



**MINUTES OF PLANNING COMMITTEE MEETING OF THE COUNCIL  
OF THE CITY OF RANDWICK HELD ON TUESDAY, 11 MARCH 2008  
AT 6:35 P.M.**

**Present:**

The Mayor, Councillor B Notley-Smith (East Ward)

North Ward	-	Councillors J Kenny, P Tracey & M Woodsmith
South Ward	-	Councillors R Belleli & A White
East Ward	-	Councillors M Matson (Deputy Chairperson) (in the Chair) & D Sullivan
West Ward	-	Councillor J Procopiadis
Central Ward	-	Councillors A Andrews, C Bastic & T Seng

**Officers present:**

General Manager	Mr R Brownlee
Director City Services	Mr J Frangoples
Director City Planning	Ms S Truuvert
Director Governance & Financial Services	Mr G Banting
Manager Development Assessment	Mr K Kyriacou
Manager Administrative Services	Mr D Kelly
Manager Communications	Ms D Brien

**Apologies/Granting of Leave of Absences**

Apologies were received from Crs Daley and Nash.

**RESOLVED: (White/Seng)** that the apologies received from Crs Daley and Nash be accepted and leave of absence from the meeting be granted.

**Leave of Absence**

Leave of absence had previously been granted to Cr Hughes. See Minute No. CS1/08.

**Confirmation of the Minutes**

**Confirmation Of The Minutes Of The Planning Committee Meeting Held On Tuesday 12 February 2008**

PL11/08

**RESOLUTION: (Belleli/Mayor, Cr B Notley-Smith):** that the Minutes of the Planning Committee Meeting held on Tuesday 12 February 2008 (copies of which were circulated to all Councillors) be and are hereby confirmed as a correct record of the

proceedings of that meeting.

### **Declarations of Pecuniary and Non-Pecuniary Interests**

Nil.

### **Address of Council by Members of the Public**

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

D11/08 **10 IVY STREET, RANDWICK.**

**Objector** Mrs Tanya Stoianoff

**Applicant** Mr Anthony Betros (on behalf of applicant)

D13/08 **390-396 ANZAC PARADE, KINGSFORD.**

**Applicant** Mr Anthony Betros (on behalf of applicant)

The meeting was adjourned at 6.49 pm and was resumed at 7.00 pm.

### **Urgent Business**

Nil.

### **Development Application Reports**

**D10/08 Development Application Report - 7 Kyogle Street, Maroubra (DA/17/2006/B)**

PL12/08

**RESOLUTION: (Kenny/Belleli)** that Council's Coordinator/Manager Development Assessment under delegated authority from the General Manager, 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/17/2006 for permission to increase the height of the front fence with new gate and relocate driveway sliding gate, new 1.8m high wall on the northern side of the driveway, alter rear deck design, reconfiguration of internal layout, new BBQ area with pergola over at rear, new 1.8m high wall along the southern side of the pool area and new skylight window over study for 7 Kyogle Street, Maroubra in the following manner:

#### **A Amend Condition 1 to read:**

1. The development must be implemented substantially in accordance with the plans drawn by Steven N. Koturic numbered SA01/A, dated April 2006 in the amendments box and DA02/A, dated March 2006 in the amendments box and stamped received by Council on 7 April 2006, the external Schedule of Finishes & Materials stamped received by Council on 16 January 2006, the application form and on any supporting information received with the application, as amended by the:
  - Section 96 'A' plans drawn by Steven N. Koturic number DA-01/B & DA-02/A, dated December 2005 and received by Council on 30 October 2006; and
  - Section 96 'B' plans drawn by Steven N. Koturic number DA-01/C & DA-02/C, dated November 2007 and received by Council on 18 December

2007 and additional plan numbered DA-03/C, dated November 2007 and received to Council on the 27 February 2008; and

only in so far as they relate to the modifications highlighted on the Section 96 plans and detailed in the Section 96 application, except as may be amended by the following conditions and as may be shown in red on the attached plans:

**B The following conditions are added:**

48. A privacy screen comprising of timber slats with a maximum 10mm gap and having a minimum height of 1.8m shall be provided to the northern side of the ground floor rear deck extension, to maintain reasonable levels of privacy between the properties. The plans submitted for the Construction Certificate shall demonstrate compliance with this requirement.
49. The existing fence to the north side boundary shall be retained and the proposed 1.8m high brick wall to the BBQ is to be located wholly with the subject site. The plans submitted for the Construction Certificate shall demonstrate compliance with this requirement.
50. The proposed front fencing on the street alignment shall be reduced in height so that the maximum height of the fence is 1.5m measured at any point above the existing ground level and is to be at least 50% open design, (excluding piers). The first 4m of the northern side boundary fence along the driveway shall be tapered down to a height of 1.5m to match the height of the front fence. The plans submitted for the Construction Certificate shall demonstrate compliance with this requirement.
51. The operation of all equipment associated with the front motorized sliding gate shall not give rise to an 'offensive noise' as defined in the Protection of the Environment Operations Act 1997 and Regulations.

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

**D11/08 Development Application Report - 10 Ivy Street, Randwick (DA/937/2007)**

PL13/08

**RESOLUTION: (Tracey/Andrews)** 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 937/07 for permission to operate a home activity for piano teaching at 10 Ivy Street, Randwick 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 and application received by Council on the 1<sup>st</sup> November 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 condition is applied to ensure that noise emissions from the development satisfy legislative requirements and maintain reasonable levels of amenity to the area:**

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

### Regulations.

In this regard, the operation of the plant and equipment shall not give rise to an  $L_{Aeq, 15 \text{ min}}$  sound pressure level at any affected premises that exceeds the background  $L_{A90, 15 \text{ min}}$  noise level, measured in the absence of the noise source/s under consideration by more than 5dB(A) in accordance with relevant NSW Department of Environment & Conservation Noise Control Guidelines.

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

- 3 The use and operation of the home piano teaching business shall not give rise to an environmental health or public nuisance.
- 4 There are to be no emissions or discharges from the home teaching business which give rise to a public nuisance or result in an offence under the Protection of the Environment Operations Act 1997 and Regulations.
- 5 The piano used for the home piano teaching business must be located in the living room.
- 6 The doors and windows to the living room where the piano is located for the home piano teaching business must have acoustic seals fitted and must be closed when the piano is being played.
- 7 The home piano teaching business is limited to one student per lesson.
- 8 The hours of operation for the home piano teaching business shall be restricted to:
 

Tuesday:	3:15pm – 6:00pm
Thursday:	3:15pm – 6:00pm
Friday:	3:15pm – 6:00pm, and only during NSW School terms
- 9 No group lessons or recitals are permitted to be conducted within the premises.

**MOTION: (Woodsmith/Matson)** that this application be refused as this activity will have a detrimental effect on the amenity of the adjoining property at 12 Ivy Street in terms of noise and it doesn't satisfy the definition of a home activity. **LOST.**

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

**D12/08 Development Application Report - 5R-33R Kooringai Avenue, Phillip Bay, 3, 5R & 7-11 Elaroo Avenue, La Perouse and 13R Murrong Place, La Perouse (DA/722/2007)**

PL14/08

**RESOLUTION: (Woodsmith/Belleli)** that Council, as the consent authority, grant development consent under Sections 80 and 80A of the Environmental Planning and Assessment Act, as amended, to Development Application No. 722/2007 for remediation and rehabilitation of the former Frenchmans Bay landfill site for public recreational and residential uses, including excavation and reprofiling of waste, backfilling, revegetation, construction of footpath and provision of seating facilities, at 5R-33R Kooringai Avenue, Phillip Bay; 3, 5R & 7-11 Elaroo Avenue, La Perouse; and 13R Murrong Place, La Perouse, 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 following plans received by Council on 30 August 2007:

<b>Plan Number</b>	<b>Prepared By</b>	<b>Dated</b>
21-15504-C001 (Revision B)	GHD	22.06.07
21-15504-C002 (Revision B)	GHD	22.06.07
21-15504-C003 (Revision B)	GHD	22.06.07
21-15504-C004 (Revision B)	GHD	22.06.07
21-15504-C005 (Revision B)	GHD	22.06.07
21-15504-C006 (Revision C)	GHD	22.06.07
21-15504-C007 (Revision B)	GHD	22.06.07
21-15504-L001 (Revision D)	POD Landscape Architecture	22.06.07
21-15504-L002 (Revision D)	POD Landscape Architecture	22.06.07
21-15504-L003 (Revision D)	POD Landscape Architecture	22.06.07
21-15504-L004 (Revision D)	POD Landscape Architecture	22.06.07

the application form and 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 ensure that the development satisfies the provisions of the Environmental Planning and Assessment Act 1979 and Regulations:**

2. 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.

3. 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.
4. **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.

5. **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, and notify the Principal Certifying Authority and Council accordingly in writing, and
  - iii) 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.

6. 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 clause 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 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.

7. 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,
  - name, address and telephone number of the Principal Certifying Authority,
  - a statement stating that "unauthorised entry to the work site is prohibited".
8. An **Occupation Certificate** must be obtained from the Principal Certifying Authority **prior to any occupation of the building work** encompassed in this development consent, in accordance with the relevant provisions of the Environmental Planning & Assessment Act 1979.

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

9. **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.

10. 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:**

11. A Construction Management Plan is to be submitted to and approved by the principal certifying authority **prior to the commencement** of demolition, excavation or building works. The management plan must include the following measures, as applicable to the type of development:
- The proposed order in which works on the site will be undertaken, and the method statements on how various stages of construction will be undertaken.
  - 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.
  - Details of methods of disposal of demolition materials.
  - Protective measures for tree preservation.
  - Provisions for temporary sanitary facilities.
  - Location and size of waste containers/bulk bins.
  - Details of proposed sediment and erosion control measures.
  - Construction noise and vibration management.
  - The proposed method of access to and egress from the site for construction vehicles, including access routes through the Council area.

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

12. The removal, storage, handling and disposal of building materials must be carried out in accordance with the following regulations:
- The requirements and Guidelines of WorkCover NSW
  - Occupational Health and Safety Act 2000
  - Australian Standard 2601 (2001) – Demolition of Structures
  - The Protection of the Environment Operations Act 1997
  - Protection of the Environment Operations (Waste) Regulation 1996.
13. All excavations and backfilling associated with the erection or demolition of a building / structure 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.
14. Except with the written approval of Council's Manager of Health, Building & Regulatory Services, all building, demolition and associated site works (including site deliveries) must only be carried out between the hours of 7.00am to 5.00pm on Monday to Friday inclusive and between 8.00am to 5.00pm on Saturdays and all building activities are strictly prohibited on Sundays and Public Holidays.
- In addition, the use of any rock excavation machinery or any mechanical pile drivers or the like, is restricted to the hours of 8.00am to 5.00pm (maximum) on Monday to Friday only, to minimise the noise levels during construction and loss of amenity to nearby residents.
15. Noise and vibration emissions during the construction of the building / structures or other site works must not result in damage to nearby premises or result in an unreasonable loss of amenity to nearby residents and the relevant provisions of the Protection of the Environment Operations Act 1997 must be satisfied at all times.
- Noise and vibration from any rock excavation machinery and pile drivers (or the like) must be minimised by using appropriate plant and equipment and silencers and a construction noise and vibration minimisation strategy, prepared by a suitably qualified consultant is to be implemented during the works, to the satisfaction of the Principal Certifying Authority.
16. 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.
17. Public safety must be maintained at all times and public access to the site and building works, materials and equipment on the site is to be restricted, when work is not in progress or the site is unoccupied.



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

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

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

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

18. Details of the proposed sediment control measures are to 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 (where applicable): 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.

19. Public safety and convenience must be maintained at all times during demolition, excavation and construction works and the following requirements must be complied with:
- a. Building materials, sand, soil, waste materials, construction equipment or other activities 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.
  - b. 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.
  - c. 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.
  - d. 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.

- e. 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. Applications to place a waste container in a public place can be made to Council's Health, Building and Regulatory Services section.
- f. Any part of Council's road, footway or nature strip which is damaged as a result of the work must be repaired or replaced to Council's satisfaction prior to occupation or finalisation of the development.

**The following conditions are applied to ensure that adequate provisions are made for the management of waste from the development:**

- 20. A demolition and construction Waste Management Plan (WMP) must be developed and implemented for the development, to the satisfaction of Council, **prior to the commencement of works.**

The Waste Management Plan must provide details of the type and quantities of demolition and construction waste materials, proposed re-use and recycling of materials, methods of disposal and details of recycling outlets and land fill sites.

Where practicable waste materials must be re-used or recycled, rather than disposed and further details of Council's requirements including relevant guidelines and pro-forma WMP forms can be obtained from Council's Customer Service Centre or by telephoning Council on 9399 0999.

Details and receipts verifying the recycling and disposal of materials must be kept on site at all times and presented to Council officers upon request.

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

- 21. Site remediation must be carried out in accordance with the following general requirements (as applicable):
  - a) Remediation works shall be carried out in accordance with the requirements of the Contaminated Land Management Act 1997, environmental planning instruments applying to the site, guidelines made or approved by the NSW Department of Environment and Climate Change (formerly EPA) and the NSW Department of Planning (formerly Planning NSW), Randwick City Council's Contaminated Land Policy 1999 and the Protection of the Environment Operations Act 1997.
  - b) Any requirements contained within an Environmental Management Plan (EMP), form part of this consent and Council must be consulted with prior to the development of the EMP.
  - c) The remediation of the site including ground water must fully comply with all relevant Commonwealth and State Legislation, Regulations and Standards.
  - d) Any variations to the proposed remediation works or remediation action plan shall be approved by the independent environmental consultant and a written statement is to be provided to the Council by

the environmental consultant prior to the commencement of such works, which confirms their acceptance of the amended remediation action plan / works.

- e) The Environmental Consultant, 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.
- f) Should any underground tanks be discovered they shall be removed in accordance with relevant NSW DECC/EPA Guidelines; Australian Institute of Petroleum's (AIP) Code of Practice for the Design, Installation and Operation of Underground Petroleum Storage Systems (CP4-1998); and WorkCover NSW requirements. In the event of conflict between AIP Code of Practice and WorkCover requirements the latter shall prevail.
- g) Any odours from excavated materials shall be mitigated by the use of an odour suppressant, such as Biosolve, and shall not give rise to an offensive odour as defined in the Protection of the Environment Operations Act 1997. Stockpiles shall also be covered and dampened down to reduce odour and dust impacts.

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

- h) Any fill importation to the site is to be monitored and classified by the Site Auditor appointed for remediation of the site or a person with his qualifications. Only 'Virgin Excavated Natural Material' (VENM) is to be imported to the site, as defined within the NSW EPA 'Environmental Guidelines: Assessment, Classification and Management of Liquid and Non-Liquid Wastes. 1999'.
- i) A Site Remediation Management Plan must be prepared prior to the commencement of remediation works by a suitably qualified environmental consultant and be implemented throughout remediation works. A copy is to be forwarded to Council. The Site Remediation Management Plan shall include measures to address the following matters:
  - general site management, site security, barriers, traffic management and signage
  - hazard identification and control
  - worker health & safety, work zones and decontamination procedures
  - cross contamination
  - site drainage and dewatering
  - air and water quality monitoring
  - disposal of hazardous wastes
  - contingency plans and incident reporting
  - details of provisions for monitoring implementation of remediation works and persons/consultants responsible
- j) All trucks and service vehicles leaving the site shall go through a suitably constructed on shaker grids, to ensure no tracking of material occurs from the site onto roads adjoining the site. Details are to be submitted to Council in the Site Management Plan.
- k) Prior to the commencement and throughout the duration of the

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

- l) Remediation work shall be conducted within the following hours:  
Monday – Friday 7am – 5pm  
Saturday 8am – 5pm  
No work permitted on Sundays or Public Holidays
- m) A sign displaying the contact details of the remediation contractor (and the site manager if different to remediation contractor) shall be displayed on the site adjacent to the site access. This sign shall be displayed throughout the duration of the remediation works.
- n) Any new information which comes to light during remediation, demolition or construction works which has the potential to alter previous conclusions about site contamination shall be notified to the Council and the Principal Certifying Authority immediately.
22. A Validation Report shall be prepared by a suitably qualified Environmental Consultant and be submitted to Council upon completion of the remedial works, and prior to commencing any building works. The Validation report shall be prepared in accordance with relevant NSW Department of Environment and Climate Change guidelines, including the guideline "Consultants Reporting on Contaminated Sites", and shall include:
- Description and documentation of all works performed.
  - Results of validation testing and monitoring.
  - Validation results of any imported fill onto the site.
  - Demonstrate how all agreed clean-up criteria and relevant regulations have been satisfied.
  - Confirmation and justification as to the suitability of the site for the proposed use and the potential for off-site migration of any residual contaminants.
23. 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).
24. Hazardous or intractable wastes arising from the demolition, excavation and remediation process shall be removed and disposed of in accordance with the requirements of WorkCover NSW and the Department of Environment and Climate Change (the former Environment Protection Authority), and with the provisions of:
- New South Wales Occupational Health and Safety Act, 2000;
  - The Occupational Health and Safety (Hazardous Substances) Regulation 2001;
  - The Occupational Health and Safety (Asbestos Removal Work) Regulation 2001;
  - Protection of the Environment Operations Act 1997 (NSW); and
  - Environment Protection Authority's Environmental Guidelines: Assessment, Classification and Management of Liquid and Non Liquid Wastes (1999).

**The following condition is applied to satisfy the relevant pollution control criteria and to maintain reasonable levels of health, safety and amenity to**

**the locality:**

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

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

27. 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 and Parking Management Plan. The plan shall demonstrate how construction and delivery vehicles will access the development site during the remediation, importing of clean fill, landscaping and construction phases of the development. All heavy vehicles shall use Bunnerong Road, Anzac Parade and Elaroo Avenue to enter / exit the site (i.e. use main roads and minimize the use of local roads). The plan shall also show proposed parking arrangements for construction workers.

All traffic associated with the subject development shall comply with the terms of the approved construction traffic management plan. All costs associated with the implementation of the approved Traffic and Parking Management Plan shall be borne by the applicant.

28. Sediment and erosion control measures must be implemented during all phases of the remediation and construction project. The applicant must comply with the "Mitigation Measures" specified in Section 6.6.3 of the submitted Statement of Environmental Effects (SEE), dated June 2007, prepared by GHD. The "erosion and sedimentation control plan" referred to in Section 6.6.3 of the SEE must be submitted to the Certifying Authority for approval, and be approved, prior to the commencement of any site works.
29. To minimize the potential impact of the remediation and construction project on water quality within and external to the development site, the applicant must comply with the "Mitigation Measures" listed in Section 6.8.3 of the submitted Statement of Environmental Effects (SEE), dated June 2007 and prepared by GHD.

**The following condition is applied to provide adequate provisions for drainage and associated infrastructure:**

30. Detailed drainage plans shall be submitted to and approved by the certifying authority prior to the issue of a construction certificate. Subject to the post development ground conditions being suitable, Council would support the use of infiltration as a means of stormwater discharge. Overland flows can be discharged to Frenchmans Bay subject to the applicant demonstrating that water quality within the receiving waters will not be adversely affected and that suitable scour protection measures are in place.

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

31. 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.
32. 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:**

33. Landscape works at the site shall be installed substantially in accordance with the Landscape Plans, drawing numbers 21-15504-L001-L004, Revision D, dated 22.06.07, prior to the issue of a final occupation certificate, and shall be maintained in accordance with those plans.
34. The "Mitigation Measures" contained in parts 6.6.3, 6.7.3, 6.8.3 & 6.9.3, of the submitted Statement of Environmental Effects, dated June 2007, prepared by GHD, relating to protection of the surrounding natural environment and implementation of landscape works, will need to be fully implemented throughout the course of the works.
35. Any areas of nature-strip upon Council's footway in Elaroo Avenue which are damaged as a result 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, prior to the issue of a Final Occupation Certificate.
36. Approval is granted for the removal of that existing vegetation which needs to be removed in order to accommodate the proposed works as shown, subject to full implementation of the approved landscape plans.

**The following conditions are applied to protect the cultural heritage on and in the vicinity of the site:**

38. A sites officer from the La Perouse Local Aboriginal Land Council is to be on site to monitor any remediation works (including site establishment such as fencing) in the vicinity of the foredune and beach at Frenchmans Bay.
39. Should Aboriginal objects as defined under the National Parks and Wildlife Act be uncovered as a result of the remediation works, then work shall stop in that area and advice sought from the La Perouse Local Aboriginal Land Council, the project archaeologist and the Department of Environment and Climate Change.
40. Should human skeletal remains be uncovered as a result of the remediation works, then work shall stop in that area and the Human Remains Protocol provided in Appendix 1 of the Cultural Heritage Review, dated June 2007, prepared by Navin Officer Heritage Consultants Pty. Ltd. (which is attached to the submitted Statement of Environmental Effects), be followed.
41. All construction activities, including the parking of plant and equipment, are to be undertaken on Council property, and are not to encroach on the Yarra Bay House property, located immediately to the north of the site. All construction workers are to be adequately informed and made aware of this matter.
42. In the event that any historical archaeological remains or deposits are exposed during the proposed works, excavation activities shall cease immediately and the Heritage Council notified under the requirements of the Heritage Act.

**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 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 or any other container or article.

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

**D13/08 Development Application Report - 390-396 Anzac Parade, Kingsford (DA/254/2007)**

PL15/08

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

- A. the Council support the objection under State Environmental Planning Policy No.1 (SEPP No. 1) in respect to non-compliance with Clauses 32 and 33 of the Randwick Local Environmental Plan 1998 (relating to floor space ratio and building height) on the grounds that the proposed use complies with the objectives of the clauses and will not adversely affect the amenity of the surrounding locality and that the Planning NSW be advised accordingly.

AND

- B. Council as the responsible authority grant its development consent under Section 80 and 80A of the Environmental Planning and Assessment Act 1979 (as amended) to Development Application No D/254/2007 for demolition of the existing building and erection of a part-8 storey, part-7 storey and part-5 storey mixed residential and retail/commercial development comprising 5 shops, 8 commercial suites, 36 dwellings, and basement and above-ground car parking for 92 vehicles at 390-396 Anzac Parade, Kingsford subject to the following conditions: -
1. The development must be implemented substantially in accordance with the plans numbered DA10-00 and DA10-01 Revision B; DA10-02 Revision H; DA10-03 Revision G; DA10-04 to DA10-10, Revision C; DA20-00 to DA 20-03 Revision C; DA30-00 Revision F, DA30-02 Revision C; and stamped received by Council on 12 September 2007, the application form, and on any supporting information received with the application, except as may be amended by the following conditions and as may be shown in red on the attached plans:
  2. The colours, materials and finishes of the external surfaces to the building are to be compatible with the adjacent development to maintain the integrity and amenity of the building and the streetscape.

Details of the proposed colours, materials and textures (i.e. a schedule and brochure/s or sample board) are to be submitted to and approved by Council's Director of City Planning, in accordance with section 80A (2) of the Environmental Planning and Assessment Act 1979 prior to a construction certificate being issued for the relevant building works.

3. Storage areas provided in basement levels 1 and 2 shall be allocated and distributed to individual dwelling units. Details shall be submitted to and approved by Council's Director City Planning, in accordance with Section 80A(2) of the Environmental Planning and Assessment Act 1979 prior to construction certificate being issued for the development.
4. Details of bicycle storage in the basement indicating compliance with the Development Control Plan – Parking shall be submitted to and approved by Council's Director of City Planning, in accordance with section 80A (2) of the Environmental Planning and Assessment Act 1979 prior to a construction certificate being issued for the development.
5. Street numbering must be provided to the premises in a prominent position, to the satisfaction of Council.
6. The reflectivity index of glass used in the external façade of the development must not exceed 20 percent.
7. Lighting to the premises shall be designed so as not to cause a nuisance to nearby residents or motorists and to ensure that light overspill does not affect the amenity of the area.
8. All signage and advertising must be in accordance with Council's Development Control Plan for Outdoor Advertising and development consent must be obtained for all signage and advertising in accordance with Council's Local Environmental Plan 1998.
9. All advertising and signage must be written in English language or both English and relevant non-English language equally. The use of non-English language advertising only is not permissible.
10. In accordance with the provisions of clauses 143A and 154A of the Environmental Planning & Assessment Regulation 2000, a 'Design Verification Certificate' must be provided to the Certifying Authority and the Council, prior to issuing a construction certificate and an occupation certificate, respectively.
11. The enclosure of balconies is prohibited by this consent.
12. The east-facing section of the balcony to Unit 28 on Level 5 shall be reduced in width to 2m to ensure the privacy of adjoining properties. Details shall be submitted to and approved by Council's Director City Planning, in accordance with Section 80A(2) of the Environmental Planning and Assessment Act 1979 prior to construction certificate being issued for the development.
13. Internal or external clothes drying facilities are to be provided in accordance with the provisions of the Building Code of Australia.  
  
Should external clothes drying facilities be provided, the facilities must be adequately screened by vegetation and details are to be incorporated into the landscaping plans, to the satisfaction of the certifying authority.
14. Vehicular access to the residential and commercial car parking within the development shall be readily accessible to visitors at all times. Where a security gate is provided restricting access to the basement carparking area, a suitable intercom system shall be installed adjacent to the vehicular entrance together with appropriate instructions signage to provide for access to visitor spaces at all times.
15. The proposed commercial suites shall only be used for commercial purposes.



16. Development consent is required to be obtained in relation to the specific 'use and operation' of commercial tenancies/occupancies and 'shop fit out works', in accordance with the relevant requirements of the Environmental Planning & Assessment Act 1979
17. Each of the tandem carparking spaces shall be allocated to the same 2 or 3 bedroom unit.
18. In accordance with the provisions of the Environmental Planning & Assessment Regulation 2000, a relevant BASIX Certificate and associated documentation must be submitted to the Certifying Authority with the Construction Certificate application for this development.

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

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

**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:**

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

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

20. 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.
21. A report prepared by a suitably qualified and experienced consultant in acoustics shall be submitted to Council **prior to a construction certificate being issued for the development**, which demonstrates that noise and vibration emissions from the development will comply with the relevant provisions of the *Protection of the Environment Operations Act 1997*, Environmental Protection Authority Noise Control Manual & Industrial Noise Policy and relevant conditions of approval. The report is to be prepared in accordance with the NSW Environment Protection Guidelines, namely the Industrial Noise Policy and Environmental Noise Control Manual (sleep disturbance) and the relevant Australian Standard. Protection

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

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

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

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

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

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

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

- b) Should the Detailed Site Investigation Report identify that the land is contaminated and the land requires remedial works to meet the relevant criteria in the National Environment Protection (Assessment of Site Contamination) Measure (NEPM) 1999, the following matters must be complied with: -
  - i. A Remediation Action Plan (RAP) is required to be prepared and be submitted to Council prior to commencing remediation works. The RAP is also required to be reviewed by an independent NSW Department of Environment and Conservation (DEC) Accredited Site Auditor.
  - ii. The RAP is to be prepared in accordance with the relevant Guidelines made or approved by NSW Department of Environment and Conservation (DEC), including the Guidelines for Consultants Reporting on Contaminated Sites.

This RAP is to include procedures for the following:

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

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

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

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

the following matters:

- general site management, site security, barriers, traffic management and signage
  - hazard identification and control
  - worker health & safety, work zones and decontamination procedures
  - cross contamination
  - site drainage and dewatering
  - air and water quality monitoring
  - disposal of hazardous wastes
  - contingency plans and incident reporting, and
  - details of provisions for monitoring implementation of remediation works including details of the person/consultant responsible.
- ix. Remediation must be completed to the satisfaction of the Accredited Site Auditor and the written concurrence of Council must be obtained prior to the issuing of the construction certificate.
- x. The works shall not give rise to environmental pollution or public nuisance or, result in an offence under the Protection of the Environment Operations Act 1997 or NSW Occupational Health & Safety Act (2000) & Regulations (2001).

**The following condition is applied to meet the requirements of Sydney Airports Corporation Limited in relation to the Obstacle Limitation Surface for Sydney Airport**

25. Advice from the Sydney Airports Corporation Limited, and/or any other relevant body, that no objection is raised, and approval is given, to the building height of the proposed development shall be obtained and submitted to Council's Director of City Planning, in accordance with section 80A (2) of the Environmental Planning and Assessment Act 1979 prior to a construction certificate being issued for the development.

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

26. A new development application shall be submitted for the strata sub-division of the proposed development.

**The following group of conditions have been applied to ensure that adequate provisions are made for Section 94 Contributions:**

27. In accordance with Council's Section 94 Contributions Plan adopted on September 1999 a monetary contribution is to be paid to Council for the provision or improvement of public open space in lieu of on site provision for an amount of \$75,642.33 This amount shall be paid by cash or bank cheque prior to the issuing of the construction certificate. Council's Section 94 Contributions Plan may be inspected at the Customer Service Centre, Administrative Centre, 30 Frances Street, Randwick.
28. In accordance with Council's Section 94 Contributions Plan adopted on September 1999 a monetary contribution is to be paid to Council for the provision of community facilities in lieu of on site provision for an amount of \$33,443.52 This amount shall be paid by cash or bank cheque prior to the issuing of the construction certificate. Council's Section 94 Contributions Plan may be inspected at the Customer Service Centre, Administrative Centre, 30 Frances Street, Randwick.

29. In accordance with Council's Section 94 Contributions Plan adopted on September 1999 a monetary contribution is to be paid to Council for townscape provision/improvement for an amount of \$51,548.00 This amount shall be paid by cash or bank cheque prior to the issuing of the construction certificate. Council's Section 94 Contributions Plan may be inspected at the Customer Service Centre, Administrative Centre, 30 Frances Street, Randwick..
30. In accordance with Council's Section 94 Contributions Plan adopted on September 1999 a monetary contribution is to be paid to Council for parking in lieu of on site provision for an amount of \$13,230.00. This amount shall be paid by cash or bank cheque prior to the issuing of the construction certificate. Council's Section 94 Contributions Plan may be inspected at the Customer Service Centre, Administrative Centre, 30 Frances Street, Randwick.
31. In accordance with Council's Section 94 Contributions Plan adopted on September 1999 a monetary contribution is to be paid to Council for administration charges for an amount of \$425.00. This amount shall be paid by cash or bank cheque prior to the issuing of the construction certificate. Council's Section 94 Contributions Plan may be inspected at the Customer Service Centre, Administrative Centre, 30 Frances Street, Randwick.

**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:**

32. The proposed use of the premises and the operation of all plant and equipment shall not give rise to an 'offensive noise' as defined in the *Protection of the Environment Operations Act 1997* and Regulations.

In this regard, the use of the premises and the operation of any plant or equipment on the site shall not give rise to an L<sub>10</sub> sound pressure level which is 5dB(A) greater than the A-weighted L<sub>90</sub> background sound pressure level, measured at any point on a residential boundary or within any residential dwelling.

33. The use of the premises and the operation of plant and equipment shall not give rise to the transmission of a vibration nuisance.

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

34. 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.

35. 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*.

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

36. 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.

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

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

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

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

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

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

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

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

**The following conditions are applied to ensure that the development satisfies**

**relevant standards of construction, and to maintain adequate levels of health, safety and amenity during construction:**

42. All demolition work is to be carried out in accordance with the provisions of AS2601-1991. The Demolition of Structures, as in force at 1 July, 1993 and details of compliance are to be prepared by a suitably qualified person and be submitted to the principal certifying authority, **prior to the commencement of any demolition works.**
43. 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.
44. 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 available to the Council officers upon request.
45. The building works are to be inspected by the *Principal Certifying Authority* (or other suitably qualified person, to the satisfaction of the *Principal Certifying Authority*), to monitor compliance with the relevant standards of construction and Council's development consent.

The *Principal Certifying Authority* shall specify the relevant stages of construction to be inspected 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 compliance with Council's approval is to be maintained by the *Principal Certifying Authority*.

Upon inspection of each stage of construction, the *Principal Certifying Authority* (or other suitably qualified person, to the satisfaction of the *Principal Certifying Authority*) is also required to ensure that adequate provisions are made for the following measures (*as applicable*), to ensure compliance with the terms of Council's consent:

- Sediment control measures.
  - Provision of perimeter fences or hoardings for public safety and restricted access to building sites.
  - Maintenance of the public place free from unauthorised materials, sand, soil, debris, waste containers or other obstructions.
46. 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 protected to prevent them from being dangerous to life or property.
  47. 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 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.

48. Prior to the commencement of any building work, a *principal certifying authority* must be appointed and Council is to be notified accordingly and, at least 2 days notice of the intention to commence building work must be given to Council, in accordance with the provisions of the Environmental Planning & Assessment Act 1979 and Environmental Planning & Assessment Regulation 2000.

49. 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.

50. In addition to the matters contained in the *Environmental Planning and Assessment Regulation 2000*, the following matters are to be completed in accordance with the terms and conditions of this development consent, **prior to the occupation** of the building:

- a) car parking and vehicular access
- b) landscaping
- c) stormwater drainage
- d) external finishes and materials

51. A coloured *works-as-executed* fire services plan is to be submitted to the Council **prior to occupation** of the development, detailing the location of the essential fire safety measures installed within the building premises.

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

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

53. Building and demolition works must only be carried out between the hours of 7.00am to 5.00pm on Monday to Friday inclusive, between 8.00am to 5.00pm on Saturdays and all building activities are strictly prohibited on Sundays and public holidays, except with the specific written authorisation of Council's Manager of Environmental Health and Building Services.



54. The use of any rock excavation machinery or any mechanical pile drivers is restricted to the hours of 8.00am to 5.00pm (maximum), Monday to Friday inclusive and from 8.00am to 1.00pm on Saturday, to minimise the noise levels during construction and loss of amenity to nearby residents.

A report prepared by a suitably qualified and experienced consultant in acoustics shall be submitted to Council **prior to the commencement of any excavation or building works**, certifying that noise and vibration emissions from the construction of the development will comply with the provisions of the *Protection of the Environment Operations Act 1997*, the Noise Control Manual published by the Environment Protection Authority and relevant conditions of this approval.

55. A sign must be erected on the site in a prominent, visible position, prior to commencing any demolition, excavation or building works, stating that 'unauthorised entry to the site is prohibited' and showing the name of the person in charge of the work site and a telephone number at which the person may be contacted outside working hours.

In the case of residential building work, the sign is also required to detail the licence number of the building contractor or the permit number of the *owner-builder*, in accordance with the *Home Building Act 1989 and Regulations*.

56. Temporary toilet facilities are to be provided, at or in the vicinity of the work site throughout the course of demolition and construction, at the rate of one toilet for every 20 persons or part of 20 persons employed at the site and the toilet facilities must be connected to a public sewer or other sewage management facility approved by Council.

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

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

58. Noise emissions during the construction of the building and associated site works must comply with the relevant provisions of the *Protection of the Environment Operations Act 1997* & the Noise Control Manual published by the Environment Protection Authority, except as may be amended by the conditions of this approval.

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

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

Any damage caused to the road or footway must be repaired immediately, to the satisfaction of Council.

60. 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 and debris at all times.

61. Bulk bins/waste containers must not be located upon the footpath, roadway or nature strip at any time without the prior written consent 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 Council's Local Approvals Policy.
62. Any building/demolition works involving asbestos cement are to be carried out in accordance with the Work Cover New South Wales "Guidelines for Practices Involving Asbestos Cement in Buildings".
63. A Construction Site Management Plan is to be submitted to and approved by the principal certifying authority **prior to the commencement of demolition, excavation or building works**. The site management plan must include the following measures, as applicable to the type of development:
  - location and construction of protective fencing / hoardings to the perimeter of the site;
  - location of site storage areas/sheds/equipment;
  - location of building materials for construction;
  - provisions for public safety;
  - dust control measures;
  - site access location and construction
  - details of methods of disposal of demolition materials;
  - protective measures for tree preservation;
  - provisions for temporary sanitary facilities;
  - location and size of waste containers/bulk bins;
  - details of proposed sediment and erosion control measures;
  - construction noise and vibration management.

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

64. 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.

A soil and water management plan (SWMP) must be submitted to and approved by the principal certifying authority and implemented **prior to the commencement of any site works or activities**.

The soil and water management plan must contain a site plan, detailing:

- the slope of the land
- site access points and access control measures
- location and type of all sediment control measures
- location of existing vegetation, to be retained
- material stockpile or storage areas and methods of sediment control
- location of existing and proposed drainage systems
- proposed disposal of site water
- location of building operations and equipment
- proposed re-vegetation details

All soil and water management measures must be maintained at all times throughout demolition, excavation, building and site works and a copy of the soil and water management plan is to be kept on-site and be made available to Council officers upon request.

65. Stockpiles of soil, sand, aggregate or other materials must not be located on any drainage line, natural watercourse, footpath, roadway 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, in any public place or any location which may lead to the discharge of materials into the stormwater drainage system.

66. 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.

67. 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.

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.

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

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

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

If it is proposed to locate any 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.

69. A temporary timber crossing is to be provided to the site entrance across the kerb and footway area, with splayed edges, unless access is via an existing concrete crossover.
70. 'B' Class' overhead type hoardings and public access are required to be designed in accordance with the following requirements (as applicable).
- The hoarding is to be designed so that the wind loads comply with AS1170.2. Superimposed loads from site sheds and materials not to exceed 40% of the design live loads. The structure should have a factor of safety of 1.5 against overturning and 2 against sliding.
  - Footings to the hoarding are to be located and designed so as not to have an adverse affect upon underground services or the like. The hoarding is to be able to withstand a vehicle impact and removal of any one column anywhere in the structure and a minimum length of 2m of wall supporting the deck on any one side supporting the structure is required.
  - Metal parts of the hoarding or associated structures to be not less than 4m from any power line, transmission line or transmission apparatus or 1.5m from part for non conductive materials, such as timber.
  - Adequate artificial lighting is to be provided to the hoarding.
  - A suitable system of buffer railing or barriers, particularly at locations such as an intersection or sharp bend.
  - A minimum overhead clearance of 2.2m is to be provided below the hoarding.
  - The street side of the hoarding is to be open for at least 2/3 of its full height for the length of the structure to prevent a tunnel effect.
  - Waterproofing of the deck above the footway is required to be provided and adequate provisions are to be made for the disposal of stormwater.
  - The hoarding is to be painted white or other light colour acceptable to Council.
  - Site sheds or accommodation located on top of a hoarding within a designated crane area or where materials are being lifted over are required to sustain a 10Kpa load and a protective fence and handrails are to be provided.
  - The hoarding is to be erected and maintained fully in accordance with the requirements of Work Cover New South Wales.
  - Unobstructed access must be maintained at all times for pedestrians and people with disabilities. If necessary, a stable and level, non-slip timber/metal walking platform or firm road base material is to be provided adjacent to the hoarding/fence across the front of the site.
  - A certificate of structural adequacy prepared by a professional engineer is to be submitted to the certifying authority upon installation (*and a copy of the*

*certificate is to be forwarded to the Council if it is not the certifying authority) certifying the structural adequacy of the hoarding and compliance with Council's conditions of consent and relevant requirements of WorkCover New South Wales.*

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

71. Access and facilities for people with disabilities must (as a minimum) be provided in accordance with the relevant provisions of the Building Code of Australia.
72. Access, facilities and car parking for people with disabilities must be provided in accordance with Council's development control plan for multi-unit housing and in accordance with the relevant provisions of Part D3 of the Building Code of Australia and AS1428.1, AS4299 and 2890.1. Details of the proposed access, facilities and carparking for people with disabilities are to be submitted to and approved by Council's Director of Planning and Environment in accordance with Section 80 A (2) of the *Environmental Planning and Assessment Act 1979* **prior to a construction certificate being issued** for the development.
73. The building is required to be provided with a smoke alarm system complying with Clause 3 of Specification E2.2a of the B.C.A. or a smoke detection system complying with Clause 4 of Specification E2.2a of the B.C.A. 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 following conditions are applied to ensure compliance with the *Food Act 1989* and Council's Food Premises Code:**

74. The premises is to be designed and constructed in accordance with the Council's Food Premises Code and details of compliance are to be included in the plans and specification for the **construction certificate** to the satisfaction of the certifying authority.
75. The design and construction of food premises must comply with the following requirements, as applicable:-
  - The floors of kitchens, food preparation areas and the like are to be constructed of materials which are impervious, non slip and non abrasive. The floor is to be finished to a smooth even surface, graded and drained to a floor waste connected to the sewer.
  - The intersection of walls with floor and plinths is to be coved, having a minimum radius of 25mm.
  - Walls of the kitchen preparation areas and the like are to be of solid construction finished in a light colour with glazed tiles, stainless steel, laminated plastics or similar approved material adhered directly to the wall to a minimum height of 2m above the floor level, to provide a smooth even surface.
  - Walls where not tiled are to be cement rendered and finished to a smooth even surface, painted with a washable paint of a light colour or sealed with other approved materials.
  - The ceilings of kitchens, food preparation areas, storerooms and the like are to be of rigid smooth-faced, non absorbent material i.e., fibrous

plaster, plasterboard, fibre cement sheet, cement render or other approved material.

- All stoves, refrigerators, bain-maries, stock pots, washing machines, hot water heaters, large scales, food mixers, food warmers, cupboards, counters, bars etc.... to be supported on wheels, concrete plinths a minimum 75mm in height, metal legs minimum 150mm in height, brackets or approved metal framework of the like.
- Cupboards, cabinets, benches and shelving may be glass, metal, plastic, timber sheeting or other approved material. The use of particle board or similar material is not permitted unless laminated on all surfaces.
- Adequate fly screens and doors with self-closing devices, (where applicable), are to be provided to all door and window openings, and an electronic insect control device is to be provided within the food premises.
- Garbage storage enclosures are to be fitted with a hose cock and the floor is to be graded and drained to an approved floor waste connected to the sewer.
- A mechanical ventilation exhaust system hood is to be installed where cooking or heating processes are carried out in the kitchen or in food preparation areas, in accordance with the relevant requirements of Clause F4.12 of the BCA and Australian Standard AS 1668 Parts 1 & 2.
- Wash hand basins being provided in convenient positions, with hot and cold water, together with a sufficient supply of soap and clean towels. Such hot and cold water shall be supplied to the wash hand basins through an approved mixing device.
- Ceramic tiles being provided to a height of 450mm above bench tops, wash hand basins and similar fittings.
- A numerically scaled indicating thermometer or recording thermometer, accurate to the nearest degree Celsius being provided to refrigerators, cool rooms, other cooling appliances and bain-maries or other heated food storage/display appliances. The thermometer is to be located so as to be read easily from the outside of the appliance.
- All food that is to be kept hot should be heated within one (1) hour from the time when it was prepared or was last kept cold, to a temperature of not less than 60°C and keep this food hot at or above the temperature. Food that is to be kept cold should be cooled, within four (4) hours from the time when it was prepared or was last kept hot, to a temperature of not more than 5°C and keep this food cold at or below that temperature.

**The following conditions have been applied to ensure compliance with Local Government Legislation and Policies of Council:**

76. Hairdressers, Beauty salons must comply with the *Local Government (Orders) Regulations 1999* and the *Public Health Act & Regulations 1991*, and the premises is to be registered with Council on an annual basis and the approved registration/inspection fee is to be forwarded to the Council **prior to occupancy**.
- b. Legionella control – cooling towers, evaporative cooling systems, humidifying systems, warm water systems, water cooling systems must be registered with the Council on an annual basis and the systems are to

be maintained and certified in accordance with the provisions of the *Public Health Act, 1991*.

The premises is to be registered with Council together with payment of the approved fee, **prior to occupancy of the building**.

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

77. The consent of Council must be obtained prior to the erection of any advertising unless exempted under Council's Development Control Plan - Exempt and Complying Development.
78. The storage of boxes, cartons, pallets, goods or any other material relating to the operation of the business other than a commercial garbage bin must be wholly contained within the premises.
79. The use of the premises is not to commence until all terms and conditions of this development consent have been satisfied.
80. The following conditions are applied to ensure adequate environmental protection.
81. All hazardous or intractable wastes (including asbestos) shall be removed and disposed of in accordance with the requirements of WorkCover and the Environmental Protection Authority, and with the provisions of:
  - Occupational health and Safety Act 1983 (NSW)
  - Construction Safety Act 1912; Regulation 84A-J Construction Work Involving Asbestos or Asbestos Cement 1983 (NSW)
  - Occupational Health and Safety (Hazardous Substances) Regulation 1996 (NSW).
  - Occupational Health and Safety (Asbestos Removal Work) Regulation 1996 (NSW); and
  - Waste Minimisation and Management Act 1995 and Regulations (NSW).
82. All site works shall comply with the occupational health and safety requirements of WorkCover NSW.
83. The applicant is advised that the Construction Certificate plans and specification must comply with the provisions of the Building Code of Australia (BCA).

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

- a) Part C3 - Protection of openings
- b) Part D1 - Provisions for escape
- c) Clause D1.2 - Number of exits required
- d) Clause D1.3 - When fire-isolated exits are required
- e) Part E1 - Fire fighting equipment
- f) Part E2 - Smoke Hazard Management
- g) Part E3 - Lift Installations
- h) Part E4 - Emergency lighting, exit signs and warning systems
- i) Part F5 - Sound Transmission and Insulation

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

84. 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 and the following vehicular crossing deposit requirement is to be complied with prior to a construction certificate being issued for the development, as security for Council or a Council approved subcontractor to construct the vehicular crossing

- a) \$5000.00 - Security damage 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:**

85. The applicant shall, at no cost to Council, dedicate a 1.2 metre wide strip of land for road widening purposes along the Middle Lane frontage of the site. This condition is required to maintain or improve existing traffic conditions in Middle Lane, to facilitate turning manoeuvres in and out of the site and to provide a provide a trafficable footpath along the Middle Lane frontage.
86. The applicant shall, at no cost to Council, dedicate a 0.6 metre wide strip of land for road widening purposes along the Harbourne Lane frontage of the site. This condition is required so as to provide a trafficable footpath along the Harbourne Lane frontage.
87. The applicant shall, at no cost to Council, dedicate a 2 metre x 2 metre splay corner for road widening purposes on the north/west corner of the development site, (intersection of Harbourne Lane & Anzac Parade). Note: the splayed corners are to be taken from the new property boundaries after road dedication in Harbourne Lane has been made.
88. The applicant shall, at no cost to Council, dedicate a 1.5 metre x 1.5 metre splay corner for road widening purposes on the north/east corner of the development site, (intersection of Harbourne Lane & Middle Lane). Note: the splayed corners are to be taken from the new property boundaries after road dedication in Harbourne & Middle Lanes have been made.

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

89. 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 commercial strength concrete vehicular crossings and



laybacks at kerb opposite the vehicular entrances to the site.

- b) Remove any redundant concrete vehicular crossings and laybacks and to reinstate the area with concrete footpath, turf and integral kerb and gutter to Council's specification.
  - c) Construct new kerb and gutter for the full site frontage in Harbourne Lane & Middle Lane as required by Council's Asset Infrastructure Services Department.
  - d) Carry out a full depth, 3.50 metre wide, road construction in front of the kerb and gutter along the full site frontage in both Harbourne Lane & Middle St as required by Council's Asset Infrastructure Services Department.
  - e) Re/construct drainage pits in Harbourne Lane as required by Council's Drainage Engineer.
  - f) Construct footpaths along the full site frontages to Council Urban Design Guideline specifications.
  - g) Supply & install "No Standing" signs along both the Harbourne Lane & Middle Lane frontages.
90. 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.
91. A separate written approval from Council is required to be obtained in relation to all works which are located externally from the site within the road reserve/public place, in accordance with the requirements of the Roads Act 1993. Detailed plans and specifications of the proposed works are to be submitted to and approved by the Director of City Services prior to commencing any works within the road reserve/public place.
- All works within the road reserve/public place must be carried out to the satisfaction of Council and certification from a certified practicing engineer is to be provided to Council upon completion of the works.
- Relevant Council assessment and inspection fees, as specified in Council's adopted Pricing Policy, are required to be paid to Council prior to commencement of the works.
92. The vehicular access, ground level carparking and the basement carparks (including, but not limited to, the ramp grades, carpark layout and height clearances) are to be in accordance with the requirements of AS2890.1:2004. The Construction Certificate plans must demonstrate compliance with this requirement, particular attention should be given to the design of the single lane curved ramps.
93. All new walls adjacent to vehicular crossings must be lowered to a height of 600mm above the internal driveway level for a distance of 1.50m within the site or splayed 1.5 metre by 1.5 metre to provide satisfactory sight lines. Details are to be submitted to the Certifying Authority prior to the release of the construction certificate showing compliance with this condition.
94. Prior to the issuing of a Construction Certificate the applicant is to submit to the Certifying Authority for approval, and have approved, the proposed method for

ensuring adequate sight distance for the drivers of vehicles exiting the ground level driveway and level 1 driveway, (i.e. when vehicles are exiting the respective driveways at the same time). This condition is required because the subject driveways are adjacent to one another.

95. Prior to the issuing of a Construction Certificate the applicant is to submit to the Certifying Authority for approval, and have approved, a detailed traffic management plan aimed at minimising potential vehicular conflict on the proposed single lane curved ramps. The TMP must be prepared by a suitably qualified traffic consultant and should include details on any proposed signalisation systems. The Construction Certificate plans must reflect the approved TMP.
96. A work zone is to be provided to the development site and details of the work zone location and the prescribed fee for the installation of a "work zone" having a minimum length of 18 metres must be paid to Council at least four (4) weeks prior to the commencement of building works.
97. 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 address proposed awnings:**

98. The proposed awning overhanging Council's footpath in Anzac Parade is to comply with the following;
  - Be a minimum 0.60m setback from the kerb line in Anzac Parade & Harbourne Lane.
  - To be compatible with any approved street tree planting in Anzac Parade.
  - The underside of the awning is to be a minimum 3.00m clear of Council's issued alignment level for the Anzac Parade frontage (i.e – 100mm above the top of the Council kerb level).

Compliance with the above requirements are to be shown on the plans submitted for the construction certificate.

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

99. The Council's Development Engineer has inspected the above site and has determined that the design alignment level (concrete/paved/tiled level) at the property boundary for driveways, access ramps and pathways or the like, shall be as follows:
  - Anzac Parade Frontage - 100mm above the top of the kerb at all points opposite the kerb, along the Anzac Parade site frontage.
  - Harbourne Lane frontage - 25mm above the existing top of the kerb at all points opposite the kerb, along the Harbourne Lane site frontage.
  - Middle Lane Frontage - 25mm above the existing top of the kerb at all points opposite the kerb, along the Middle Lane site frontage.

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

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

100. 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.
101. The above alignment levels and the site inspection by Council's Development Engineer have been issued at a prescribed fee of \$1152 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:**

102. 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.
103. 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.
104. 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.
105. 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.
106. 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.
107. A Section 73 Compliance Certificate under the Sydney water Act 1994 must be obtained. Application must be made through an authorised Water Servicing Coordinator. Please refer to "Your Business" section of Sydney Water's web site at [www.sydneywater.com.au](http://www.sydneywater.com.au) then the "e-developer" icon or telephone 13 20 92.

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

The Notice must be issued to the Principal Certifying Authority prior to the

construction certificate being issued.

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

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

**Protection from flooding**

108. The floor level of all habitable and storage areas shall be at a minimum RL of 26.85m (AHD) or suitably waterproofed up to this same level.

109. All structural walls on the ground floor level shall be designed to **structurally** withstand hydrostatic pressure/stormwater inundation from floodwater during the probable maximum flood (PMF) event as defined in the Floodplain Development Manual (New South Wales Government, April 2005). Structural Engineering certification confirming that this condition has been complied with shall be submitted to the certifying authority prior to the issuing of a construction certificate.

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

**Internal Drainage**

110. **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.
111. On-site detention must be provided to ensure that the maximum discharge from the above site is not to exceed that which would occur during a 1 **in 5** year storm of 1-hour duration for the existing site conditions. All other stormwater run-off from the above site for all storms up to the 1 in 20 year storm is to be retained on the site for gradual release to the kerb and gutter or drainage system as required by Council. Provision is to be made for satisfactory overland flow should a storm in excess of the above parameters occur.

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

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

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

112. All site stormwater leaving the site must be discharged by gravity to the kerb and gutter or drainage system at the front of the property.
113. Prior to occupation of the development, a "restriction on the use of land" and "positive covenant" (under section 88E of the Conveyancing Act 1919) shall be placed on the title of the subject property to ensure that the onsite detention/infiltration system is maintained and that no works which could affect the design function of the detention/infiltration system are undertaken without the prior consent (in writing) from Council. Such restriction and positive covenant shall not be released, varied or modified without the consent of the Council.

Notes:

- a. The "restriction on the use of land" and "positive covenant" are to be to the satisfaction of Council. A copy of Council's standard wording/layout for the restriction and positive covenant may be obtained from Council's Development Engineer.
  - b. 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.
114. The detention area must be regularly cleaned and maintained to ensure it functions as required by the design.

115. Any onsite detention/infiltration systems shall be located in areas accessible by residents of all units.
116. Any above ground stormwater detention areas (and/or infiltration systems with above ground storage) must be suitably signposted where required, warning people of the maximum flood level.
117. The maximum depth of ponding in above ground detention areas (and/or infiltration systems with above ground storage) shall be as follows:
- a) 300mm in landscaped areas (where child proof fencing is not provided around the outside of the detention area and sides slopes are steeper than 1 in 10)
  - b) 600mm in landscaped areas where the side slopes of the detention area have a maximum grade of 1 in 10.
  - c) 1200mm in landscaped areas where a childproof fence is provided around the outside of the detention area

Notes:

- It is noted that above ground storage will not be permitted in basement carparks or in any area which may be used for storage of goods.
- Mulch/bark must not be used in onsite detention areas

118. The stormwater detention area must be suitably signposted where required, warning people of the maximum flood level.
119. The floor level of all habitable and storage areas adjacent to the detention area must be a minimum of 300mm above the maximum water level for the design storm or alternately a permanent 300mm high water proof barrier is to be constructed.
- (In this regard, it must be noted that this condition must not result in any increase in the heights or levels of the building. Any variations to the heights or levels of the building will require a new or amended development consent from the Council prior to a construction certificate being issued for the development).
120. A childproof and corrosion resistant fastening system shall be installed on access grates over pits/trenches where water is permitted to be temporarily stored.
121. A reflux valve shall be provided (within the site) over any pipelines discharging from the site into Council's underground drainage system to ensure that stormwater from Council drainage system does not surcharge back into the site stormwater system.
122. 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.

123. Prior to the issuing of an occupation certificate, the applicant shall submit to Council, a works-as-executed drainage plan prepared by a registered surveyor and approved by a suitably qualified and experienced Hydraulic Engineer. The works-as-executed drainage plan shall be to the satisfaction of the Principal Certifying Authority (PCA) and shall include the following details:
- a. The location of the detention basin with finished surface levels;
  - b. Finished site contours at 0.2 metre intervals;
  - c. Volume of storage available in the detention areas;
  - d. The location, diameter, gradient and material (i.e PVC, RC etc) of all stormwater pipes;
  - e. The orifice size(s) (if applicable);
  - f. Details of any infiltration/absorption systems; and
  - g. Details of any pumping systems installed (including wet well volumes).

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

- a. within the site at or near the street boundary prior to the site stormwater discharging by gravity to the kerb/street drainage system; and
- b. prior to stormwater discharging into any absorption/infiltration system.

The sediment/silt arrester pit shall be constructed in accordance with the following requirements: -

- The base of the pit located a minimum 300mm under the invert level of the outlet pipe.
- The pit constructed from cast in-situ concrete, precast concrete or double brick.
- A minimum of 4 x 90 mm diameter weep holes located in the walls of the pit at the floor level with a suitable geotextile material with a high filtration rating located over the weep holes.
- A galvanised heavy-duty screen located over the outlet pipe/s (Mascot GMS multipurpose filter screen or equivalent).
- The grate being a galvanised heavy-duty grate that has a provision for a child proof fastening system.
- A child proof and corrosion resistant fastening system provided for the access grate (e.g. spring loaded j-bolts or similar).
- A sign adjacent to the pit stating:

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

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

125. Any Absorption Trenches/Pits must be designed in accordance with "Section 8.5 ABSORPTION TRENCHES" as stipulated in Randwick City Council's Private Stormwater Code.

126. Two covered car-washing bays shall be provided for this development.

- a) The car washing bays must be drained to sewer to the requirements of Sydney Water and proof of compliance is to be submitted to the certifying authority, prior to a construction certificate being issued for

the proposed development.

- b) The car washing bays must be located outside any required/approved stormwater detention system and must be suitably signposted.
- c) The car washing bay/s may be located within the visitor parking spaces provided they are signposted with *'Exclusive Carwash Bay Use Sat 2:00pm – 5:00pm and Sunday 10:00am – 2:00pm, Visitor parking at other times'*
- d) The car washing bays must be constructed with a minimum 20mm bund around the perimeter of the car washing bays (or equivalent)

A water tap shall be located adjacent to the car washing bays.

127. 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.
128. As the above site may be present within a fluctuating water table the basement carpark or similar structures are to be suitably tanked and waterproofed. A Structural Engineer\Geotechnical Engineer shall certify the tanking & waterproofed has been carried out to an acceptable standard and a copy of the certification is to be forwarded to Council.

**Notes: -**

- a) Any subsoil drainage is to be disposed of within the site and is not to be charged to Council's kerb & gutter and/or underground drainage system.
  - b) Adequate provision is to be made for the ground water to drain around the basement carpark (to ensure that the basement will not dam or slow the movement of the ground water through the development site). Seepage water must **not** be drained from the site.
129. A report must be submitted to and approved by the Certifying Authority or an accredited certifier, prior to issuing the Construction Certificate, detailing the proposed method of excavation and dewatering process. This report is to be prepared by suitably qualified and experienced Geotechnical, Hydrological and Structural Engineers and is to include but not limited to:
    - The proposed method of shoring/piling and dewatering.
    - The zone of influence of any possible settlement.
    - The location of any proposed re-injection points in relation to the property boundaries (where re-injection equipment is to be located on land other than the subject premises, the written consent of the owner must also be provided to Council).
    - Monitoring of fluctuations of the water table during dewatering/construction to be undertaken by consulting engineers to ensure that the conditions of consent and other relevant requirements are satisfied.
    - The location of all proposed monitoring equipment in relation to the property boundaries (where monitoring equipment is to be located on land other than the subject premises, the written consent of the owner must also be provided to Council).



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

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

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

130. If any temporary dewatering of the site is required to facilitate construction of any part of the lower basement carpark a licence under Part V of the Water Act 1912 will be required. The licence must be obtained from the NSW Department of Water and Energy prior to installation of the works. A copy of the license agreement must be forwarded to Council prior to any dewatering being undertaken.

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

131. The garbage storage areas are to be provided with a tap and hose and the floor is to be graded and drained to an approved floor waste to the requirements of the Sydney Water Corporation.
132. Prior to the issuing of a construction certificate for the proposed development the applicant is to submit to Council and have approved by Council's Manager of Waste Services, a Waste Management Plan detailing waste and recycling storage and disposal for the development site.

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

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

133. Detailed landscape drawings and specifications, are to be submitted to, and

approved by, the certifying authority, prior to the issue of a construction certificate. The landscape drawings and specifications are to be prepared by a qualified Landscape Architect who is eligible for membership with the Australian Institute of Landscape Architects (AILA). The documentation is to include:

- a. A site plan at an appropriate scale showing existing site boundaries, existing trees within the property (clearly identified as being retained or removed), proposed building envelope, proposed areas of pavement, and proposed landscaped areas.
  - b. A planting plan at a scale of 1:100 or 1:200 indicating the location of all proposed planting and existing trees to be retained. All plants are to be drawn at their mature size with a dense planting of shrubs, accent plants and ground covers within all garden beds so that a continuous planted cover is achieved. Plant spacings are to be clearly indicated for all accent and groundcovers.
  - c. A planting schedule listing all plants by botanic & common names, plant numbers, plant spacings for groundcovers and accent planting, pot sizes, the estimated size of the plant at maturity (height & spread) and proposed staking methods when applicable.
  - d. Additional notation showing soil and mulch details, irrigation details, edging, paving, fencing details, surface finishes, retaining wall details, and any other landscape elements in sufficient detail to fully describe the proposed landscape works.
  - e. Position of existing and proposed site services including water, gas, electricity, sewer, stormwater, etc.
  - f. All planter boxes and garden beds constructed on slab must have a minimum soil depth of 600mm and all lawn areas must have a minimum soil depth of 300mm. Planter box details shall be submitted with the detailed landscape plans.
134. The landscaping shall be installed in accordance with the approved documentation prior to the issue of a final occupation certificate and shall be maintained in accordance with those plans.

Documentary evidence is to be obtained from a suitably qualified Landscape Architect and submitted to the principal certifying authority (PCA) (and the Council, if the Council is not the PCA) prior to the issuing of a final occupation certificate which confirms that the landscaping works have been completed in accordance with the approved landscaping plans and relevant conditions of development consent, to the satisfaction of the PCA.

135. The applicant shall submit a landscape design for the Anzac Parade and Harbourne Lane street frontages of the development in accordance with Council's Urban Design Guidelines for Kingsford Commercial Center. The landscape design shall include Council's issued alignment levels, pavements, seat installations, bins and tree grates as required by Council's Landscape Architect.

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

All street furniture is required to be purchased through Council. Due to supply

constraints, the applicant is required to place an order and pay for the required furniture three months prior to the estimated date for the completion of street frontage works.

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

A refundable deposit in the form of cash or cheque of \$6000 shall be lodged with Council prior to issue of a construction certificate for the proposed development in order to ensure the construction of the approved landscape works along the (name of street) site frontage.

136. To ensure satisfactory maintenance of the landscaped areas, an automatic irrigation system shall be installed throughout all the landscaped areas. Such system shall provide full coverage to all the landscaped areas with no overspray onto driveways and pathways. Details of the automatic irrigation system shall be shown on the detailed landscape plans and specifications. The system shall comply with all Sydney Water requirements, and relevant Australian Standards.
137. Any substation required shall be screened from view. The proposed location and elevation shall be shown on all detailed landscape drawings and specifications.
138. All detention tanks and stormwater infiltration systems located within the landscaped areas shall have a minimum soil cover of 600mm to ensure sufficient soil depth to permit the establishment of landscaping on top of these services as stipulated by these conditions of development consent.

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

### **Tree Management**

139. The applicant shall submit a total payment of \$1200.00 to Council,
  - a. Being the cost for Council to supply and install 3 x 100 litre street trees at the completion of all works.

The contribution shall be paid into Account Number 43459939 Activity Code R36 at the Cashier on the Ground Floor of the Administrative Centre **prior to an occupation certificate being issued for the development.**

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

140. Approval is granted for the removal of the following trees:
  - a) Four (4) *Acmena smithii* (Lilly Pilly), located within the site, next to the existing dwelling on Harbourne Lane.

**Advisory Matters**

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

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

**Miscellaneous**

Nil.

**Notices of Rescission Motions**

Nil.

The meeting closed at 7.34 pm.

**The minutes of this meeting were confirmed at the Planning Committee Meeting of the Council of the City of Randwick held on Tuesday, 8 April 2008.**

.....  
**CHAIRPERSON**