

**MINUTES OF HEALTH BUILDING AND PLANNING COMMITTEE MEETING OF
THE COUNCIL OF THE CITY OF RANDWICK
HELD ON TUESDAY, 14TH AUGUST 2007 AT 6:45PM**

PRESENT:

The Mayor, Cr P Tracey (Central Ward)

North Ward	-	Crs J Kenny & M Woodsmith
South Ward	-	Crs R Belleli & A White
East Ward	-	Crs M Matson (Chairperson) & D Sullivan
West Ward	-	Crs B Hughes
Central Ward	-	Crs A Andrews, C Bastic & T Seng

OFFICERS PRESENT:

General Manager	Mr R Brownlee
Acting Director, City Services	Mr M Shaw
Director, City Planning	Ms S Truvert
Director, Governance & Financial Services	Mr G Banting
Manager Development Assessment	Mr K Kyriacou
Senior Administrative Coordinator	Ms J Hartshorn
Communications Manager	Ms D Brien

1. APOLOGIES/GRANTING OF LEAVE OF ABSENCES.

Apologies were received from Crs Daley, Nash and Notley-Smith.

RESOLVED: (Kenny/Sullivan) that the apologies from Crs Daley, Nash and Notley-Smith, for non-attendance at the Health, Building & Planning Committee Meeting held on Tuesday 14 August 2007, be received & accepted.

Note: Leave of absence had previously been granted to Cr Procopiadis - see Minute No 60/07.

2. CONFIRMATION OF THE MINUTES.

CONFIRMATION OF THE MINUTES OF THE HEALTH, BUILDING AND PLANNING COMMITTEE MEETING HELD ON TUESDAY, 10TH JULY, 2007.

H55 **RESOLUTION: (Belleli/Tracey)** that the Minutes of the Meeting of the Health, Building and Planning Committee held on Tuesday, 10th July, 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.

Councillor Woodsmith declared a non-pecuniary interest in Item 6.6 (Development Application Report – 18-20 Alison Road, Randwick) as the daughter of a friend lives in the building. Councillor Woodsmith indicated that she would participate in the debate and the vote on the matter.

Councillor Belleli declared a non-pecuniary interest in Item 6.4 (Development Application Report – 51-53 Endeavour Avenue, La Perouse) as one of the objectors was a running partner in the last Council election. Councillor Belleli indicated that he would leave the meeting during the debate and the vote on the matter.

4. ADDRESSING OF COUNCIL BY MEMBERS OF THE PUBLIC.

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

6.1 DEVELOPMENT APPLICATION REPORT - 88 BEACH STREET, COOGEE.

Objector Mr John Buchanan
Applicant Mr Spiro Stavis (on behalf of)

6.2 DEVELOPMENT APPLICATION REPORT - 80 VICTORIA STREET, MALABAR.

Objector Mr Steve Hume

POINT OF ORDER/MOTION OF DISSENT

The Chairperson ruled a Point of Order raised by Councillor Sullivan to be out of order.

MOTION: (Sullivan/Bastic) that the Chairperson's ruling in relation to Councillor Sullivan's Point of Order is dissented to. **LOST.**

6.3 DEVELOPMENT APPLICATION REPORT - 7 TOWER STREET, COOGEE.

Objector Mr Jason Young
Applicant Ms Genevieve Slattery (on behalf of)
Owner of 9 Tower Street, Coogee Mr James Dupree (on behalf of)

6.4 DEVELOPMENT APPLICATION REPORT - 51-53 ENDEAVOUR AVENUE, LA PEROUSE.

Having declared a non-pecuniary interest in Item 6.4 earlier in the meeting, Councillor Belleli left the meeting during the public address on the matter.

Objector Mr David Anderson
Applicant Mr Anthony Betros (on behalf of)

6.6 DEVELOPMENT APPLICATION REPORT - 18-20 ALISON ROAD, RANDWICK.

Applicant Mr Anthony Lockett

The meeting was adjourned at 8.00pm and was resumed at 8.18pm.

Cr Belleli returned to the meeting at this point (8.18pm).

6.7 DEVELOPMENT APPLICATION REPORT – 151 BEACH STREET, COOGEE

Objector Mr Herbert Van Lersel

6.9 **DEVELOPMENT APPLICATION REPORT – 109 PAINE STREET, MAROUBRA**

Applicant Ms Phillipa Scott

5. **URGENT BUSINESS.**

Nil.

6. **DEVELOPMENT APPLICATIONS.**

6.1 **DEVELOPMENT APPLICATION REPORT - 88 BEACH STREET, COOGEE. (DA/912/2003/A & PROP019320)**

H56 **RESOLUTION: (Bastic/White)** 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.912/2003 on the property at 88 Beach Street, Coogee in the following manner:

Amend Condition No. 1 to read:

*The development must be implemented substantially in accordance with the plans numbered DA01, dated 01.04.04 and received by Council on 12 August 2004, and plans numbered DA 02 – DA 10, dated 09.06.2004 and received by Council on 12 August 2004, the application form and on any supporting information received with the application, as amended by the deferred commencement plans received by Council on 6 June 2006, numbered DA01 Issue J, DA02 and DA03 Issue K, DA04 and DA05, DA07 to DA10 Issue I all dated 16 December 2005 and DA11 Issue F dated 1 June 2006, the application form and on any supporting information received with the application and as amended by the **Section 96 plans dated numbered Sec 96 – 01, Sec 96 – 02, Sec 96 – 03, Sec 96 – 04, Sec 96 – 05, Sec 96 – 06, Sec 96 – 07 and Sec 96 – 08, received by Council on 10 July 2007, only in so far as they relate to the modifications highlighted on the Section 96 plans and detailed in the Section 96 application.***

Add the following conditions:

99. *The proposed carpark layout being amended such that carspaces 1 and 9 are widened by 200mm to be a clear width of 3000mm and carspaces 4 and 5 are reduced in width by 200mm such that carspace 4 is a clear width of 3150mm and carspace 5 is a clear width of 3400mm. All other carspaces are to remain as shown on the amended Section 96 Application. The amended plans are to be submitted to the Certifying Authority for approval prior to the issuing of a Construction Certificate.*
100. *Prior to the issuing of a Construction Certificate the applicant is to submit to the Certifying Authority for approval, and have approved a transition section from the proposed internal driveway onto the car lift that allows safe and straightforward manoeuvring. This condition is required because the proposed internal driveway, immediately west of the car lift, has a fall going from north to south of 200mm and the car lift is level.*

MOTION: (Woodsmith/Hughes) that Council as the responsible authority refuse its consent under Section 96 of the Environmental Planning and Assessment Act 1979 (as amended) to Modify Development Consent No. 912/2003 on the property at 88 Beach Street, Coogee for the following reasons:

1. the proposed car parking does not comply with the Australian Standard.

2. the proposal further exacerbates the already excessive FSR. The proposed increase in FSR from 0.91:1 to 0.97:1 would further impact the amenity of the surrounding residential area. **LOST.**

MOTION: (Tracey/Kenny) that the recommendation be adopted, subject to the deletion of the additional floor area. **LOST.**

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

6.2 DEVELOPMENT APPLICATION REPORT - 80 VICTORIA STREET, MALABAR. (DA/272/2007 & PROP004390)

H57 **RESOLUTION: (Hughes/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/272/2007 for permission to use the existing garage at the rear of the property for a home activity at 80 Victoria Street, Malabar subject to the following conditions:

1. *The development must be implemented substantially in accordance with the plans numbered 030/07 sheet 1 to 3, dated 24/02/06 and received by Council on 13 April 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:*

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. *Adequate provisions are to be made within the premises for the storage, collection and disposal of waste and recyclable materials, to the satisfaction of Council.*
3. *The hours of operation of the home activity are restricted to:
Monday to Sunday: 8am to 5pm.*
4. *The home activity must not to exceed a maximum of four (4) clients per day with maximum of one visiting client at any given time.*
5. *The outbuilding to the rear of the property must only be used for the purposes specified in the development consent and the building must not be used for separate residential accommodation or as a separate residential occupancy at any time.*
6. *Visitors to the home activity are to be directed to park at the front of the dwelling and not in the rear Laneway.*

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

7. *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.

8. *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.*
9. ***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.

10. ***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.

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

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.

12. *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".*

13. *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.

14. ***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.

15. *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.*

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:

16. *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 in the Building & Development section or a copy can be obtained from Council's Customer Service Centre.

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:

17. *The use and operation of the home activity shall not give rise to an environmental health or public nuisance.*

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

18. *Prior to the issuing of an occupation certificate the applicant must meet the full cost for Council or a Council approved contractor to:*

- a. *Remove the redundant concrete vehicular crossing and layback and to reinstate the area with concrete footpath, turf and integral kerb and gutter to Council's specification.*

19. *The applicant must meet the full cost for Council or a Council approved contractor to repair/replace any damaged sections of Council's footpath, kerb & gutter, nature strip etc which are due to building works being carried out at the above site. This includes the removal of cement slurry from Council's footpath and roadway.*

20. *The applicant shall note that all external work, carried out on Council property, shall be in accordance with Council's Policy for "Vehicular Access and Road and Drainage Works". An application for the cost of the Council civil works is to be submitted to Council at the completion of the internal building works. An application fee shall be payable to Council for the quotation of the required works. The applicant may elect to use his contractor for the required works, subject to Council approval, however a design and supervision fee based on the lowest quotation from Council's nominated contractor will be required to be paid prior to the commencement of any works.*

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

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

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

22. *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.*

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.*
- B. *That this consent be referred to the Local Traffic Committee for consideration of the parking and traffic issues, the use of 'No Stopping' signs and other appropriate traffic measures for Victoria Lane, Malabar.*

MOTION: (Hughes/Seng) CARRIED – SEE RESOLUTION.

6.3 DEVELOPMENT APPLICATION REPORT - 7 TOWER STREET, COOGEE. (DA/838/2006 & PROP002645)

- H58 **RESOLUTION: (Woodsmith/Tracey)** *that the application be deferred to enable the consideration of amended plans providing for the set back of the front wall to match the setback approved in conjunction with the consent for DA No. 188/2004 and for mediation between the three parties involved.*

MOTION: (Woodsmith/Tracey) CARRIED – SEE RESOLUTION.

6.4 DEVELOPMENT APPLICATION REPORT - 51-53 ENDEAVOUR AVENUE, LA PEROUSE. (DA/418/2006 & PROP026508)

Having declared a non-pecuniary interest in this item earlier in the meeting, Councillor Belleli left the meeting during the debate and the vote on the matter.

- H59 **RESOLUTION: (Bastic/White)** *that the application be deferred for further mediation between the parties and be brought back for consideration at the 11 September 2007 Health, Building & Planning Committee meeting.*

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

6.5 DEVELOPMENT APPLICATION REPORT - 215A ANZAC PARADE, KENSINGTON. (DA/421/2007 & PROP051975 & PROP011258)

- H60 **RESOLUTION: (Kenny/Belleli)** *that:*

- A. *Council as the responsible authority grant its development consent as a Deferred Commencement under Section 80(3) of the Environmental Planning and Assessment Act 1979 (as amended) to Development Application No D/0241/2007 for the construction of a part 3 and part 7 storey development comprising 319 bed post graduate student accommodation with retail shop and communal facilities at ground floor, basement car parking, landscaping and a new bus shelter on Anzac Parade.*

Deferred Commencement Conditions

The consent shall not operate until the following amendments and details have been submitted to and approved by the Director of City Planning.

1. *Amended plans and elevations showing the following:*
 - *Reduction in the height of the tower component of the proposed development by 600mm to comply with the maximum 24m wall height control in the DCP – UNSW Kensington Campus.*
 - *Inclusion of appropriate graphic etchings into the glazed element of the proposed acoustic screen structure to further provide visual interest.*

- *Enlargement of the windows in the south elevation of the tower component and their attendant hoods suitably redesigned to improve the visual presentation of the building and provide more articulation to the building.*
 - *Configuration of window sizes and sash configurations to optimise ventilation and ensure that windows can be opened in adverse weather conditions and rain.*
 - *Configuration of the windows along the façade of the ground floor bedrooms facing the future University Mall to be designed to ensure that the privacy of occupants and the public are protected.*
 - *Reduction in the size and surface area of the blade wall in the south elevation of the tower component to improve the visual presentation of the building.*
 - *Allocation of student accommodation carspace marked No. 12 in the Basement/LG Plan to the proposed retail shop.*
 - *Allocation of student accommodation carspaces between student and staff.*
 - *All plans, elevations and sections to be fully dimensioned to show setbacks, and building widths/lengths and heights as required in the Randwick Development Application Guide.*
2. *Advice from the Sydney Airports Corporation, and/or any other relevant body, that no objection is raised, and approval is given, to the building height of the proposed development in relation to the Obstacle Limitation Surface (OLS) of the Sydney Airport which prescribes the airspace protection area required for safe aircraft operation around the airport.*
 3. *Details of the colours, materials, textures and finishes of the proposed glazed acoustic screen structure in the form of a comprehensive sample board linked and coded to a coloured elevation and/or street perspective.*
 4. *Details of a plan of management for the cleaning and maintenance of the proposed glazed acoustic screen structure. The plan shall include, but not be limited to, measures to address the potential for the glass to be vandalised and damaged.*
 5. *Details of list of controls and a plan of management for limiting signage to all external surfaces of the proposed retail shop including, but not limited to, inclusion of these controls as part of the lease of the retail store.*

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

Conditions of Consent:

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

REFERENCED PLANS:

1. *The development must be implemented substantially in accordance with the plans numbered DA2001 Issue C, DA2101 to DA2109 Issue B, DA 3101 to 3102 Issue B, and DA3201 to DA3202 Issue B and stamped received by Council on 25 June 2007, and the application form, and on any supporting information received with the application, except as may be amended by the details/amendments approved pursuant to the deferred commencement conditions and by the following conditions and as may be shown in red on the attached plans:*

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

2. *The external colours, materials and finishes of the proposed development (with the exception of the proposed glazed acoustic screen structure) shall be in accordance with the sample board details and elevations prepared by Allen Jack & Cottier Architects, submitted to and received by Council on 2 April 2007.*
3. *All plumbing and drainage pipes, other than rainwater heads, gutters and downpipes, must be concealed within the building.*
4. *Power supply and telecommunications cabling to the development shall be underground.*
5. *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.*
6. *Lighting to the premises shall be designed to comply with AS4282 – 1997 Control of Obtrusive Effects of Outdoor Lighting.*
7. *Public access to visitor carparking spaces is to be maintained at all times and, if required, an intercom system is to be provided adjacent to the vehicular entrance to the carpark, together with appropriate signage providing instructions for use.*

The following conditions are applied to meet the requirements of the NSW Roads and Traffic Authority :

8. *The development must be implemented substantially in accordance with the requirements of the Roads and Traffic Authority as detailed in the letter to Council dated 20 June 2007.*

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

9. *Prior to issuing a construction certificate for the construction of the proposed building [or subdivision certificate], the land must be remediated to meet the relevant criteria in the National Environment Protection (Assessment of Site Contamination) Measure (NEPM) 1999 and the following requirements must be complied with:*
 - a) *A Remediation Action Plan (RAP) is required to be prepared and be submitted to Council prior to commencing remediation works. The RAP is also required to be reviewed by an independent NSW Department of Environment and Conservation (DEC) Accredited Site Auditor.*
 - b) *The RAP is to be prepared in accordance with the relevant Guidelines made or approved by the NSW Department of Environment and Conservation, including the Guidelines for Consultants Reporting on Contaminated Sites.*

This RAP is to include procedures for the following:

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

- *Ground water remediation, dewatering, drainage, monitoring and validation,*
 - *Unexpected finds.*
- c) *Prior to commencing any remediation works, a written statement is to be provided to the Council by the Site Auditor, which confirms that the Remediation Action Plan satisfies the relevant legislative guidelines and requirements and that the land is able to be remediated to the required level and be suitable for the intended development and use.*
- d) *The applicant is to engage a NSW Department of Environment and Conservation Accredited Site Auditor, accredited under sections 49 and 50 of the 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.

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

obtained prior to the issuing of the construction certificate for the construction of the proposed building.

- i) The works shall not give rise to environmental pollution or public nuisance or, result in an offence under the Protection of the Environment Operations Act 1997 or NSW Occupational Health & Safety Act (2000) & Regulations (2001).*
10. *Site remediation must be carried out in accordance with the following general requirements (as applicable):*
- a) 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.*
- b) The remediation of the site including ground water must fully comply with all relevant Commonwealth and State Legislation, Regulations and Standards.*
- c) 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.*
- d) 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.*
- e) 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.*
- f) Remediation work shall be conducted within the following hours:*
- | | |
|--|------------------|
| <i>Monday – Friday</i> | <i>7am – 5pm</i> |
| <i>Saturday</i> | <i>8am – 5pm</i> |
| <i>No work permitted on Sundays or Public Holidays</i> | |
- g) 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.*
- h) 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.*

11. *Hazardous or intractable wastes arising from the demolition process being removed and disposed of in accordance with the requirements of WorkCover NSW and the Environment Protection Authority, and with the provisions of:*
- *New South Wales Occupational Health and Safety Act, 2000;*
 - *The Occupational Health and Safety (Hazardous Substances) Regulation 2001;*
 - *The Occupational Health and Safety (Asbestos Removal Work) Regulation 2001;*
 - *Protection Of the Environment Operations Act 1997 (NSW) and*
 - *Environment Protection Authority's Environmental Guidelines; Assessment, Classification and Management of Liquid and Non Liquid Wastes (1999).*
12. *The works shall not give rise to environmental pollution or public nuisance or, result in an offence under the Protection of the Environment Operations Act 1997 or NSW Occupational Health & Safety Act (2000) & Regulations (2001).*

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

13. *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.*

In this regard, the operation of the premises and plant and equipment shall not give rise to a sound pressure level at any affected premises that exceeds the background (L_{A90}), 15 min noise level, measured in the absence of the noise source/s under consideration by more than 5dB(A). The source noise level shall be assessed as an $L_{Aeq, 15 \text{ min}}$ and adjusted in accordance with the NSW Environmental Protection Authority's Industrial Noise Policy 2000 and Environmental Noise Control Manual (sleep disturbance).

14. *The use of the communal external balcony located on level 4 (four) is restricted from being used between the hours of 10.00 pm – 7.00 am.*
15. *Development consent is required to be obtained in relation to the specific 'use' of commercial tenancies/occupancies and 'shop fit outs', in accordance with the relevant requirements of the Environmental Planning & Assessment Act 1979.*

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

16. *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.*

OR

- 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.***

17. *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.*
18. *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.*
19. *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:

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

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

21. *All new building work must be carried out in accordance with the provisions of the Building Code of Australia (BCA), in accordance with Clause 98 of the Environmental Planning and Assessment Regulation 2000.*
22. ***Prior to the commencement of any building works, a construction certificate must be obtained*** from 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.

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.

23. ***Prior to the commencement of any building works, the person having the benefit of the development consent must:***
- i) *appoint a Principal Certifying Authority for the building work, and*

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

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

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

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

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

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

25. *A sign must be erected and maintained in a prominent position on the site 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,*
 - *a statement stating that "unauthorised entry to the work site is prohibited".*
26. *An **Occupation Certificate** must be obtained from the Principal Certifying Authority prior to any occupation of the building work encompassed in this development consent (including alterations and additions to existing buildings), in accordance with the relevant provisions of the Environmental Planning & Assessment Act 1979.*

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

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

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

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

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

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

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

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

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

29. *A single and complete **Fire Safety Certificate**, which encompasses all of the essential fire safety measures contained in the fire safety schedule, must be obtained prior to issuing an Occupation Certificate and be submitted to Council, in accordance with the provisions of the Environmental Planning and Assessment Regulation 2000. A copy of the Fire Safety Certificate must be displayed in the building entrance/foyer and a copy of the Fire Safety Certificate must also be forwarded to the NSW Fire Brigades.*
30. *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.

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

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

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

32. Documentary evidence prepared by a suitably qualified professional geotechnical engineer shall be submitted to the certifying authority **prior to the issuing of a construction certificate**, certifying the suitability and stability of the site for the proposed building and certifying the suitability and adequacy of the proposed design and construction of the building for the site.

33. A report shall be prepared by a professional engineer and submitted to the certifying authority **prior to the issuing of a construction certificate**, detailing the proposed methods of excavation, shoring or pile construction, including details of potential vibration emissions. The report, must demonstrate the suitability of the proposed methods of construction to overcome any potential damage to nearby land/premises.

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

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

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

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

35. 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 (including the Council if bounding a public place) and details of compliance must be provided to the certifying authority **prior to the commencement of any excavation or building works**.

36. 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.

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:

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

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

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

38. 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.

39. 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.

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 (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.

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 DEC Guidelines, Environment Noise Control Manual and Australian Standards, must be satisfied at all times.*
42. *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.*
43. *A report prepared by a suitably qualified and experienced consultant in acoustics/vibration shall be submitted to the Principal Certifying Authority (PCA) and a copy is to be provided to Council **upon commencement of works**, certifying that noise and vibration emissions from the construction of the development satisfies the relevant provisions of the DEC Guidelines, Environmental Noise Control Manual, Councils conditions of consent and relevant Standards relating to noise and vibration. In support of the above, it is necessary to submit all relevant readings and calculations made.*

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

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

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

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

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

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

47. *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.

48. *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:*

- *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;*
- *construction traffic management provisions.*

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.

49. *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.*

50. *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.

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.

51. *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.*

52. *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.*

53. *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.*

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 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.

54. *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.

55. *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: -*

- *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 or any other container or article in a public place.*
56. *A separate application must be submitted to and approved by Council for the Place of Public Entertainment, in accordance with section 68 of the Local Government Act 1993, prior to commencing any public entertainment.*

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

57. *Premises to be used for any of the following purposes must be registered with Council prior to issuing an occupation certificate and relevant fees to be paid to Council. The premises must be inspected by one of Council's Environmental Health Officers and any relevant requirements of Council's Environmental Health Officers must be satisfied prior to commencement of the use.*
- *Any food businesses (ie restaurant, café, take-away food shop, grocer, bistro, deli and any other business in which food (including confectionery and packaged food) is sold, prepared, manufactured or stored),*
 - *Any boarding house, bed & breakfast, backpackers or the like,*
 - *Any hotel or place of public entertainment,*
 - *Hairdressing salons, beauticians and skin penetration businesses,*
 - *Any premises providing approved sexual services,*
 - *Cooling towers and warm water systems.*
58. *The demolition, removal, storage, handling and disposal of products and materials containing asbestos must be carried out in accordance with Randwick City Council's Asbestos Policy and the relevant requirements of WorkCover NSW and the NSW Department of Environment & Conservation (formerly the Environment Protection Authority), including:*
- *Occupational Health and Safety Act 2000*
 - *Occupational Health and Safety (Hazardous Substances) Regulation 2001*
 - *Occupational Health and Safety (Asbestos Removal Work) Regulation 2001*
 - *WorkCover NSW Code of Practice for the Safe Removal of Asbestos*
 - *Australian Standard 2601 (2001) – Demolition of Structures*
 - *The Protection of the Environment Operations Act 1997 and Protection of the Environment Operations (Waste) Regulation 1996.*
 - *Relevant Department of Environment & Conservation (DEC) / Environment Protection Authority (EPA) and WorkCover NSW Guidelines.*

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

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

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

- *The name, address, contact details and licence number of the Demolisher /Asbestos Removal Contractor*
- *Details of hazardous materials, including asbestos*
- *Method/s of demolition and removal of asbestos*
- *Measures and processes to be implemented to ensure the health & safety of workers and community*
- *Measures to be implemented to minimise any airborne asbestos and dust*

- *Methods and location of disposal of any asbestos or other hazardous materials*
- *Other relevant details, measures and requirements to be implemented as identified in the Asbestos Survey*
- *Date the demolition and removal of asbestos will commence*

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

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

60. *A WorkCover licensed demolition or asbestos removal contractor must undertake removal of more than 200 m² of bonded asbestos (or as otherwise specified by WorkCover or relevant legislation). Removal of friable asbestos material must only be undertaken by contractor that holds a current friable asbestos removal licence.*
61. *On demolition sites involving the removal of asbestos, a professionally manufactured sign must be clearly displayed in a prominent visible position at the front of the site, containing the words 'DANGER ASBESTOS REMOVAL IN PROGRESS' and include details of the licensed contractor. The sign shall measure not less than 400mm x 300mm and the sign is to be installed prior to demolition work commencing and is to remain in place until such time as all asbestos has been safely removed from the site.*
62. *Asbestos waste must be stored, transported and disposed of in compliance with the Protection of the Environment Operations Act 1997 and the Protection of the Environment Operations (Waste) Regulation 1996.*

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

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

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

64. *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 & AS2890.1 and relevant Council development control plans for the subject development, to the satisfaction of the Certifying Authority. Details of the proposed access, facilities and car parking for people with disabilities are to be included in the plans / specifications for the construction certificate.*

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

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

a) \$5000.00 - *Damage / Civil Works Security Deposit*

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

- *A satisfactory inspection by Council that no damage has occurred to the Council assets such as roadway, kerb, guttering, drainage pits footway, or verge; and*
- *Completion of the civil works as conditioned in this development consent by Council.*

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

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

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

66. *Prior to the issuing of an Occupation Certificate the applicant must meet the full cost for Council or a Council approved contractor to:*

- a) *Construct concrete blisters in Day Avenue on either side of the Western Campus Driveway.*
- b) *Remove any redundant concrete vehicular crossing and to reinstate the area to Council's specification.*
- c) *Remove the existing stone kerb in Anzac Parade and to construct new kerb and gutter for the full site Anzac Parade site frontage.*
- d) *Carry out a full depth, minimum 1.0 metre wide, road construction in front of the kerb and gutter along the full Anzac Parade site frontage.*
- e) *Reconstruct the footpath in Anzac Parade along the full Anzac Parade site frontage, such footpath reconstruction works to be in accordance with Council's Urban Design Guidelines. The applicant must contact Council's Landscape Development Officer to obtain Council's guidelines for these reconstruction works prior to commencement of any civil works external to the development site.*
- f) *Remove the existing concrete footpath in Day Avenue along the full site frontage and to reconstruct a new full width, (i.e. from boundary to kerb), concrete footpath to Council's design and specification. The applicant shall note that compliance with the issued alignment levels for Day Avenue is likely to require adjustments to the existing retaining wall along the Day Avenue site frontage.*

67. *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.*
68. *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.*
69. *The proposed carpark layout and vehicular entry/exit point must conform to the requirements of AS2890.1:2004 with respect to:*
- *Carspace dimensions, aisle widths, dead end aisles and column placements;*
 - *Access and crossover widths;*
 - *Manoeuvring requirements of vehicles within the carpark;*
 - *Ramp grades and transitions; and*
 - *Head room clearances.*

The Construction Certificate plans must demonstrate compliance with this requirement.

70. *Prior to the issuing of a Construction Certificate for the proposed development the applicant must submit to the Certifying Authority for approval and have approved the following:*
- *Details of use rights over the Western Campus Driveway. The applicant must either demonstrate that a right of way exists over the subject driveway in favour of the development site or that suitable legally binding agreements have been reached with the owner of the subject driveway to ensure that vehicular access is available to the development site for the life of the proposed development. The applicant must liaise with Council's Development Engineer Coordinator (9399 0924) prior to preparation of the referenced details.*
 - *Full engineering and design level details for the reconstruction of the Western Campus Driveway, (including details of the proposed road hump and any signage). The applicant shall note that any reduction in the carriageway width of the Western Campus Driveway must be accompanied by certification from a suitably qualified Traffic Consultant stating that the modified Western Campus Driveway is suitable for two way traffic movements based on the projected traffic generation associated with operation of the Western Campus Carpark, the Regiment Carpark and the proposed development. The Traffic Consultant's certification must reference the design standards used in assessing the suitability of the modified Western Campus Driveway.*
 - *A construction management plan for the proposed works in the driveway, such plan to provide staging details for the works and a draft traffic management plan for ensuring that access via the driveway or an alternative means of access to the Western Campus Carpark and the UNSW Regiment Carpark is maintained during the course of the reconstruction works. The applicant is advised to liaise with Council's Development Engineer Coordinator prior to preparation of the construction management*

plan.

- *Turning manoeuvre diagrams showing entry/exit manoeuvres for the proposed loading dock.*
- *Details of the proposed bunding within the development site at the interface of the development site's entry/exit point and the Western Campus Driveway. The development site's entry/exit point must be suitably protected from stormwater flows generated within the Western Campus Driveway and overland flows within Day Avenue during major storm events.*
- *Details of how it is proposed to provide adequate sight distance for the drivers of vehicles exiting the development site onto the Western Campus Driveway, (as a minimum all walls adjacent to the entry / exit driveway shall be either low in height or suitably splayed to provide adequate sight distance to the Western Campus Driveway).*

71. *A Works Zone is to be provided 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.

72. *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.*

All traffic associated with the subject development shall comply with the terms of the approved construction traffic management plan.

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

73. *The design alignment level at the Day Avenue property boundary for driveways, access ramps and pathways or the like, shall be obtained in writing from Council's Development Engineer Coordinator prior to lodgement of a construction certificate application. The applicant is advised that the issued alignment level is likely to be in the order of 120 millimetres above the top of kerb opposite at all points along the Day Avenue site frontage. The issued alignment level is lower than the current footpath and will require modifications to the existing retaining wall located within the site, adjacent to the Day Avenue site boundary*

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

74. *The Council's Development Engineer has inspected the above site and has determined that the design alignment level (concrete/paved/tiled level) at the Anzac Parade property boundary for driveways, access ramps and pathways or the like, must be 2.5% above the existing top of kerb opposite in Anzac Parade at all points along the site frontage.*

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

75. *The design alignment levels (concrete/paved/tiled level) issued by Council and their relationship to the roadway/kerb/footpath must be indicated on the building plans for the construction certificate.*
76. *The above alignment levels and the site inspection by Council's Development Engineer have been issued at a prescribed fee of \$1683 calculated at \$44.00 (inclusive of GST) per metre of site frontage to Anzac Parade. This amount is to be paid prior to a construction certificate being issued for the development.*

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

77. *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.*
78. *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.*
79. *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.*
80. *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.*
81. *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.*
82. *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.sydnewater.com.au then the "e-developer" icon or telephone 13 20 92.*

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

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

*The Section 73 Certificate must be submitted to the Principal Certifying Authority prior to **occupation of the development/release of the plan of subdivision.** Delete one.*

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

83. *All openings and habitable floor levels along the northern boundary of the development site must be suitably protected from possible stormwater inundation resulting from overland flows along the proposed West Mall. The applicant's hydraulic consultant must undertake an analysis of the likely flows generated within the future West Mall during major storm events and assess these flows against the design levels for the proposed development. The applicant's hydraulic consultant must liaise with Council's Development Engineer Coordinator (9399 0924) to obtain Council's requirements for the analysis and the University of New South Wales to obtain design parameters for the West Mall.*

The stormwater analysis and proposed methods for protection of openings shall be submitted to the Certifying Authority for approval, and be approved, prior to the issuing of a Construction Certificate for the proposed development.

84. *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.*
85. *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.*
86. *Stormwater runoff from the UNSW Kensington Campus is to be managed in general accordance with the **Stormwater Strategy** prepared for UNSW by ANA Technical Services Pty Ltd dated 28/11/2005. All site stormwater for storm events up to the 1 in 20 year ARI event shall be discharged within the development site via an infiltration system, (or detention/infiltration system). No stormwater is to leave the site for storms up to the 1 in 20 year ARI event. Overflows from the infiltration system, (or detention/infiltration system), for storm events greater than the 1 in 20 ARI storm must be discharged to Council's street drainage system. The applicant must liaise with Council's Development Engineer Coordinator (9399 0924) prior to preparation of the Construction Certificate drainage submission to obtain Council's requirements for connection of the overflow system to Council's street drainage system.*

Notes:

- the point of connection for the overflow system shown on the amended hydraulic plans submitted for the Development Application, (received by Council 18/4/2007) is unlikely to be suitable given that construction of a concrete kerb/traffic blister is proposed for this section of Day Avenue.*
 - should no formal overland escape route be provided for storms greater than the design 1 in 20 year storm, the infiltration system shall be sized for the 1 in 100 year storm event.*
87. *The required infiltration system, (detention/infiltration system), must be designed by a suitably qualified and experienced consultant using infiltration rates determined by the applicant's geotechnical engineer or other appropriately qualified consultant. The location and design of the infiltration system, (detention/infiltration system), must not adversely impact on adjacent footings/foundations/structural elements. The applicant's geotechnical engineer shall certify that the base of the infiltration system is located sufficiently above the ground water table such that the operation of the infiltration system will not be compromised by any potential future fluctuations in the water table. The referenced certification must be provided to the Certifying Authority prior to the issuing of a construction certificate.*
88. *Any Infiltration systems/Absorption Trenches must be designed in general accordance with "Section 8.5 ABSORPTION TRENCHES" as stipulated in Randwick City Council's Private Stormwater Code.*
89. *The detention area/infiltration system must be regularly cleaned and maintained to ensure it functions as required by the design.*
90. *A childproof and corrosion resistant fastening system shall be installed on access grates over pits/trenches where water is permitted to be temporarily stored.*

91. A 'V' drain is to be constructed along the perimeter of the property, where required, to direct all stormwater to the infiltration area.
92. 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.
93. 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.

94. A sediment/silt arrester pit must be provided prior to stormwater discharging into the required 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.

95. *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 infiltration system (detention / infiltration system) is maintained and that no works which could affect the design function of the infiltration system are undertaken without the prior consent (in writing) from Council. Such restriction and positive covenant shall not be released, varied or modified without the consent of the Council.*

Notes:

- a. *The "restriction on the use of land" and "positive covenant" are to be to the satisfaction of Council. A copy of Council's standard wording/layout for the restriction and positive covenant may be obtained from Council's Development Engineer.*
 - b. *If new linen plans are being prepared for the site, the plans shall indicate the location and dimensions of the detention/infiltration areas.*
 - c. *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.*
96. *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, diameter, gradient and material (i.e PVC, RC etc) of all stormwater pipes;*
 - b. *The orifice size(s) (if applicable);*
 - c. *Details of any detention/infiltration/absorption systems; and*
 - d. *Details of any pumping systems installed (including wet well volumes).*
97. *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.*
98. *Lift pits or any other structures located within 2m of ground water levels are to be suitably tanked and water proofed. A Structural Engineer\Geotechnical Engineer shall certify the tanking and waterproofing has been carried out to an acceptable standard, to the satisfaction of the certifying authority. A copy of the certification is to be forwarded to Council.*

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

99. *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.

100. *The waste storage area is 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.*

101. *The waste storage area shall be clearly signposted.*

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

102. *Landscaping at the site shall be installed substantially in accordance with the*

Landscape Plans submitted by Site Image Pty Ltd, drawing numbers LADA101-103, LADA201-203, sheets 1-5, job number Y1541, issue 04, dated 10/01/2007 subject to the following additional requirements being shown on amended plans, 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:

- a. Planting plans which clearly indicate the location of all proposed planting, with all species to be drawn at their mature size.*
 - b. A planting schedule which includes the quantity of all species proposed.*
 - c. Position of existing and proposed site services including water, gas, electricity, sewer, stormwater, etc.*
 - d. Sectional elevations through the site showing the existing and proposed groundlines, building elevations, and mature height of proposed planting.*
 - e. All planter boxes and garden beds constructed on slab must have a minimum soil depth of 600mm and all lawn areas must have a minimum soil depth of 300mm.*
 - f. In order to reduce the amount of stormwater generated by the site, as well as to recharge groundwater supplies, porous paving shall be used for all hard surfacing not over basement, where possible.*
 - g. Location of easements within the site and upon adjacent sites (if any).*
 - h. To ensure satisfactory maintenance of the landscaped areas, an automatic drip irrigation system shall be installed throughout all planted areas (excluding turf). The system shall be connected to the sites rainwater tanks, with backup connection to the mains supply to all current Sydney Water requirements.*
 - i. Any substation required shall be screened from view. The proposed location, elevation and screening method shall be shown.*
 - j. 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 for the establishment of landscaping.*
 - k. Appropriate landscape treatment to the façade of the ground floor bedrooms facing the future University Mall to screen the student bedrooms from the public area of the Mall.*
 - l. Improvement to the landscape treatment to the front of the ground level of the tower component of the proposal fronting Day Avenue to screen the ground floor business centre and toilet facility windows in the south elevation facing Day Avenue.*
 - m. an appropriate mature size tree to replace the loss of the Araucaria bidwillii (Bunya Bunya Pine) in a suitable location.*
- 103. Documentary evidence is to be obtained from a qualified Landscape Architect, and submitted to the Principal Certifying Authority (PCA), with a copy forwarded to Council if Council is not the PCA, prior to the issue of a final occupation certificate, which confirms that the landscaping has been completed in accordance with the approved plans and relevant conditions of consent.*

Tree Management

NOTE: While the applicant has proposed street tree plantings on both the Day Avenue and Anzac Parade frontages, this may not be achievable or practical given the location of bus stops in both location, and the resulting need to provide an unimpeded line of sight between commuters and approaching buses.

104. *Should any street trees be proposed for either removal or installation on either frontage, the applicant will be required to liaise with Council's Landscape Development Officer on 9399-0613, regarding Council's requirements. Any costs associated with such work will be borne wholly by the applicant, with any amounts specified to be paid into **Tree Amenity Income account no 4001.768401** at the Cashier on the Ground Floor of the Administrative Centre **prior to the issue of an occupation certificate.***

105. *Approval is granted for the removal of the following trees in order to accommodate the proposed works as shown, subject to implementation of landscaping at the site which is in accordance with the Landscape Plan approved by the principal certifying authority, for the construction certificate:*

- a. *One Araucaria bidwillii (Bunya Bunya Pine) against the northwest corner of the existing H3b building (shown as tree 3 on the Landscape Plan),*
- b. *The row of Lophostemon confertus (Brush Box's) along the eastern boundary, between the intersection of Day Avenue & Anzac Parade, and the northeast corner of the existing H3 building,*

NOTE: One Brush Box, shown as tree 26 on the Landscape Plan, beyond the northeast corner of the proposed building, along the Anzac Parade frontage is to be retained as shown on the submitted documentation, refer Tree Protection Measures below.

- c. *The group of four trees within the existing courtyard between the H3b Building and eastern boundary, comprising three Robinia psuedoacia 'Frisia' (False Acacia's) and one Stenocarpus sinuatus (Queensland Fire Wheel Tree).*

106. *Permission is granted for the selective pruning of only those branches from the northern sides of the row of nine Lophostemon confertus (Brush Box's, shown as Trees 6-15 on the Landscape Plan) located along the length of the southern boundary, between Western Campus Drive entry/exit, and the intersection of Day Avenue and Anzac Parade, which need to be pruned to avoid damage/conflict between the trees and the proposed works, and may be performed prior to demolition or construction to both prevent damage as well as provide sufficient access/clearance.*

107. *All pruning must be undertaken/performed under the supervision of an Arborist holding a minimum of AQF Level V in Arboriculture, and who is a member of a nationally recognized organisation, to the requirements of Australian Standard AS 4373-1996 'Pruning of Amenity Trees.'*

108. *A written statement by the site Arborist confirming that all pruning works have been performed in accordance with these Tree Management conditions shall be provided to the satisfaction of the PCA, prior to the issue of an occupation certificate.*

Tree Protection Measures

109. *In order to ensure the retention of the row of nine Lophostemon confertus (Brush Box's) located along the length of the southern boundary, between the Western Campus Drive entry/exit, and the intersection of Day Avenue and Anzac Parade (identified as trees 6-15 on the Landscape Plan), as well as another Lophostemon confertus (Brush Box, identified as Tree 26 on the Landscape Plan) beyond the northeast corner of the proposed structure 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 trees, with the position of their trunks and full diameter of their canopies clearly shown on all drawings.*
- b. *All detailed documentation submitted for the construction certificate application shall show no alteration in the existing soil levels, cutting or battering of the existing soil profile within a radius of 3.5 metres from the outside edge of their trunks.*
- c. *The PCA will be required to ensure that an Arborist who holds a minimum of AQF Level V in Arboriculture, and is a member of a nationally recognized organisation (the site Arborist), has been engaged for the duration of the works to administer compliance with those conditions relating to trees at the site, with all site staff to adhere to the Arborists instructions.*
- d. *The trees are to be physically protected by the installation of 1.8 metre high steel mesh/chainwire fencing which shall be located a minimum distance of 4 metres off the outside edge of their trunks, to completely enclose this entire group, as well as along the eastern property boundary and around the perimeter of the garden bed proposed around Tree 26, fronting Anzac Parade, beyond the northeast corner of the proposed building.*
- e. *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 signage containing the following words: "TREE PROTECTION ZONE, DO NOT ENTER", clearly displayed and permanently attached.*
- f. *Within this zone there is to be no storage of materials or machinery or site office/sheds, nor is cement to be mixed or chemicals spilt/disposed of and no stockpiling of soil or rubble. Any works required within this zone (only as approved on the construction certificate) shall be under the direction of, and to the satisfaction of, the site Arborist.*
- g. *All site services shall be located as far as practically possible from the trunks of all of these trees, with any excavations within 5 metres of either trunk for footings, structures, services, pipes, stormwater infiltration systems etc to be performed by hand, with any roots encountered to be cut cleanly by hand and the affected area backfilled as soon as practically possible.*
- h. *Composted organic material (Vitagrow Landcure or similar equivalent) shall be provided to a depth of 100mm within the fenced off protection area, and shall be maintained for the duration of the works.*

- i. *Irrigation shall be supplied to the trees, within the fenced off area, for the duration of the works to ensure adequate moisture levels are maintained.*

ADVISORY MATTERS:

- A1. *The applicant is advised that the Construction Certificate plans and specification must comply with the provisions of the Building Code of Australia (BCA). It is noted that the proposal relies on alternative solutions in relation to a number of deemed to satisfy requirements of the Building Code of Australia (BCA). Further, there should be no encroachment onto or over any adjoining property, in particular, the Western Campus driveway.*

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.

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.

- A2. *The applicant/owner is advised that this approval does not guarantee compliance with the provisions of the Disability Discrimination Act 1992 and the applicant should therefore consider their liability under the Act. In this regard, the applicant is advised that compliance with the requirements of the Building Code of Australia and Australian Standard 1428.1 - Design for Access and Mobility does not necessarily satisfy the objectives of the Disability Discrimination Act 1992.*

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

- A3. *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: (Kenny/Belleli) CARRIED – SEE RESOLUTION.

**6.6 DEVELOPMENT APPLICATION REPORT - 18-20 ALISON ROAD, RANDWICK.
(DA/551/2003/A & PROP002561)**

Councillor Woodsmith declared a non-pecuniary interest in this item earlier in the meeting – see page 1 of these Minutes.

- H61 **RESOLUTION: (Woodsmith/Seng)** *that Council as consent authority grant consent under Section 96 of the Environmental Planning and Assessment Act 1979, as amended, to modify Development Consent No. 551/2003 for permission to alter the approved dimensions of the new rear upper level balconies at 18-20 Alison Road, Randwick.*

MOTION: (Woodsmith/Seng) CARRIED – SEE RESOLUTION.

**6.7 DEVELOPMENT APPLICATION REPORT - 151 BEACH STREET COOGEE.
(DA/388/2007 & PROP025934)**

- H62 **RESOLUTION: (Kenny/Belleli)** *that Council as the consent authority grant development consent under Section 80 and 80A of the Environmental Planning and Assessment Act 1979 (as amended) to Development Application No.388/07 for*

permission to install shade structures above the existing playground in Grant Reserve at 151-191R Beach Street Coogee subject to the following conditions:

1. The development must be implemented substantially in accordance with the plans numbered J10691, Revision A, dated 23/5/2007 and received by Council on the 18th July 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:

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

2. The colours, materials and finishes of the shade sails are to be compatible with the adjacent development and reserve to maintain the integrity and amenity of the locality 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.

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

- 3 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.

- 4 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.

- 5 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 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

- 6 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.

- 7 *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.

- 8 *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".*

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:

- 9 *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.*

- 10 *Public safety must be maintained at all times and public access to the area within the reserve which is the subject of these works and building 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 surrounding the playground when works are underway and when the site is unoccupied. Temporary fences are to have a minimum height of 1.8 metres and be constructed of cyclone wire fencing, with geotextile fabric attached to the inside of the fence to provide dust control, or other material approved by Council.

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

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

MOTION: (Kenny/Belleli) CARRIED – SEE RESOLUTION.

Cr Belleli returned to the meeting at this point (8.55pm).

**6.8 DEVELOPMENT APPLICATION REPORT - 138 COOGEE BAY ROAD, COOGEE.
(DA/675/2006/A & PROP005444)**

- H63 **RESOLUTION: (Woodsmith/Bastic)** 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 No DA/675/06 for alterations to three existing dwelling units including internal reconfiguration, new windows and door openings to the rear elevation and minor extensions to the landings in the top and middle levels at 138 Coogee Bay Road, Coogee in the following manner:

1. Amend Condition No. 1 to read:

*The development must be implemented substantially in accordance with the plans numbered HK 0405/11/C, dated August 2006 and received by Council on the 18th of August 2006, the application form and on any supporting information received with the application, as amended by the **Section 96 plans numbered HK0405/11/C dated May 2007, received by Council on the 27th 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.***

2. Condition No. 8 to be deleted.

MOTION: (Woodsmith/Bastic) CARRIED – SEE RESOLUTION.

**6.9 DEVELOPMENT APPLICATION REPORT - 109 PAINE STREET, MAROUBRA.
(DA/487/2007 & PROP033144)**

- H64 **RESOLUTION: (Andrews/Bastic)** that Council, as the consent authority, grant development consent under Section 80 and 80A of the Environmental Planning and Assessment Act 1979 (as amended) to Development Application No. DA/487/2007 for permission to construct a hardstand car park space driveway and vehicle crossing to front of existing dwelling at 109 Paine Street, MAROUBRA NSW 2035 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 DA-L01 issue B, dated 12.06.07 and received by Council on 18th June 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 hardstand area 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.

Note: Council policy does not allow the construction of stencilled concrete driveways on Council property in residential areas due to the difficulty in repairing the driveways if service repairs are conducted. As a result, the treatment of the driveway in the form of stencilling shall be deleted from the approval.

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.*

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

4. *Prior to the issuing of an occupation certificate the applicant must meet the full cost for Council or a Council approved contractor to:
 - i) *Construct a concrete vehicular crossing and layback at kerb opposite the vehicular entrance to the site.**
5. *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.*
6. *The applicant shall note that all external work, carried out on Council property, shall be in accordance with Council's Policy for "Vehicular Access and Road and Drainage Works". An application for the cost of the Council civil works is to be submitted to Council at the completion of the internal building works. An application fee shall be payable to Council for the quotation of the required works. The applicant may elect to use his contractor for the required works, subject to Council approval, however a design and supervision fee based on the lowest quotation from Council's nominated contractor will be required to be paid prior to the commencement of any works.*

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

7. *The Council's Development Engineer has inspected the above site and have determined that the design alignment level (concrete/paved/tiled level) at the property boundary for driveways, access ramps and pathways or the like, shall be:*
- ***200 mm above the top of the kerb at all points opposite the kerb, along the full site frontage.***

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

8. *The design alignment levels (concrete/paved/tiled level) issued by Council and their relationship to the kerb must be indicated on the building plans for the construction certificate. The design alignment level at the street boundary, as issued by the Council, must be strictly adhered to.*
9. *The above alignment levels and the site inspection by Council's Development Engineer have been issued at a prescribed fee of \$121.00 (inclusive of GST). This amount is to be paid prior to a construction certificate being issued for the development.*
10. *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:

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 landscaping and to maintain reasonable levels of environmental amenity:

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

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

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

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

15. *All new building work must be carried out in accordance with the provisions of the **Building Code of Australia** (BCA), in accordance with Clause 98 of the Environmental Planning and Assessment Regulation 2000.*
16. ***Prior to the commencement of any building works**, a construction certificate must be obtained from the Council or an accredited certifier, in accordance with the provisions of the Environmental Planning & Assessment Act 1979 and Environmental Planning & Assessment Regulation 2000.*
17. ***Prior to the commencement of any building works**, the person having the benefit of the development consent must: -*
 - i) *appoint a Principal Certifying Authority for the building work; and*
 - ii) *appoint a principal contractor for the building work, or in relation to residential building work, obtain an owner-builder permit in accordance with the requirements of the Home Building Act 1989, and notify the Principal Certifying Authority and Council accordingly in writing; and*
 - iii) *unless the person having the benefit of the consent is the principal contractor (i.e. owner-builder), notify the principal contractor of the required critical stage inspections and other inspections to be carried out, as specified by the Principal Certifying Authority; and*
 - iv) *give at least two days notice to the Council, in writing, of the persons intention to commence building works.*

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

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

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

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

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

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

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

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

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

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

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

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

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

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

Details of the principal building contractor and compliance with the provisions of the Home Building Act 1989 (i.e. Details of the principal licensed building contractor and a copy of the Certificate of Insurance) are to be submitted to

Council **prior to the commencement of works**, with the notice of appointment of the PCA / notice of intention to commence building work.

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

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

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:

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

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

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

25. A copy of the construction certificate, the approved plans & specifications and development consent conditions must be kept on the site at all times and be made available to the Council officers and all building contractors for assessment.
26. 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.
27. 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.
28. 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.

29. *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.

30. *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.

31. *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.*

*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.

32. *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.*

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

- *Install or erect any site fencing, hoardings or site structures*
- *Operate a crane or hoist goods or materials over a footpath or road*
- *Placement of a waste skip (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 show compliance with the deemed-to-satisfy provisions of the BCA.

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

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

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

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

7. MISCELLANEOUS.

7.1 GENERAL MANAGER'S REPORT 23/2007 - APEC PUBLIC HOLIDAY. (F2004/06921)

H65 ***RESOLUTION: (Kenny/Belleli)*** that the public holiday for Council staff on Friday 7 September 2007, as announced by the NSW Government to coincide with the APEC Summit, be noted.

MOTION: (Kenny/Belleli) CARRIED – SEE RESOLUTION.

7.2 DIRECTOR, CITY PLANNING REPORT 49/2007 - DRAFT DCP LICENSED PREMISES. (F2006/00355)

H66 ***RESOLUTION: (Woodsmith/Hughes)*** that Council endorse the preparation of a draft Development Control Plan for Licensed Premises to be included as a section within the draft Comprehensive Development Control Plan.

MOTION: (Woodsmith/Hughes) CARRIED – SEE RESOLUTION.

**7.3 DIRECTOR, CITY PLANNING REPORT 50/2007 - LEP AMENDMENT NO. 40
- FORMER MATRAVILLE INCINERATOR LAND AND AMENDMENT TO DCP -
EXEMPT AND COMPLYING DEVELOPMENT. (F2007/00115)**

H67 **RESOLUTION:** *(Tracey/Kenny) that this matter be deferred to the next Ordinary Council Meeting.*

MOTION: (Tracey/Kenny) CARRIED – SEE RESOLUTION.

8. CONFIDENTIAL ITEMS (CLOSED SESSION).

Nil.

9. NOTICES OF RESCISSION MOTIONS.

Nil.

The meeting closed at 9.00pm.

.....
CHAIRPERSON