificate, the applicant shall submit for approval and have approved by Council's Traffic Engineer 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.*
- 79. To improve visibility at the intersection of Botany Street and Waratah Avenue, a minimum 3.0 metre x 3.0 metre splay corner shall be provided at ground level. There shall be no walls or planting higher than 600mm located within the splay corner.*
- 80. The minimum clear distance from the existing footpaths in Anzac Parade and Ascot Street to the underside of the proposed awning shall be 3.00 metres. The plans submitted for the construction certificate shall demonstrate compliance with*

*this requirement.*

81. *All new awnings shall be set back a minimum of 600mm from the face of kerb. The plans submitted for the construction certificate shall demonstrate compliance with this requirement.*
82. *Upon completion of the construction of the awning, certification of the structural adequacy of the awning must be provided to the Council.*

#### **Alignment Level Conditions**

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

83. *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, must:*
  - o **Match the back of the existing footpath along both the Anzac Parade and Ascot Street site frontages.**

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

84. *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.*
85. *The above alignment levels and the site inspection by Council's Development Engineer have been issued at a prescribed fee of \$3489 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:**

86. *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.*
87. *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.*
88. *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.*
89. *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.*
90. *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.

91. 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.**

### **Drainage Conditions**

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

92. The floor level of all ground floor habitable and storage areas shall be at a minimum RL of 27.25 (AHD).

Note: The submitted Ground Floor Plan DA-07 dated 10 November 2006 demonstrates compliance with this requirement.

93. The proposed internal driveway (and any other openings into the basement carpark from Ascot Street) must be designed with a high point at a minimum RL of 27.03 (AHD).

Note: The submitted Ground Floor Plan DA-07 dated 10 November 2006 demonstrates compliance with this requirement.

94. All windows, vents and other openings into the basement carpark (excluding the driveway opening) must be located at least 300 mm above the determined 1 in 100 year flood level, that is at RL 27.03 (AHD).

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

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

96. **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.
97. 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.
98. All site stormwater must be discharged (by gravity) to either:
- a. The underground drainage system in Anzac Parade, via a new and/or existing kerb inlet pit; OR
  - b. A suitably sized infiltration system (subject to geotechnical investigation confirming that the ground conditions are suitable for an infiltration system).

Notes:

- a. All new kerb inlet pits shall be constructed in general accordance with

*Council's standard drawing 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.*

99. *Should stormwater be discharged to Council's street drainage system, on-site detention must be provided to ensure that the maximum discharge from the above site is not to exceed that which would occur during a **1 in 10** year storm of 1 hour duration for the existing site conditions. All other stormwater run-off from the above site for all storms up to the 1 in 20 year storm is to be retained on the site for gradual release to the kerb and gutter or drainage system as required by Council. Provision is to be made for satisfactory overland flow should a storm in excess of the above parameters occur.*

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

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

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

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

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

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

103. *The maximum depth of ponding in above ground detention areas (and/or infiltration systems with above ground storage) shall be as follows:*

- a. *300mm in landscaped areas (where child proof fencing is not provided around the outside of the detention area and sides slopes are steeper than 1 in 10)*
- b. *600mm in landscaped areas where the side slopes of the detention area have a maximum grade of 1 in 10.*
- c. *1200mm in landscaped areas where a childproof fence is provided around the outside of the detention area*

*Notes:*

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

- *Mulch/bark must not be used in onsite detention areas*
104. *Any above ground stormwater detention areas (and/or infiltration systems with above ground storage) must be suitably signposted where required, warning people of the maximum flood level.*
105. *The floor level of all habitable and storage areas adjacent to the detention area (and/or infiltration systems with above ground storage) must be a minimum of 300mm above the maximum water level in the detention area for the design storm or alternately a permanent 300mm high water proof barrier is to be constructed.*

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

106. *A childproof and corrosion resistant fastening system shall be installed on access grates over pits/trenches where water is permitted to be temporarily stored.*
107. *A 'V' drain is to be constructed along the perimeter of the property, where required, to direct all stormwater to the detention/infiltration area.*
108. *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.*
109. *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.*

110. *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.**

111. *Three covered car washing bays shall be provided for this development.*
- a) *The car washing bays must be drained to sewer to the requirements of Sydney Water and proof of compliance is to be submitted to the certifying authority, prior to a construction certificate being issued for the proposed development.*
  - b) *The car washing bays must be located outside any required/approved stormwater detention system.*
  - c) *The car washing bays must be signposted with ‘Exclusive Carwash Bay Use Sat 2:00pm – 5:00pm and Sunday 10:00am – 2:00pm, Visitor parking at other times’*
  - d) *The car washing bays must be constructed with a minimum 20mm bund around the perimeter of the car washing bays (or equivalent)*
  - e) *A water tap shall be located adjacent to the car washing bays.*
112. *Prior to the issuing of an occupation certificate, the applicant shall submit to Council, a works-as-executed drainage plan prepared by a registered surveyor and approved by a suitably qualified and experienced Hydraulic Engineer. The works-as-executed drainage plan shall be to the satisfaction of the Principal Certifying Authority (PCA) and shall include the following details:*
- a. *The location of the detention basin with finished surface levels;*
  - b. *Finished site contours at 0.2 metre intervals;*
  - c. *Volume of storage available in the detention areas;*
  - d. *The location, diameter, gradient and material (i.e PVC, RC etc) of all stormwater pipes;*
  - e. *The orifice size(s) (if applicable);*
  - f. *Details of any infiltration/absorption systems; and*
  - g. *Details of any pumping systems installed (including wet well volumes).*
113. *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.*
114. *As the above site may encounter groundwater within the depth of the basement excavation, the basement carpark is to be suitably tanked and waterproofed. A*



*Structural Engineer/Geotechnical Engineer shall certify the tanking & waterproofing has been carried out to an acceptable standard and a copy of the certification is to be forwarded to Council.*

**Notes: -**

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

**115. Water License**

*Prior to lodgement of a Construction Certificate application the applicant must obtain from the Department of Natural Resources, the general terms of approval and any specific requirements for dewatering of the site to facilitate construction of the basement carpark levels. In particular, the applicant must obtain in writing the Department's general terms of approval for the issuing of a Part V license under the Water Act 1912.*

*The Construction Certificate application must demonstrate compliance with the general terms of approval for a Part V License. No construction certificate is to be issued until such time as the applicant demonstrates to the satisfaction of the Department of Natural Resources and the Certifying Authority that the proposed method for construction of the basement carpark and dewatering of the site is strictly in accordance with the Department of Natural Resources' requirements and best current engineering practice.*

*No dewatering of the site shall take place until such time as a Part V license has been obtained. A copy of the Part V license must be forwarded to Council prior to the commencement of any dewatering on the site.*

*Waste Management Conditions*

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

116. *The waste storage areas shall be sized to contain:*
- a. *a compactor (with safe working area) for each chute feed;*
  - b. *a total of 10 x 240 litre additional garbage bins; and*
  - c. *a total of 20 x 240 litre recycling bins.*

*The compactors shall be managed by a caretaker and shall be located in areas that are not accessible to residents. However, at least two garbage bins shall be located outside of the compactor area in each of the waste storage areas to enable residents to dispose of rubbish that will not fit through the chutes. The plans submitted for the construction certificate shall demonstrate compliance with these requirements.*

117. *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.*
118. *The waste storage areas shall be clearly signposted.*
119. *The commercial waste storage area shall be sized to contain a total of four x 240 litre bins (2 x garbage bins and 2 x recycling bins) whilst providing satisfactory access to each of these bins.*

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

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

*Landscape Conditions*

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

121. *The Landscape Concept Plan prepared by Michael Sui Landscape Architects, dated 23<sup>rd</sup> March 2006 and stamped received at Council on 24<sup>th</sup> March 2006 contains an insufficient level of detail for the purpose of approval, and therefore, more detailed landscape drawings and specifications shall be submitted to, and be approved by, the certifying authority, prior to the issue of a construction certificate. The landscape drawings and specifications are to be prepared by a qualified Landscape Architect who is eligible for membership with the Australian Institute of Landscape Architects (AILA), and will include:*
- a. *A site plan at an appropriate scale showing existing site boundaries, the two existing street trees on Anzac Parade clearly shown for removal, features on adjoining sites within 6 metres of the common property boundary (buildings, trees, other structures etc), council's footway, existing and proposed ground levels shown as spot heights and/or contours over the site, at site boundaries, proposed building envelope, proposed areas of pavement, and proposed landscaped areas.*
  - b. *A planting plan at a scale of 1:100 or 1:200 indicating the location of all proposed planting, with all plants to be drawn at their mature size with a suitable mixture of appropriately selected and located groundcovers, plants, shrubs, accent or feature specimens and canopy trees.*
  - c. *A planting schedule listing all plants by botanic & common names, plant numbers, plant spacings, pot sizes, the estimated size of the plant at maturity (height & spread) and proposed staking methods when applicable.*
  - d. *Additional notation showing soil and mulch details, irrigation details, edging, paving, fencing details, surface finishes, retaining wall details, and any other landscape elements in sufficient detail to fully describe the proposed landscape works.*
  - e. *Sectional elevations through the site showing the existing and proposed groundlines, building elevations, and mature height of proposed planting.*
  - f. *All planter boxes and garden beds constructed on slab must have a minimum soil depth of 600mm. Planter box details shall be submitted with the detailed landscape plans.*
122. *The applicant shall meet all costs associated with upgrading the Anzac Parade and Ascot Street site frontages in accordance with Council's Urban Design Guidelines for the Kensington Commercial Centre. All works carried out on Council property, shall be in accordance with Council's requirements for Civil Works on Council*

property.

123. *A detailed streetscape plan for both the Anzac Parade and Ascot Street frontages showing proposed paving design, street furniture, grades, finished levels, extent and location of awnings, doors/entranceways, the bus stop and any other details required by Council's Landscape Architect shall be submitted to, and approved by, Council's Director of City Services prior to commencement of the streetscape works.*

*Although Council has prepared a suburb-wide preliminary design for the upgrading of all footpath areas in the Kensington Commercial Centre, the applicant will still be required to liaise with Council's Landscape Architect on 9399-0915, prior to preparation of the streetscape plan to obtain more detailed, site specific landscape design requirements.*

*Following approval of the streetscape plan; and prior to commencement of the streetscape works on Council property, the applicant shall liaise with Council's Pre-paid Works Designer on 9399-0922, regarding scheduling of work including inspections, supervision fees and compliance with Council's requirements for public liability insurance.*

*The approved streetscape works shall be completed to the satisfaction of Council's Landscape Architect and Pre-paid Works Designer, prior to the issue of a final occupation certificate.*

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

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

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

126. *All 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.*

127. *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, confirming that the landscaping works have been installed in accordance with the approved landscaping plans and relevant conditions of development consent, to the satisfaction of the PCA.*

### **Tree Management**

128. *The applicant shall submit a total payment of \$214.50 to Council,*
- a. Being to reimburse Council for the costs associated with originally planting the two Platanus x hybrida (Plane Trees) on the Anzac Parade frontage (\$195.00 + GST).*

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

**ADVISORY MATTERS:**

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

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

- |    |                  |   |  |
|----|------------------|---|--|
| a) | Part B1          | - | Structural provisions                            |
| b) | Part C1          | - | Fire resistance and stability                    |
| c) | Part C2          | - | Compartmentation and separation                  |
| e) | Part C3          | - | Protection of openings                           |
| f) | Clause C3.2&C3.4 | - | Protection of openings in external walls         |
| p) | Part E1          | - | Fire fighting equipment                          |
| q) | Part E2          | - | Smoke Hazard Management                          |
| r) | Part E3          | - | Lift Installations                               |
| s) | Part E4          | - | Emergency lighting, exit signs & warning systems |
| t) | Part F1          | - | Damp and weatherproofing                         |
| u) | Part F2          | - | Sanitary and other facilities                    |
| w) | Part F4          | - | Light and ventilation                            |
| x) | Part F5          | - | Sound Transmission and Insulation                |

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

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

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

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

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

**7. MISCELLANEOUS.**

**7.1 DIRECTOR, CITY PLANNING REPORT 44/2007 - DEVELOPMENT APPLICATIONS FOR GARAGES/CAR SPACES AND LOCAL FLOOD STUDIES. (F2005/00101)**

H54 **RESOLUTION: (Mayor, Cr. P. Tracey/Matson) that:**

- (a) *Council undertake appropriate flood studies to allow building levels, based on*

*potential flood level, to be produced for all areas within Randwick City Council Local Government area;*

- (b) at the conclusion of these studies, it becomes a policy of Council to supply flood planning levels to applicants; and*
- (c) a report be brought back to Council showing potential costs and funding options to undertake this work, including a schedule for completing the studies.*

**MOTION: (Mayor, Cr. P. Tracey/Matson) CARRIED – SEE RESOLUTION.**

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

Nil.

**9. NOTICES OF RESCISSION MOTIONS.**

A rescission motion on item 6.5, Development Application for 19 Pacific Street, Clovelly was submitted to the General Manager by Crs Andrews, Bastic and Sullivan prior to the close of the meeting and will be considered at the Ordinary Council meeting on Tuesday 24<sup>th</sup> July, 2007.

The meeting closed at 8.08 p.m.

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CHAIRPERSON