



**MINUTES OF PLANNING COMMITTEE MEETING OF THE COUNCIL  
OF THE CITY OF RANDWICK HELD ON TUESDAY, 13<sup>TH</sup> MAY 2008**

**AT 6:31 P.M.**

**Present:**

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

- |              |  |
|--------------|--|
| North Ward   | - Councillors J Kenny, P Tracey & M Woodsmith                |
| South Ward   | - Councillor R Belleli & A White                             |
| East Ward    | - Councillors M Matson (Deputy Chairperson) & D Sullivan     |
| West Ward    | - Councillors B Hughes, S Nash (Chairperson) & J Procopiadis |
| Central Ward | - Councillors A Andrews, C Bastic (from 7.24 pm) & T Seng    |

**Officers present:**

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

**Apologies/Granting of Leave of Absences**

An apology was received from Cr Daley.

**RESOLVED: (Procopiadis/Kenny)** - that the apology received from Cr Daley be accepted and leave of absence from the meeting be granted.

**Confirmation of the Minutes**

**CONFIRMATION OF THE MINUTES OF THE PLANNING COMMITTEE MEETING  
HELD ON TUESDAY 8 APRIL 2008**

PL11/08

**RESOLUTION: (Belleli/Matson)** that the Minutes of the Planning Committee Meeting held on Tuesday 8 April 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**

(a) the Mayor, Cr B Notley-Smith declared a non pecuniary interest in confidential

item M2/08 and will not be debating or voting on the matter as there may be a perception that he may be influenced as preferences were exchanged with the subject of the report at the last election.

- (b) Cr Matson declared a non pecuniary interest in item D24/08 as his daughter attends the nearby school which could be affected by the proposal.
- (c) Cr Sullivan declared a non pecuniary interest in confidential item M2/08 and will not be debating or voting on the matter as he was an interested party in these proceedings.

**RESOLVED: (PROCEDURAL MOTION) (Procopiadis/Hughes)** that item D20/08 relating to 2-4 Strachan Street, Kingsford be deferred to the next council meeting as the objectors weren't given due notice that this matter was being discussed at tonight's meeting. **CARRIED.**

### **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:

**D18/08 22-24A MELROSE PARADE, CLOVELLY**

**For** Mr Stuart Gordon

**D19/08 57 BURNIE STREET, CLOVELLY**

**Against** Mr Antony Challinor

**For** Mr Richard Gadd

**D23/08 44 HOOPER STREET, RANDWICK**

**For** Mr Anthony Mossman

**D24/08 3 STARK STREET, COOGEE**

**Against** Ms Jane Worthington

**For** Mr Eugene Shaw

**D25/08 9 CASTLE STREET, RANDWICK**

**For** Mr Tom Ferguson

**D26/08 133 - 135 CARRINGTON ROAD, COOGEE**

**Against** Mr Lawrence Kennings

**For** Mr Bill Gawme

The meeting was adjourned at 7.11 pm and was resumed at 7.24 pm.

### **Urgent Business**

Nil.

## Development Application Reports

### **D18/08 Development Application Report - 22-24A Melrose Parade, Clovelly (DA/1185/2002/C)**

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PL12/08

#### **RESOLUTION: (Hughes/Andrews)**

That Council as the consent authority, grant its consent under Section 96 of the Environmental Planning and Assessment Act 1979 as amended to modify Development Consent No DA/1185/2002/C for permission to modify the approved development to enlarge the window openings in the eastern elevation to dwellings 4 & 5, and extent the roof overhang to the rear balcony by 800mm at 22-24A Melrose Parade, Clovelly in the following manner:

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

- 1 The development must be implemented substantially in accordance with the plans drawn by Bergstrom Architects and numbered Revision F of DA01, Revision H of DA02, Revision D of DA03, DA04, DA05, Revision C of DA06, stamped received by Council on 26 March 2003 and Landscape Plans drawn by Sidonie Carpenter Landscape Design, numbered 1/12, 2/12, 4/12, dated December 2002 and stamped received by Council on 17 December 2002, the application form and on any supporting information received with the application, as amended by the Section 96 plans drawn by Alfred Jury, and numbered project number 22MEL-03, drawing numbers 1/4A through to 4/4A dated October 03 and received by Council on 20 January 2003, only in so far as they relate to the modifications highlighted on the Section 96 plans and detailed in the Section 96 application, as amended by the Section 96 plans drawn by SJB Architects numbered Revision 01A of Job No. 4373 and drawing numbers A-202 to A-203 and A-0501, A-0601, A-602 and the sample board prepared by SJB Architects dated May 2006 and accompanying photomontages, prepared by SJB Architects, drawing numbers E01 and E02 dated 09.05.06, all stamped received by Council on 11 May 2006 and the plan drawn by SJB Architects numbered Revision 01B of Job No. 4373 of drawing number A201 stamped received by Council on 23 May 2006, only in so far as they relate to the modifications highlighted on the Section 96 plans and detailed in the Section 96 application, as amended by the Section 96 plans drawn by SJB Architects, and numbered A-0204 Revision 07, A-0205 Revision 8, A-0206 Revision 5, A-0501 Revision 8 and A-0601 Revision 07 all dated 7 November 2007 and Job No. 4373 and received by Council on the 29 October 2007, only in so far as they relate to the modifications highlighted in 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.

**MOTION: (Hughes/Andrews) CARRIED - SEE RESOLUTION.**

### **D19/08 Development Application Report - 57 Burnie Street, Clovelly (DA/1053/2007)**

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PL13/08

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

- A. That Council, as the consent authority, support the objection under State Environmental Planning Policy No. 1 – Development Standards in respect to non-compliance with Clauses 30(1), 30(3), 32(1), 33(1) and 33(3) of the Randwick Local Environmental Plan 1998 relating to allotment size, frontage width, floor space ratio and building heights respectively, on the grounds that the proposed development complies with the objectives of the Clauses and will not significantly affect the amenity of the surrounding areas, and that the Department of Planning be advised accordingly.
- B. 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. 1053/2007 for conversion of an existing residential flat building to a dual occupancy, including alterations and additions to the existing building, construction of a second floor, garage and hard stand parking spaces, landscape works and Torrens Title subdivision into two (2) allotments, at No. 57 Burnie Street, Clovelly, 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:

Plan Number / Title	Prepared by	Dated	Received
TP03(B) "Proposed Plan – Ground Floor / Analysis Plan"	Turco Hunter Architects	13.03.08	31 March 2008
TP04 "Plans – First & Second Levels"	Turco Hunter Architects	14.11.07	4 December 2007
TP05(B) "Proposed Plan – Roof / Site Plan"	Turco Hunter Architects	13.03.08	31 March 2008
TP06(B) "Elevations"	Turco Hunter Architects	13.03.08	31 March 2008
TP07 "Typical Sections"	Turco Hunter Architects	14.11.07	4 December 2007
TP10(B) "Southern Entry – Driveway and Entrance Levels"	Turco Hunter Architects	13.03.08	31 March 2008
Draft Survey Plan (Surveyor's Reference 20070438)	Ballenden Surveyors	15 November 2007	4 December 2007
LS001 "Landscape Plan for DA"	Kirstyen Stephen	November 2007	4 December 2007

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:

2. The colours, materials and finishes of the external surfaces to the building are to be compatible with the adjacent development to maintain the integrity and amenity of the building and the streetscape.

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

3. Metal roof sheeting is to be painted or colour bonded to minimise reflection and to be sympathetic and compatible with the building and surrounding environment.
4. There must be no encroachment of the structure/s onto Council's road reserve, footway or public place, unless written permission has been obtained from the Council beforehand.

5. No cooking facilities or sanitary fittings other than those indicated on the approved plans are to be installed in the premises without the prior written consent of the Council.
6. Privacy screens of minimum 1.6m in height must be installed along the side elevations of the proposed rear facing balconies on the first and second levels of both dwellings.

The screens are to be constructed of timber slats, horizontally or vertically positioned, and suitably spaced and angled to prevent overlooking of the adjoining properties at Nos. 55 and 59 Burnie Street.

Details demonstrating compliance with the above requirements are to be incorporated in the Construction Certificate documentation to the satisfaction of the Principal Certifying Authority, prior to issue of the Construction Certificate.

7. Fences located on the side or rear boundaries of the premises shall not exceed a maximum height of 1,800mm, measured above the finished ground level within the subject site.

On sloping sites or at changes in ground levels, the maximum height of the fence may exceed the abovementioned specified height by up to 150mm maximum adjacent to any required 'step-downs' or changes in ground level.

The applicant and owner are advised that the relevant provisions of the Dividing Fences Act 1991 are to be satisfied accordingly and any necessary approvals or agreements should be obtained from the owner/s of the adjoining land beforehand.

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

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

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

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

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

The principal certifying authority must ensure that a Quick Check Agent/Sydney Water has appropriately stamped the plans before commencing any works.

**The following condition is applied to meet additional demands for public facilities:**

10. In accordance with Council's Section 94A Development Contributions Plan effective from 2 July 2007, the following monetary levy must be paid to

Council.

Category	Cost	Applicable Levy	Section 94A Levy
Development cost \$100,001 - \$200,000	-----	0.5%	-----
Development cost more than \$200,000	\$860,000	1.0%	<b>\$8,600</b>

The levy must be paid in cash, bank cheque or by credit card prior to a construction certificate being issued for the proposed development. The development is subject to an index to reflect quarterly variations in the Consumer Price Index (CPI) from the date of Council's determination to the date of payment.

Council's Section 94A Development Contribution Plans may be inspected at the Customer Service Centre, Administrative Centre, 30 Frances Street, Randwick or at [www.randwick.nsw.gov.au](http://www.randwick.nsw.gov.au).

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

11. In accordance with Section 80A (11) of the Environmental Planning and Assessment Act 1979 and Clause 97A of the Environmental Planning and Assessment Regulation 2000, it is a prescribed condition that all of the required commitments listed in the relevant BASIX Certificate for this development are fulfilled.
12. 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.

13. The following provisions are to be implemented in accordance with the relevant BASIX Certificate and details are to be included in the Construction Certificate documentation (as applicable), to the satisfaction of the Certifying Authority:
  - Stormwater management (i.e. rainwater tanks)
  - Water efficiency (i.e. triple A rated taps and showers, dual flush toilets and water re-use)
  - Landscaping provisions
  - Thermal comfort (i.e. construction materials, glazing and insulation)
  - Energy efficiency (i.e. cooling & heating provisions and hot water systems)
14. In accordance with Clause 154B of the Environmental Planning & Assessment Regulation 2000, a Certifying Authority must not issue a final Occupation Certificate for this development, unless it is satisfied that each of the required BASIX commitments has been fulfilled.

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

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

15. 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.

16. 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.

17. 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.

18. Prior to the commencement of any building works, the person having the benefit of the development consent must: -

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

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

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

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

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

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

20. A sign must be erected and maintained in a prominent position on the site for the duration of the works, which contains the following details:
- name, address, contractor licence number and telephone number of the principal contractor, including a telephone number at which the person may be contacted outside working hours, or owner-builder permit details (as applicable);
  - name, address and telephone number of the Principal Certifying Authority; and
  - a statement stating that "unauthorised entry to the work site is prohibited".
21. 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.

22. 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.

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



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

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

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

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

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

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

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.

25. Smoke alarms are required to be installed in each Class 1 building or residential dwelling in accordance with the relevant provisions of Part 3.7.2 of the B.C.A. – Housing Provisions.

Smoke alarms must comply with AS3786 – Smoke alarms and be connected to the consumer mains electric power supply and provided with a battery back-up.

The smoke alarms are to be installed in suitable locations on or near the ceiling, in any storey containing bedrooms; located between each part of the dwelling containing the bedrooms and the remainder of the dwelling, or where bedrooms are served by a hallway, the smoke alarms are to be located in that hallway; and smoke alarms are to be installed in any other storey not containing bedrooms, to the satisfaction of the certifying authority.

Smoke alarms are not to be located in 'dead-air-spaces', in the corner junction of walls and ceilings between exposed rafters/joists or at the apex of raked ceilings, as detailed in Part 3.7.2 of the Building Code of Australia – Housing Provisions.

Details of compliance with the provisions of the Building Code of Australia must be included in the plans/specification for the construction certificate.

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

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

26. The demolition of buildings and 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.
27. A Demolition Work Plan must be prepared for the development in accordance with Australian Standard AS2601-2001, Demolition of Structures.

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

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

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

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

28. Any work involving the demolition, storage and disposal of asbestos products and materials must be carried out in accordance with the following requirements:
- Relevant Occupational Health & Safety legislation and WorkCover NSW requirements
  - Randwick City Council's Asbestos Policy (adopted 13 September 2005)
  - A WorkCover licensed demolition or asbestos removal contractor must undertake removal of more than 10m<sup>2</sup> of bonded asbestos (or as otherwise specified by WorkCover or relevant legislation). Removal of friable asbestos material must only be undertaken by contractor that holds a current friable asbestos removal licence.
  - On sites involving the removal of asbestos, a sign must be clearly displayed in a prominent visible position at the front of the site, containing the words 'DANGER ASBESTOS REMOVAL IN PROGRESS' and include details of the licensed contractor.

- Asbestos waste must be stored, transported and disposed of in compliance with the Protection of the Environment Operations Act 1997 and the Protection of the Environment Operations (Waste) Regulation 1996.
- A Clearance Certificate or Statement, prepared by a suitably qualified person (i.e. an occupational hygienist, licensed asbestos removal contractor, building consultant, architect or experienced licensed building contractor), must be provided to Council and the principal certifying authority upon completion of the asbestos related works prior to an Occupation Certificate being issued, which confirms that the asbestos material have been removed appropriately and the relevant conditions of consent have been satisfied.

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

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

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

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

30. A dilapidation report prepared by a professional engineer, accredited building surveyor or other suitably qualified person must be submitted to the satisfaction of the Principal Certifying Authority prior to commencement of any demolition, excavation or building works, in the following cases:

- new dwellings or additions to dwellings sited up to the property boundaries (including additions to a semi-detached dwelling),
- excavations for new dwellings, additions to dwellings, swimming pools or the like which are proposed to be located within the zone of influence of the footings of any dwelling, associated garage or other substantial structure located upon an adjoining premises,
- excavations for new dwellings, additions to dwellings, swimming pools or the like which are within rock and may result in vibration and or potential damage to any dwelling, associated garage or other substantial structure located upon an adjoining premises,
- as otherwise required by the Principal Certifying Authority.

The report (including photographs) is to detail the current condition and status of any dwelling, associated garage or other substantial structure located upon the adjoining premises, which may be affected by the subject works.

31. The adjoining land and buildings located upon the adjoining land must be adequately supported at all times.

If an excavation associated with the erection or demolition of a building extends below the level of the base of the footings of any building located 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
- effectively support the excavation and building; 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 and particulars of the works to the owner of the adjoining land.

#### Notes

- This consent and condition do not authorise any trespass or encroachment upon any adjoining or supported land or building whether private or public. Where any underpinning, shoring, soil anchoring (temporary or permanent) or the like is proposed to be carried out upon any adjoining or supported land, the principal contractor or owner-builder must obtain:
  - a) the consent of the owners of such adjoining or supported land to trespass or encroach, or
  - b) an access order under the Access to Neighbouring Land Act 2000, or
  - c) an easement under section 88K of the Conveyancing Act 1919, or
  - d) an easement under section 40 of the Land & Environment Court Act 1979, as appropriate.
- Section 177 of the Conveyancing Act 1919 creates a statutory duty of care in relation to support of land. Accordingly, a person has a duty of care not to do anything on or in relation to land being developed (the supporting land) that removes the support provided by the supporting land to any other adjoining land (the supported land).

32. 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.

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

Noise and vibration from any rock excavation machinery and pile drivers (or the like) must be minimised by using appropriate plant and equipment and silencers and a construction noise and vibration minimisation strategy, prepared by a suitably qualified person is to be implemented during the works, to the satisfaction of the Principal Certifying Authority.

34. 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.

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.

35. 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;
- construction traffic management provisions.

The site management measures are to be implemented prior to the commencement of any site works and be maintained throughout the works, to maintain 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.

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

Details of the proposed sediment control measures are to be detailed in the Construction Site Management Plan which must be submitted to and approved by the principal certifying authority prior to the commencement of any site works.

37. 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. 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.

- c. 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.
- d. 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 condition has been applied to ensure the structural adequacy and integrity of the proposed building and adjacent premises:**

38. Certificate of Adequacy supplied by a professional engineer shall be submitted to the certifying authority (and the Council, if the Council is not the certifying authority) prior to a construction certificate being issued for the development, certifying the structural adequacy of the existing structures to support the additional storey/upper floor addition.

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

39. Swimming pools are to be provided with childproof fences and self-locking gates, in accordance with the Swimming Pools Act 1992 and regulations.

The swimming pool is to be surrounded by a fence having a minimum height of 1.2m, that separates the pool from any residential building situated on the premises and from any place (whether public or private) adjoining the premises; and that is designed, constructed and installed in accordance with AS 1926-1986.

Gates to pool area shall be a maximum width of 1 metre, and be self-closing and latching; the gate is required to open outwards from the pool area and prevent a small child opening the gate or door when the gate or door is closed.

Temporary pool safety fencing is to be provided pending the completion of all building work and the pool must not be filled until a fencing inspection has been carried out and approved by the principal certifying authority.

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

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

A sign shall be erected in a prominent position in the immediate vicinity of the swimming pool, in accordance with the document entitles "Policy Statement No. 9.4.1; Guidelines for the Preparation of Posters on Resuscitation", published in 1985 by the Australian Resuscitation Council and the sign must bear a notice that contains the words "YOUNG CHILDREN SHOULD BE

SUPERVISED WHEN USING THIS SWIMMING POOL”, together with details of resuscitation techniques (for adults, children and infants) set out in accordance with the document entitled “Cardio Pulmonary Resuscitation: published by the Australian Resuscitation Council.

41. Swimming pools are to be designed, installed and operated in accordance with the following general requirements: -
- a. Backwash of the pool filter and other discharge of water is to be drained to the sewer in accordance with the requirements of the Sydney Water Corporation; and
  - b. All pool overflow water is to be drained away from the building and adjoining premises, so as not to result in a nuisance or damage to premises; and
  - c. Water recirculation and filtrations systems are required to comply with AS 1926.3 – 2003: Swimming Pool Safety – Water Recirculation and Filtration Systems; and
  - d. Pool plant and equipment are to be enclosed in a sound absorbing enclosure or installed within a building, to minimise noise emissions and possible nuisance to nearby residents; and
  - e. The pool plant and equipment shall not be operated during the following hours if the noise emitted can be heard within a habitable room in any other residential premises, or, as otherwise specified in relevant Noise Control Regulations:
    - i. before 8.00am or after 8.00pm on any Sunday or public holiday; or
    - ii. before 7.00am or after 8.00pm on any other day.
42. Written notification must be provided to Council advising of the installation and completion of the Swimming Pool (or Spa Pool), to satisfy the requirements of the Swimming Pools Act 1992, prior to issuing an Occupation Certificate.

Council’s “Notification & Registration of a Swimming Pool” form must be completed and forwarded to Council prior to any Occupation Certificate being issued for the pool.

**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:**

43. 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.

44. The installation of rainwater tanks shall comply with the following noise control requirements:-
- a) The operation of all plant and equipment shall not give rise to an ‘offensive noise’ as defined in the Protection of the Environment Operations Act 1997 and Regulations.

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.

- b) Plant and equipment associated with rainwater tank(s) are to be enclosed in a sound absorbing enclosure or installed within a building, to minimise noise emissions and possible nuisance to nearby residents.
- c) The operation of plant and equipment associated with the rainwater tank(s) are to be restricted to the following hours if the noise emitted can be heard within a habitable room in any other residential premises:
  - before 8.00am or after 8.00pm on weekends or public holiday;
  - or
  - before 7.00am or after 8.00pm on weekdays.

**The following condition is applied to provide adequate security against damage to Council's infrastructure:**

#### **Security Deposit Conditions**

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

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

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

- 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.

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

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

46. 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 2 full width concrete vehicular crossings and laybacks at kerb opposite the vehicular entrance to the site.
  - b. Reconstruct the existing footpath between the vehicular crossings to Council's specification and design.



47. 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.
48. The applicant shall note that all external work, carried out on Council property, shall be in accordance with Council's Policy for "Vehicular Access and Road and Drainage Works". An application for the cost of the Council civil works is to be submitted to Council at the completion of the internal building works. An application fee shall be payable to Council for the quotation of the required works. The applicant may elect to use his contractor for the required works, subject to Council approval, however a design and supervision fee based on the lowest quotation from Council's nominated contractor will be required to be paid prior to the commencement of any works.
49. All new walls adjacent to vehicular crossings must be suitably designed to ensure satisfactory sight lines for the drivers of vehicles exiting the development site. Council recommends that all new walls be either 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. Alternate treatments of fencing/walls will be considered subject to the applicant demonstrating that adequate sight lines have been provided. Details are to be submitted to the Certifying Authority for approval, and be approved prior to release of the Construction Certificate.
50. The driveway openings at the street frontage must be a minimum of 3.0 metres wide and located at least 0.5 metres clear of the side property boundaries.
51. The width of the planter box along the eastern side of the proposed hard-stand parking space of Dwelling 2 (western dwelling) shall be reduced by 300mm, in order to facilitate the opening of car doors. Details are to be indicated in the Construction Certificate documentation to the satisfaction of the Principal Certifying Authority, prior to issue of the Construction Certificate.

### **Alignment Level Conditions**

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

52. The Council's Development Engineer has inspected the above site and has determined that the design alignment level (concrete/paved/tiled level) at the property boundary for driveways, access ramps and pathways or the like, must match the back of the existing footpath along the full site frontage.  
  
The design alignment level at the property boundary must be strictly adhered to.
53. The design alignment levels (concrete/paved/tiled level) issued by Council and their relationship to the roadway/kerb/footpath must be indicated on the building plans for the construction certificate.
54. The above alignment levels and the site inspection by Council's Development Engineer have been issued at a prescribed fee of \$606.00 calculated at \$44.00 (inclusive of GST) per metre of site frontage. This amount is to be paid prior to a construction certificate being issued for the development.

### **Service Authority Conditions**

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

55. 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.
56. 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.
57. 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.
58. A Road / Asset Opening Permit must be obtained from Council prior to carrying out any public utility service works within or upon a road, footpath, nature strip or in any public place, in accordance with section 138 of the Roads Act 1993 and all of the conditions and requirements contained in the Road / Asset Opening Permit must be complied with.

The owner/builder must ensure that all works within or upon the road reserve, footpath, nature strip or other public place are completed to the satisfaction of Council, prior to the issuing of a final occupation certificate for the development.

For further information, please contact Council's Road / Asset Opening Officer on 9399 0691 or 9399 0999.

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

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

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

The Section 73 Certificate must be submitted to the Principal Certifying Authority prior to release of the plan of subdivision.

**Drainage Conditions**

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

Protection from flooding

60. Levels for the internal carspaces, pedestrian entry/exit points and proposed garages shall be generally in accordance with the drawing titled "Southern

Entry Driveway and Entrance Levels”, Drawing Number TP-10-B as received by Council 31/3/08. The applicant must ensure that a minimum clearance of 2.1 metres, measured perpendicular to the internal driveways, is available at all points along the internal driveway. The garage slab/floor level on the Eastern Driveway Section is to be RL 23.82, (not 24.35 as shown). This condition is required to minimize the potential for overland stormwater flow in Burnie Street to enter the proposed development. The construction certificate plans must demonstrate compliance with these requirements.

61. The proposed pools must be redesigned such that no part of the pool is located closer than 4.5 metres from the northern site boundary. This condition is required because there is a potential east-west stormwater overland flowpath through the development site, adjacent to the northern site boundary. Details of the redesigned pools must be submitted to the Certifying Authority for approval, and be approved, prior to the issuing of a Construction Certificate. Note: any redesign of the pools must not have an adverse impact on the Ficus macrophylla (Moreton Bay Fig) located centrally within the rear yard of the subject site. Council requires that the long term health and stability of this tree be maintained in conjunction with the proposed development.
62. Any new fencing running north-south must be constructed of an open form within 4.5 metres of the northern site boundary, (e.g. the common boundary fence between the two allotments).
63. 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 a manner that could endanger lives during the PMF event.

#### Internal Drainage

**The following conditions are applied to provide adequate provisions for site drainage and associated infrastructure: (Note: Stormwater drainage plans have not been approved as part of this development consent.)**

64. Detailed drainage plans shall be submitted to and approved by the certifying authority prior to the issue of a construction certificate. The drainage plans shall demonstrate compliance with the conditions of this development approval.
65. Each dwelling shall have its own stormwater drainage system and the drainage system shall either discharge to the kerb and gutter in Burnie Street fronting the development site, (subject to compliance with the below conditions relating to discharge to the kerb and gutter) and/or into an infiltration system, (subject to compliance with the below conditions relating to discharge of stormwater via an infiltration system).
66. Should the stormwater be discharged to the kerb and gutter in Burnie Street the site stormwater from each dwelling shall be piped to a sediment/silt arrester pit that drains to an infiltration area with a minimum 5 m<sup>2</sup> base area. An overflow pipe shall be provided from the silt arrester pit to drain to Council's kerb and gutter.

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

Notes:

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

- b) The infiltration/rubble pit shall:-

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

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

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

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

- d) The overflow pipe/s from the rainwater tank/s shall be directed into the infiltration area.

67. Should the stormwater be discharged to infiltration systems in the rear of the proposed allotments, (i.e. to infiltration areas without an overflow to the

street), the infiltration areas shall be sized based on a minimum requirement of 1 m<sup>2</sup> of infiltration area (together with 1 m<sup>3</sup> of storage volume) for every 20 m<sup>2</sup> of roof/impervious area draining to the infiltration area.

Prior to the use of infiltration in areas where there is no formal overland escape route to Council's kerb and gutter/street drainage system, a geotechnical investigation will be required to determine whether the ground is suitable for infiltration. Should rock and/or a water table be encountered within two metres of the proposed base of the infiltration pit, or the ground conditions comprise low permeability soils such as clay, infiltration may not be appropriate.

68. All site stormwater which is discharged into an infiltration/absorption system must be taken through a sediment/silt arrester pit. The sediment/silt arrester pit shall be constructed with:-

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

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

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

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

70. Any infiltration system must be regularly cleaned and maintained to ensure it functions as required by the design.

71. Any infiltration systems with above ground storage must be suitably signposted where required, warning people of the maximum flood level.

72. The floor level of all habitable and storage areas adjacent to any infiltration system with above ground storage must be a minimum of 300mm above the maximum water level in the detention area for the design storm or alternately

a permanent 300mm high water proof barrier is to be constructed.

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

73. A childproof and corrosion resistant fastening system shall be installed on access grates over pits/trenches where water is permitted to be temporarily stored.
74. Should a pump system be required to drain any portion of the site the system must be designed with a minimum of two pumps being installed, connected in parallel and connected to a control board so that each pump will operate alternatively. The pump wet well shall be sized for the 1 in 100 year, 2 hour storm assuming both pumps are not working.

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.

75. 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 any infiltration area with finished surface levels;
  - b. The location, diameter, gradient and material (i.e. PVC, RC etc) of all stormwater pipes;
  - c. Details of any infiltration/absorption systems; and
  - d. Details of any pumping systems installed (including wet well volumes).
76. Prior to the issuing of an occupation certificate, the applicant shall submit to the Principal Certifying Authority (PCA) and Council, certification from a suitably qualified and experienced Hydraulic Engineer confirming that the design and construction of the stormwater drainage system complies with the conditions of development consent. The certification must be provided following inspection/s of the site stormwater drainage system by the certifying engineers and shall be provided to the satisfaction of the PCA.

### **Waste Management Conditions**

**The following condition is applied to provide adequate provisions for waste management:**

77. A waste storage area shall be provided within each of the proposed allotments, (i.e. a total of 2 bin areas will be required). Each of the bin areas shall be screened from view and sized to contain a total of 3 waste bins (1 x 120L garbage bin, 1 x 240L recycling bin & 1 x 240L green waste bin) whilst providing satisfactory access to these bins. The plans submitted for the construction certificate shall demonstrate compliance with this requirement.

### **Torrens Title Subdivision Conditions**

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

78. The applicant shall create suitable right of carriageway, easements for access,

services and internal stormwater lines, as required. The applicant shall be advised that the minimum easement width for any internal stormwater line is 0.9 metres.

79. All conditions of development consent must be satisfied and all public roads and reserves must be satisfactorily restored prior to endorsement of the subdivision plans.
80. The applicant shall provide Council with a survey plan of the property prior to endorsement of the subdivision plans.

### **Landscape Conditions**

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

81. Landscaping at the site shall be installed substantially in accordance with the Landscape Plan by Kirstyen Stephen, drawing number LS001, dated November 2007 and stamped by Council 4<sup>th</sup> December 2007, subject to the following additional requirements being shown on an amended plan, to the satisfaction of the Principal Certifying Authority (PCA), prior to the issue of a construction certificate;
  - a. A square measuring a minimum of 1m x 1m shall be provided in Council's Burnie Street footpath, a distance of 1.5 metres to the west of the existing power pole, at the back of the kerb, in order to facilitate the replacement street tree;
  - b. All detention tanks and below ground stormwater infiltration systems located within the landscaped areas shall have a minimum soil cover of 600mm to ensure sufficient soil depth for the establishment of landscaping.
82. Prior to the issue of final occupation certificate, documentary evidence is to be obtained from a qualified Landscape Designer or Landscape Architect (member of AILD or AILA respectively), and is to be submitted to the PCA, (and Council, if Council is not the PCA), which confirms that all landscape works have been completed in accordance with the approved landscaping plans and relevant conditions of development consent.

### **Tree Management**

83. Approval is granted for the applicant to remove the existing *Banksia integrifolia* (Coastal Banksia) located within Council's Burnie Street footpath, towards the western boundary, during excavations associated with the proposed vehicle crossing, with the applicant required to satisfy themselves as to the location of all site services (refer to Service Authority conditions) prior to the commencement of any site works.
84. The approval described above is subject to the applicant submitting a total payment of \$307.25 (including GST) to Council, being for:
  - a. Council to supply and install 1 x 25 litre replacement street tree, *Banksia integrifolia* (Coastal Banksia) within the Burnie Street footpath, a distance of 1.5 metres to the west of the existing power pole at the completion of all works (\$97.50 + GST); and
  - b. A loss of amenity charge to compensate Council and the community for the costs of originally growing, planting and maintaining the existing street tree which now needs to be removed in order to accommodate

the proposed works (\$200.00 no GST).

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

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

85. With the exception of the large *Ficus macrophylla* (Moreton Bay Fig) located centrally within the rear yard which is to be retained (refer to Tree Protection Measures below), approval is granted for the removal of all other existing vegetation within the site in order to accommodate the proposed works as shown, as all were assessed as being either undesirable species, or insignificant, and too small for the provisions of Council's Tree Preservation Order (TPO); however, this approval is subject to full implementation of the approved landscape plan.
86. Prior to the issue of a construction certificate, the PCA will be required to ensure that an Arborist who holds a minimum of AQF Level 5 in Arboriculture, and who is also a registered member of a nationally recognized association/organisation ("the site Arborist") has been engaged to supervise the relevant components of this proposed development, for the full duration of the works, with all relevant contact details to be forwarded to Council's Director of City Planning (if Council is not engaged as the PCA), prior to the commencement of site works.
87. All site staff will be required to comply with the site Arborist, with a statement confirming compliance with the measures described in this report to be provided to the satisfaction of the PCA (with a copy to be forwarded to Council's Director of City Planning), upon completion of all site works, and prior to the issue of a final occupation certificate.
88. Should the pruning of second and third order branches from the southern aspect of the *Ficus macrophylla* (Moreton Bay Fig) located centrally within the rear yard be necessary in order to avoid damage to this tree during the course of the works, or in order to avoid interference with the dwelling upon completion, it shall be selective in nature, and will not be an amount which will substantially alter its existing habit.
89. In order to ensure this, all pruning shall only to be undertaken by the site Arborist, to the requirements of Australian Standard AS 4373-1996 'Pruning of Amenity Trees,' with Council's Landscape Development Officer (9399-0613) required to be present on site prior to the commencement of any pruning, in order to determine the extent of pruning allowable, with the Arborist to comply with Council's instructions.

### **Tree Protection Measures**

90. In order to ensure the retention of the *Ficus macrophylla* (Moreton Bay Fig) located centrally within the rear yard of the subject site in good health, the following measures are to be undertaken:
  - a. All detailed architectural, building, demolition, engineering (structural, stormwater & drainage, services), and landscape documentation submitted for the construction certificate application shall show the retention of this specimen with the position of its trunk and full diameter of its canopy clearly shown on all drawings.



- b. Prior to the issue of a construction certificate, the site Arborist will be required to provide written certification, together with construction details, which confirms that a cantilevered style footing design such as pier and beam or similar, that will allow the preservation of any major roots with a diameter of 50mm or more, has been prepared for both the rear extension and lap pool.
- c. A minimum 75mm deep layer of woodchip mulch shall be provided and maintained within the Protection Zone described in Point d, for the duration of works, until such time as landscape works in this area are being performed.
- d. The tree is to be physically protected by the installation of 1.8 metre high steel mesh/chainwire fencing which shall be located a minimum distance of 4 metres to its south, measured off the outside edge of its trunk, as well as 3.5 metres to the west, 3 metres to the east and 6 metres to its north in order to completely enclose this tree for the duration of the works.
- e. This fencing shall be installed prior to the commencement of demolition and construction works and shall remain in place until such stage that works in this specific area needs to be performed. Signage containing the following words shall be permanently attached and clearly displayed: "TREE PROTECTION ZONE, DO NOT ENTER".
- f. Any excavations required for footings, structures, retaining walls, services, pipes, detention tanks, stormwater infiltration systems, paving etc within 7 metres of the outside edge of its trunk shall initially be undertaken by hand, by the site Arborist, to a minimum depth of 600mm.
- g. Any roots encountered within the zone described in point c that have a diameter of less than 50mm shall be cleanly cut by hand by the site Arborist, with the affected areas backfilled with clean site soil as soon as practically possible.
- h. Any roots encountered either outside or within the zone described in point c which have a diameter of 50mm or greater shall be preserved, with any footings to be suitably re-located elsewhere or designed in such a manner so as to ensure their preservation, making suitable allowance for an expansion in their girth over time.
- i. Upon completion of these hand dug trenches, and prior to the pruning of any roots or pouring/construction of any footings within the zone described in point c, the applicant/Arborist shall contact Council's Landscape Development Officer (9399-0613) to arrange a joint site inspection to confirm the extent of root pruning permissible.
- j. The two 100mm PVC stormwater lines proposed for installation a distance of only 1.5 metres to both the east and west of its trunk, running in a northerly direction from the water tank overflow beneath the rear decks to an absorption area towards the rear of the site, shall be relocated to run along the western boundary, and as close as possible to the western edge of the lap pool proposed along the eastern edge of the site.
- k. Within the zone described in point c there is to be no storage of materials or machinery or site office/sheds, nor is cement to be mixed or chemicals spilt/disposed of and no stockpiling of soil or rubble.

91. In order to ensure the retention of the *Melaleuca quinquinervia* (Broad Leafed Paperbark) located within the adjoining property to the west, 55 Burnie Street, close to the common boundary in good health, the following measures are to be undertaken:
- a. All detailed architectural, building, demolition, engineering (structural, stormwater & drainage, services), and landscape documentation submitted for the construction certificate application shall show its retention with the position of its trunk and full diameter of its canopy clearly shown on all drawings.
  - b. Detailed architectural, building, demolition, engineering (structural, stormwater & drainage, services), and landscape documentation submitted for the construction certificate application shall show that existing soil levels between the western edge of the proposed pool and western boundary will be maintained, with all services, detention tanks, stormwater infiltration systems, pipes etc to be suitably designed and located outside this area.
  - c. Within this zone there is to be no storage of materials or machinery or site office/sheds, nor is cement to be mixed or chemicals spilt/disposed of and no stockpiling of soil or rubble.
  - d. Any new fencing or privacy screens proposed along the western boundary, within 3.5 metres of the outside edge of its trunk, shall only be those which do not require a continuous strip footing for support, with the structure/system utilised to be one which will only require a localised footing/pad, or one which can be attached on top of the existing low brick wall along the western boundary.
  - e. Any excavations associated with the southwest corner of the proposed pool, for the full length of its southern edge, as well as a distance of 2 metres along its western edge (in a northerly direction) shall initially be undertaken by hand, by the site Arborist, to a minimum depth of 600mm, with any roots encountered to be cut cleanly by hand, with the affected area to be backfilled as soon as practically possible.

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

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

**MOTION: (Andrews/White) CARRIED - SEE RESOLUTION.**

**D20/08 Development Application Report - 2-4 Strachan Street, Kingsford  
(DA/1077/2007)**

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This development application was deferred until the ordinary council meeting to be held on Tuesday 27<sup>th</sup> May, 2008.

**D21/08 Development Application Report - 214 Gardeners Road, Kingsford  
(DA/327/2004/A)**

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PL14/08 **RESOLUTION: (Hughes/Andrews)**

That Council as the consent authority, grant its consent under Section 96 of the Environmental Planning and Assessment Act 1979 as amended to modify Development Consent No DA/327/04 for permission to conduct mechanical repairs within the existing auto electrical workshop at 214 Gardeners Road, Kingsford in the following manner:

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

The development must be implemented substantially in accordance with the survey plans numbered Ref No. 8165 Sheet 1 and Ref No. 8165 Sheet 2, dated 24 May 2001 and received by Council on 5 May 2004 and 21 June respectively, the application form and on any supporting information received with the application, as amended by the **Section 96 application received by Council on the 14<sup>th</sup> January 2008, only in so far as they relate to the modifications highlighted on the Section 96 plans and detailed in the Section 96 application.**

**2. Amend Condition No. 7 to read;**

"7. Vehicle hoists shall be of scissor style construction and shall be fixed flat to the concrete workshop area at the front of the building (as indicated on the plans received by Council on 14 January 2008) at all times when not in use during vehicle repairs."

**MOTION: (Hughes/Andrews) CARRIED - SEE RESOLUTION.**

**D22/08 Development Application Report - 238 Beauchamp Road, Matraville  
(DA/999/2003/B)**

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PL15/08 **RESOLUTION: (Hughes/Andrews)**

That Council as the consent authority, grant its consent under Section 96 of the Environmental Planning and Assessment Act 1979 as amended to modify Development Consent No DA/999/03 for permission to carryout alterations and additions to the dwelling in the following manner:

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

The development must be implemented substantially in accordance with the plans numbered 53/03, dated 19 March 2004 and received by Council on the 25 March 2004

the application form and on any supporting information received with the application, as amended by the Section 96(2) plans dated 12 April 2006 received by Council on the 28 April 2006 as further amended by the ***Section 96(2) plans dated 11/12/2007 received by Council on the 13 December 2007, only in so far as they relate to the modifications highlighted on the Section 96 plans and detailed in the Section 96 application.***

**MOTION: (Hughes/Andrews) CARRIED - SEE RESOLUTION.**

**D23/08 Development Application Report - 44 Hooper Street, Randwick  
(DA/389/2007)**

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PL16/08

**RESOLUTION: (Hughes/Andrews)**

That Council, as the consent authority, grant its consent under Section 96 of the Environmental Planning and Assessment Act 1979 as amended to modify Development Consent No Section 96 application to modify Development Consent No.389/07 alteration to roof design, new windows and privacy screen to balcony. at 44 Hooper Street, Randwick in the following manner:

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

1. The development must be implemented substantially in accordance with the plans numbered 0721, sheets 1-7, dated May 2007 and received by Council on the 20<sup>th</sup> July 2007 the application form and on any supporting information received with the application, as amended by the ***Section 96 plans received by Council on the 25<sup>th</sup> February 2008, only in so far as they relate to the modifications highlighted on the Section 96 plans and detailed in the Section 96 application.***

**B Condition No. 5 to be deleted.**

**MOTION: (Hughes/Andrews) CARRIED - SEE RESOLUTION.**

**D24/08 Development Application Report - 3 Stark Street, Coogee  
(DA/628/2007)**

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**(Note: A rescission motion on this item was submitted to the General Manager in accordance with Council's Code of Meeting Practice.)**

PL17/08

**RESOLUTION: (Andrews/ Bastic)**

- A. That Council support the objections under State Environmental Planning Policy No. 1 - Development Standards in respect to non-compliance with Clauses 33(3), 34(3), 34(5) and 35(3) of the Randwick Local Environmental Plan 1998, relating to floor space ratio, building heights and landscaped area provision, on the grounds that the proposed development complies with the objectives of the above clauses, and will not adversely affect the amenity of the locality, and that the Department of Planning be advised accordingly.
- B. 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 DA/628/2007 for alterations and additions to an existing residential flat building to create 8 apartment units, including construction of a fifth floor level, additions of balconies, erection of a triple garage to the front and associated landscape works, at No. 3 Stark Street, Coogee, subject to the following conditions:

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

1. The development must be implemented substantially in accordance with the following plans:

Plan Number / Title	Prepared by	Dated	Received on
0717-1C	Arttech Design	02/02/08	7 Feb 2008
0717-2C	Arttech Design	02/02/08	7 Feb 2008
0717-3C	Arttech Design	02/02/08	7 Feb 2008
0717-4C	Arttech Design	02/02/08	7 Feb 2008
0717-5C	Arttech Design	02/02/08	7 Feb 2008
0717-6C	Arttech Design	02/02/08	7 Feb 2008
0717-7C	Arttech Design	02/02/08	7 Feb 2008
07.721-01(B)	Greenplan	29/01/08	7 Feb 2008

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:

2. The colours, materials and finishes of the external surfaces to the building are to be consistent with the submitted "Schedule of Finishes", received by Council on 7 February 2008.
3. Street numbering must be provided to the premises in a prominent position, to the satisfaction of Council.

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

4. A single common television aerial, and/or satellite dish (having a maximum diameter of 700mm and not located on the front or street elevation of the building) is to be installed to serve the development.
5. 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.
6. 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.
7. A ceiling fan is to be installed in each bedroom of all proposed residential units within the development. Details are to be provided in the Construction Certificate documentation to the satisfaction of the Principal Certifying Authority.
8. The glazing components of the balcony balustrades on the northern and southern elevations shall consist of frosted / obscured glass, in order to protect the privacy of the occupants. Details are to be included in the Construction Certificate documentation to the satisfaction of the Principal Certifying Authority.
9. The proposed privacy screens on the western elevation of the front balconies

(that is, balconies facing Stark Street) on the ground, first, and second floor levels are to be constructed of aluminium louvres that are vertically positioned and angled towards Stark Street. The louvers are to be suitably spaced, or other configuration that prevent overlooking of the adjoining property at No. 1 Stark Street.

10. The proposed privacy screens on the western elevation of the rear balconies (that is, balconies facing the public reserve to the south of the site) on the first and second floor levels are to be constructed of aluminium louvres that are vertically positioned and angled towards the public reserve. The louvers are suitably spaced to prevent overlooking of the adjoining property at No. 1 Stark Street.
11. The undercroft areas below the first floor rear balcony (that is, the balcony facing the public reserve) are to be adequately secured to restrict access to maintenance purposes only. This may be achieved by the installation of appropriate barriers such as chain wire and steel pickets, in order to avoid the creation a potential entrapment point.
12. Any proposed / existing vertically operated sash windows of more than 800mm in width are to be redesigned as horizontally sliding windows. Details are to be incorporated in the Construction Certificate documentation to the satisfaction of the Principal Certifying Authority.
13. Fences located on the side boundaries of the site shall not exceed a maximum height of 1800mm, measured above the existing ground levels.

On sloping sites or at changes in ground levels, the maximum height of the fence may exceed the above mentioned specified height by up to 150mm maximum adjacent to any required 'step-downs' or changes in ground level.

The applicant and owner are advised that the relevant provisions of the Dividing Fences Act 1991 are to be satisfied accordingly and any necessary approvals or agreements should be obtained from the owner/s of the adjoining land beforehand.

14. Any wall or fencing along the rear (southern) property boundary of the site shall not exceed a maximum height of 1.2m, in order to maintain casual surveillance of the public reserve and surrounding areas. Notwithstanding, the above fencing or wall may reach a maximum of 1.8m in height, provided the upper two-thirds are at least 50% open. Details demonstrating compliance with this requirement are to be incorporated in the Construction Certificate documentation to the satisfaction of the Principal Certifying Authority.
15. There must be no encroachment of the structure/s onto Council's road reserve, footway, nature strip or public place.
16. Any security gates on the street alignment or rear boundary are to be a maximum height of 1.8m and be designed so that the upper two thirds of the gates are at least 50% open, to maintain reasonable levels of amenity to the adjoining residential development and the streetscape.
17. Any gate openings shall be constructed so that the gates, when hung, will be fitted in such a manner that they will not open over the footway or public place.
18. The proposed planter boxes along the northern, eastern and western boundaries of the roof-top terrace above the garage building shall have a minimum width of 900mm (excluding wall thickness) and minimum soil depth of 900mm. The proposed plant species, spacing and mature height details are

to be incorporated in the Construction Certificate documentation to the satisfaction of the Principal Certifying Authority, prior to issue of the Construction Certificate.

19. Suitable security lighting is to be installed along the main pedestrian entry to the flat building as well as the access stairs that lead to the public reserve to the rear. The above lighting devices shall be low level lighting where the light source shall not be located higher than 1m above the finished ground level, and is to be directed towards the ground. Details are to be incorporated in the Construction Certificate documentation to the satisfaction of the Principal Certifying Authority.

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

20. In accordance with Section 80A (11) of the Environmental Planning and Assessment Act 1979 and Clause 97A of the Environmental Planning and Assessment Regulation 2000, it is a prescribed condition that all of the required commitments listed in the relevant BASIX Certificate for this development are fulfilled.
21. 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.

22. The following provisions are to be implemented in accordance with the relevant BASIX Certificate and details are to be included in the Construction Certificate documentation (as applicable), to the satisfaction of the Certifying Authority:

- Stormwater management (i.e. rainwater tanks)
- Water efficiency (i.e. triple A rated taps and showers, dual flush toilets and water re-use)
- Landscaping provisions
- Thermal comfort (i.e. construction materials, glazing and insulation)
- Energy efficiency (i.e. cooling & heating provisions and hot water systems)

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

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

**The following condition is applied to meet additional demands for public facilities:**

24. In accordance with Council's Section 94A Development Contributions Plan effective from 2 July 2007, the following monetary levy must be paid to Council.

Category	Cost	Applicable Levy	S94A Levy
Development cost \$100001 - \$200000	-----	0.5%	-----
Development cost more than \$200000	\$304182	1.0%	<b>\$3041.82</b>

The levy must be paid in cash, bank cheque or by credit card prior to a construction certificate being issued for the proposed development. The development is subject to an index to reflect quarterly variations in the Consumer Price Index (CPI) from the date of Council's determination to the date of payment.

Council's Section 94A Development Contribution Plans may be inspected at the Customer Service Centre, Administrative Centre, 30 Frances Street, Randwick or at [www.randwick.nsw.gov.au](http://www.randwick.nsw.gov.au).

**The following conditions are applied to ensure that the development satisfies the provisions of the Environmental Planning and Assessment Act 1979 and Regulations and to provide for reasonable levels of safety and amenity:**

#### **Regulatory**

25. 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.
26. 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*.
27. Prior to the commencement of any building or fire safety works, a construction certificate must be obtained from the Council or an accredited certifier, in accordance with the provisions of the Environmental Planning & Assessment Act 1979 and Environmental Planning & Assessment Regulation 2000.

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

28. Prior to the commencement of any building or fire safety works, the person having the benefit of the development consent must:-
- i) appoint a *Principal Certifying Authority* for the building work, and
  - ii) appoint a *principal contractor* for the building work, or in relation to residential building work, obtain an *owner-builder* permit in accordance with the requirements of the Home Building Act 1989, and notify the *Principal Certifying Authority* and Council accordingly in writing, and



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

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

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

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

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

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

30. A sign must be erected and maintained in a prominent position on the site for the duration of the works, which contains the following details:
- name, address, contractor licence number and telephone number of the *principal contractor*, including a telephone number at which the person may be contacted outside working hours, or *owner-builder* permit details (as applicable)
  - name, address and telephone number of the *Principal Certifying Authority*,
  - a statement stating that "unauthorised entry to the work site is prohibited".
31. 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.

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

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

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

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

#### **Structural adequacy**

34. A Certificate of Adequacy supplied by a *professional engineer* shall be submitted to the certifying authority (*and the Council, if the Council is not the certifying authority*) **prior to a construction certificate being issued** for the development, certifying the structural adequacy of the existing structure to support the additional storey.
35. A Certificate prepared by a *professional engineer* shall be submitted to the certifying authority (*and the Council, if the Council is not the certifying authority*) **prior to issuing an occupation certificate or strata subdivision certificate**, which certifies that the structural adequacy of the building, including handrails and balustrades.

#### **Construction site management**

36. Demolition work and the removal, storage, handling and disposal of building materials must be carried out in accordance with the relevant requirements of WorkCover NSW, the NSW Department of Environment & Conservation (formerly the Environment Protection Authority) and Randwick City Council policies and conditions, including:
- Occupational Health and Safety Act 2000
  - Occupational Health and Safety (Hazardous Substances) Regulation 2001
  - Occupational Health and Safety (Asbestos Removal Work) Regulation 2001
  - WorkCover NSW Code of Practice for the Safe Removal of Asbestos
  - Australian Standard 2601 (2001) – Demolition of Structures
  - The Protection of the Environment Operations Act 1997 and Protection of the Environment Operations (Waste) Regulation 1996.
  - Relevant Department of Environment & Conservation (DEC) / Environment Protection Authority (EPA) and WorkCover NSW Guidelines.
  - Randwick City Council Asbestos Policy (adopted 13 September 2005)

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

37. In accordance with Council's Asbestos Policy, the following requirements are to be satisfied if any materials containing asbestos are present in the building:

- A Demolition Work Plan must be developed and implemented in accordance with Australian Standard AS2601-2001, Demolition of Structures.
- A WorkCover licensed demolition or asbestos removal contractor must undertake removal of more than 200 m<sup>2</sup> of bonded asbestos (or as otherwise specified by WorkCover or relevant legislation). Removal of friable asbestos material must only be undertaken by contractor that holds a current friable asbestos removal licence. *It is the responsibility of the persons undertaking demolition work to obtain the relevant WorkCover licences and permits.*
- Asbestos waste must be stored, transported and disposed of in compliance with the Protection of the Environment Operations Act 1997 and the Protection of the Environment Operations (Waste) Regulation 1996.
- Asbestos waste must be disposed of at an approved waste disposal depot (refer to the DEC or Waste Service NSW for details of sites). Copies of all receipts detailing method and location of disposal must be maintained on site and be provided to Council officers upon request, as evidence of correct disposal.
- On demolition sites involving the removal of asbestos, a professionally manufactured sign must be clearly displayed in a prominent visible position at the front of the site, containing the words 'DANGER ASBESTOS REMOVAL IN PROGRESS' and include details of the licensed contractor. The sign shall measure not less than 400mm x 300mm and the sign is to be installed prior to demolition work commencing and is to remain in place until such time as all asbestos has been safely removed from the site.
- A certificate or Statement, prepared by a suitably qualified person (i.e. an occupational hygienist, licensed asbestos removal contractor, building consultant, architect or experienced licensed building contractor), must be provided to Council upon completion of the works (prior to an Occupation Certificate being issued), which confirms that the relevant requirements contained in the Asbestos Survey and conditions of consent, in relation to the safe removal and disposal of asbestos, have been satisfied.

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

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

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

39. If an excavation associated with the erection or demolition of a building extends below the level of the base of the footings of a building on an adjoining allotment of land, the person causing the excavation must:
- preserve and protect the building /s on the adjoining land from damage; and
  - if necessary, underpin and support the building and excavation in an approved manner; and
  - at least seven (7) days before excavating below the level of the base of the footings of a building on an adjoining allotment of land (including a public road or public place), give notice of the intention to do so to the owner of the adjoining land. Particulars of the excavation are to be provided to the owner of the adjoining land and also the owner of the land where the building is being erected or demolished.
40. Except with the written approval of Council's Manager of Health, Building & Regulatory Services, all building, demolition and associated site works (including site deliveries) must only be carried out between the hours of 7.00am to 5.00pm on Monday to Friday inclusive and (except as detailed below) between 8.00am to 5.00pm on Saturdays.
- All building, demolition and associated site works are strictly prohibited on Sundays, Public Holidays and also on Saturdays adjacent to a Public Holiday.
- In addition, the use of any rock excavation machinery or any mechanical pile drivers or the like is restricted to the hours of 8.00am to 5.00pm (maximum) on Monday to Friday only, to minimise the noise levels during construction and loss of amenity to nearby residents.
41. Noise and vibration emissions during the construction of the building and associated site works must not result in damage to nearby premises or result in an unreasonable loss of amenity to nearby residents and the relevant provisions of the *Protection of the Environment Operations Act 1997* must be satisfied at all times.
42. Noise and vibration from any rock excavation machinery and pile drivers (or the like) must be minimised by using appropriate plant and equipment and silencers and a construction noise and vibration minimisation strategy, prepared by a suitably qualified consultant is to be implemented during the works, to the satisfaction of the Principal Certifying Authority.
43. Public safety and convenience must be maintained at all times during demolition, excavation and construction works.
- a) The roadway, footpath and nature strip must be maintained in a good, safe condition and free from any obstructions, materials, soils or debris at all times. Any damage caused to the road, footway or nature strip must be repaired immediately, to the satisfaction of Council.
  - b) 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.

- c) Building materials, sand, soil, waste materials or construction equipment must not be placed upon the footpath, roadway or nature strip at any time and the footpath, nature strip and road must be maintained in a clean condition and free from any obstructions, soil and debris at all times.
  - d) 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 Building Services section.
  - e) 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. Sediment and erosion control measures must be implemented prior to the commencement of any site works and be maintained throughout construction.
  - f) Public access to demolition/building works, materials and equipment on the site is to be restricted and 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.
  - g) Temporary fences or hoardings or the like 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.
  - h) The public safety provisions and temporary fences or hoardings must be in place prior to the commencement of any demolition, excavation or building works and be maintained throughout construction.
  - i) If it is proposed to locate any hoardings, site fencing 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.
  - j) 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.
  - k) 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.
44. A local approval application must be submitted to and be approved by Council's Building Services section prior to commencing any of the following activities upon any part of the footpath, road, 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, container or other article.

### Fire safety

45. The existing levels of fire and safety within the building are to be upgraded in accordance with the following requirements and the fire safety certificate provisions of Part 9 of the Environmental Planning and Assessment Regulation 2000 must be complied with, **prior to issuing an occupation certificate** [or strata subdivision certificate]:
- a) The following works are to be undertaken in accordance with the specified provisions of the Building Code of Australia (BCA), as applicable:
- (1) Provide a -/60/30 fire door set, with a self-closing device, to the front entry of each sole-occupancy unit in accordance with clause C3.11 of the Building Code of Australia (BCA),
  - (2) Install a smoke detection and alarm system throughout the building in accordance with specification E2.2a of the BCA,
  - (3) Provide emergency lighting system to the common stairway and corridor/s, in accordance with clause E4.2 & E4.4 of the BCA,
  - (4) Provide portable fire extinguisher/s within the building adjacent to the electrical switchboard if it is located indoors, in accordance with clause E1.6 of the BCA,
  - (5) Provide a non-combustible enclosure (i.e. a metal cabinet) with seals to prevent the passage of smoke to electricity meters and switchboard located in corridors, exits and within stairways etc,
  - (6) Balustrades and handrails to stairway/s, balconies, decks or the like are to be designed and constructed to satisfy clause D2.16 & D2.17 of the BCA,
  - (7) The main entry/exit door is to be provided with a 'hold-open' device, or swing in the direction of egress, to facilitate people seeking egress from the building in the event of an emergency,
  - (8) Prior to commencing the abovementioned works, a Construction Certificate must be obtained from Council's Building Certification Services or an accredited certifier, in accordance with the provisions of the Environmental Planning & Assessment Act 1979 and *Environmental Planning & Assessment Regulation 2000*.
46. All new building works (including the proposed alterations/additions) must satisfy the relevant performance or deemed-to-satisfy provisions of the Building Code of Australia.
47. All of the fire safety upgrading works and new building work must be detailed in the Construction Certificate for the development.

The fire safety upgrading works must be carried out **prior to issuing of an Occupation Certificate** for the development and written confirmation must be provided to Council which confirms that all of the upgrading works have been carried out in accordance with the conditions of consent.

48. Upon completion of the fire safety upgrading works and **prior to the issuing of an occupation certificate** or strata subdivision certificate, a single, complete, **fire safety certificate** is to be submitted to Council. A copy of the fire safety certificate and fire safety schedule are to be displayed in a prominent position within the building (i.e. entrance area) and a copy must be provided to the NSW Fire Brigades, in accordance with the provisions of the Environmental Planning and Assessment Act 1979.

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

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

- a) \$2000.00 - Damage / Civil Works Security Deposit

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:**

50. Prior to the issuing of an occupation certificate the applicant must meet the full cost for Council or a Council approved contractor to:
- a. Construct concrete vehicular crossing and layback at kerb opposite the vehicular entrance to the site.
  - b. Remove the redundant concrete vehicular crossing and layback and to reinstate the area with concrete footpath, turf and integral kerb and gutter to Council's specification.
51. 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.
52. The applicant shall note that all external work, carried out on Council property, shall be in accordance with Council's Policy for "Vehicular Access and Road and Drainage Works". An application for the cost of the Council civil

works is to be submitted to Council at the completion of the internal building works. An application fee shall be payable to Council for the quotation of the required works. The applicant may elect to use his contractor for the required works, subject to Council approval, however a design and supervision fee based on the lowest quotation from Council's nominated contractor will be required to be paid prior to the commencement of any works.

53. A minimum of four (4) bicycle parking spaces and associated storage facilities are to be provided on site. The proposed storage facilities are to be compliant with the provisions of Australian Standard 2890.3: Bicycle Parking Facilities.

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

54. The Council's Development Engineer has inspected the above site and has determined that the design alignment level at the property boundary for driveways, access ramps and pathways or the like, must match the back of the existing footpath along the full site frontage.

Note: The proposed additional garage at the site frontage (eastern garage) shall, at its garage door entrance, not be greater than 150mm below the Council footpath level at its eastern edge. This will give it an RL 48.41.

55. The design alignment levels (concrete/paved/tiled level) issued by Council and their relationship to the footpath must be indicated on the building plans for the construction certificate. The design alignment level at the street boundary, as issued by the Council, must be strictly adhered to.
56. The above alignment levels and the site inspection by Council's Development Engineering Section have been issued at a prescribed fee of \$536.00 calculated at \$44.00 (inclusive of GST) per metre of site frontage. This amount is to be paid prior to a construction certificate being issued for the development.

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

57. 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.
58. The applicant must meet the full cost for telecommunication companies, gas providers, Energy Australia and Sydney Water to adjust/repair/relocate their services as required. The applicant must make the necessary arrangements with the service authority.

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

59. Generally all site stormwater shall be piped to a sediment/silt arrester pit that drains to an infiltration area with a minimum 5 m<sup>2</sup> base area. An overflow pipe shall be provided from the silt arrester pit to drain to Council's kerb and gutter.

The location and details of the proposed internal stormwater pipelines, silt arrester pit and the infiltration area shall be submitted to and approved by the certifying authority prior to a construction certificate being issued for the



development. A copy of the plans shall be forwarded to Council, prior to a construction certificate being issued, if Council is not the certifying authority.

Notes:

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

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

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

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

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

- d. The overflow pipe/s from the rainwater tank/s shall be directed into the infiltration area.

60. As the above site may encounter groundwater/seepage water within the depth of the basement excavation, the basement carpark or similar structures are to be suitably tanked and waterproofed. A Structural Engineer\Geotechnical Engineer shall certify the tanking & waterproofing has been carried out to an acceptable standard and a copy of the certification is to be forwarded to Council.

**Notes:-**

- a) Any subsoil drainage (from planter boxes etc) is to be disposed of within the site and is not to be discharged to Council's kerb & gutter and/or underground drainage system.
- b) Adequate provision is to be made for the 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).

**Waste Management Conditions**

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

61. The garbage room areas will have to be designed so as to be able to contain a total of 8 x 240 litre bins (4 garbage bins & 4 recycle bins) whilst providing satisfactory access to these bins. Details showing compliance with this requirement are to be shown on the plans submitted to the certifying authority for the construction certificate.
62. The waste storage areas are to be provided with a tap and hose and the floor is to be graded and drained to the sewer to the requirements of Sydney Water.
63. The waste storage areas shall be clearly signposted.
64. Prior to the credited certifier issuing an occupation certificate for the proposed development the applicant is to contact Council's Manager of Waste in regards to meeting Council's requirements for waste services to the additional unit.

**Strata Subdivision Conditions**

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

65. All the conditions of development consent DA 628/07 must be satisfied and their compliance verified by the Principal Certifying Authority prior to endorsement of the subdivision plans. This includes restoration of all public roads and reserves.
66. A Section 73 Compliance Certificate under the Sydney Water Act 1994 must be obtained from Sydney Water Corporation.

Application must be made through an authorised Water Servicing Coordinator. Please refer to the Building Developing and Plumbing section of the website [www.sydneywater.com.au](http://www.sydneywater.com.au) then refer to "Water Servicing Coordinator" under "Developing Your Land" or telephone 13 20 92 for assistance.

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

The Section 73 Certificate must be submitted to the Principal Certifying Authority prior to release of the plan of subdivision.

67. The applicant shall provide Council with a survey plan of the property prior to receiving subdivision approval.

68. The applicant shall create suitable rights of carriageway, easements for services, support and stormwater lines, as required. The applicant shall be advised that the minimum easement width for any stormwater line is 0.9 metres.
69. The registered proprietor of the land the subject of this consent shall enter into a restriction on the use of land that no right of exclusive use and enjoyment of the whole or any specified part of the area or areas designated as common area or similar in the approved plans will be conferred on any person or persons without the prior approval of Randwick City Council.
70. A formal subdivision application is required to be submitted to and approved by the Council or an accredited certifier and all conditions of this development consent are required to be satisfied prior to the release of the subdivision plans.

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

71. Landscaping at the site shall be installed substantially in accordance with the Landscape Plan submitted by GreenPlan, drawing number 07.721-01, job number 07.721, issue A, dated 10/08/07, **subject to the following requirements being shown on an amended plan, to the satisfaction of the Principal Certifying Authority (PCA), prior to the issue of a construction certificate:**
  - a. While desirable native species, the *Angophora costata* (Sydney Red Gum) and *Corymbia maculata* (Spotted Gum) proposed near the southeast and southwest corners of the existing dwelling respectively shall either be:
    - i. Replaced by smaller native species in these areas which will attain a more appropriate size at maturity for the area they will be growing within; or;
    - ii. Relocated a minimum distance of 2 metres away from the existing dwelling in order to avoid ongoing interference and nuisance given the large size of these species at maturity.
72. Landscaping shall be installed in accordance with the Landscape plan approved by the PCA, prior to the issue of a final occupation certificate and shall be maintained in accordance with those plans.
73. That part of the nature strip upon Council's footway which is damaged during the construction of the proposed works shall be excavated to a depth of 150mm, backfilled with topsoil equivalent with 'Organic Garden Mix' as supplied by Australian Native Landscapes, and re-turfed with Kikuyu turf or similar. Such works shall be completed at the applicant's expense prior to the issue of a final Occupation Certificate.

**Tree Management**

74. Approval is granted for the removal of all existing vegetation at the site in order to accommodate the proposed works as shown, and is subject to full implementation of the landscape plan approved by the PCA.

**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:**

75. 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 ( $L_{A90, 15 \text{ min}}$ ) 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).

76. 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.

77. The installation of rainwater tanks shall comply with the following noise control requirements:-

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

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.

- b) Plant and equipment associated with rainwater tank(s) are to be enclosed in a sound absorbing enclosure or installed within a building, to minimise noise emissions and possible nuisance to nearby residents.
- c) The operation of plant and equipment associated with the rainwater tank(s) are to be restricted to the following hours if the noise emitted can be heard within a habitable room in any other residential premises:
- before 8.00am or after 8.00pm on weekends or public holiday; or
  - before 7.00am or after 8.00pm on weekdays.

**The following conditions are applied to satisfy the requirements of the Department of Planning pursuant to the provisions of State Environmental Planning Policy No. 10, for mitigating the loss of low-cost rental accommodation:**

78. The voluntary initiative of Stark Property Investments (the 'Applicant') to amend DA/628/2007 ('DA'), by correspondence dated 5 February 2008, to include a one-off monetary contribution of \$37,473.51 (the 'Contribution'), for the purpose of mitigating the loss of low-cost rental accommodation proposed by the DA, shall be realized as follows:

- (a) The Contribution is to be paid to Randwick Council ('Council') in one complete payment to Council's satisfaction prior to the Strata Subdivision Certificate being issued;
- (b) Council shall use the Contribution solely for the purpose of developing accommodation for those low to moderate income households reliant

upon affordable (low-cost rental) accommodation in the vicinity of the land to which the DA is subject. This does not include subsidizing rent (directly or through an intermediary such as a community housing association); and

- (c) For the use of this Contribution, low to moderate income households means and is limited to those households:
  - (i) with a gross income of between 50-120% (inclusive) of the Sydney Statistical Division median income as published by the Australian Bureau of Statistics and indexed appropriately; and;
  - (ii) being charged not more than 30% of their income on rent.
- (d) Current tenants of unit 4 if required to relocate outside the premises primarily due to the proposal shall be:
  - (i) provided with a minimum of 90 days Notice to Vacate;
  - (ii) assisted to find alternative comparable accommodation. This shall include making of enquiries with local real estate agents; and
  - (iii) provided with a \$500 one-off payment to assist with relocation expenses.
- (e) The applicant shall inform the tenant of unit 4 of this condition and documentary evidence should be submitted to council showing this prior to the issue of the construction certificate.

#### **ADVISORY MATTERS:**

- A1 Building or excavations works must not be commenced until a construction certificate has been obtained from Council's Building Certification Services or an Accredited Certifier and either Council's Building Certification Services or an Accredited Certifier has been appointed as the Principal Certifying Authority (PCA) for this development.

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

- A2 The applicant is advised that the Construction Certificate plans and specification must comply with the provisions of the Building Code of Australia (BCA) and the construction certificate must not be inconsistent with the development consent.

In this regard, the development consent plans do not detail compliance with the deemed-to-satisfy provisions of the BCA.

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

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

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

A4 On-site stormwater detention is not required for this proposed development however should the applicant wish to install the drainage system as shown on the submitted plans by AJK Design, plan No's SW/01-04/1, there is no objection to its construction.

**MOTION: (Woodsmith/Matson):** that Council, as the consent authority, refuse development consent under Sections 80 and 80A of the Environmental Planning and Assessment Act, as amended, to Development Application DA/628/2007 at No. 3 Stark Street, Coogee for the following reasons:-

1. The proposal has a FSR of 01.23:1 which exceeds the maximum permissible FSR of 0.65:1 pursuant to clause 32 of RLEP 1998.
2. The proposal has a maximum wall height and overall height of 13.24m and 13.7m respectively which exceeds the maximum permissible pursuant to Clause 33 of RLEP 1998.
3. The proposal has a landscaped area of 38% which does not comply with Clause 31 of RLEP 1998 which requires a minimum landscaped area of 50% of the site.
4. The proposal is inconsistent with the stated purpose of Clauses 31, 32 and 33 of Randwick Local Environmental Plan 1998 in relation to landscaped area, floor space ratio and height, and the State Environmental Planning Policy No.1 objections in relation to the proposal's departures from Clauses 31, 32 and 33 of Randwick Local Environmental Plan 1998, are not considered to be well founded.
5. The proposal is excessive in bulk and scale and would constitute an overdevelopment of the site.
6. The proposal is inconsistent with and contrary to the Objectives and Performance Requirements of the Randwick Development Control Plan-Multi Unit Housing.
7. The proposed built form is not suitable for the site and is inconsistent with the Design Quality Principles of SEPP 65.
8. The proposal does not comply with the Randwick Development Control Plan-Parking as it does not provide adequate parking on the site.
9. The proposal would have an adverse impact upon local residential amenity in terms of visual bulk and scale, loss of views, overshadowing, and loss of privacy.
10. The proposal is not in the public interest having regard to the issues/concerns raised in resident submissions.
11. The proposal has the potential to further increase the traffic flow problems around Coogee Public School. **LOST.**

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

Councillors Matson and Woodsmith called for a **DIVISION**. The **DIVISION** was taken and the names of the Councillors voting FOR and AGAINST were as follows:

FOR	AGAINST
Councillor Andrews	Councillor Hughes
Councillor Bastic	Councillor Matson

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Councillor Belleli	Councillor Nash
Councillor Kenny	Councillor Notley-Smith
Councillor Procopiadis	Councillor Woodsmith
Councillor Seng	
Councillor Sullivan	
Councillor Tracey	
Councillor White	
<b>Total (9)</b>	<b>Total (5)</b>

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**D25/08 Development Application Report - 9 Castle Street, Randwick  
(DA/773/2007)**

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**PL18/08 RESOLUTION: (Woodsmith/Matson)**

That as the consent authority, grant consent under Section 80 and 80A of the Environmental Planning and Assessment Act 1979 (as amended) to Development Application No. DA/773/2007 for permission to carryout alterations and additions to the following conditions at 9 Castle 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 amended plans numbered DA01 issue B dated 22.02.08 and received by Council on 22 February 2008 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.

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

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

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



6. The Council's Development Engineer has inspected the above site and have determined that the design alignment level (concrete/paved/tiled level) at the property boundary for driveways, access ramps and pathways or the like, shall be:
- 100mm above the top of the kerb at all points opposite the kerb, along the full site frontage in Carter St.
  - 100mm above the centreline of the road, along the full site frontage in Castle Lane.

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

7. The design alignment levels (concrete/paved/tiled level) issued by Council and their relationship to the roadway/kerb must be indicated on the building plans for the construction certificate. The design alignment level at the street boundary, as issued by the Council, must be strictly adhered to.
8. The above alignment levels and the site inspection by Council's Development Engineer have been issued at a prescribed fee of \$121.00 (inclusive of GST). This amount is to be paid prior to a construction certificate being issued for the development.
9. The top of footings of any structures constructed on the boundary alignment in Carter St must be at least 150mm below the alignment level as specified for the vehicular access. This condition has been attached to accommodate future footpath construction at this location.

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

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

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

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

The Principal certifying authority must ensure that a Quick Check Agent/Sydney Water has appropriately stamped the plans **before commencing any works.**

**The following condition is applied to meet additional demands for public facilities;**

11. In accordance with Council's 94A Development Contributions Plan effective from 2 July 2007, the following monetary levy must be paid to Council.

Category	Cost	Applicable Levy	S94A Levy
Development cost More than \$200,000	\$200,000	1.0%	\$2,000.00

The levy must be paid in cash, bank cheque or by credit card prior to a construction certificate being issued for the proposed development. The development is subject to an index to reflect quarterly variations in the Consumer Price Index (CPI) from the date of Council's determination to the date of payment.

Council's Section 94A Development Contribution Plans may be inspected at the Customer Service Centre, Administrative Centre, 30 Frances Street, Randwick or at [www.randwick.nsw.gov.au](http://www.randwick.nsw.gov.au)

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

12. In accordance with Section 80A (11) of the Environmental Planning and Assessment Act 1979 and Clause 97A of the Environmental Planning and Assessment Regulation 2000, it is a prescribed condition that all of the required commitments listed in the relevant BASIX Certificate for this development are fulfilled.
13. 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.

14. The following provisions are to be implemented in accordance with the relevant BASIX Certificate and details are to be included in the Construction Certificate documentation (as applicable), to the satisfaction of the Certifying Authority:
  - Stormwater management (i.e. rainwater tanks)
  - Water efficiency (i.e. triple A rated taps and showers, dual flush toilets and water re-use)
  - Landscaping provisions.
  - Thermal comfort (i.e. construction materials, glazing and insulation)
  - Energy efficiency (i.e. cooling & heating provisions and hot water systems)
15. In accordance with Clause of the Environmental Planning Assessment Regulation 2000, a Certifying Authority must not issue a final Occupation Certificate for this development, unless it is satisfied that each of the required BASIX commitments have been fulfilled.

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

**The following group of conditions have been applied to ensure that adequate drainage is provided from the premises and to maintain adequate levels of health and amenity in the locality:**

16. Surface must be drained and discharged to the street gutter or suitably designed absorption pit, to the satisfaction of the Certifying Authority and details are to be included in the construction certificate application for the development.

Absorption pits must be located not less than 3m from any adjoining premises and the stormwater must not be directed or flow onto any adjoining premises or cause a nuisance.

Details of any works proposed to be carried out in or on a public to be submitted to and approved by Council prior to commencement of works.

17. External paths and ground surfaces are to be constructed at appropriate levels and be graded and drained away from the building and adjoining premises, so as not to result in the entry of water into the building, or cause a nuisance or damage to the adjoining premises.

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

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

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

19. All 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*.

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

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.

21. **Prior to the commencement of any building works**, the person having the benefit of the development consent must: -

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

In relation to residential building work, the principal contractor must be the

holder of a contractor licence, in accordance with the provisions of the Home Building Act 1989.

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

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

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

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

23. A sign must be erected and maintained in a prominent position on the site for the duration of the works, which contains the following details:
- name, address, contractor licence number and telephone number of the *principal contractor*, including a telephone number at which the person may be contacted outside working hours, or *owner-builder* permit details (as applicable);
  - name, address and telephone number of the *Principal Certifying Authority*; and
  - a statement stating that "unauthorised entry to the work site is prohibited".
24. An **Occupation Certificate** must be obtained from the Principal Certifying Authority **prior to any occupation of the building work** encompassed in this development consent (including alterations and additions to existing buildings), in accordance with the relevant provisions of the Environmental Planning Assessment Act 1979.
- An Occupation Certificate must not be issued for the development if the development is inconsistent with the development consent. The requirements of the Environmental Planning Assessment Act 1979 and conditions of development consent must be satisfied prior to the issuing of an occupation certificate.
25. **Prior to the issuing of an interim or final occupation certificate**, a statement is required to be obtained from the Principal Certifying Authority, which confirms that the development is not inconsistent with the development

consent and the relevant conditions of development consent have been satisfied.

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

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

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

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

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

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

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

27. 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.*

28. Smoke alarms are required to be installed in each Class 1 building or residential dwelling in accordance with the relevant provisions of Part 3.7.2 of the B.C.A. -Housing Provisions.

Smoke alarms must comply with AS3786 -Smoke alarms and be connected to the consumer mains electric power supply and provided with a battery back-up.

The smoke alarms are to be installed in suitable locations on or near the ceiling, in any storey containing bedrooms; located between each part of the dwelling containing the bedrooms and the remainder of the dwelling, or where bedrooms are served by a hallway, the smoke alarms are to be located in that hallway; and smoke alarms are to be installed in any other storey not

containing bedrooms, to the satisfaction of the certifying authority.

Smoke alarms are not to be located in 'dead-air-spaces', in the corner junction of walls and ceilings between exposed rafters/joists or at the apex of raked ceilings, as detailed in Part 3.7.2 of the Building Code of Australia - Housing Provisions.

Details of compliance with the provisions of the Building Code of Australia must be included in the for the **construction certificate**.

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

29. The demolition of buildings and 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.

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

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

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

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

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

31. Any work involving the demolition, storage and disposal of asbestos products and materials must be carried out in accordance with the following requirements:

- a. Relevant Occupational Health & Safety legislation and NSW requirements
- b. Randwick City Council's Asbestos Policy (adopted 13 September

2005)

- c. A Workcover licensed demolition or asbestos removal contractor must undertake removal of more than 10m<sup>2</sup> of bonded asbestos (or as otherwise specified by WorkCover or relevant legislation). Removal of friable asbestos material must only be undertaken by contractor that holds a current friable asbestos removal licence.
- d. On sites involving the removal of asbestos, a sign must be clearly displayed in a prominent visible position at the front of the site, containing the words 'DANGER ASBESTOS REMOVAL IN PROGRESS' and include details of the licensed contractor.
- e. Asbestos waste must be stored, transported and disposed of in compliance with the Protection of the Environment Operations Act 1997 and the Protection of the Environment Operations (Waste) Regulation 1996.
- f. A Clearance Certificate or Statement, prepared by a suitably qualified person (i.e. an occupational hygienist, licensed asbestos removal contractor, building consultant, architect or experienced licensed building contractor), must be provided to Council and the principal certifying authority upon completion of the asbestos related works prior to an Occupation Certificate being issued, which confirms that the asbestos material have been removed appropriately and the relevant conditions of consent have been satisfied.

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

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

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

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

33. A dilapidation report prepared by a professional engineer, accredited building surveyor or other suitably qualified person must be submitted to the satisfaction of the Principal Certifying Authority **prior to commencement** of any demolition, excavation or building works, in the following cases:
  - new dwellings or additions to dwellings sited up to the property boundaries (including additions to a semi-detached dwelling),
  - excavations for new dwellings, additions to dwellings, swimming pools or the like which are proposed to be located within the zone of influence of the footings of any dwelling, associated garage or other

substantial structure located upon an adjoining premises,

- excavations for new dwellings, additions to dwellings, swimming pools or the like which are within rock and may result in vibration and or potential damage to any dwelling, associated garage or other substantial structure located upon an adjoining premises,
- as otherwise required by the Principal Certifying Authority.

The report (including photographs) is to detail the current condition and status of any dwelling, associated garage or other substantial structure located upon the adjoining premises, which may be affected by the subject works.

**34. The adjoining land and buildings located upon the adjoining land must be adequately supported at all times.**

If an excavation associated with the erection or demolition of a building extends below the level of the base of the footings of any building located 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
- effectively support the excavation and building; 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 and particulars of the works to the owner of the adjoining land.

**Notes**

- This consent and condition does not authorise any trespass or encroachment upon any adjoining or supported land or building whether private or public. Where any underpinning, shoring, soil anchoring (temporary or permanent) or the like is proposed to be carried out upon any adjoining or supported land, the principal contractor or builder must obtain:
  - a) the consent of the owners of such adjoining or supported land to trespass or encroach, or
  - b) an access order under the Access to Neighbouring Land Act 2000, or
  - c) an easement under section 88K of the Conveyancing Act 1919, or
  - d) an easement under section 40 of the Land Environment Court Act 1979, as appropriate. Section 177 of the Conveyancing Act 1919 creates a statutory duty of care in relation to support of land. Accordingly, a person has a duty of care not to do anything on or in relation to being developed (the supporting land) that removes the support provided by the supporting land to any other adjoining land (the supported land).

35. 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 to Saturdays and all building activities are strictly prohibited on Sundays and Public Holidays.

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



must be satisfied at all times.

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 person is to be implemented during the works, to the satisfaction of the Principal Certifying Authority.

37. 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.

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.

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

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

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

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

Details of the proposed sediment control measures are to be detailed in the Construction Site Management Plan which must be submitted to and approved by the principal certifying authority **prior to the commencement of any site works**.

40. 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. 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.
- c. 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.
- d. 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 have been applied to ensure that noise emissions from the development satisfy legislative requirements and maintain reasonable levels of amenity to the area:**

**41. The installation of rainwater tanks shall comply with the following noise control requirements:-**

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

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  $L_{Aeq, 9 \text{ min}}$  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.

- b) Plant and equipment associated with rainwater are to be enclosed in a sound absorbing enclosure or installed within a building, to minimise noise emissions and possible nuisance to nearby residents.
- c) The operation of plant and equipment associated with the rainwater tank(s) are to be restricted to the following hours if the noise emitted can be heard within a habitable room in any other residential premises:
  - before 8.00am or after 8.00pm on weekends or public holiday; or
  - before 7.00am or after 8.00pm on weekdays.

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

42. the applicant must meet the full cost for telecommunication companies, gas providers, Energy Australia and Sydney Water to services as required. The applicant must make the necessary arrangements with the service authority.

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

43. The floor level of all habitable areas, storage areas and openings into the

proposed additions shall be at a minimum RL of **49.6AHD**. The construction certificate plans must demonstrate compliance with this requirement.

44. All structural walls on the ground floor 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.
45. Detailed drainage plans shall be submitted to and approved by the certifying authority prior to the issue of a construction certificate. The drainage plans shall demonstrate compliance with the conditions of this development approval.
46. Stormwater runoff from the site shall be discharged either:
  - a. To the kerb and gutter along the site frontage by gravity (without the use of a charged system); OR
  - b. Through a private drainage easement(s) to Council's kerb and gutter (or underground drainage system), OR
  - c. To a suitably sized infiltration area. As a guide the infiltration area shall be sized based on a minimum requirement of 1m<sup>2</sup> of infiltration area (together with 1 m<sup>3</sup> of storage volume) for every 20 m<sup>2</sup> of area on the site.

Prior to the use of infiltration in rear draining lots (where there is no formal overland escape route to Council's kerb and drainage system); a geotechnical investigation will be required to determine whether the ground is suitable for infiltration. Should rock or a water table be encountered within two metres of the proposed base of the infiltration pit, or the ground conditions comprise low permeability soils such as clay, infiltration may not be appropriate.

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

47. Should a charged system be required to drain any portion of the site, the charged system must be designed with suitable pipe bends and junctions.
48. Should a pump system be required to drain any portion of the site the system must be designed with a minimum of two pumps being installed, connected in parallel (with each pump capable of discharging at the required discharge rate) and connected to a control board so that each pump will operate alternatively. The pump wet well shall be sized for the 1 in 100 years, 2 hour storm assuming both pumps are not working.

The pump system must also be designed and installed strictly in accordance with City Council's Stormwater Code.

49. All pumps out water must pass through a stilling pit prior to being discharged by gravity to the kerb and gutter.

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

**landscaping and to maintain reasonable levels of environmental amenity:**

50. That part of the naturestrip upon Council's footway which is damaged during the construction of the proposed works shall be excavated to a depth of backfilled with topsoil equivalent with 'Organic Garden Mix' as supplied by Australian Native Landscapes, and re-turfed with Kikuyu turf or similar. Such works shall be completed at the applicant's expense prior to the issue of a final Occupation Certificate.

**ADVISORY MATTERS:**

- A1** Building or excavations works must not be commenced until a construction certificate has been obtained from Council's Building Certification Services or an Accredited Certifier and either Council's Building Certification Services or an Accredited Certifier has been appointed as the Principal Certifying Authority (PCA) for this development.  
Failure to obtain a Construction Certificate and appoint a PCA before commencing works is an offence, which renders the responsible person liable to a maximum penalty of \$1.1 million under the Environmental Planning Assessment Act 1979.
- A2** A local approval application must be submitted to and be approved by Council's Building Services section prior to commencing any of the following activities on a footpath, road, nature strip or in any public place:-
- Install or erect any site fencing, hoardings or site structures
  - Operate a crane or hoist goods or materials over a footpath or road
  - Placement of a waste skip (greater than 3m in length) or any container
  - or other article.
- A3** The applicant is to advise Council in writing photographs of any signs of existing damage to the Council roadway, footway, or verge prior to the commencement of any

**MOTION: (Woodsmith/Matson) CARRIED - SEE RESOLUTION.**

**D26/08 Development Application Report - 133 - 135 Carrington Road, Coogee (DA/887/2007)**

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'PL19/08

**RESOLUTION: (Kenny/Andrews)**

- A. That Council support the objection under State Environmental Planning No. 1 (SEPP No.1) in respect to non-compliance with Clauses 30A(2) and 30A(4) of the Randwick Local Environmental Plan 1998 (as amended), relating to maximum floor space ratio and maximum wall and building height, on the grounds that the proposed development is consistent with the relevant objectives of the clauses and will not adversely affect the amenity of the surrounding locality and that the Department of Planning be advised accordingly.

and

- B. That 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/0887/2007 for the demolition of 2 existing residential flat buildings & construction of a part 4 & 5 storey, 12 apartment multi-unit development comprising 1x1 bedroom, 7x2 bedroom & 4x3 bedroom apartments with 2 levels of basement car parking with spaces for 20 vehicles at 133-135 Carrington Road, Coogee, subject to the following conditions:

1. The development must be implemented substantially in accordance with the plans numbered DA2.02, DA2.03, DA2.04, DA3.01, DA3.02, DA4.01, and DA4.02, all Revision C and dated February 2008, and stamped received by Council on 13 February March 2008, and the application form, and on any supporting information received with the application, except as may be amended by the following conditions and as may be shown in red on the attached plans:

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

2. The colours, materials and finishes of the external surfaces to the building are to be in accordance with the External Finishes Drawing prepared by Brian Meyerson Architects Pty Limited dated October 2007 and stamped received by Council on 22 October 2007.
3. Details of bicycle storage as required in the Development Control Plan – Parking shall be submitted to and approved by Council’s Director City Planning Council prior to a Construction Certificate being issued for the development in accordance with section 80A (2) of the Environmental Planning and Assessment Act 1979 prior to a construction certificate being issued for the development.
4. The private garden/landscaped area at the rear of the proposed development fronting the proposed Apartment 1 on the Lower Basement level shall be reduced to an area immediately abutting the proposed east-facing terrace of Apartment 1 with dimensions of maximum 4m deep measured from the eastern edge of the terrace and maximum 22m long measured from the southern boundary of the site. The remainder of the proposed landscaped area at the rear shall be converted into a communal landscaped area and common property for the proposed development. Pedestrian access to this portion of communal landscaped area shall be provided through an extension of the proposed pedestrian footpath abutting the northern boundary of the subject site. Appropriate fencing between the reconfigured private garden of Apartment 1 and the communal landscaped area shall be provided to ensure the privacy and security of Apartment 1. Details shall be submitted to and approved by Council’s Director City Planning prior to a Construction Certificate being issued for the development 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. The north-facing terrace of the proposed Apartment 2 on the Basement level shall be set back from the northern boundary and reconfigured to provide for an extension of the proposed northern pedestrian footpath to the rear landscaped area of the site. Appropriate fencing shall be provided as follows:
  - Along the northern boundary between the subject site and the adjoining property at No. 131 Carrington Road such that the privacy, security and visual amenity of this adjoining property is protected.
  - Along the northern edge of the reconfigured north-facing terrace of Apartment 2 such that the privacy and security of Apartment 2, and the visual amenity of the adjoining property at No. 131 Carrington Road, is protected.

Details shall be submitted to and approved by Council’s Director City Planning prior to a Construction Certificate being issued for the development in accordance with section 80A (2) of the Environmental Planning and Assessment

- Act 1979 prior to a construction certificate being issued for the development.
6. The proposed south-facing window of the kitchen of Apartment 11 and the proposed north-facing window of the kitchen of Apartment 12 shall be constructed of opaque glazing to protect the privacy of adjoining properties. Details shall be submitted to and approved by Council's Director City Planning prior to a Construction Certificate being issued for the development in accordance with section 80A (2) of the Environmental Planning and Assessment Act 1979 prior to a construction certificate being issued for the development.
  7. The proposed south-facing window of the dining area of Apartment 11 shall be a high sill to protect the privacy of adjoining and surrounding southern properties. Details shall be submitted to and approved by Council's Director City Planning prior to a Construction Certificate being issued for the development in accordance with section 80A (2) of the Environmental Planning and Assessment Act 1979 prior to a construction certificate being issued for the development.
  8. The proposed outdoor entertaining area in the south-eastern corner of the subject site as shown on the Landscape Plan shall be deleted. Details shall be submitted to and approved by Council's Director City Planning prior to a Construction Certificate being issued for the development in accordance with section 80A (2) of the Environmental Planning and Assessment Act 1979 prior to a construction certificate being issued for the development.
  9. North facing skylights shall be installed to provide sunlight to the proposed Apartment 11 and 12 and the lift lobby and the entry to these apartments. Details shall be submitted to and approved by Council's Director City Planning prior to a Construction Certificate being issued for the development in accordance with section 80A (2) of the Environmental Planning and Assessment Act 1979 prior to a construction certificate being issued for the development.
  10. The balustrades of balconies of all rooms facing Carrington Road shall be constructed in opaque glass. Details shall be submitted to and approved by Council's Director City Planning prior to a Construction Certificate being issued for the development in accordance with section 80A (2) of the Environmental Planning and Assessment Act 1979 prior to a construction certificate being issued for the development.
  11. Street numbering must be provided to the premises in a prominent position, to the satisfaction of Council.
  12. The reflectivity index of glass used in the external façade of the development must not exceed 20 percent.
  13. Lighting to the premises shall be designed in accordance with AS4282 – 1997 "Control of the Obtrusive Effects of Outdoor Lighting" 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.
  14. 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.
  15. Public access to the visitor's carparking spaces is to be maintained at all times and an intercom system is to be provided adjacent to the vehicular entrance to the carpark, together with appropriate signage providing instructions for use.
  16. In accordance with Section 80A (11) of the Environmental Planning and

Assessment Act 1979 and Clause 97A of the Environmental Planning and Assessment Regulation 2000, it is a prescribed condition that all of the required commitments listed in the relevant BASIX Certificate for this development are fulfilled.

17. 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.

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

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

**The following condition is applied to meet additional demands for public facilities:**

19. In accordance with Council's Section 94A Development Contributions Plan effective from 2 July 2007, the following monetary levy must be paid to Council.

Category	Cost	Applicable Levy	S94A Levy
Development cost \$100001 - \$200000	-----	0.5%	-----
Development cost more than \$200000	\$3,775000	1.0%	<b>\$37750</b>
<b>Administration Fee (Citywide)</b>			<b>\$425</b>

The levy must be paid in cash, bank cheque or by credit card prior to a construction certificate being issued for the proposed development. The development is subject to an index to reflect quarterly variations in the Consumer Price Index (CPI) from the date of Council's determination to the date of payment.

Council's Section 94A Development Contribution Plans may be inspected at the Customer Service Centre, Administrative Centre, 30 Frances Street, Randwick or at [www.randwick.nsw.gov.au](http://www.randwick.nsw.gov.au).

**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:**

20. Details 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 ( $L_{A90}, 15 \text{ min}$ ) 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).

21. 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.

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

22. The following damage/civil works security deposit requirement is to be complied with prior to a construction certificate being issued for the development, as security for making good any damage caused to the roadway, footway, verge or any public place; or as security for completing any public work; and for remedying any defect on such public works, in accordance with section 80A(6) of the Environmental Planning and Assessment Act 1979:
- a) \$1000.00 - Damage / Civil Works Security Deposit

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

- 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:**

23. Prior to the issuing of an Occupation Certificate the applicant must meet the full cost for Council or a Council approved contractor to:
- b) Construct a full width concrete heavy duty vehicular crossing and layback at kerb opposite the vehicular entrance to the site.
24. 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.
25. The applicant shall note that all external work, carried out on Council property, shall be in accordance with Council's Policy for "Vehicular Access and Road and



Drainage Works". An application for the cost of the Council civil works is to be submitted to Council at the completion of the internal building works. An application fee shall be payable to Council for the quotation of the required works. The applicant may elect to use his contractor for the required works, subject to Council approval, however a design and supervision fee based on the lowest quotation from Council's nominated contractor will be required to be paid prior to the commencement of any works.

26. 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.
27. The driveway opening at the Carrington Road frontage must be 5.5 metres wide and located at least 0.5 metres clear of the side property.
28. The internal driveway must be a minimum 5.50m wide (clear width) for the first 5 metres inside the property so as to allow entering & exiting vehicles to pass within the site. Should the driveway narrow after this point it is then to be designed with a minimum 1.5m x 1.5m splay to allow the passing to work.
29. A Works Zone is to be provided for the duration of the construction works. The 'Works Zone' shall be provided to the satisfaction of the Randwick Traffic Committee and shall have a minimum length of 12 metres. The prescribed fee for the Works Zone must be paid to Council at least four (4) weeks prior to the commencement of work on the site.

It is noted that the requirement for a Works Zone may be waived if it can be demonstrated (to the satisfaction of Council's traffic engineer) that all construction related activities (including all loading and unloading operations) may be undertaken wholly within the site.

30. Prior to the issue of a construction certificate, the applicant shall submit for approval and have approved by Council's Traffic Engineer a detailed construction traffic management plan. The plan shall demonstrate how construction and delivery vehicles will access the development site during the demolition and construction phase of the development.

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

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

31. The Council's Development Engineer has inspected the above site and have determined that the design alignment level (concrete/paved/tiled level) at the property boundary for driveways, access ramps and pathways or the like, shall be:
  35. 50mm above the back of the path at all points opposite the kerb, along the full site frontage.

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

32. 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.

33. The above alignment levels and the site inspection by Council's Development Engineer have been issued at a prescribed fee of \$1180.00 calculated at \$44.00 (inclusive of GST) per metre of site frontage. This amount is to be paid prior to a construction certificate being issued for the development.

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

34. 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.

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 applicant shall liaise with Sydney Water to ensure all requirements are met in relation to the sewer line located within the rear of the site.

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.

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.

35. 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.
36. 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:**

37. **Stormwater drainage plans have not been approved as part of this development consent.** Engineering calculations and plans with levels reduced to Australian Height Datum in relation to site drainage shall be submitted to and approved by the certifying authority prior to a construction certificate being issued for the development. A copy of the engineering calculations and plans are to be forwarded to Council, prior to a construction certificate being issued, if the Council is not the certifying authority. The drawings and details shall include the following information:

- a) A detailed drainage design supported by a catchment area plan, at a scale of 1:100 or as considered acceptable to the Council or an accredited certifier, and drainage calculations prepared in accordance with the Institution of Engineers publication, Australian Rainfall and Run-off, 1987 edition.
- b) A layout of the proposed drainage system including pipe sizes, type, grade, length, invert levels, etc., dimensions and types of all drainage pipes and the connection into Council's stormwater system.
- c) Generally all internal pipelines must be capable of discharging a 1 in 20 year storm flow. However the minimum pipe size for pipes that accept stormwater from a surface inlet pit must be 150mm diameter. The site must be graded to direct any surplus run-off (i.e.. above the 1 in 20 year storm) to the proposed drainage system.
- d) The separate catchment areas within the site, draining to each collection point or surface pit are to be classified into the following categories:
  - i. Roof areas
  - ii. Paved areas
  - iii. Grassed areas
  - iv. Garden areas
- e) Where buildings abut higher buildings and their roofs are "flushed in" to the higher wall, the area contributing must be taken as: the projected roof area of the lower building, plus one half of the area of the vertical wall abutting, for the purpose of determining the discharge from the lower roof.
- f) Proposed finished surface levels and grades of car parks, internal driveways and access aisles which are to be related to Council's design alignment levels.
- g) The details of any special features that will affect the drainage design eg. the nature of the soil in the site and/or the presence of rock etc.

All stormwater run-off naturally draining to the site must be collected and discharged through this property's stormwater system. Such drainage must, if necessary, be constructed prior to the commencement of building work.

38. As the subject development site falls away from Carrington Rd, all site stormwater must be discharged:

- a) To Council's street drainage system in Pauling Ave by gravity via a private drainage easement through an adjoining private property (or properties).

Should the applicant demonstrate that all reasonable attempts to procure a private drainage easement/s have failed, and the ground conditions preclude the use of infiltration, a pump system may be permitted. The pump system must be designed with a minimum of two pumps being installed, connected in parallel (with each pump capable of discharging at the permissible discharge rate) and connected to a control board so that each pump will operate alternatively. The pump wet well shall be sized for the 1 in 100 year, 2 hour storm assuming both pumps are not working.

The pump system must also be designed and installed strictly in accordance with "Section 8.4 PUMP SYSTEMS" as stipulated in Randwick City Council's Private Stormwater Code.

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

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

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

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

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

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

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

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

43. Any onsite detention/infiltration systems shall be located in **areas accessible by residents of all units.**

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

- c) 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)

- d) 600mm in landscaped areas where the side slopes of the detention area have a maximum grade of 1 in 10.
- e) 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 car parks or in any area which may be used for storage of goods.
- Mulch/bark must not be used in onsite detention areas

45. 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.
46. The floor level of all habitable and storage areas adjacent to the detention area (and/or infiltration systems with above ground storage) must be a minimum of 300mm above the maximum water level in the detention area for the design storm or alternately a permanent 300mm high water proof barrier is to be constructed.

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

47. A childproof and corrosion resistant fastening system shall be installed on access grates over pits/trenches where water is permitted to be temporarily stored.
48. A 'V' drain is to be constructed along the perimeter of the property, where required, to direct all stormwater to the detention/infiltration area.
49. 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.

50. 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.**

51. 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.
52. **One** covered car washing bay shall be provided for this development.
- a) The car washing bay must be drained to sewer to the requirements of Sydney Water and proof of compliance is to be submitted to the certifying authority, prior to an occupation certificate being issued for the proposed development.
  - b) The car washing bay must be located outside any required/approved stormwater detention system.
  - c) The car washing bay may be located within 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 bay must be constructed with a minimum 20mm bund around the perimeter of the car washing bay (or equivalent)
  - e) A water tap shall be located adjacent to the car washing bay.

53. Prior to the issuing of an occupation certificate, the applicant shall submit to Council, a works-as-executed drainage plan prepared by a registered surveyor and approved by a suitably qualified and experienced Hydraulic Engineer. The works-as-executed drainage plan shall be to the satisfaction of the Principal Certifying Authority (PCA) and shall include the following details:
- a) 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).
54. Prior to the issuing of an occupation certificate, the applicant shall submit to the Principal Certifying Authority (PCA) and Council, certification from a suitably qualified and experienced Hydraulic Engineer confirming that the design and construction of the stormwater drainage system complies with the conditions of development consent. The certification must be provided following inspection/s of the site stormwater drainage system by the certifying engineers and shall be provided to the satisfaction of the PCA.
55. **As the above site may encounter groundwater/seepage water within the depth of the basement excavation**, the basement carpark or similar structures are to be suitably tanked and waterproofed. A Structural Engineer\Geotechnical Engineer shall certify the tanking & waterproofing has been carried out to an acceptable standard, to the satisfaction of the certifying authority. A copy of the certification is to be forwarded to Council.

**Notes:-**

- a) Any subsoil drainage (from planter boxes etc) is to be disposed of within the site and is not to be discharged to Council's kerb & gutter and/or underground drainage system.
  - b) Adequate provision is to be made for the ground water or seepage 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).
56. Should dewatering of the site be required, 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 (i.e. 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.

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

57. The garbage room areas will have to be redesigned so as to be able to contain a total of 12 x 240 litre bins (6 garbage bins & 6 recycle bins) whilst providing satisfactory access to these bins. Details showing compliance with this requirement are to be shown on the plans submitted to the certifying authority for the construction certificate.
58. The waste storage areas are to be provided with a tap and hose and the floor is to be graded and drained to the sewer to the requirements of Sydney Water.
59. The waste storage areas shall be clearly signposted.
60. 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:**

61. Landscaping at the site shall be installed substantially in accordance with the Landscape Plan prepared by Patio Landscape Architecture & Design, drawing number CP 01, job number 07.077, revision B, dated 16.08.07 and stamped 22<sup>nd</sup> October 2008, subject to the following additional requirements being included on an amended plan which shall be submitted to, and be approved by the Principal Certifying Authority (PCA), prior to the issue of a construction certificate (with a copy to be forwarded to Council prior to commencement if not the PCA):
- a. The 2 x *Elaeocarpus reticulata* 'Primma Donna' (Blueberry Ash) proposed along the eastern boundary, in the northeast corner of the site shall be increased in size from 25 litres to a 100 litre pot/bag size at the time of planting.
  - b. In order to provide visual screening and privacy between the upper balconies of the proposal and those neighbouring properties to the east, an additional 2 x 100 litre trees of the same species described in point 'a' above shall be provided further to their south, making a total of four along the length of the eastern boundary.
  - c. One 25 litre sized native species which will attain a minimum height at maturity of 6 metres in the same location as the existing Avocado tree which is to be removed due to its poor condition (refer also Tree Management conditions).
  - d. All planter boxes and garden beds constructed on slab must have a minimum soil depth of 600mm.
  - e. In order to reduce the amount of storm-water generated by the site, as well as to recharge groundwater supplies, porous/permeable paving shall be used in all hard surfacing not over slab.
  - f. All detention tanks and below ground stormwater infiltration systems located within the landscaped areas shall have a minimum soil cover of 600mm to ensure sufficient soil depth to permit the establishment of landscaping.
  - g. To ensure satisfactory maintenance of the landscaping, an automatic drip irrigation system shall be installed throughout all planted areas. Details are to be submitted showing connection of this system to the sites rainwater tanks, with back-up connection to the mains supply, in accordance with current Sydney Water requirements.
62. 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.
63. Documentary evidence is to be obtained from a suitably qualified Landscape Architect (member of AILA) or Landscape Designer/Manager (member of AILDLM) and submitted to the PCA (and Council, if not the PCA) prior to the issuing of a final occupation certificate, which confirms that the landscaping has been completed in accordance with the approved plans and relevant conditions of development consent.
64. The nature-strip upon Council's footway shall be excavated to a depth of 150mm, backfilled with topsoil equivalent with 'Organic Garden Mix' as supplied by Australian Native Landscapes, and re-turfed with Kikuyu Turf or similar. Such works shall be installed prior to the issue of a final Occupation Certificate.

**Tree Management**

65. The applicant shall submit a total payment of \$214.50 (including GST) to Council, being to cover the cost for Council to:
- a. Supply and plant 2x 25 litre street trees, *Glochidion ferdinandii* (Cheese Trees) on Council's Carrington Road nature strip, being one each to the north and south of the proposed pedestrian entry at the completion of all works (\$195.00 + GST).

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

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

**Tree Management**

66. The following trees shall be removed as part of this application in order to accommodate the proposed works as shown, subject to full implementation of the approved landscaping, prior to the issue of a final occupation certificate:
- a. One *Cupressus torulosa* (Bhutan Cypress) in the front yard, hard up against the western edge of the existing dwelling at 135 Carrington Road, due to its inappropriate location.
  - b. One *Persea americana* (Avocado Tree) in the rear yard of 135 Carrington Road, due to its existing pronounced lean to the north, and to avoid possible damage to person and or property from its future failure.
67. Permission is also granted for the selective pruning of:
- ii) Only those lower growing, overhanging, 2<sup>nd</sup> & 3<sup>rd</sup> order branches from the northern aspect of the *Harpephyllum caffrum* (Kaffir Plum) which is located beyond the southwest corner of the subject site, within the front yard of the adjoining property to the south, 137 Carrington Road, close to the common boundary, which need to be specifically pruned in order to avoid damage to the tree during the course of the proposed works;
  - iii) Overhanging deadwood from the northern aspects of the two *Eucalyptus pilularis* (Blackbutts) located in the rear yard of the adjoining property to the south, 137 Carrington Road, about halfway along the length of the southern boundary;
  - iv) The one, lowest growing, lateral branch attached to the northern side of the trunk of the *Eucalyptus robusta* (Swamp Mahogany) in the rear yard, close to the southern boundary, towards the southeast corner of the site, as this branch is poorly attached, and is a result of previous damage sustained to its trunk;
  - v) Only those lower growing branches from the eastern side of the *Banksia integrifolia* (Coastal Banksia) located in the rear yard, towards the southeast corner of the site, which need to be pruned in order to avoid damage to this tree during construction of the proposed open pergola. (This condition will only apply should approval be granted for construction of the proposed paved entertaining area in the location shown).

68. The approvals described above do not imply any right of entry onto a neighbouring property, nor does it allow pruning beyond a common boundary; however, where such measures are desirable in the best interests of correct pruning procedures, and ultimately, the health of these trees, it will be necessary for the applicant to negotiate with the neighbour/tree owner for access to perform this work.
69. All pruning must be undertaken by an Arborist who holds a minimum of AQF Level III in Arboriculture, and who is also a registered member of a nationally recognised organisation/association, with all pruning to be performed to Australian Standard AS 4373-1996 'Pruning of Amenity Trees,' and can be performed prior to the commencement of site works where necessary, in order to minimise damage/interference.

### Tree Protection Measures

70. In order to ensure retention of the *Harpephyllum caffrum* (Kaffir Plum) located beyond the southwest corner of the subject site, within the front yard of the adjoining property to the south, 137 Carrington Road, close to the common boundary good health, the following measures are to be undertaken:
  - a. All detailed architectural, building, demolition, engineering (structural, stormwater & drainage, services), and landscape documentation submitted for the construction certificate application shall show the retention of this specimen with the position of its trunk and full diameter of its canopy clearly shown on all drawings.
  - b. Any pruning required in order to avoid damage to this tree from site machinery or similar (only as per the approval provided in Tree Management conditions above) shall be completed prior to the commencement of site works.
  - c. Any excavations associated with the internal vehicle access/basement entry ramp beneath the extent of its dripline, within a distance of 2 metres of the southern site boundary shall be initially performed by hand, to a minimum depth of 600mm, with any roots encountered to be cut cleanly by hand, and the affected are backfilled with clean site soil as soon as practically possible.
  - d. There is to be no storage of materials or machinery or site office/sheds, nor is cement to be mixed or chemicals spilt/disposed of and no stockpiling of soil or rubble beneath the canopy/dripline of this tree, for a distance of 2.5 metres off the northern boundary.
71. In order to ensure retention of the *Eucalyptus robusta* (Swamp Mahogany) and *Banksia integrifolia* (Coastal Banksia) located in the rear yard, towards the southeast corner of the site in good health, the following measures are to be undertaken:
  - h. All detailed architectural, building, demolition, engineering (structural, stormwater & drainage, services), and landscape documentation submitted for the construction certificate application shall show the retention of both specimens with the position of their trunks and full diameter of their canopies clearly shown on all drawings.
  - i. All detailed documentation submitted for the construction certificate application shall show no alteration in the existing soil levels or the location of any services, detention tanks, stormwater infiltration systems, pipes or cutting or battering of the existing soil profile within a radius of 4.0 metres from the outside edge of either of their trunks,

with any such services to be suitably designed and installed in accordance with this requirement.

- j. Both trees are to be physically protected as one group through the installation of 1.8 metre high steel mesh/chainwire fencing, which is to be located a minimum distance of 4 metres to the west of the outside edge of the trunk of the Swamp Mahogany, 3 metres to the north of the Banksia, and 3 metres to the east of both of their trunks, matching up with the southern site boundary, to completely enclose both trees for the duration of site works.
- k. This fencing shall be installed prior to the commencement of demolition and construction works and shall remain in place until such time as the approved landscaping is performed all works are completed, to which signage containing the following words shall be clearly displayed and permanently attached: "TREE PROTECTION ZONE, DO NOT ENTER".
- l. Within this zone there is to be no storage of materials or machinery or site office/sheds, nor is cement to be mixed or chemicals spilt/disposed of and no stockpiling of soil or rubble.
- m. Any excavations required for footings, structures, retaining walls, paving etc within 4.5 metres of the outside edge of the trunks of either of these trees shall be initially undertaken by hand, to a minimum depth of 600mm, with any roots encountered to be cut cleanly by hand, and the affected area backfilled with clean site soil as soon as practically possible.
- n. In order to maintain reasonable levels of air and moisture exchange to the root zones of both of these trees, any paving proposed beneath the extent of their driplines associated with the proposed entertaining area in the southeast corner of the site, shall be porous/permeable in nature, with a detail confirming compliance with this requirement to be submitted for the construction certificate.

**The following conditions have been applied to maintain reasonable levels of amenity to the area:**

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

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

- 73. 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.

- 74. 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*.

- 75. **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.

76. **Prior to the commencement of any building works**, the person having the benefit of the development consent must:-

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

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

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

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

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

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

78. A sign must be erected and maintained in a prominent position on the site for

the duration of the works, which contains the following details:

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

79. An **Occupation Certificate** must be obtained from the Principal Certifying Authority **prior to any occupation of the building** 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.

80. **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.

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

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

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

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

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

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

82. 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.*

83. A Fire Safety Certificate must be submitted to Council **prior to the issuing of an Occupation Certificate**, in accordance with the requirements of the Environmental Planning and Assessment Regulation 2000.

A single and complete *Fire Safety Certificate* must be provided which includes details of all of the fire safety measures contained in the building and as detailed in the *fire safety schedule* attached to the Construction Certificate.

Prior to issuing any Occupation Certificate the Principal Certifying Authority must be satisfied that all of the relevant fire safety measures have been included and are sufficiently detailed within the *Fire safety Certificate*.

A copy of the *fire safety certificate* must be displayed in the building near the entrance and a copy must be forwarded to the NSW Fire Brigades.

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

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

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

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

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

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

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

86. 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.**

87. 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.

88. 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.

89. 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 s 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.**

90. 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 all of the premises adjoining the subject site and, as a minimum, the following premises at;

129A Carrington Road, Coogee  
131 Carrington Road, Coogee  
137 Carrington Road, Coogee  
21 Pauling Avenue, Coogee  
23 Pauling Avenue, Coogee  
25 Pauling Avenue, Coogee  
32 Raleigh Street, Coogee

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

91. A Certificate prepared by a *professional engineer* shall be submitted to the certifying authority (*and the Council, if the Council is not the certifying authority*) **prior to occupation of the building**, which certifies that the building



works satisfy the relevant structural design requirements of the Building Code of Australia.

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

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

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

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

93. The adjoining land and buildings located upon the adjoining land must be adequately supported at all times.

If an excavation associated with the erection or demolition of a building extends below the level of the base of the footings of any building located 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
- effectively support the excavation and building; 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 and particulars of the works to the owner of the adjoining land.

#### **Notes**

- This consent and condition does not authorise any trespass or encroachment upon any adjoining or supported land or building whether private or public. Where any underpinning, shoring, soil anchoring (temporary or permanent) or the like is proposed to be carried out upon any adjoining or supported land, the principal contractor or owner-builder must obtain:
  - a) the consent of the owners of such adjoining or supported land to trespass or encroach, or
  - b) an access order under the Access to Neighbouring Land Act 2000, or
  - c) an easement under section 88K of the Conveyancing Act 1919, or
  - d) an easement under section 40 of the Land & Environment Court Act 1979, as appropriate.
- Section 177 of the Conveyancing Act 1919 creates a statutory duty of care in relation to support of land. Accordingly, a person has a duty of care not to do anything on or in relation to land being developed (the

supporting land) that removes the support provided by the supporting land to any other adjoining land (the supported land).

94. Except with the written approval of Council's Manager of Health, Building & Regulatory Services, all building, demolition and associated site works (including site deliveries) must only be carried out between the hours of 7.00am to 5.00pm on Monday to Friday inclusive and (except as detailed below) between 8.00am to 5.00pm on Saturdays.

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

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

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

Noise and vibration from any rock excavation machinery and pile drivers (or the like) must be minimised by using appropriate plant and equipment and silencers and a construction noise and vibration minimisation strategy, prepared by a suitably qualified consultant is to be implemented during the works, to the satisfaction of the Principal Certifying Authority.

96. 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) The roadway, footpath and nature strip must be maintained in a good, safe condition and free from any obstructions, materials, soils or debris at all times. Any damage caused to the road, footway or nature strip must be repaired immediately, to the satisfaction of Council.
  - a) Building materials, sand, soil, waste materials, construction equipment or other materials or articles 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) Bulk bins, waste containers or other articles 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 or other articles in a public place can be made to Council's Health, Building & Regulatory Services department.
  - 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 temporary timber, asphalt or concrete crossing is to be provided to the site entrance across the kerb and footway area, with splayed edges, to the satisfaction of Council, unless access is via an existing concrete crossover.

- e) A local approval application must be submitted to and be approved by Council's Building Services section prior to commencing any of the following activities on a footpath, road or nature strip or in any public place:-
- Install or erect any site fencing, hoardings or site structures
  - Operate a crane or hoist goods or materials over a footpath or road
  - Placement of a waste skip or any other container or article on the road, nature strip or footpath.
- f) The applicant/builder is required to hold Public Liability Insurance, with a minimum liability of \$10 million and a copy of the Insurance cover is to be provided to Council.
- g) A *Road / Asset Opening Permit* must be obtained from Council prior to carrying out any works within or upon a road, footpath, nature strip or in any public place, in accordance with section 138 of the *Roads Act 1993* and all of the conditions and requirements contained in the *Road / Asset Opening Permit* must be complied with.
- The owner/builder must ensure that all works within or upon the road reserve, footpath, nature strip or other public place are completed to the satisfaction of Council, prior to the issuing of a final occupation certificate for the development.
- For further information, please contact Council's Road / Asset Opening Officer on 9399 0691 or 9399 0999.
- h) 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.
97. A Registered Surveyor's check survey certificate or *compliance certificate* is to be forwarded to the principal certifying authority (*and a copy is to be forwarded to the Council, if the Council is not the principal certifying authority*), detailing compliance with Council's approval at the **following stage/s of construction**:
- a) Prior to construction of the first completed floor/floor slab (prior to pouring of concrete), showing the area of land, building and boundary setbacks and verifying that the building is being construction at the approved levels.
  - b) On completion of the erection of the building showing the area of the land, the position of the building and boundary setbacks and verifying the building has been constructed at the approved levels.
98. A **Construction Site Management Plan** is to be developed and implemented **prior to the commencement** of demolition, excavation or building works. The site management plan must include the following measures, as applicable to the type of development:
- location and construction of protective fencing / hoardings to the perimeter of the site;
  - location of site storage areas/sheds/equipment;
  - location of building materials for construction;
  - provisions for public safety;

- dust control measures;
- site access location and construction
- details and methods of disposal of demolition materials;
- protective measures for tree preservation;
- provisions for temporary sanitary facilities;
- location and size of waste containers/bulk bins;
- details of proposed sediment and erosion control measures;
- construction noise and vibration management;
- construction traffic management provisions.

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

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

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

Dust control measures and practices may include:-

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

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

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

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

Stockpiles of soil, sand, aggregate or other materials must not be located on any footpath, roadway, nature strip, drainage line or any public place and the stockpiles must be protected with adequate sediment control measures.

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.

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

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

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

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

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

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

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

102. The demolition, removal, storage, handling and disposal of materials and all building work must be carried out in accordance with the following requirements (as applicable):

- Australian Standard 2601 (2001) – Demolition of Structures
- Occupational Health and Safety Act 2000
- Occupational Health and Safety (Hazardous Substances) Regulation 2001
- Occupational Health and Safety (Asbestos Removal Work) Regulation 2001
- WorkCover NSW – Guidelines and Codes of Practice
- Randwick City Council's Asbestos Policy
- The Protection of the Environment Operations Act 1997 and Protection of the Environment Operations (Waste) Regulation 1996.

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

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

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

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

104. Any work involving the demolition, storage and disposal of asbestos products and materials must be carried out in accordance with the following requirements:

- a) Randwick City Council's Asbestos Policy (adopted 13 September 2005).

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

- b) A WorkCover licensed demolition or asbestos removal contractor must undertake removal of more than 10m<sup>2</sup> of bonded asbestos (or as otherwise specified by WorkCover or relevant legislation). Removal of friable asbestos material must only be undertaken by contractor that holds a current friable asbestos removal licence.
- c) On sites involving the removal of asbestos, a professionally manufactured sign must be clearly displayed in a prominent visible position at the front of the site, containing the words 'DANGER ASBESTOS REMOVAL IN PROGRESS' and include details of the licensed contractor. The sign shall measure not less than 400mm x 300mm and the sign is to be installed prior to demolition work commencing and is to remain in place until such time as all asbestos has been safely removed from the site.
- d) Asbestos waste must be stored, transported and disposed of in compliance with the Protection of the Environment Operations Act 1997 and the Protection of the Environment Operations (Waste) Regulation 1996. Asbestos waste must be disposed of at an approved waste disposal depot (refer to the DEC or Waste Service NSW for details of sites). Copies of all receipts detailing method and location of disposal must be maintained on site and be provided to Council officers upon request, as evidence of correct disposal.
- e) A Clearance Certificate or Statement, prepared by a suitably qualified person (i.e. an occupational hygienist, licensed asbestos removal

contractor, building consultant, architect or experienced licensed building contractor), must be provided to Council upon completion of the works **prior to an Occupation Certificate being issued**, which confirms that the asbestos material have been removed appropriately and the relevant requirements contained in the Asbestos Survey and conditions of consent in relation to the safe removal and disposal of asbestos, have been satisfied.

**Road/Asset Openings** (Unless otherwise specified by City Services or Development Engineer)

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

105. Any openings within or upon the road, footpath, nature strip or in any public place (i.e. for proposed drainage works or installation of services), must be carried out in accordance with the following requirements, to the satisfaction of Council:
- a. A *Road / Asset Opening Permit* must be obtained from Council prior to carrying out any works within or upon a road, footpath, nature strip or in any public place, in accordance with section 138 of the *Roads Act 1993* and all of the conditions and requirements contained in the *Road / Asset Opening Permit* must be complied with.
  - b. The owner/developer must ensure that all works within or upon the road reserve, footpath, nature strip or other public place are completed to the satisfaction of Council, prior to the issuing of a *final occupation certificate* for the development.
  - c. Relevant *Road / Asset Opening Permit* fees, construction fees, inspection fees and security deposits, must be paid to Council prior to commencing any works within or upon the road, footpath, nature strip or other public place,
  - d. Excavations and trenches must be back-filled and compacted in accordance with AUSPEC standards 306U.
  - e. Excavations or trenches located upon a road or footpath are required to be provided with 50mm depth of cold-mix bitumen finish, level with the existing road/ground surface, to enable Council to readily complete the finishing works at a future date.
  - f. Excavations or trenches located upon turfed areas are required to be back-filled, compacted, top-soiled and re-turfed with Kikuyu turf.
  - g. The work and area must be maintained in a clean, safe and tidy condition at all times and the area must be thoroughly cleaned at the end of each day's activities and upon completion.
  - h. Public and vehicular safety must be maintained at all times and any related directions issued by Council officers must be complied with.
  - i. The work can only be carried out in accordance with approved hours of building work as specified in the development consent, unless the express written approval of Council has been obtained beforehand.
  - j. All work, including the provision of barricades, fencing, lighting, signage and traffic control, must be carried out in accordance with the NSW Roads and Traffic Authority publication - 'Traffic Control at Work Sites' and

Australian Standard AS 1742.3 – Traffic Control Devices for Works on Roads, at all times.

- k. Not more than half of any road is to be opened up at any one time and excavations must be provided with suitable fencing/ barricades and flashing amber lights if not completed by the end of the day.
- l. Any necessary approvals must be obtained from NSW Police, Roads & Traffic Authority, State Transit Authority and relevant Service Authorities, prior to commencing work upon or within the road, footway or nature strip.

All conditions and requirements of the NSW Police, Roads & Traffic Authority, State Transit Authority and Council must be complied with at all times.

- m. A detailed Traffic Management Plan must be submitted to and approved by Council and relevant Authorities, prior to carrying out any work which results in the closure or partial closure of a State or Regional Road, as identified by the NSW Roads & Traffic Authority.
- n. Sediment control measures must be implemented in accordance with the conditions of development consent and soil, sand or any other material must not be allowed to enter the stormwater drainage system or cause a pollution incident.
- o. The owner/developer must have a Public Liability Insurance Policy in force, with a minimum cover of \$10 million and a copy of the insurance policy must be provided to Council prior to carrying out any works within or upon the road, footpath, nature strip or in any public place.
- p. Council's Road / Asset Opening Officer must be notified at least 48 hours in advance of commencing any excavation works and also immediately upon completing the works (on 9399 0691 or 0409 033 921 during business hours), to enable any necessary inspections or works to be carried out.

**ADVISORY MATTERS:**

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

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

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

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

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

- a) Part B1 - Structural provisions



- b) Part C1 - Fire resistance and stability
- c) Part D1 - Provisions for escape
- d) Part D2 - Construction of exits
- e) Part E1 - Fire fighting equipment
- f) Part E2 - Smoke Hazard Management
- g) Part E3 - Lift Installations
- h) Part E4 - Emergency lighting, exit signs & warning systems
- i) Part F1 - Damp and weatherproofing
- j) Part F2 - Sanitary and other facilities
- k) Part F4 - Light and ventilation

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

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

3. 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/Andrews) CARRIED - SEE RESOLUTION.**

**M2/08 Confidential - Recovery of Assessed Costs by Randwick City Council from Peta Athens & Athens Holdings Pty Limited. (F2004/06770)**

*This matter is considered to be confidential under Section 10A(2) (g) Of the Local Government Act, as it deals with advice concerning litigation, or advice that would otherwise be privileged from production in legal proceedings on the ground of legal professional privilege.*

'PL20/08

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

- (1) the General Manager be given authority to negotiate a settlement of costs in respect to:
  - a) Land and Environment Court Proceedings No. 40097 of 2000,
  - b) New South Wales Court of Appeal Proceedings No. 40417 of 2004, and
  - c) New South Wales Supreme Court Proceedings No. 3779 of 2002.
- (2). a condition of any negotiated settlement is that the terms of settlement remain confidential.

**MOTION: (Hughes/Andrews) CARRIED - SEE RESOLUTION.**

**Notices of Rescission Motions**

A rescission motion on 3 Stark Street, Coogee was submitted to the General Manager in accordance with Council's Code of Meeting Practice and will be considered at the next available meeting.

The meeting closed at 7.58 pm.

**The minutes of this meeting were confirmed at the Planning Committee Meeting of the Council of the City of Randwick held on Tuesday, 10 June 2008.**

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**CHAIRPERSON**