



**MINUTES OF PLANNING COMMITTEE MEETING OF THE COUNCIL  
OF THE CITY OF RANDWICK HELD ON TUESDAY, 10 JUNE 2008 AT  
6:30 PM.**

**Present:**

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

- |              |   |
|--------------|---|
| North Ward   | - Councillors P Tracey & M Woodsmith                            |
| South Ward   | - Councillors R Belleli & A White                               |
| East Ward    | - Councillors M Matson (Deputy Chairperson)<br>& D Sullivan     |
| West Ward    | - Councillors B Hughes, S Nash (Chairperson)<br>& J Procopiadis |
| Central Ward | - Councillors A Andrews & T Seng                                |

**Officers present:**

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

**Apologies/Granting of Leave of Absences**

Apologies were received from Crs Bastic, Daley and Kenny.

**RESOLVED: (Matson/Andrews)** - that the apologies received from Crs Bastic, Daley and Kenny 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 13 MAY 2008**

PL21/08

**RESOLUTION: (Andrews/Mayor, Cr B. Notley-Smith)** that the Minutes of the Planning Committee Meeting held on Tuesday 13 May 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) Cr Belleli declared a non pecuniary interest and will be voting on item D27/08 as he lives in a street near the subject site.

- (b) Cr Belleli declared a non pecuniary interest and will be voting on items D32/08 and D33/08 as the one of the objectors is a volunteer of his and his wife's musical school.
- (c) Cr Matson declared a non pecuniary interest and will be voting on item D31/08 as his child attends the nearby school.
- (d) Cr Sullivan declared a non pecuniary interest and will be voting on item D27/08 as aspects of his job are involved in the child care industry.

### **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:

CP16/08 91 PAINE STREET, MAROUBRA

Against Mr Joel Johnson

CP16/08 91 PAINE STREET, MAROUBRA

For Professor Victor Burke

D28/08 8A KITCHENER STREET MAROUBRA

Against Mr Adam Capon

D30/08 52 MARINE PARADE, MAROUBRA

For Ms Janet Thompson

D31/08 248 CARRINGTON ROAD RANDWICK

Against Ms Kim Dobra

D32/08 2 - 40 GUMARA STREET, RANDWICK - DA 71/2008

For Mr Anthony Betros

D33/08 2 - 40 GUMARA STREET, RANDWICK - DA 73/2008

For Mr Anthony Betros

The meeting was adjourned at 7.10 pm and was resumed at 7.28 pm.

### **Urgent Business**

Nil.

### **Development Application Reports**

#### **D27/08 Development Application Report - 91 Paine Street, Maroubra (Deferred) (DA/1/2008)**

#### **RESOLUTION: (Tracey/Woodsmith)**

That Council, as the consent authority, grant development consent under section 80 and 80A of the Environmental Planning and Assessment Act 1979 (as amended) to Development Application No. DA/1/2008 for permission to covert the existing dwelling house into a childcare centre for 36 children, including associated building

works at 91 Paine Street, Maroubra subject to the following conditions.

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

1. The development must be implemented substantially in accordance with the plans numbered 1-2 dated 31/12/07 and 3-4 dated 29/12/07 and received by Council on 3 January 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 on the attached :
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 Planning & Community Development, 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. There must be no encroachment of the structures onto any adjoining premises or onto Council's road reserve, footway or public place, unless permission has been obtained from the owner/s of the adjoining land accordingly.
4. No cooking facilities or sanitary fittings other than those indicated on the approved plans are to be installed in the premises without the prior written consent of the Council.
5. A 1.8 metre high solid masonry fence is to be constructed on the full length of the rear boundary abutting Nagle Park and for the full length of the south-eastern side boundary on the Walsh Avenue frontage of the site.

**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:**

6. 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).

7. 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.
8. The hours of the operation of the business are restricted to:  
Monday – Friday: 8:30am – 5:00pm
9. A report, prepared by a suitably qualified and experienced consultant in

acoustics, shall be submitted to the Council **within one month of the issue of an occupation certificate** for the development, which validates the previous report titled *Proposed Childcare Centre, 91 Paine Street, Maroubra – Noise Impact Assessment by Renzo Tonin & Associates* reference: *TD859-01F03(REV 1) NSE REP* dated 8 January 2008 and which demonstrates and certifies that the cumulative noise and vibration emissions from the development comply with the relevant provisions of the *Protection of the Environment Operations Act 1997*, NSW Environmental Protection Authority Noise Control Manual & Industrial Noise Policy and conditions of Council's approval, to the satisfaction of Council's Manager Environmental Health & Building Services.

Any noise mitigation s made in this report are to be implemented after appropriate approval by Council.

10. The acoustic report submitted in support of this application, prepared by *Renzo Tonin & Associates* titled *Proposed Childcare Centre, 91 Paine Street, Maroubra – Noise Impact Assessment* reference: *TD859-01F03(REV 1) NSE REP* dated 8 January 2008 and the noise mitigation methods stated in this report form part of this development consent. The following noise mitigation methods apply:

- The common boundary fence between 89 and 91 Paine Street, Maroubra shall be of a minimum height of 2.2m above the ground level. The fence should run 0.9m from the exterior wall of playroom 1 to the north west boundary, the run 26.4m along the common (north west) boundary between 89 and 91 Paine Street, Maroubra.

The fence shall be constructed of any durable material such as masonry, steel, aluminium, fibrous-cement, timber, ).<sup>2</sup> polycarbonate, with sufficient mass (min. 112kg/m

This fence must not have any clearance gap underneath them.

- The exterior wall of the building adjacent to the outdoor courtyard area shall be acoustically lined with materials such as Tontine AcoustiSorb2 or TBL 32/50, hydrophobic mineral wool and faced with a thin gauge perforated metal of at least 25% open area.

The acoustic lining shall be installed at a height of 1.5m above ground level and continue to the top of the wall/s.

- All hard paved areas and pathways within the children's play area shall be covered with a rubberised backed material.
- All external pedestrian gates shall be fitted with appropriate door closers to prevent the generation of impact sound.

Hollow steel posts to gate fitting should be filled with sand to reduce noise impact when gate is closed.

11. Signs shall be erected at appropriate, prominent location to advise the following:

- staff and parent converse at a very low volume,
- parents not to call out to their children when delivering or collecting their children and
- gates are not slammed

12. Music shall not be played outdoors.
13. The maximum number of children in the outdoor play area at any one time shall be limited to 22.
14. A plan of management shall be submitted to and approved by Council's Director City Planning prior to issue of occupation certificate, which details the measures to be implemented to:
  - ensure compliance with the relevant conditions of approval,
  - minimise the potential impact of the operation of the premises upon nearby residents,
  - minimise noise emissions and associated nuisances,
  - effectively manage and respond to resident complaints.

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

15. The use and operation of the premises shall not give rise to an environmental health nuisance to the adjoining/nearby premises or environment.
16. 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*.

**Civil Works Conditions**

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

17. 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.

**Service Authority Conditions**

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

18. 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.
19. 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.

**Drainage Conditions**

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

20. 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.

21. Stormwater runoff from the site shall be discharged either:
  - a. To the kerb and gutter along the site frontages by gravity (without the use of a charged system); OR
  - b. Through a private drainage easement(s) to Council's kerb and gutter (or underground drainage system); OR
  - c. To a suitably sized infiltration area. As a guide the infiltration area shall be sized based on a minimum requirement of 1 m<sup>2</sup> of infiltration area (together with 1 m<sup>3</sup> of storage volume) for every 20 m<sup>2</sup> of roof/impervious area on the site.

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

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

22. Should a charged system be required to drain any portion of the site, the charged system must be designed with suitable clear-outs/inspection points at pipe bends and junctions.
23. 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 year, 2 hour storm assuming both pumps are not working.

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

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

#### **Landscape Conditions**

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

25. That part of the naturestrip upon Council's footway which is damaged during the construction of the proposed works shall be excavated to a depth of 150mm, backfilled with topsoil equivalent with 'Organic Garden Mix' as supplied by Australian Native Landscapes, and re-turfed with Kikuyu turf or similar. Such works shall be completed at the applicant's expense prior to the issue of a final Occupation Certificate.

26. A landscape plan prepared by a qualified Landscape Architect who is eligible for membership with the Australian Institute of Landscape Architects (AILA) shall be submitted to the satisfaction of the certifying authority, prior to the issue of a construction certificate, including the following requirements:
- a. A site plan at an appropriate scale showing existing site boundaries, existing trees within the property (clearly identified as being retained or removed), existing street trees (clearly identified as being retained or removed), features on adjoining sites within 6 metres of the common property boundary (buildings, trees, other structures etc), council's footway, existing and proposed ground levels shown as spot heights and/or contours over the site, at site boundaries, and at the base of the trees to be retained, proposed building envelope, proposed areas of pavement, and proposed landscaped areas.  
  
The plan shall clearly show the position, canopy spread (location of dripline), trunk diameter, height and names of all existing trees upon the site and adjoining sites within 6 metres of the common property boundary which are likely to be affected by the development.
  - b. A planting plan at a scale of 1:100 or 1:200 indicating the location of all proposed planting and existing trees to be retained. All plants are to be drawn at their mature size with a suitable mixture of shrubs, accent plants and ground covers which are suitable for the intended use.
  - c. A planting schedule listing all plants by botanic & common names, plant numbers, plant spacings, pot sizes, the estimated size of the plant at maturity (height & spread) and proposed staking methods when applicable.
  - d. Plant selection shall be restricted to species that require minimal watering once established or species with water needs that match rainfall and drainage conditions (of which Gardenia's would not comply), incorporating suitably selected and located shade trees, and avoiding species known to be toxic, poisonous or to cause skin irritations or breathing difficulties.
27. Documentary evidence is to be obtained from a suitably qualified Landscape Architect and submitted to the principal certifying authority (PCA; and Council, if Council is not the PCA) prior to the issuing of a final occupation certificate, confirming that the landscape works have been installed in accordance with the approved landscape plans and relevant conditions of development consent, to the satisfaction of the PCA.

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

28. 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.

29. 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*.

30. 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.

31. **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.

32. 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.

33. 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".
34. 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.

35. **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.

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

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

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

37. The demolition of buildings and the removal, storage, handling and disposal of building materials (including asbestos) must be carried out in accordance with the relevant requirements of WorkCover NSW, the NSW Department of Environment & Conservation (formerly the Environment Protection Authority) and Randwick City Council policies and conditions, including:
- Occupational Health and Safety Act 2000
  - Occupational Health and Safety (Hazardous Substances) Regulation 2001

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

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

38. 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.

39. 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.
40. Public safety and convenience must be maintained at all times during demolition, excavation and construction works.

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

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

*Any part of Council's nature strip which is damaged as a result of the work must be back-filled, top-soiled and re-turfed with kikuyu turf prior to occupation or finalisation of the development, to Council's satisfaction.*

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

*Bulk bins/waste containers must not be located upon the footpath, roadway or nature strip at any time without the prior written approval of the Council, unless the waste container is located upon the road in accordance with the Roads & Traffic Authority Guidelines and Requirements, and the container is*

exempt from an approval under Development Control Plan for Exempt & Complying Development and Council's Local Approvals Policy. Applications to place a waste container in a public place can be made to Council's Building Services section.

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

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

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

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

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

43. 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.

### **Fire Safety**

44. 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:
- a. The following works are to be undertaken in accordance with the specified provisions of the Building Code of Australia (BCA), as applicable:
1. Install a smoke detection and alarm system in the building in accordance with specification E2.2a of the BCA,
  2. Provide illuminated exit signs to the required exit doors, in accordance with clause E4.5 & E4.7 of the BCA,
  3. Provide portable fire extinguisher/s within the kitchen, in accordance with clause E1.6 of the BCA,
  4. 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 and Assessment Act 1979 and *Environmental Planning and Assessment Regulation 2000*.

5. Upon completion of the fire safety upgrading works and **prior to the issuing of an occupation 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 is to be forwarded to the NSW Fire Brigades, in accordance with the provisions of the Environmental Planning and Assessment Act 1979.

### **Amenity**

45. Toilet facilities are to be available for patrons and staff at all times and adequate signage is to be provided accordingly. Toilet facilities are to be maintained in a clean and sanitary condition at all times.

### **Access and facilities for people with disabilities**

46. Access and toilet facilities for people with a disability are to be provided for patrons and staff, in accordance with parts D3 & F2 of the Building Code of Australia & AS1428.1 details are to be included in the construction certificate.

**The following conditions have been applied to ensure that adequate security provisions are made for vehicular access, parking and public infrastructure:**

47. A Road Opening Permit must be obtained from Council's City Services Department prior to opening-up or carrying out any proposed works within the road, footpath, nature strip or other public place and all works including repairs are to be carried out to Council's satisfaction.

### **ADVISORY MATTERS:**

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

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

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

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

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

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

- A3 The applicant is to advise Council in writing and/or photographs of any signs of existing damage to the Council roadway, footway, or verge prior to the commencement of any building/demolition works.
- B That 3 months following commencement of the centre Council's Manager Integrated Transport review the operation of the centre to determine whether there is a need for parking restrictions or other traffic management devices.

**MOTION: (Andrews/Seng)** that Council, as the consent authority, refuse development consent to Development Application No. DA/1/2008 for the following reasons:-

1. The proposal fails to comply with clause 10 (1) (a) of the Randwick Local Environmental Plan 1998 as it will not maintain the character of the established residential area;
2. The proposal does not meet the requirements of Council's Development Control Plan - *Parking* in that it will result in adverse traffic and parking impacts at the intersection of Paine Street and Walsh Avenue;
3. The proposal does not meet RTA Guideline requirements for off-street car parking;
4. The development will not be in accordance with the requirements of Section 79C(1)(b) of the Environmental Planning and Assessment Act as it will have an unreasonable impact on the acoustic privacy of the adjoining dwelling at no. 89 Paine Street. **LOST.**

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

Councillors Andrews and Seng called for a **DIVISION**.

The **DIVISION** was taken and the names of the Councillors voting FOR and AGAINST were as follows:

FOR	AGAINST
Councillor Hughes	Councillor Andrews
Councillor Matson	Councillor Belleli
Councillor Nash	Councillor Seng
Councillor Notley-Smith	Councillor Sullivan
Councillor Procopiadis	
Councillor Tracey	
Councillor White	
Councillor Woodsmith	
<b>Total (8)</b>	<b>Total (4)</b>

**D28/08 Development Application Report - 8A Kitchener Street Maroubra (DA/72/2005/A)**

'PL23/08

**RESOLUTION: (Seng/White)** that Council as the consent authority, defer its consent under Section 96 of the Environmental Planning and Assessment Act 1979 as amended to modify Development Consent No DA/72/2005 in order to request the applicant to lodge amended plans to have the air conditioning unit remain on the roof.

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

**D29/08 Development Application Report - 21 Seaside Parade, South Coogee (DA/323/2007)**

'PL24/08

**RESOLUTION: (Tracey/Mayor, Cr B. Notley-Smith)** that the application for 21 Seaside Parade, South Coogee be deferred to the next Planning Committee meeting to allow for further negotiation between the applicant & objectors.

**MOTION: (Tracey/Mayor, Cr B. Notley-Smith) CARRIED - SEE RESOLUTION.**

**D30/08 Development Application Report - 52 Marine Parade, Maroubra (DA/124/2008)**

'PL25/08

**RESOLUTION: (Mayor, Cr B Notley-Smith/Andrews)** that:

- A. Council supports the objections under State Environmental Planning Policy No. 1 – Development Standards in respect to non-compliance with Clause 32(2) of the Randwick Local Environmental Plan 1998, relating to floor space ratio, on the grounds that the proposed development complies with the objectives of the above clause, and will not adversely affect the amenity of the locality, and that the Department of Planning be advised accordingly.
- B. Council, as the consent authority, grants development consent under Sections 80 and 80A of the Environmental Planning and Assessment Act, as amended, to Development Application DA/124/2008 for demolition of existing structures on site and construction of a 3-storey multi-housing housing development comprising 3 x 3-bedroom dwellings, basement car parking for 5 vehicles, in-ground swimming pool and Strata subdivision of the development, at No. 52 Marine Parade, Maroubra, 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	Dated	Received on
A01 (Issue H)	01.04.08	9 April 2008
A02 (Issue H)	01.04.08	9 April 2008
A03 (Issue H)	01.04.08	9 April 2008
Strata Plan Form 1 – Surveyors Reference: 2090 Sheets 1 to 3	15.09.07	16 April 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 generally consistent with the approved drawings and the following sample boards:

Title / Ref. No.	Supplier	Received on
"Alucobond Samples"	Alcan Composites	9 April 2008
"Finishes Board"	Julius Bokor Architects	29 February 2008

3. Street and unit numbering must be provided to the premises in a prominent

position, in accordance with Australia Post guidelines and AS / NZS 4819 (2003) to the satisfaction of Council, prior to an occupation certificate being issued for the development.

In this regard, an Application must be submitted to and approved by Council's Director of City Planning, together with the required fee, for the allocation of appropriate street and unit numbers for the development, prior to issuing an occupation certificate.

4. Power supply and telecommunications cabling to the development shall be underground.
5. A single common television aerial, and/or satellite dish (having a maximum diameter of 700mm and not located on the front or street elevation of the building) is to be installed to serve the development.
6. 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.
7. The glazing components of the balcony balustrades on the north-western (rear) and south-eastern (front) 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.
8. The fence / boundary wall on the street alignment is to be of a maximum height of 1.8m and be designed so that the upper two thirds of the fence (excluding any piers or posts) is at least 50% open, to maintain reasonable levels of amenity to the adjoining residential development and the streetscape.
9. 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.
10. Suitable security lighting is to be installed along the main pedestrian entry pathway to the flat building. 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.
11. The proposed car parking spaces and bicycle parking facilities are to be designed and constructed to comply with Australian Standards 2890.1: Off-street Car Parking and 2890.3: Bicycle Parking Facilities respectively. Details of compliance are to be included in the Construction Certificate application.
12. The planter box located along the rear property boundary of the subject site shall have a minimum width of 1,500mm, excluding the thickness of edgings, in order to provide additional landscape planting in this area. Additionally, the swimming pool is to be appropriately repositioned to accommodate this requirement. The repositioning of the swimming pool must not reduce the proposed amount of soft landscaping as depicted on the approved plans. Details demonstrating compliance with the above requirement shall 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:**

13. 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.
14. 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.

15. 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)
16. 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:**

17. 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	\$1,968,400*	1.0%	<b>\$19,684</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:**

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 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 Council's Building Certification Services or an accredited certifier, in accordance with the provisions of the Environmental Planning & Assessment Act 1979 and Environmental Planning & Assessment Regulation 2000.

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

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) (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.

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*,
  - 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 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 (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.

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. 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**.

29. 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.

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

30. 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.

31. 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**.

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

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

33. A Certificate prepared by a *professional engineer* shall be submitted to the certifying authority (*and the Council, if the Council is not the certifying authority*) **prior to issuing an occupation certificate**, which certifies that the building works satisfy the relevant structural design requirements of the Building Code of Australia.

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

34. 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.

35. 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).

36. 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.

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

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

38. 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 constructed 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.

39. 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.

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) 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) 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.
  - c) 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.
  - d) 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.
  - e) 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.
  - 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 local approval application must be submitted to and be approved by Council's Building Services section prior to commencing any of the following activities upon any part of the footpath, road or nature strip or in any public place:-
    - Install or erect any site fencing, hoardings or site structures
    - Operate a crane or hoist goods or materials over a footpath or road
    - Placement of a waste skip or any other container or article in a public place.
41. **A Construction Site Management Plan** is to be developed and implemented **prior to the commencement** of demolition, excavation or building works. The site management plan must include the following measures, as applicable to the type of development:
- location and construction of protective fencing / hoardings to the perimeter of the site;
  - location of site storage areas/sheds/equipment;
  - location of building materials for construction;
  - provisions for public safety;
  - dust control measures;
  - site access location and construction
  - details of methods of disposal of demolition materials;
  - protective measures for tree preservation;
  - provisions for temporary sanitary facilities;
  - location and size of waste containers/bulk bins;

- details of proposed sediment and erosion control measures;
- construction noise and vibration management;
- construction traffic management provisions.

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

42. 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 of 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.

43. 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.



Building operations such as brick cutting, washing tools or equipment and mixing mortar are not permitted on public footpaths, roadways, nature strips, in any public place or any location which may lead to the discharge of materials into the stormwater drainage system.

A warning sign for soil and water management must be displayed in a prominent position on the building site, visible to both the public and site workers. The sign must be displayed throughout the construction period. Copies of a suitable warning sign are available at Council's Customer Service Centre for a nominal fee.

44. Public safety must be maintained at all times and public access to the site and building works, materials and equipment on the site is to be restricted.

A temporary safety fence is to be provided to protect the public, located to the perimeter of the site. Temporary fences are to have a minimum height of 1.8 metres and be constructed of cyclone wire fencing, with geotextile fabric attached to the inside of the fence to provide dust control, or other material approved by Council.

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

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

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

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

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

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

45. An 'A Class' type hoarding is required to be provided to protect the public, located adjacent to the development, prior to the commencement of any works on the site.

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

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

accordance with Council's adopted fees and charges.

46. 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.

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

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

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

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

48. 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 50 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.

- 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.

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

49. **Prior to the issuing of a construction certificate** for the proposed development, a Waste Management Plan detailing the waste and recycling storage and removal strategy for all of the development, is required to be submitted to and approved by the Principal Certifying Authority.

The Waste Management plan is required to be prepared in accordance with Council's Waste Management Guidelines for Proposed Development and must include the following details (as applicable):

- The use of the premises and the number and size of occupancies.
- The type and quantity of waste to be generated by the development.
- Demolition and construction waste, including materials to be re-used or recycled.
- Details of the proposed recycling and waste disposal contractors.
- Waste storage facilities and equipment.
- Access and traffic arrangements.
- The procedures and arrangements for on-going waste management including collection, storage and removal of waste and recycling of materials.
- Cleaning arrangements, hygiene, safety and amenity.

*Further details of Council's requirements and guidelines, including pro-forma Waste Management plan forms can be obtained from Council's Waste Management Officer on 9399 0520.*

**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:**

50. 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).

51. 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.

52. 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 ensure compliance with the Swimming Pools Act 1992 and to maintain public safety and amenity:**

53. 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.

54. Swimming pools are to be designed, installed and operated in accordance with the following general requirements: -
1. 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
  2. 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
  3. Water recirculation and filtrations systems are required to comply with AS 1926.3 - 2003: Swimming Pool Safety - Water Recirculation and Filtration Systems; and
  4. 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
  5. 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:
    1. before 8.00am or after 8.00pm on any Sunday or public holiday; or
    2. before 7.00am or after 8.00pm on any other day.
55. 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 are applied to provide adequate security against damage to Council's infrastructure:**

56. 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:**

57. Prior to the issuing of an Occupation Certificate the applicant must meet the full cost for Council or a Council approved contractor to:
  - Construct a full width concrete vehicular crossing and layback at kerb opposite the vehicular entrance to the site.
  - Re-construct the kerb and gutter for the full site frontage except opposite the vehicular entrance and exit points.
  - Re-construct the concrete footpath along the full site frontage. Any unpaved areas on the nature strip must be turfed and landscaped to Council's specification.
58. 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.
59. 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.
60. 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.
61. The internal driveway must have a minimum of 3 metres clear width with a 300mm wide kerb on either side. The driveway opening shall be located at least 0.6 metres clear of the side property.
62. The driveway shall have a width of 3 metres at the boundary and shall be setback 0.6 metres from the side boundary. The building plans shall indicate compliance with this requirement prior to the issue of a construction certificate.
63. 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.

64. 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:**

65. 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:
- **30 mm above the back of the existing footpath, along the full site frontage.**

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

66. 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.
67. The above alignment levels and the site inspection by Council's Development Engineer have been issued at a prescribed fee of \$536.35 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:**

68. 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.
69. 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.
70. 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.

71. 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.
72. All electricity and telecommunication cables/wires to service the development site across the road carriageway and/or the Council nature reserve (footpath area) are to be located underground to the satisfaction of the relevant service utility authority
73. 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:**

74. **Stormwater drainage plans have not been approved as part of this development consent.** Engineering calculations and plans with levels reduced to Australian Height Datum in relation to site drainage shall be submitted to and approved by the certifying authority prior to a construction certificate being issued for the development. A copy of the engineering calculations and plans are to be forwarded to Council, prior to a construction certificate being issued, if the Council is not the certifying authority. The drawings and details shall include the following information:
  - a) A detailed drainage design supported by a catchment area plan, at a scale of 1:100 or as considered acceptable to the Council or an accredited certifier, and drainage calculations prepared in accordance with the Institution of Engineers publication, Australian Rainfall and Run-off, 1987 edition.
  - b) A layout of the proposed drainage system including pipe sizes, type, grade, length, invert levels, etc., dimensions and types of all drainage pipes and the connection into Council's stormwater system.
  - c) Generally all internal pipelines must be capable of discharging a 1 in 20 year storm flow. However the minimum pipe size for pipes that accept stormwater from a surface inlet pit must be 150mm diameter. The site must be graded to direct any surplus run-off (ie. above the 1 in 20 year storm) to the proposed drainage system.



- d) The separate catchment areas within the site, draining to each collection point or surface pit are to be classified into the following categories:
- i. Roof areas
  - ii. Paved areas
  - iii. Grassed areas
  - iv. Garden areas
- e) Where buildings abut higher buildings and their roofs are "flushed in" to the higher wall, the area contributing must be taken as: the projected roof area of the lower building, plus one half of the area of the vertical wall abutting, for the purpose of determining the discharge from the lower roof.
- f) Proposed finished surface levels and grades of car parks, internal driveways and access aisles which are to be related to Council's design alignment levels.
- g) The details of any special features that will affect the drainage design eg. the nature of the soil in the site and/or the presence of rock etc.
75. 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.
76. All site stormwater must be discharged (by gravity) to:
- The kerb and gutter or drainage system at the front of the property.
77. 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.
78. 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.**

79. Prior to the issuing of an occupation certificate, the applicant shall submit to Council, a works-as-executed drainage plan prepared by a registered surveyor and approved by a suitably qualified and experienced Hydraulic Engineer. The works-as-executed drainage plan shall be to the satisfaction of the Principal Certifying Authority (PCA) and shall include the following details:
- a) Finished site contours at 0.2 metre intervals;
  - b) The location, diameter, gradient and material (i.e PVC, RC etc) of all stormwater pipes;
  - c) The orifice size(s) (if applicable);
  - d) Details of any pumping systems installed (including wet well volumes).
80. 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.
81. **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 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).
82. Any seepage water must not be collected and discharged from the site.

#### **Waste Management Conditions**

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

**waste management:**

83. The garbage room areas will have to be designed so as to be able to contain a total of 6 x 240 litre bins (3 garbage bins & 3 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.
84. 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.
85. The waste storage areas shall be clearly signposted.
86. Prior to the accredited 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 residence/dual occupancy.
87. 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.

**Strata Subdivision Conditions**

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

88. 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.
89. 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.
90. 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:**

91. Landscaping at the site shall be installed in accordance with the Landscape Plan by Julius Bokor Architects Pty Ltd, drawing number A-01, Issue H, dated 01.04.08 and stamped 9<sup>th</sup> April 2008, subject to the following requirement being shown on an amended plan, which is to be re-submitted for the approval of the PCA, prior to the issue of a construction certificate:
  - a. Deletion of *Raphiolepis umbellata* (Indian Hawthorn) from the planting plan and planting schedule due to the ability of this species small black berries to be spread by birds and invade areas of remnant bushland, with an alternative, non-invasive species of similar form and function to be nominated in its place.
92. The landscaping shall be installed in accordance with the approved plan, prior

to the issue of a final occupation certificate, and shall be maintained in accordance with those plans.

93. To ensure satisfactory maintenance of the landscaping, an automatic drip irrigation system shall be installed throughout all planted areas, with details 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.
94. 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.
95. 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.

#### **Advisory Conditions**

- 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: (Mayor, Cr B. Notley-Smith/Andrews) CARRIED - SEE RESOLUTION.**

#### **D31/08 Development Application Report - 248 Carrington Road Randwick (DA/936/2007)**

'PL26/08

**RESOLUTION: (Sullivan/White)** that Council, as the consent authority, refuse 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.936/07 for substantial alterations and additions to the existing dwelling at 248 Carrington Road Randwick for the following reasons:-

1. The proposed car space within the front of the dwelling will not satisfy the Objectives and Performance requirements in the Development Control Plan for Dwellings and Detached Dual Occupancies in that it will detract from the appearance of the dwelling, and group of dwellings as viewed within the local streetscape.

5. The provision of a car space and vehicular crossing will result in the removal of a public parking space in Carrington Road and will not be in the public interest.
3. The provision of a vehicular crossing in this position in Carrington Road has the potential for conflict between pedestrians and vehicles entering and exiting the subject property

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

**D32/08 Development Application Report - 2 - 40 Gumara Street, Randwick  
- DA 71/2008 (DA/71/2008)**

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'PL27/08

**RESOLUTION: (Woodsmith/Mayor, Cr B. Notley-Smith)** that this matter be deferred to allow the applicant the opportunity to withdraw this application as the other approved DA for this site is a far more preferable option for both the applicant and the community.

**MOTION: (Woodsmith/Mayor, Cr B. Notley-Smith) CARRIED - SEE RESOLUTION.**

**D33/08 Development Application Report - 2 - 40 Gumara Street, Randwick  
- DA 73/2008 (DA/73/2008)**

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'PL28/08

**RESOLUTION: (Mayor, Cr B Notley-Smith/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 DA/73/2008 for Stage 1 Development Application to set building envelopes for 27 terrace houses, 20 apartments and carparking for 90 vehicles 2-40 Gumara Street, Randwick, subject to the following conditions:-

**Part 1 Conditions - The following conditions are subject to the concept plan approval and relate to the Stage 1 concept plan:**

1. The development must be implemented substantially in accordance with the plans/diagrams numbered DA-100 Revision 01; A-110, A-150, A-200, A-201, A-202, all Revision 02; DA-203, DA-204, DA-205, DA-206, DA-207, DA-208, DA-209, DA-210, DA-211, all Revision 01; A-300, A-301, A-302, A-303, A-304, A-305, all Revision 02; and A-306, Revision 01 stamped received by Council on 11 February 2008, and the application form, and on any supporting information received with the application, except as may be amended by the following conditions and/or as may be shown in red on the attached plans:
2. This consent is limited to approval for the building envelopes for 27 terrace houses, 20 apartments and carparking for 90 vehicles and does not authorise the carrying out of development on the subject site unless consent is subsequently granted to carry out development on the site subject to further

development applications for civil works, construction and subdivision in accordance with section 83B (3) of the Environmental Planning and Assessment Act 1979 (as amended).

3. The Stage 1 concept plans shall be amended to incorporate the following details:
  - (a) the deletion of the fourth dwelling unit from the eastern end of the group of terrace dwellings fronting Bundock Street to provide for a landscaped gap and view corridor from, and an appropriate bulk and scale of builtform to, Bundock Street .
  - (b) the reduction in the height of the proposed row of terrace dwellings fronting Hendy Street to ensure compliance with the maximum building height of 7m measured from the southern Bundock Street kerb as required in the Randwick LEP 1998 and to minimise the view loss to residents of properties on the northern side of Bundock Street..
  - (c) relocation/setting back of the eastern building wall adjacent to the vehicular crossing to the carpark of the proposed residential flat buildings (in Lot 26) to provide satisfactory sight lines to Gumara Street.

**Part 2 Conditions - The following conditions are to be satisfied prior to or at lodgement of future development applications for civil works and construction for the subject site:**

1. The following design outcomes shall be submitted with any subsequent development application for construction of the proposed development :
  - Front façade building presentations and outlooks to Bundock Street such that the Bundock Street frontage of the buildings in these allotments are readily apparent from Bundock Street and convey a sense of address. Building detailing and articulation must enable dwellings to have an identifiable frontage to Bundock Street.
  - The northern end wall of the terrace building fronting Hendy Street to be appropriately articulated to address Bundock Street
  - Front fencing that addresses Bundock Street.
  - Front street landscaping that addresses Bundock Street.
  - A strong address and architectural presence to Gumara Street comprising a continuous street wall atop a sandstone plinth, as a contributory element relating to the wider Coogee context.
2. The proposed provision of 90 carspaces shall be allocated to individual dwelling units in accordance with appropriate dwelling sizes (defined by number of bedrooms), and to visitors, as required in the DCP – Parking.
3. Details of energy efficiency strategies for the proposed development shall be submitted with subsequent development applications for the construction of the proposed development and shall include a BASIX certificate and measures to address the following:
  - Building materials that provide a balance of external insulation for thermal protection and internal thermal mass for heat absorption.
  - Use passive design measures including natural cross-ventilation and external shading to achieve maximum thermal comfort.
  - Use sun control elements comprising a combination of vertical and horizontal external shading devices, internal blinds and glare

- control.
  - Building insulation to appropriate standards
  - Use of high efficiency lighting such as compact fluorescent with dimming control or zoned switching to control light levels.
  - Provision of natural light and ventilation to all foyers
- 4. Details of all proposed recycled water systems including rainwater tanks and greywater systems provided in class 2 to 9 developments, shall be submitted with any subsequent development application for the construction of the proposed development indicating compliance with the relevant requirements and guidelines of the NSW Department of Water & Energy and NSW Department of Health.
- 5. The location and height of the discharge of mechanical ventilation and exhaust systems are required to satisfy the relevant provisions of the Building Code of Australia and AS 1668 and details are to be submitted with subsequent development applications for the construction of the proposed development.
- 6. A construction traffic management plan show the measures that will be employed to ensure that all construction traffic uses only Bundock Street to access the subject site and not residential streets in the locality shall be submitted with any subsequent development application for the excavation and construction of the proposed development.
- 7. The applicant shall conduct a traffic safety analysis for the stretch of Bundock Street which fronts the subject site and submit the traffic safety analysis with any subsequent development application for the construction of the proposed development. Any measures identified by the analysis to ensure the safety of pedestrian, traffic and residents, and approved by Council's Traffic Committee, shall be installed by the applicant at no cost to Council.
- 8. 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 applicant must liaise with Energy Australia to determine whether or not an electricity substation is required for the development. The proposed location and elevation of any required electricity sub-station shall be shown on all detailed site and landscape drawings and specifications and submitted with subsequent development applications for the civil works and infrastructure for the subject site.
- 9. All public utility / telecommunication services to and within the site must be located underground. Details shall be submitted with subsequent development applications for the civil works and infrastructure for the subject site.
- 10. The following driveway design outcomes shall be submitted with any subsequent development application for construction of the proposed development :
  - 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.
  - The driveway opening at the Gumara Street frontage for the proposed development within 2-20 Gumara Street must be a minimum of 5.5 metres wide and located at least 1.5 metres clear of the side property. The internal driveway and carpark area must be designed for 2 way traffic movements. The carpark area (including, but not limited to, the ramp grades, carpark layout

- and height clearances) are to be in accordance with the requirements of AS2890.1:2004.
- The driveway opening at the Gumara Street frontage for the proposed development within 22-30 Gumara Street must be a minimum of 5.5 metres wide and located at least 1.5 metres clear of the side property. The internal driveway and carpark area must be designed for 2 way traffic movements. The carpark area (including, but not limited to, the ramp grades, carpark layout and height clearances) are to be in accordance with the requirements of AS2890.1:2004.
  - The driveway opening at the Gumara Street frontage for the proposed development within 32-40 Gumara Street must be a minimum of 5.5 metres wide and located at least 1.5 metres clear of the side property. The internal driveway and carpark area must be designed for 2 way traffic movements. The carpark area (including, but not limited to, the ramp grades, carpark layout and height clearances) are to be in accordance with the requirements of AS2890.1:2004.
11. The following alignment level design outcomes shall be submitted with any subsequent development application for construction of the proposed development:
- The design alignment level (concrete/paved/tiled level) at the Gumara Street property boundary for driveways, access ramps and pathways or the like, shall generally be:
    - 2.5% above the top of the kerb level at all points opposite the kerb, along the full Gumara Street site frontage. The design alignment level at the property boundary must be strictly adhered to.
  - The design alignment level (concrete/paved/tiled level) at the Bundock Street 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 Bundock Street property boundary for driveways, road pavements, access ramps and pathways or the like, must be obtained in writing from Council's Development Engineer Coordinator prior to lodgement of the Stage 2 Development Application. The design alignment level at the property boundary must be strictly adhered to.
  - 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.
  - The top of footings of any structures constructed on the boundary alignment must be at least 150mm below the alignment level as specified for the vehicular access. This condition has been attached the proposed footpath construction at this location
12. Engineering calculations and plans with levels reduced to Australian Height Datum in relation to site drainage shall be submitted with any development application for Stage 2. The drawings and details shall include the following information:
- a) A detailed drainage design supported by a catchment area plan, at a scale of 1:100 or as considered acceptable to the Council or an accredited certifier, and drainage calculations prepared in accordance with the Institution of Engineers publication, Australian Rainfall and



Run-off, 1987 edition.

- b) A layout of the proposed drainage system including pipe sizes, type, grade, length, invert levels, etc., dimensions and types of all drainage pipes and the connection into Council's stormwater system.
  - c) Generally all internal pipelines must be capable of discharging a 1 in 20 year storm flow. However the minimum pipe size for pipes that accept stormwater from a surface inlet pit must be 150mm diameter. The site must be graded to direct any surplus run-off (ie. above the 1 in 20 year storm) to the proposed drainage system.
  - d) The separate catchment areas within the site, draining to each collection point or surface pit are to be classified into the following categories:
    - i. Roof areas
    - ii. Paved areas
    - iii. Grassed areas
    - iv. Garden areas
  - e) Where buildings abut higher buildings and their roofs are "flushed in" to the higher wall, the area contributing must be taken as: the projected roof area of the lower building, plus one half of the area of the vertical wall abutting, for the purpose of determining the discharge from the lower roof.
  - f) Proposed finished surface levels and grades of car parks, internal driveways and access aisles which are to be related to Council's design alignment levels.
  - g) The details of any special features that will affect the drainage design eg. the nature of the soil in the site and/or the presence of rock etc.
13. The following drainage design outcomes shall be submitted with any subsequent development application for construction of the proposed development:
- 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.
  - All site stormwater must be discharged (by gravity) to the underground drainage system in Gumara Street, via a new and/or existing kerb inlet pit.
- Note: All new kerb inlet pits shall be constructed in general accordance with Council's standard drawing SD7a.
- 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.
  - The internal stormwater drainage system must be suitably designed such that stormwater discharge from the development site for all storms up to the 1 in 100 year ARI event **does not exceed that which would occur for the 1 in 20 year ARI event**. The Construction Certificate plans/application for the Stage 2 Development must demonstrate compliance with this requirement. The applicant must liaise with Council's Development Engineer Coordinator regarding the design of this system prior to lodging the construction certificate.

**NOTE:**

- Restricting site discharge to the 1 in 20 year ARI event for all storms up to the 1 in 100 year ARI event is likely to require the provision of a suitably designed onsite stormwater detention system or an infiltration system (subject to geotechnical investigation confirming that the ground conditions are suitable for an infiltration system).
14. A detailed concept stormwater drainage plan must be submitted with the Stage 2 Development Application. The concept drainage plan must address the relevant stormwater drainage conditions contained within any consent for the Stage 1 Development. The applicant is advised to contact Council's Development Engineer Coordinator to discuss Council's requirements for the stormwater drainage concept plan prior to preparation of the concept plan.
- A childproof and corrosion resistant fastening system shall be installed on access grates over pits/trenches where water is permitted to be temporarily stored.
  - 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.

- 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.

15. A Construction Site Management Plan is to be prepared and submitted with any subsequent development application for civil works, construction and subdivision for the subject site and shall include provisions for the following measures, as applicable to the 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 indicating that excavation and construction traffic will only use Bundock Street to access the subject site and not residential streets in the locality
- Dust control measures during excavation and construction works so as not to result in a nuisance to nearby residents or result in a potential pollution incident and shall include but not be limited to:
  - 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.
- Details of sediment control measures in accordance with those outlined in the manual for Managing Urban Stormwater – Soils and Construction, published by the NSW Department of Housing. 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.

**Part 3 Conditions - The following conditions are to be satisfied prior to the issue of sub-division certificate or Construction Certificate or occupation**

**certificate for the subsequent stages of the development of the subject site:**

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

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

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

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

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

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

2. Prior to the issuing of an Occupation Certificate for any Stage 2 Development the applicant must meet the full cost for Council or a Council approved contractor to:
  - a) Construct three full width concrete heavy duty vehicular crossings and laybacks at kerb opposite the vehicular entrances to the site.
  - b) Remove any redundant concrete vehicular crossing and layback and to reinstate the area with concrete footpath, turf and integral kerb and gutter to Council's specification.
  - c) Construct a minimum 1.5 metre wide concrete footpath along the full Gumara Street site frontage. Any unpaved areas on the nature strip must be turfed and landscaped to Council's specification.
  - d) Construct a concrete footpath along the full Bundock Street site frontage. Any unpaved areas on the nature strip must be turfed and landscaped to Council's specification.
  - e) Construct the topcoat wearing course for that section of Gumara Street fronting the development site.
  - f) Install street trees along the Bundock Street and Gumara Street site frontages. The street tree species, location and specification for the tree surrounds, (in particular the specification for any trees within the Gumara Street pavement), shall be to Council's satisfaction.
3. Prior to the issuing of an occupation certificate for the Stage 2 Development the applicant must meet the full cost for Council to design a concrete median in Bundock Street, at the intersection of Bundock Street and Hendy Avenue. The concrete median must restrict north bound traffic in Hendy Avenue, (south of Bundock Street), from turning right into Bundock Street or traveling straight into Hendy Avenue, north of Bundock Street. The applicant is advised that Council is

also considering the option of using the median to restrict right turn movements into Hendy Avenue from Bundock Street for eastbound vehicles.

4. Prior to the issuing of an occupation certificate the applicant must meet the full cost for Council or a Council approved contractor to construct the above referenced concrete median in Bundock Street, at the intersection of Hendy Avenue.
5. The applicant must meet the full cost for Council or a Council approved contractor to repair/replace any damaged sections of Council's footpath, kerb & gutter, nature strip etc which are due to building works being carried out at the above site. This includes the removal of cement slurry from Council's footpath and roadway.
6. The applicant shall note that all external work, carried out on Council property, shall be in accordance with Council's Policy for "Vehicular Access and Road and Drainage Works". An application for the cost of the Council civil works is to be submitted to Council at the completion of the internal building works. An application fee shall be payable to Council for the quotation of the required works. The applicant may elect to use his contractor for the required works, subject to Council approval, however a design and supervision fee based on the lowest quotation from Council's nominated contractor will be required to be paid prior to the commencement of any works.
7. A separate written approval from Council is required to be obtained in relation to all works which are located externally from the site within the road reserve/public place, in accordance with the requirements of the Roads Act 1993. Detailed plans and specifications of the proposed works are to be submitted to and approved by the Director of City Services prior to commencing any works within the road reserve/public place.

All works within the road reserve/public place must be carried out to the satisfaction of Council and certification from a certified practicing engineer is to be provided to Council upon completion of the works.

Relevant Council assessment and inspection fees, as specified in Council's adopted Pricing Policy, are required to be paid to Council prior to commencement of the works.

8. The number of carspaces to be provided within the proposed carpark areas shall, as a minimum, be in general accordance with the relevant sections of Council's Development Control Plan – Parking. Details of parking provision calculations and proposed allocation of spaces shall be provided with the Stage 2 Development Application.
9. A Works Zone/s is to be provided in Bundock Street and/or Gumara Street for the duration of the construction works. The 'Works Zone' shall be provided to the satisfaction of the Randwick Traffic Committee and shall have a minimum length of 12 metres. The prescribed fee for the Works Zone must be paid to Council at least four (4) weeks prior to the commencement of work on the site.

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.

10. Prior to the issue of a construction certificate for the Stage 2 Development, 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.

11. The above alignment levels and the site inspection by Council's Development Engineer has been issued at a prescribed fee of \$7710 calculated at \$44.00 (inclusive of GST) per metre of site frontage to Gumara Street. This amount is to be paid prior to a construction certificate being issued for the development
12. 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.
13. 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.
14. 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.
15. 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.
16. 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.

17. Covered car washing bays shall be provided for this development at the general rate of 1 car washing bay per 12 dwellings. Any Stage 2 Development Application should identify the proposed car wash bays
  - 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.
  - 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.
18. Prior to the issuing of an occupation certificate for any Stage 2 Development, 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.
19. Subject to there being an onsite detention/infiltration system constructed within the site, and prior to occupation of the Stage 2 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. The "restriction on the use of land" and "positive covenant" are required to ensure that any 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.
20. Should groundwater/seepage water or the water table be encountered 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 to drain around the basement carpark (to ensure that the basement will not dam or slow the movement of the ground water through the development site). Seepage water must not be collected and drained from the site.

- c) Sufficient geotechnical details must be submitted with the Stage 2 application for Council to determine if groundwater/seepage water or the water table is likely to be encountered when excavating for the basement carpark.
21. Prior to the issuing of a construction certificate for the Stage 2 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. A concept waste management plan must be submitted with any Stage 2 Development Application.

22. Prior to the issuing of a Construction Certificate for any Stage 2 development detailed landscape drawings and specifications must be submitted to, and approved by, the certifying authority, prior to the issue of a construction certificate. The landscape drawings and specifications are to be prepared by a qualified Landscape Architect who is eligible for membership with the Australian Institute of Landscape Architects (AILA). The documentation is to include:

- a. A site plan at an appropriate scale showing existing site boundaries, existing trees within the property (clearly identified as being retained or removed), existing street trees (clearly identified as being retained or removed), features on adjoining sites within 6 metres of the common property boundary (buildings, trees, other structures etc), council's footway, existing and proposed ground levels shown as spot heights and/or contours over the site, at site boundaries, and at the base of the tree/s to be retained, proposed building envelope, proposed areas of pavement, and proposed landscaped areas.

The plan shall clearly show the position, canopy spread (location of dripline), trunk diameter, height and names of all existing trees upon the site and adjoining sites within 6 metres of the common property boundary which are likely to be affected by the development.

- b. A planting plan at a scale of 1:100 or 1:200 indicating the location of all proposed planting and existing trees to be retained. All plants are to be drawn at their mature size with a dense planting of shrubs, accent plants and ground covers within all garden beds so that a continuous planted cover is achieved. Plant spacings are to be clearly indicated for all accent and groundcovers.
- c. A planting schedule listing all plants by botanic & common names, plant numbers, plant spacings for groundcovers and accent planting, pot sizes, the estimated size of the plant at maturity (height & spread) and proposed staking methods when applicable.
- d. Additional notation showing soil and mulch details, irrigation details, edging, paving, fencing details, surface finishes, retaining wall details, and any other landscape elements in sufficient detail to fully describe the proposed landscape works.
- e. Position of existing and proposed site services including water, gas, electricity, sewer, stormwater, etc.
- f. Sectional elevations through the site showing the existing and proposed groundlines, building elevations, and mature height of proposed



planting.

- g. All planter boxes and garden beds constructed on slab must have a minimum soil depth of 600mm and all lawn areas must have a minimum soil depth of 300mm. Planter box details shall be submitted with the detailed landscape plans.
  - h. The plan shall respect the prevailing coastal influences and the coast's special design considerations and requirements, and shall be designed accordingly. Generally, species selection shall be restricted to local indigenous coastal species, that require minimal watering once established or species with water needs that match rainfall and drainage conditions.
  - i. Location of easements within the site and upon adjacent sites (if any).
  - j. Landscape works and treatment details for the pedestrian path between Bundock Street and Gumara Street.
23. The landscaping shall be installed in accordance with the approved documentation prior to the issue of a final occupation certificate for the Stage 2 Development and shall be maintained in accordance with those plans.

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

24. To ensure satisfactory maintenance of the landscaped areas, an automatic irrigation system shall be installed throughout all the landscaped areas. Such system shall provide full coverage to all the landscaped areas with no overspray onto driveways and pathways.

Details of the automatic irrigation system shall be shown on the detailed landscape plans and specifications. The system shall comply with all Sydney Water requirements, and relevant Australian Standards.

25. Any substation required shall be screened from view. The proposed location and elevation shall be shown on all detailed landscape drawings and specifications.
26. All detention tanks and below ground stormwater infiltration systems located within the landscaped areas shall have a minimum soil cover of 600mm to ensure sufficient soil depth to permit the establishment of landscaping on top of these services as stipulated by these conditions of development consent.

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

27. Any substation required shall be screened from view. The proposed location and elevation shall be shown on all detailed landscape drawings and specifications.
28. The applicant shall be required to ensure the retention and long-term health of all trees located on adjoining properties, adjacent to the proposed development. As a general guide there shall be minimal excavation or root pruning within the driplines of the subject trees. Where it could be reasonably assumed that the proposed development may adversely impact on the retention and long term

health of a tree/s located on any adjoining property it is recommended that the applicant submit a report, prepared by a qualified Arborist/Tree Surgeon (Member of the National Arborists Association), giving an appraisal of the subject tree/s, and the likely affect the proposal will have on this tree/s. The report should detail methods to be undertaken to ensure the preservation and longevity of the tree/s.

All tree protection measures/reports must be submitted with the Stage 2 Development Application.

29. Prior to the issuing of an occupation certificate for the Stage 2 Development the applicant must meet the full cost for Council to design a concrete footpath to be suitably located between the developments within 2-20 Gumara Street and 22-30 Gumara Street. The concrete footpath is required to provide a pedestrian link between Bundock Street and Gumara Street.
30. Prior to the issuing of an occupation certificate for the Stage 2 Development the applicant must meet the full cost for Council or a Council approved contractor to construct the above referenced concrete footpath linking Bundock Street and Gumara Street.
31. 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: (Mayor, Cr B Notley-Smith/Andrews) CARRIED - SEE RESOLUTION.**

#### **Notices of Rescission Motions**

Nil.

The meeting closed at 8.21 pm.

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

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**CHAIRPERSON**