



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

Present:

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

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| North Ward | - Councillors K Smith, P Tracey & M Woodsmith |
| South Ward | - Councillors R Belleli, C Matthews & A White |
| East Ward | - Councillors T Bowen & M Matson (Deputy Chairperson) |
| West Ward | - Councillors B Hughes, S Nash (Chairperson) & J Procopiadis |
| Central Ward | - Councillors A Andrews, G Stevenson & T Seng |

Officers Present:

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

The meeting was adjourned at 6.35pm and was resumed at 6.37pm.

Apologies/Granting of Leave of Absences

Nil.

Confirmation of the Minutes

**CONFIRMATION OF THE MINUTES OF THE PLANNING COMMITTEE MEETING
HELD ON TUESDAY 12 AUGUST 2008**

PL23/08

RESOLUTION: (Belleli/Andrews) that the Minutes of the Planning Committee Meeting held on Tuesday 12 August 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 Andrews declared a significant non pecuniary interest in item D45/08 as the

applicant is a close personal friend of his. Cr Andrews will be taking no part in the debate or voting on the matter.

- (b) Cr Matthews declared a non pecuniary interest in item D45/08 as the applicant is an acquaintance of his. Cr Matthews will be taking part in the debate and voting on the matter.
- (c) Cr Procopiadis declared a non pecuniary interest in item D45/08 as the applicant is an acquaintance of his. Cr Procopiadis will be taking part in the debate and voting on the matter.
- (d) Cr Stevenson declared a non pecuniary interest in item D46/08 as his father owns a nearby unit. Cr Stevenson will be taking no part in the debate or voting on the matter.

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:

D43/08 15 SEASIDE PARADE, SOUTH COOGEE

Against Mr Alan Sandilands

Cr Stevenson left the chamber at this point in the meeting, the time being 6.44 pm.

D46/08 38 COOGEE BAY ROAD, RANDWICK

Against Mr Andrew Wilkinson

For Mr David Fleeting (architect speaking on behalf of the applicant)

Cr Stevenson returned to the chamber at this point in the meeting, the time being 6.54 pm.

D48/08 2-40 GUMARA STREET, RANDWICK

For Mr Anthony Betros (consultant speaking on behalf of the applicant)

D51/08 1-9 & 2-8 PINE AVENUE, LITTLE BAY - DA/615/2006 & DA/616/2006

For Mr Charles Abela

Cr Andrews left the chamber at this point in the meeting, the time being 7.07 pm.

D45/08 147 AVOCA STREET, RANDWICK

Against Mr Neil Grose (consultant speaking on behalf of objectors)

For Mr James Lidis (consultant speaking on behalf of applicant)

Cr Andrews returned to the chamber at this point in the meeting, the time being 7.15 pm.

The meeting was adjourned at 7.16 pm and was resumed at 7.37 pm.

Urgent Business

Nil.

Development Application Reports

D43/08 Development Application Report - 15 Seaside Parade, South Coogee (DA/441/2008)

PL24/08

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

- A. That Council, as the consent authority, grants development consent under Sections 80 and 80A of the Environmental Planning and Assessment Act, 1979 as amended, to Development Application DA/441/2008 for permission to construct a new swimming pool and deck to rear of existing dwelling at 15 Seaside Parade, South Coogee for 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 AWJS-P+D/1, Revision C, dated 07/10/08 and received by Council on the 27th October 2008, the application form and on any supporting information received with the application, except as may be amended by the following conditions and as may be shown in red on the attached plans:
2. The colours, materials and finishes of the external surfaces to the building are to be compatible with the adjacent development to maintain the integrity and amenity of the building and the streetscape.

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

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

3. 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 and go to the Building, Developing and Plumbing, then Quick Check or Building and Renovating or telephone 13 20 92.

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

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

4. 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.

5. 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*.

6. **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.

7. **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.

8. 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.

9. 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".
10. 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.

11. **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.

12. 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.

13. 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:

14. 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.

15. 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.
16. Noise and vibration emissions during the construction of the building and associated site works must not result in damage to nearby premises or result in an unreasonable loss of amenity to nearby residents and the relevant provisions of the *Protection of the Environment Operations Act 1997* must be satisfied at all times.

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

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

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

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

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

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

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

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

20. Public safety and convenience must be maintained at all times during demolition, excavation and construction works and the following requirements must be complied with:
 - a. Building materials, sand, soil, waste materials, construction equipment or other activities must not be placed upon the footpath, roadway or nature strip at any time and the footpath, nature strip and road must

be maintained in a clean condition and free from any obstructions, soil and debris at all times.

- b. Building operations such as brick cutting, washing tools or equipment and mixing mortar are not permitted on public footpaths, roadways, nature strips, in any public place or any location which may lead to the discharge of materials into the stormwater drainage system.
- c. Bulk bins/waste containers must not be located upon the footpath, roadway or nature strip at any time without the prior written approval of the Council. Applications to place a waste container in a public place can be made to Council's Health Building and Regulatory Services section.
- d. Any part of Council's road, footway or nature strip which is damaged as a result of the work must be repaired or replaced to Council's satisfaction prior to occupation or finalisation of the development.

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

21. Documentary evidence prepared by a suitably qualified *professional geotechnical engineer* shall be submitted to the certifying authority **prior to the issuing of a construction certificate**, certifying the suitability and stability of the existing site for the proposed new decking and swimming pool and certifying the suitability and adequacy of the proposed design and construction of the building works.
22. A dilapidation report prepared by a *professional engineer*, building surveyor or other suitably qualified independent person shall be submitted to the Principal Certifying Authority **prior to the commencement of demolition, excavation or building works** detailing the current condition and status of all buildings, including ancillary structures (*i.e. including dwellings, residential flat buildings, commercial/industrial building, garages, carports, verandah's, fences, retaining walls, swimming pools and driveways etc*) located upon 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.**

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

23. 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.

24. Swimming pools are to be designed, installed and operated in accordance with the following general requirements: -

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

25. 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 provisions for access, transport and infrastructure:

26. 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.
27. Prior to the issuing of a Construction Certificate the applicant shall submit to the Certifying Authority for approval and have approved (a copy to be forwarded to Council if not Certifying Authority) a Structural Engineers Report which addresses the issue of column supports for the deck. The report shall ensure the structural integrity of the deck and supporting columns and confirm they will not be affected by the stormwater flow/discharge from Council's pipeline into the watercourse as well as not being affected by wave action from the ocean.

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

28. 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.

ADVISORY MATTERS:

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.

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.

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

FOR	AGAINST
Councillor Andrews	Councillor Bowen
Councillor Belleli	Councillor Procopiadis
Councillor Hughes	Councillor Stevenson
Councillor Matson	
Councillor Matthews	
Councillor Nash	
Councillor Notley-Smith	
Councillor Seng	
Councillor Smith	
Councillor Tracey	
Councillor White	
Councillor Woodsmith	
Total (12)	Total (3)

D44/08 Development Application Report - 73-109 Belmore Road, Randwick (DA/698/2008)

PL25/08

RESOLUTION: (Belleli/Smith)

- A. That Council waive the requirement for a Master Plan under Clause 40A(2) as the proposed works is of a minor nature and is only ancillary to the current operation of the shopping centre and to its current operation.
- B. That Council as the consent authority grant development consent under Section 80 and 80A of the Environmental Planning & Assessment Act, 1979 (as amended) to Development Application No. DA/698/2008 for alterations and additions to an existing tenancy which relates to the Randwick Branch Library and the Early Childhood Health Centre including the creation of a separate entry to the Early Childhood Health Centre, removal of internal partitioning, new meeting rooms, new book return at shop 62/73 - 109 Belmore Road, Randwick, NSW subject to the following conditions:
1. The development must be implemented substantially in accordance with the plans numbered DWG NO A 01.02 to A 04.01 and A 06.01 to A 06.04, dated 18 September 2008 and received by Council on 29 September 2008, the application form and or any supporting information received with the application, except as may be amended by the following conditions and as may be shown in red on the attached plans:

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

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

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

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

5. **Prior to the commencement of any building works**, the person having the benefit of the development consent must:
 - i) appoint a *Principal Certifying Authority*, and
 - ii) appoint a *principal contractor* for the building work and notify the *Principal Certifying Authority* and Council accordingly in writing, and
 - iii) notify the *principal contractor* of the required *critical stage inspections* and other inspections to be carried out, as specified by the *Principal Certifying Authority*, and

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

The *Principal Certifying Authority* must specify the relevant stages of construction to be inspected in accordance with 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* must ensure that the required critical stage and other inspections, as specified in the *Principal Certifying Authority's* "Notice of Critical Stage Inspections", are carried out to the satisfaction of the *Principal Certifying Authority* and at least 48 hours notice (excluding weekends and public holidays) is to be given to the *Principal Certifying Authority*, to carry out the required inspection, before carrying out any further works.

7. A sign must be erected and maintained in a prominent position on the site for the duration of the works, which contains the following details:
- name, address, contractor licence number and telephone number of the *principal contractor*, including a telephone number at which the person may be contacted outside working hours,
 - name, address and telephone number of the *Principal Certifying Authority*,
 - a statement stating that "unauthorised entry to the work site is prohibited".
8. An **Occupation Certificate** must be obtained from the Principal Certifying Authority prior to any occupation of the building work encompassed in this development consent (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.

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

10. In accordance with clause 98 of the Environmental Planning and Assessment Regulation 2000, it is a prescribed condition, that in the case of any *residential building work*, a contract of insurance must be obtained, **prior to the commencement of works**, in accordance with the provisions of the Home Building Act 1989. Details of compliance are required to be provided to the Principal Certifying Authority.
11. 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.

12. 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 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**.

Fire safety

13. 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) Provide emergency lighting system in accordance with clause E4.2 & E4.4 of the BCA,
 - 2) Provide illuminated exit signs in accordance with clause E4.5 & E4.7 of the BCA,
 - 3) Provide portable fire extinguishers in accordance with clause E1.6 of the BCA,
 - 4) Provide fire hose reel system in accordance with clause E1.4 of the BCA and AS 2441(2005)-Installation of Hose Reels.
 - 5) Balustrades and handrails to stairways, balconies, decks or the like

are to be designed and constructed to satisfy clause D2.16 & D2.17 of the BCA,

- 6) The automatic fire sprinkler system is required to be maintained and operate in accordance with clause E1.5 of the BCA and AS2118.1 (1999)-Automatic Fire Sprinkler Systems.
- 7) Air-handling systems within the premises known as Shop 62 must comply with the relevant requirements of clause E2.2 of the Building Code of Australia (unless a written exemption or variation has been obtained from the NSW Fire Brigade and the Council, or Certifying Authority].

Details of the proposed system must be provided to the Council or the Certifying Authority (as applicable) and upon completion of the installation, a *Fire Safety Certificate* must be submitted to the Certifying Authority and the Council.

- 8) Prior to commencing the abovementioned works, a Construction Certificate must be obtained from Council's Building Certification Services or an accredited certifier, in accordance with the provisions of the Environmental Planning & Assessment Act 1979 and *Environmental Planning & Assessment Regulation 2000*.

14. 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.

Structural adequacy

15. A Certificate prepared by a professional engineer, shall be submitted to the Council **prior to the issuing of an occupation certificate**, certifying the structural adequacy of 'The Spot' and 'Circulation Area' skylights.

Building & demolition works

16. Demolition work and the removal, storage, handling and disposal of building materials must be carried out in accordance with the following requirements (as applicable):
 - 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 and Guidelines
 - Australian Standard 2601 (2001) – Demolition of Structures
 - The Protection of the Environment Operations Act 1997 and Protection of the Environment Operations (Waste) Regulation 1996.

- Randwick City Council Asbestos Policy (adopted 13 September 2005)

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

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

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

- b) A Demolition Work Plan must be developed and implemented in accordance with Australian Standard AS 2601-2001, Demolition of Structures.

- c) A WorkCover licensed demolition or asbestos removal contractor must undertake removal of more than 10m² of bonded asbestos (or as otherwise specified by WorkCover or relevant legislation). Removal of friable asbestos material must only be undertaken by contractor that holds a current friable asbestos removal licence.

- d) 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) On demolition sites involving the removal of asbestos, a professionally manufactured sign must be clearly displayed in a prominent visible position at the front of the site, containing the words 'DANGER ASBESTOS REMOVAL IN PROGRESS' and include details of the licensed contractor. The sign shall measure not less than 400mm x 300mm and the sign is to be installed prior to demolition work commencing and is to remain in place until such time as all asbestos has been safely removed from the site.

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

18. 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.

19. 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.
20. Public safety and convenience must be maintained at all times during demolition, excavation and construction works.
- a) The roadway, footpath and nature strip must be maintained in a good, safe condition and free from any obstructions, materials, soils or debris at all times. Any damage caused to the road, footway or nature strip must be repaired immediately, to the satisfaction of Council.
 - b) A Road Opening Permit must be obtained from the Council and other relevant Authorities prior to excavating or opening-up the road or footway for services or the like.
 - c) Building materials, sand, soil, waste materials or construction equipment must not be placed upon the footpath, roadway or nature strip at any time and the footpath, nature strip and road must be maintained in a clean condition and free from any obstructions, soil and debris at all times.
 - d) Bulk bins/waste containers must not be located upon the footpath, roadway or nature strip at any time without the prior written approval of the Council. Applications to place a waste container in a public place can be made to Council's Health, Building & Regulatory Services department.
 - e) During construction stages, sediment laden stormwater run-off shall be controlled using the sediment control measures outlined in the manual for Managing Urban Stormwater – Soils and Construction, published by the NSW Department of Housing. Sediment and erosion control measures must be implemented prior to the commencement of any site works and be maintained throughout construction.
 - f) Public safety must be maintained at all times and public access to demolition/building works, materials and equipment on the site is to be restricted. If required, a temporary 1.8m high safety fence or hoarding is to be provided to protect the public, located between the work site and the public place. An awning may also be required to prevent any substance from, or in connection with, the work from falling into the public place or adjoining premises.

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

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

If it is proposed to locate any hoardings, site fencing or amenities upon any part of the footpath, nature strip or any public place, the written consent from Council's Health, Building & Regulatory Services department 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.

- g) A separate local approval application must be submitted to and be approved by Council's Building Services section prior to commencing any of the following activities upon any part of the footpath, road, nature strip or in any public place:-
- Install or erect any site fencing, hoardings or site structures
 - Operate a crane or hoist goods or materials over a footpath or road
 - Placement of a waste skip or any other container or article on the road, footpath or nature strip.

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:

21. The use and operation of the premises shall not give rise to an environmental health or public nuisance, vibration or, result in an offence under the *Protection of the Environment Operations Act 1997* and *Regulations*.
22. The use of the premises and the operation of all plant and equipment shall not give rise to an 'offensive noise' as defined in the *Protection of the Environment Operations Act 1997* and *Regulations*.

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

Access & Facilities

The following conditions are applied to provide appropriate access and facilities to the premises:

23. Access and facilities for people with disabilities must be provided to new building work in accordance with any relevant provisions of the Building Code of Australia, to the satisfaction of the Certifying Authority and details are to be provided with the Construction Certificate application.

ADVISORY MATTERS:

- A1. The applicant is advised that the Construction Certificate plans and specification must comply with the provisions of the Building Code of Australia (BCA) for a Class 9b building of Type A construction.

In this regard, the development consent plans do not show compliance with the deemed-to-satisfy provisions of the BCA. Details of compliance with the relevant provisions of the Building Code of Australia and conditions of development consent are to be provided in the plans and specifications for the construction certificate.

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

- A2. The applicant is advised that this approval does not guarantee compliance with the provisions of the Disability Discrimination Act 1992 and the applicant

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

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

MOTION: (Belleli/Smith) CARRIED UNANIMOUSLY - SEE RESOLUTION.

Councillor Andrews left the chamber at this point in the meeting, the time being 7.40 pm.

**D45/08 Development Application Report - 147 Avoca Street, Randwick
(DA/529/2005/B)**

PL26/08

RESOLUTION: (Procopiadis/Matthews)

- A. That Council, as the consent authority, grants its consent under Section 96 of the Environmental Planning and Assessment Act 1979, as amended, to modify Development Consent No. 529/2005 for the reconfiguration of an approved ground floor smoke terrace and provision of a semi-outdoor gaming room on the ground floor level of the Coach and Horses Hotel, at No. 147 Avoca Street, Randwick in the following manner:

Amendment to Condition No. 1 to make reference to the Section 96 modification plans, which will read as follows:

1. The development must be implemented substantially in accordance with plans numbered DWG.N0-WD05 to DWG.N0-WD07, DWG.N0-WD09 & DWG.N0-WD10, Issue D, dated 31 January 2005 and received by Council on 29 June 2005 and amended plan numbered DWG.N0-WD13, Issue A, dated 24 October 2005 and received by Council on 4 November 2005, the application form and on any supporting information received with the application, as amended by the Section 96 plans numbered DWG. N0-WD110, DWG. N0-WD111, DWG. N0-WD117, dated 31 January 2005, DWG. N0-WD120, dated 24 October 2005 and DWG. N0-WD142, dated 9 June 2006 and received by Council on 8 September 2006, only in so far as they relate to the modifications highlighted on the Section 96 plans and detailed in the Section 96 application; **as further amended by the following Section 96 plans:**

Plan Number	Dated	Received	Prepared By
S96-02(A)	06-05-08	18 July 2008	MACNMAH Architects
S96-03(A)	06-05-08	18 July 2008	
S96-04(A)	xx-05-08	18 July 2008	
S96-05(A)	xx-05-08	18 July 2008	

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

Amendment of Condition 7 to read as follows:

7. Video surveillance devices must be installed in the first floor outdoor area, ground floor smoking terrace and ground floor outdoor gaming area, with

monitors placed within the Hotel to ensure the staff can effectively supervise activities on the outdoor areas.

Amendment of Condition 13 to read as follows:

13. A maximum number of 60 patrons is permitted on the first floor outdoor area between 10:00am and 12 midnight Monday to Sunday and a maximum number of 10 patrons is permitted on the first floor outdoor area between 12 midnight and 10:00am Monday to Saturday. A maximum number of 40 patrons is permitted on the ground floor smoking area at any time. A maximum number of 20 patrons is permitted in the ground floor outdoor gaming area at any time.

Amendment of Condition 14 to read as follows:

14. The entry / exit doors to the ground floor smoking area, ground floor outdoor gaming area and first floor outdoor area shall remain closed at all times other than in cases of emergency or entering and exiting the area.

Amendment of Condition 15 to read as follows:

15. The entry / exit doors to the ground floor smoking area, ground floor outdoor gaming area and first floor outdoor area shall be provided with acoustically treated seals, designed and installed by a suitably qualified person.

Amendment of Condition 16 to read as follows:

16. The entry / exit doors to the ground floor smoking area, ground floor outdoor gaming area and first floor outdoor area shall be fitted with self-closing devices.

Amendment of Condition 24 to read as follows:

24. The recommended acoustic attenuation measures detailed in the acoustic report entitled "Supplementary Acoustic Assessment – Section 96 Application Ground Floor Smoking Area – Coach and Horses Hotel, Randwick", dated 7th October 2008, prepared by The Acoustic Group, shall be fully complied with. Details demonstrating compliance with the acoustic structural design requirements shall be submitted to the satisfaction of the Principal Certifying Authority, prior to the issue of any Construction Certificate.

Amendment of Condition 25 to read as follows:

25. A compliance report, prepared by a suitably qualified and experienced consultant in acoustics, shall be submitted to the Council:
 - i. 1 month after occupation of the premises;
 - ii. 6 months after occupation of the premises.

which demonstrates and certifies that noise and vibration emissions from the development comply with the relevant provisions of the Protection of the Environment Operations Act 1997, NSW Environmental Protection Authority Industrial Noise Policy Noise Control Manual (sleep disturbance), recommended design noise goals detailed in acoustic reports by the Acoustic Group titled 'Acoustic Assessment – Proposed Refurbishment Coach & Horses' dated 26th August 2005, 'Provision of Mechanical Plant Upgrading Coach & Horses' dated 4th October 2005, 'Acoustic Assessment - Proposed Smoking Area Coach & Horses Hotel, Randwick' dated 26 September 2005, 'Supplementary Acoustic Assessment – Section 96 Application Ground Floor Smoking Area – Coach & Horses Hotel, Randwick' dated 7th October 2008, and conditions of Council's approval, to the satisfaction of Council's Manager Environmental Health & Building Services.

Imposition of the following additional conditions (46A to 46E):

46A. The existing levels of fire 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) Provide illuminated exit signs and emergency lighting throughout the premises, in accordance with Part E4 of the BCA.
 - 2) Safety glazing is to be provided to all new glazing in accordance with AS2047 (1999) or AS1288 (2006), as applicable.
 - 3) Prior to commencing the abovementioned works, a Construction Certificate must be obtained from Council's Building Certification Services or an accredited certifier, in accordance with the provisions of the Environmental Planning & Assessment Act 1979 and Environmental Planning & Assessment Regulation 2000.

46B. 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.

46C. A copy of the *fire safety certificate/annual fire safety statement* must be permanently displayed in a prominent, visible position within the building (i.e. building entrance foyer), to the satisfaction of Council's Building Surveyor.

46D. An *Annual Fire Safety Statement* is to be submitted to the Council on an annual basis, certifying the operation of all essential fire and other safety measures within the premises.

46E. A *fire safety certificate* is required to be submitted to the Council (and a copy provided to the NSW Fire Brigades) upon installation of the essential fire safety measures as specified in the above fire safety report, which satisfies the requirements of part 9 of the *Environmental Planning & Assessment Regulation 2000*.

Amendment of Condition 75 to read as follows:

75. No amplified speakers for music or similar are permitted in the ground floor smoking area, ground floor outdoor gaming area and first floor outdoor area at all times.

Imposition of Condition 76A to read as follows:

76A. The use of all amplified equipment, including television sets, gaming machines, and jukeboxes, shall be restricted as per the s contained in "Supplementary Acoustic Assessment – Section 96 Application Ground Floor Smoking Area – Coach and Horses Hotel, Randwick", dated 7th October 2008, prepared by The Acoustic Group.

Amendment of Condition 77 to read as follows:

77. Mirrors or mirrored tiles shall be fitted to the corners of the lift foyers to enable staff and patrons to view activities around the corners, reducing concealment and entrapment opportunities.

Amendment of Condition 83 to read as follows:

83. Directional signage should be positioned at decision making points (e.g. entry / egress points), and not near concealment points, to provide guidance to visitors.

Imposition of Condition 83A to read as follows:

83A. Warning signs should be strategically posted around the premises to warn potential intruders of what security treatments have been implemented to reduce opportunities for crime. Examples include "Warning, trespasser will be prosecuted", "Warning, no large amounts of money kept on premises", "Warning, these premises are under electronic surveillance".

Imposition of the following additional conditions (94 to 101):

The following conditions are applied to protect the amenity of the patrons and neighbouring residents and to provide a harmonious environment in the locality:-

94. The maximum number of persons permitted in the hotel premises is not to exceed the occupancy rate permitted under the provisions of Clause D1.13 of the BCA.
95. Seating in the premises must allow for permanent, unobstructed access to exits from the premises at all times.
96. All paths of travel and stairways shall be maintained clear and unobstructed at all times so as not to impede the free flow or prejudice the safety of persons in the premises.
97. Egress doors shall not be locked or otherwise obstructed at anytime while the premises are occupied.
98. Trading hours shall be in accordance with the Liquor Licence and relevant conditions of this Development Consent.
99. The number of persons permitted in the premises must not exceed the authorised capacity and appropriate measures are to be implemented to ensure compliance, such as using a hand held counting device carried out by a specifically appointed manager or duty officer or issue of numbered tickets, supplemented by a periodical head count by a specially appointed manager or duty officer.
100. The Coach and Horses Hotel Management Plan dated 17th July 2008 shall be implemented to:

- ensure compliance with the relevant conditions of approval,
- minimise the potential impact of the operation of the premises upon nearby residents,
- effectively minimise and manage anti-social behaviour,
- minimise noise emissions and associated nuisances,
- effectively manage and respond to resident complaints,
- ensure responsible service of alcohol and harm minimisation,

subject to any variations or amendments included in this consent.

101. The use and operation of the premises shall not give rise to an environmental health or public nuisance, vibration to other premises or, result in an offence under the *Protection of the Environment Operations Act 1997* and *Regulations*.

Inclusion of the following advisory condition:

Prior to the commencement of any building or associated construction works contained in the Section 96 Modification (DA/529/2005/B) to the development consent, a new or amended construction certificate must be obtained from Council's Building Certification Services or an accredited certifier (as applicable), in accordance with Section 81A(2) of the Environmental Planning and Assessment Act.

MOTION: (Matson/Woodsmith) 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. 529/2005 for the reconfiguration of an approved ground floor smoke terrace and provision of a semi-outdoor gaming room on the ground floor level of the Coach and Horses Hotel, at No. 147 Avoca Street, Randwick for the following reasons:-

- (a) the development is not in the public interest;
- (b) the development will have a detrimental impact on the amenity of the immediate neighbours; and
- (c) the degree of reliability of the acoustic report. **LOST.**

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

FOR	AGAINST
Councillor Hughes	Councillor Belleli
Councillor Matson	Councillor Bowen
Councillor Woodsmith	Councillor Matthews
	Councillor Nash
	Councillor Notley-Smith
	Councillor Procopiadis
	Councillor Seng
	Councillor Smith
	Councillor Stevenson
	Councillor Tracey
	Councillor White
Total (3)	Total (11)

MOTION: (Procopiadis/Matthews) CARRIED - SEE RESOLUTION.

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

FOR

Councillor Belleli
 Councillor Bowen
 Councillor Matthews
 Councillor Nash
 Councillor Notley-Smith
 Councillor Procopiadis
 Councillor Seng
 Councillor Smith
 Councillor Stevenson
 Councillor Tracey
 Councillor White

Total (11)**AGAINST**

Councillor Hughes
 Councillor Matson
 Councillor Woodsmith

Total (3)

Councillor Andrews returned to the chamber at this point in the meeting, the time being 7.48 pm.

Councillor Stevenson left the chamber at this point in the meeting, the time being 7.48 pm.

**D46/08 Development Application Report - 38 Coogee Bay Road, Randwick
 (DA/301/2008)**

PL27/08

RESOLUTION: (Tracey/Andrews)

- A. That Council, as the consent authority, grants development consent by "Deferred Commencement" under Section 80(3) of the Environmental Planning and Assessment Act 1979, as amended, to Development Application No. DA/301/2008 for Demolition of existing buildings on site & construction of a new part 2-part 4 storey multi unit housing development comprising 3x1 bedroom , 4x2 bedroom & 2x2 bedroom plus study dwellings, basement parking for 14 vehicles & associated landscaping works at No. 38 Coogee Bay Road, Randwick, subject to the following conditions:

Deferred Commencement Condition

The consent is not to operate until the following information/materials/amendments have been submitted to, and approved by, Council's Director of City Planning:

1. The application shall be amended so that all balconies, terraces and decks shall be provided with planter boxes of a sufficient width with the objective that a person standing on those balconies, terraces and decks cannot physically look down into the adjoining properties at 1, 3 and 5 Gray Street, Randwick. Sightline diagrams are to be prepared by a qualified surveyor and shall be certified by the Surveyor that the planter boxes are of a sufficient width to preclude persons looking down into the abovementioned properties. Any required amendments to the balconies, terraces and decks to achieve the above objective shall be incorporated in the Construction Certificate Plans.
2. A report shall be obtained from a qualified Acoustic Consultant assessing the likely noise from vehicular movements up and down the driveway and movements into and out of the proposed basement garage including any noise from the proposed garage doors. The Acoustic Consultant shall provide recommendations to ensure that noise from the abovementioned elements of the development shall not exceed ambient background noise level at the nearest residential property boundary. These recommended measures shall be incorporated in the Construction Certificate Plans prior to issuing of a Construction Certificate.

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

Period within which evidence must be produced

The applicant must produce evidence to Council sufficient enough to enable it to be satisfied as to those matters above within 365 days (1 year) of the date of determination.

Clause 95(4) of the Regulation:

"The applicant may produce evidence to the consent authority sufficient to enable it to be satisfied as to those matters and, if the consent authority has specified a period for the purpose, the evidence must be produced within that period."

If the evidence is not produced within 365 days (1 year) of the date of determination, no development can lawfully occur under this consent unless it operates.

Note: Nothing in the Act prevents a person from doing such things as may be necessary to comply with this condition. (See section 80(3) of the Act)

Note: Implementing the development prior to written confirmation of compliance may result in legal proceedings. If such proceedings are required Council will seek all costs associated with such proceedings as well as any penalty or order that the Court may impose. No Construction Certificate can be issued until all conditions including this condition required to be satisfied prior to the issue of any Construction Certificate have been satisfied.

Development Consent Conditions

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

1. The development must be implemented substantially in accordance with the plans numbered B04 and B05, C01 to C06, D01 and D02, E02-E04, dated 29 September 2008 and received by Council on 1 October 2008 and plans numbered V02-V04 dated 29 October 2008 and received by Council 29 October 2008, the application form and on any supporting information received with the application, except as may be amended by the following conditions and the details approved pursuant to the Deferred Commencement conditions and as may be shown in red on the attached plans:

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

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

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

3. The fence on the street alignment is to be 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.

4. There must be no encroachment of the structure/s or associated articles onto Council's road reserve, footway, nature strip or public place.
5. 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.
6. All plumbing and drainage pipes, other than rainwater heads, gutters and downpipes, must be concealed within the building.
7. Street and unit numbering must be provided to the premises in a prominent position, in accordance with the 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.**

8. The enclosure of balconies is prohibited by this consent.
9. 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.
10. 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.
11. Internal or external clothes drying facilities are to be provided in accordance with the provisions of the Building Code of Australia.

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

12. 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.
13. In accordance with the provisions of clauses 143A and 154A of the Environmental Planning & Assessment Regulation 2000, a 'Design Verification Certificate' must be provided to the Certifying Authority and the Council, prior to issuing a construction certificate and an occupation certificate, respectively.

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

14. 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.
15. 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.

16. 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)

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

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

18. 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 More than \$200,000	\$3,850,000.00	1.0%	\$38,500.00

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

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

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

19. Hazardous or intractable wastes arising from the demolition process being removed and disposed of in accordance with the requirements of WorkCover NSW and the Environment Protection Authority, and with the provisions of:
- New South Wales Occupational Health and Safety Act, 2000;
 - The Occupational Health and Safety (Hazardous Substances) Regulation

- 2001;
 - The Occupational Health and Safety (Asbestos Removal Work) Regulation 2001;
 - Protection Of the Environment Operations Act 1997 (NSW) and
 - Environment Protection Authority's Environmental Guidelines; Assessment, Classification and Management of Liquid and Non Liquid Wastes (1999).
20. The works shall not give rise to environmental pollution or public nuisance or, result in an offence under the Protection of the Environment Operations Act 1997 or NSW Occupational Health & Safety Act (2000) & Regulations (2001).

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

21. 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 (LA90), 15 min noise level, measured in the absence of the noise source/s under consideration by more than 5dB(A). The source noise level shall be assessed as an LAeq, 15 min and adjusted in accordance with the NSW Environmental Protection Authority's Industrial Noise Policy 2000 and Environmental Noise Control Manual (sleep disturbance).

22. 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.
23. Details of design compliance with Aircraft Noise Australian Standard AS 2021 1994 requirements for residential units shall be submitted with the construction certificate.
24. A report, prepared by a suitably qualified and experienced consultant in acoustics, shall be submitted to the Council prior to an occupation certificate being issued for the development, which demonstrates and certifies that noise and vibration emissions from the development comply with the relevant provisions of the Protection of the Environment Operations Act 1997, NSW Environmental Protection Authority Noise Control Manual & Industrial Noise Policy and conditions of Council 's approval, to the satisfaction of Council's Manager Environmental Health & Building Services.

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

25. The use and operation of the premises shall not give rise to an environmental health or public nuisance and there are to be no emissions or discharges from the premises, which will give rise to a public nuisance or result in an offence under the Protection of the Environment Operations Act 1997 and Regulations.
26. The location and facilities for the collection, storage and disposal of wastes generated within the premises shall be submitted to and approved by Council prior to the commencement of works.

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

27. The operation of all plant and equipment shall not give rise to an 'offensive

noise' as defined in the Protection of the Environment Operations Act 1997 and Regulations.

In this regard, the operation of the plant and equipment (excluding plant and equipment during the construction phase) shall not give rise to an LAeq, 15 min sound pressure level at any affected premises that exceeds the background LA90, 15 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.

28. A report, prepared by a suitably qualified and experienced consultant in acoustics, shall be submitted to the Council prior to an occupation certificate being issued for the development, which demonstrates and certifies that noise and vibration emissions from the development comply with the relevant provisions of the Protection of the Environment Operations Act 1997, NSW Environmental Protection Authority Noise Control Manual & Industrial Noise Policy and conditions of Council's approval, to the satisfaction of Council's Manager Health, Building & Regulatory Services.
29. There are to be no emissions or discharges from the premises, which will give rise to a public nuisance or result in an offence under the Protection of the Environment Operations Act 1997 and Regulations.

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

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

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

31. All new building work must be carried out in accordance with the provisions of the Building Code of Australia (BCA), in accordance with Clause 98 of the Environmental Planning and Assessment Regulation 2000.
32. Prior to the commencement of any building works, a construction certificate must be obtained from the Council or an accredited certifier, in accordance with the provisions of the Environmental Planning & Assessment Act 1979 and Environmental Planning & Assessment Regulation 2000.

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.

33. Prior to the commencement of any building works, the person having the benefit of the development consent must:-
 - appoint a Principal Certifying Authority for the building work, and
 - appoint a principal contractor for the building work and notify the Principal Certifying Authority and Council accordingly in writing, and
 - 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
 - give at least two days notice to the Council, in writing, of the person's

intention to commence building works.

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

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

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

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

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

35. A sign must be erected and maintained in a prominent position on the site for the duration of the works, which contains the following details:
- name, address, contractor license number and telephone number of the principal contractor, including a telephone number at which the person may be contacted outside working hours,
 - name, address and telephone number of the Principal Certifying Authority,
 - statement stating that "unauthorised entry to the work site is prohibited".

36. An Occupation Certificate must be obtained from the Principal Certifying Authority prior to any occupation of the building in accordance with the relevant provisions of the Environmental Planning & Assessment Act 1979.

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

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

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

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

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

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

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

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

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

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

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

40. 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.

41. As a minimum, the building is required to be provided with a smoke alarm system complying with Clause 3 of Specification E2.2a of the Building Code of

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

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

42. 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 and go to the Building, Developing and Plumbing, then Quick Check or Building and Renovating or telephone 13 20 92.

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

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

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

44. 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.

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

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

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

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

48. 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.

49. 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).

50. 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.

51. 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.

52. A report prepared by a suitably qualified and experienced person shall be submitted to the Principal Certifying Authority (PCA) and a copy is to be provided to Council upon commencement of works or as otherwise 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, Councils conditions of consent and relevant Standards relating to noise and vibration. In support of the above, it is necessary to submit all relevant readings and calculations made.

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

53. Public safety and convenience must be maintained at all times during demolition, excavation and construction works and the following requirements must be complied with:

- 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.

- 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.
 - 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.
 - 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 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.
 - A local approval application must be submitted to and be approved by Council's Building Services section prior to commencing any of the following activities on a footpath, road or nature strip or in any public place:-
 - Install or erect any site fencing, hoardings or site structures
 - Operate a crane or hoist goods or materials over a footpath or road
 - Placement of a waste skip or any other container or article on the road, nature strip or footpath.
 - 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.
 - A Road / Asset Opening Permit must be obtained from Council prior to carrying out any works within or upon a road, footpath, nature strip or in any public place, in accordance with section 138 of the Roads Act 1993 and all of the conditions and requirements contained in the Road / Asset Opening Permit must be complied with.
 - The owner/builder must ensure that all works within or upon the road reserve, footpath, nature strip or other public place are completed to the satisfaction of Council, prior to the issuing of a final occupation certificate for the development.
 - For further information, please contact Council's Road / Asset Opening Officer on 9399 0691 or 9399 0999.
 - 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.
54. 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:

- Prior to construction of the first completed floor/floor slab (prior to pouring of concrete), showing the area of land, building and boundary setbacks and verifying that the building is being construction at the approved levels.
- 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.

55. A Construction Site Management Plan is to be developed and implemented prior to the commencement of demolition, excavation or building works. The site management plan must include the following measures, as applicable to the type of development:

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

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

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

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

Dust control measures and practices may include:-

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

57. During construction stages, sediment laden stormwater run-off shall be

controlled using the sediment control measures outlined in the manual for Managing Urban Stormwater – Soils and Construction, published by the NSW Department of Housing.

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

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

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

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

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

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

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

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

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

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

If it is proposed to locate any site fencing, hoardings or amenities upon any part of the footpath, nature strip or any public place, the written consent from Council's Building Services section must be obtained beforehand and detailed

plans are to be submitted to Council for consideration, together with payment of the weekly charge in accordance with Council's adopted fees and charges.

59. 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.

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

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

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

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

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

- 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 in the Building & Development section or a copy can be obtained from Council's Customer Service Centre.
- A WorkCover licensed demolition or asbestos removal contractor must undertake removal of more than 10m² of bonded asbestos (or as otherwise specified by WorkCover or relevant legislation). Removal of friable asbestos material must only be undertaken by contractor that holds a current friable asbestos removal licence.
- On sites involving the removal of asbestos, a 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.

- 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.
- 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 provide reasonable levels of access for people with disabilities:

62. To provide reasonable access for persons with disabilities, suitable access ramp/s are to be provided from the entry to the premises and to the building entrance to the satisfaction of the certifying authority and details are to be included in the construction certificate.

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

63. Any openings within or upon the road, footpath, nature strip or in any public place (i.e. for proposed drainage works or installation of services), must be carried out in accordance with the following requirements, to the satisfaction of Council:
- A Road / Asset Opening Permit must be obtained from Council prior to carrying out any works within or upon a road, footpath, nature strip or in any public place, in accordance with section 138 of the Roads Act 1993 and all of the conditions and requirements contained in the Road / Asset Opening Permit must be complied with.
 - The owner/developer must ensure that all works within or upon the road reserve, footpath, nature strip or other public place are completed to the satisfaction of Council, prior to the issuing of a final occupation certificate for the development.
 - Relevant Road / Asset Opening Permit fees, construction fees, inspection fees and security deposits, must be paid to Council prior to commencing any works within or upon the road, footpath, nature strip or other public place,
 - Excavations and trenches must be back-filled and compacted in accordance with AUSPEC standards 306U.
 - Excavations or trenches located upon a road or footpath are required to be provided with 50mm depth of cold-mix bitumen finish, level with the existing road/ground surface, to enable Council to readily complete the finishing works at a future date.

- Excavations or trenches located upon turfed areas are required to be back-filled, compacted, top-soiled and re-turfed with Kikuyu turf.
- The work and area must be maintained in a clean, safe and tidy condition at all times and the area must be thoroughly cleaned at the end of each day's activities and upon completion.
- Public and vehicular safety must be maintained at all times and any related directions issued by Council officers must be complied with.
- The work can only be carried out in accordance with approved hours of building work as specified in the development consent, unless the express written approval of Council has been obtained beforehand.
- All work, including the provision of barricades, fencing, lighting, signage and traffic control, must be carried out in accordance with the NSW Roads and Traffic Authority publication - 'Traffic Control at Work Sites' and Australian Standard AS 1742.3 - Traffic Control Devices for Works on Roads, at all times.
- Not more than half of any road is to be opened up at any one time and excavations must be provided with suitable fencing/ barricades and flashing amber lights if not completed by the end of the day.
- Any necessary approvals must be obtained from NSW Police, Roads & Traffic Authority, State Transit Authority and relevant Service Authorities, prior to commencing work upon or within the road, footway or nature strip.
- All conditions and requirements of the NSW Police, Roads & Traffic Authority, State Transit Authority and Council must be complied with at all times.
- A detailed Traffic Management Plan must be submitted to and approved by Council and relevant Authorities, prior to carrying out any work which results in the closure or partial closure of a State or Regional Road, as identified by the NSW Roads & Traffic Authority.
- Sediment control measures must be implemented in accordance with the conditions of development consent and soil, sand or any other material must not be allowed to enter the stormwater drainage system or cause a pollution incident.
- The owner/developer must have a Public Liability Insurance Policy in force, with a minimum cover of \$10 million and a copy of the insurance policy must be provided to Council prior to carrying out any works within or upon the road, footpath, nature strip or in any public place.
- Council's Road / Asset Opening Officer must be notified at least 48 hours in advance of commencing any excavation works and also immediately upon completing the works (on 9399 0691 or 0409 033 921 during business hours), to enable any necessary inspections or works to be carried out.

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

64. 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:

- \$2000.00 - Damage/Civil Works Security Deposit

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

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

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

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

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

65. 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 (heavy duty) dish gutter crossing opposite the vehicular entrance to the site, if required.
 - 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.
 - Reconstruct concrete footpath along the full site frontage in Coogee Bay Road to match the new pedestrian entrance level. Any unpaved areas on the nature strip must be turfed and landscaped to Council's specification.
66. 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.
67. 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.
68. 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 following conditions are applied to provide adequate provisions for future civil works in the road reserve:

69. The Council's Development Engineer has inspected the above site and has determined that the design alignment level (concrete/paved/tiled level) at the property boundary for driveways, access ramps and pathways or the like, must be as follows:
- Coogee Bay Road Frontage – pedestrian gate entrance is to be 150mm above the existing Council asphalt footpath level.
 - Judge Lane frontage – driveway entrance is to match the existing dish gutter crossing and waste bin area to match Council's kerb level.
70. The design alignment levels (concrete/paved/tiled level) issued by Council and their relationship to the dish gutter crossing/kerb/footpath must be indicated on the building plans for the construction certificate.
71. The above alignment levels and the site inspection by Council's Development Engineer has been issued at a prescribed fee of \$1,139.00 calculated at \$44.00 (inclusive of GST) per metre of site frontage. This amount is to be paid prior to a construction certificate being issued for the development.

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

72. 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.
73. 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.
74. A Road / Asset Opening Permit must be obtained from Council prior to carrying out any public utility service works within or upon a road, footpath, nature strip or in any public place, in accordance with section 138 of the Roads Act 1993 and all of the conditions and requirements contained in the Road / Asset Opening Permit must be complied with.

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

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

75. 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.
76. 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 then the "e-developer" icon or telephone 13 20 92.

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

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

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

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

77. 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 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.
 - 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.
 - Generally all internal pipelines must be capable of discharging a 1 in 20 year storm flow. However the minimum pipe size for pipes that accept stormwater from a surface inlet pit must be 150mm diameter. The site must be graded to direct any surplus run-off (i.e. above the 1 in 20 year storm) to the proposed drainage system.
 - The separate catchment areas within the site, draining to each collection point or surface pit are to be classified into the following categories:
 - Roof areas
 - Paved areas
 - Grassed areas
 - Garden areas
 - 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.
 - 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.
 - 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.
78. 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.

79. All site stormwater must be discharged (by gravity) to the kerb and gutter or drainage system in Judge Lane.
80. Should stormwater be discharged to Council's street drainage system, on-site detention must be provided to ensure that the maximum discharge from the above site is not to exceed that which would occur during a 1 in 5 year storm of 1 hour duration for the existing site conditions. All other stormwater run-off from the above site for all storms up to the 1 in 20 year storm is to be retained on the site for gradual release to the kerb and gutter or drainage system as required by Council. Provision is to be made for satisfactory overland flow should a storm in excess of the above parameters occur.

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

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

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

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

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

82. 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.

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

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

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

- 150mm in uncovered carparking areas (with an isolated maximum depth of 200mm permissible at the low point pit within the detention area)
- 300mm in landscaped areas (where child proof fencing is not provided around the outside of the detention area and sides slopes are steeper than 1 in 10)
- 600mm in landscaped areas where the side slopes of the detention area have a maximum grade of 1 in 10.
- 1200mm in landscaped areas where a childproof fence is provided around

the outside of the detention area

Notes:

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

86. Any above ground stormwater detention areas (and/or infiltration systems with above ground storage) must be suitably signposted where required, warning people of the maximum flood level.

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

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

88. A childproof and corrosion resistant fastening system shall be installed on access grates over pits/trenches where water is permitted to be temporarily stored.

89. A 'V' drain is to be constructed along the perimeter of the property, where required, to direct all stormwater to the detention/infiltration area.

90. 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.

91. A sediment/silt arrester pit must be provided:

- within the site at or near the street boundary prior to the site stormwater discharging by gravity to the kerb/street drainage system; and
- 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.

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

Notes:

- 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.
- If new linen plans are being prepared for the site, the plans shall indicate the location and dimensions of the detention/infiltration areas.
- 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.

93. One covered car washing bay shall be provided for this development.

- 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.
- The car washing bay must be located outside any required/approved stormwater detention system.
- 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'
- The car washing bay must be constructed with a minimum 20mm bund around the perimeter of the car washing bay (or equivalent)
- A water tap shall be located adjacent to the car washing bay.

94. 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:

- The location of the detention basin with finished surface levels;
- Finished site contours at 0.2 metre intervals;
- Volume of storage available in the detention areas;
- The location, diameter, gradient and material (i.e. PVC, RC etc) of all stormwater pipes;
- The orifice size(s) (if applicable);
- Details of any infiltration/absorption systems; and
- Details of any pumping systems installed (including wet well volumes).

95. 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.
96. 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:

- 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.
 - 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).
97. Any seepage water must be drained directly into an absorption pit within the site. Seepage water must not be drained from the site.

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

98. The garbage room areas will have to be designed so as to be able to contain a total of 10 x 240 litre bins (5 garbage bins & 5 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.
99. 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.
100. The waste storage areas shall be clearly signposted and waste area doors shall not open out over Council property.
101. Prior to the credited certifier issuing an occupation certificate for the proposed development the applicant is to contact Council's Manager of Waste in regards to meeting Council's requirements for waste services to the development.

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

102. Landscaping at the site shall be installed substantially in accordance with the Planting Plans, Hardscape & Planting Materials Boards, drawing numbers L02-05, job number 080218, issue ADV and B, dated April 2008 and 23.04.08, subject to the following changes being made on an amended plan which shall be submitted to, and be approved by the PCA (with a copy forwarded to Council if not the PCA)
 - a. Levels for the top and bottom of any retaining walls being used to address the sloping nature of the site, and their relationship to outdoor terrace areas, neighbouring properties etc;

- b. Any trees (excluding tree ferns) proposed for planting shall be located a minimum distance of 2.5 metres from any physical part of any structures proposed at the site, in order to avoid future maintenance and structural issues;
 - c. The 1 metre wide garden bed proposed along the northern side of the driveway, is inadequate to support the 1 x AC (*Angophora costata*, Sydney Red Gum) given its substantial dimensions upon maturity; and as such, shall be replaced with a smaller native tree species which is more appropriate for the space available;
 - d. Similarly, the 2 x BI (*Banksia integrifolia*, Coastal Banksia's) proposed in the northwest corner of the site, adjacent the driveway, shall be reduced to a total of one in order to avoid overcrowding;
 - e. Sectional elevations through the site showing the existing and proposed groundlines, building elevations, and mature height of proposed planting.
 - f. All planter boxes and garden beds constructed on slab must have a minimum soil depth of 600mm and all lawn areas must have a minimum soil depth of 300mm.
 - g. In order to reduce the amount of storm-water generated by the site, as well as to recharge groundwater supplies, the use of porous/permeable treatment shall be maximised for all areas of hard paving not over slab; or alternatively, those courtyards where sandstone paving is proposed shall fall towards garden areas rather than being formally captured and discharged into Council's system;
 - h. All detention tanks and below ground stormwater infiltration systems located within the landscaped areas shall have a minimum soil cover of 600mm to ensure sufficient soil depth to permit the establishment of landscaping.
 - i. To ensure satisfactory maintenance of the landscaped areas, an automatic drip irrigation system shall be installed throughout all planted areas. Details shall be provided showing that the system will be connected to the sites rainwater tanks, with back-up connection to the mains supply, in accordance with all current Sydney Water requirements.
 - j. 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.
103. Prior to the issue of a final occupation certificate, documentary evidence is to be obtained from a qualified Landscape Architect (member of AILA) or Landscape Designer/Manager (member of AILDm), which shall be submitted to the PCA (with a copy forwarded to Council if not the PCA), which confirms that the landscaping has been completed in accordance with the approved plans and relevant conditions.
104. The nature-strip upon Council's footway shall be excavated to a depth of 150mm, backfilled with topsoil equivalent with 'Organic Garden Mix' as supplied by Australian Native Landscapes, and re-turfed with Kikuyu Turf or similar. Such works shall be installed prior to the issue of a final Occupation Certificate.

Tree Management

105. The applicant shall submit a total payment of \$321.75 (including GST) to

Council, being the cost for Council to:

- a. Supply and install 3 x 25 litre street trees, *Melaleuca stypheloides* (Prickly Leafed Paperbarks), within Council's Coogee Bay Road nature strip, spaced evenly across the width of the site, upon the completion of all works (\$292.50 + GST).

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

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

106. With the exception of the Jacaranda mimosifolia (Jacaranda), located about halfway along the length of the western boundary, fronting Judge Lane, which is to be retained (refer Tree Management conditions below), approval is granted for the removal of all other existing vegetation at the site in order to accommodate the proposed works as shown, but is subject to full implementation of the approved landscape plan.
107. Permission is granted for the selective pruning of only those lower growing branches from the Jacaranda mimosifolia (Jacaranda), located about halfway along the length of the western boundary, fronting Judge Lane, which need to be specifically pruned in order to avoid conflict/interference with approved building lines, as well as to prevent damage from site machinery or similar during the course of the works.
108. All pruning must be undertaken by an Arborist who holds a minimum of AQF Level III in Arboriculture, and who is also a registered member of a nationally recognised organisation/association, with all pruning to be performed to Australian Standard AS 4373-1996 'Pruning of Amenity Trees.'

Tree Protection Measures

109. In order to ensure the retention of the Jacaranda mimosifolia (Jacaranda) located about halfway along the length of the western boundary, fronting Judge Lane in good health, the following measures are to be undertaken:
 - a. All detailed architectural, building, demolition, engineering (structural, stormwater & drainage, services), and landscape documentation submitted for the construction certificate application shall show the retention of this specimen with the position of its trunk and full diameter of its canopy clearly shown on all drawings.
 - b. All documentation submitted for the construction certificate application shall show no alteration in the existing soil levels or the location of any detention tanks, stormwater infiltration systems or pipes within 3 metres from the outside edge of its trunk, with all plans to be designed accordingly.
 - c. Following demolition, woodchip mulch to a depth of 75mm shall be provided and maintained beneath the extent of its dripline, for the duration of the works, in order to avoid compaction of the soil profile from repeated vehicle and pedestrian movements.
 - d. The trunk of this tree is then to be physically protected by 2m lengths of 50mm x 100mm hardwood timbers, spaced at 150mm centres, and secured by 8 gauge wires or steel strapping at 300mm spacing, laid over

geo-textile, underfelt or layers of Hessian.

- e. Up until such time as the landscape works are being performed, this tree shall also be physically protected by the installation of 1.8 metre high steel mesh/chainwire fencing, which is to be located a minimum distance of 4 metres to the north and south of the outside edge of its trunk, 2.5 to its east, and matching up with the western site boundary, in order to completely enclose this tree for the duration of the works.
- f. This fencing shall be installed prior to the commencement of construction works and shall remain in place until all works are completed, to which signage containing the following words shall be clearly displayed and permanently attached: "TREE PROTECTION ZONE, DO NOT ENTER".
- g. Within this zone there is to be no storage of materials or machinery or site office/sheds, nor is cement to be mixed or chemicals spilt/disposed of and no stockpiling of soil or rubble.
- h. Any excavations required for footings, structures, retaining walls, basement carparks, paving etc within 4 metres of the outside edge of its trunk shall be initially undertaken by hand, with any roots encountered to be cut cleanly by hand, and the affected area backfilled as soon as practically possible.

ADVISORY MATTERS

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

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

- Part B1 - Structural provisions
- Part C1 - Fire resistance and stability
- Part C2 - Compartmentation and separation
- Part D2 - Construction of exits
- CI D2.20 - Swinging doors, in relation to car park egress
- Part E1 - Fire fighting equipment
- Part E2 - Smoke Hazard Management
- Part E3 - Lift Installations
- Part E4 - Emergency lighting, exit signs & warning systems
- Part F1 - Damp and weatherproofing
- Part F4 - Light and ventilation
- Part F5 - Sound Transmission and Insulation
- Section J - Energy efficiency

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

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

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

Mobility does not necessarily satisfy the objectives of the Disability Discrimination Act 1992.

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

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: (Tracey/Andrews) CARRIED - SEE RESOLUTION.

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

FOR	AGAINST
Councillor Andrews	Councillor Belleli
Councillor Matthews	Councillor Bowen
Councillor Nash	Councillor Hughes
Councillor Notley-Smith	Councillor Matson
Councillor Procopiadis	Councillor Seng
Councillor Smith	Councillor Woodsmith
Councillor Tracey	
Councillor White	
Total (8)	Total (6)

Councillor Stevenson returned to the chamber at this point in the meeting, the time being 8.05 pm.

D47/08 Development Application Report - 417-439R Bunnerong Road, Maroubra (DA/368/2007/A)

PL28/08

RESOLUTION: (Belleli/Smith)

That Council, as the consent authority, grant its consent under Section 96 of the Environmental Planning and Assessment Act 1979 as amended to modify Development Consent No 368/2008 to reduce approved number of light poles from 8 to 6 at 417-439R Bunnerong Road, Maroubra in the following manner:

Amend Condition No. 1 to read:

The development must be implemented substantially in accordance with the plans numbered 5377 A-001, revisions C and stamped as received by Council on 16 May 2007, the application form and supporting information received with the application including the "Lighting Technical Report" by Light Studio 21 Pty Ltd and associated photomontage, **as amended by the Section 96 plans received by Council on the 28 May 2008 and the "Technical Report" prepared by Sylvania Lighting Pty Ltd 5 February 2008 only in so far as they relate to the modifications highlighted on the Section 96 plans and detailed in the Section 96 application.**

MOTION: (Belleli/Smith) CARRIED UNANIMOUSLY - SEE RESOLUTION.

D48/08 Development Application Report - 2-40 Gumara Street, Randwick (DA/319/2008)

RESOLUTION: (Belleli/Smith)

PL29/08

- 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/319/2008 for Stage 2 Development Application for construction of 27 terrace houses with basement car parking for 54 vehicles, and two residential flat buildings (comprising one 3 storey building and one part 4/part 5 storey building) with semi basement carparking for 36 vehicles and associated site works at 2-40 Gumara Street, Randwick, subject to the following conditions:-

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

1. The development must be implemented substantially in accordance with the plans/diagrams numbered A-001 Revision 3, A-100 Revision 05; A-101 Revision 10, A-102 Revision 9, A-103 Revision 9, A-104 Revision 9, A-105 Revision 9, A-200 Revision 10, A-201 Revision 11, A-202 Revision 11, A-203 Revision 11, A-204 Revision 10, A-205 Revision 10, A-206 Revision 10, A-207 Revision 10, A-208 Revision 5, A-209 Revision 5, A-210 Revision 10, A-211 Revision 9, A-212 Revision 9, A-213 Revision 5, A-214 Revision 9, A-215 Revision 5, A-216 Revision 3, A-250 Revision 11, A-251 Revision 11, A-252 Revision 11, A-253 Revision 11, A-254 Revision 11, A-255 Revision 11, A-256 Revision 11, A-257 Revision 11, A-258 Revision 11, A-259 Revision 11, A-260 Revision 11, A-261 Revision 11, A-262 Revision 3, A-300 Revision 10, A-301 Revision 10, A-302 Revision 9, A-303 Revision 9, A-304 Revision 9, A-305 Revision 8, A-306 Revision 9, A-307 Revision 9, A-308 Revision 10, A-350 Revision 9, A-351 Revision 9, A-352 Revision 9, A-353 Revision 9, A-354 Revision 9, stamped received by Council on 15 October 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. Details of the external colours, materials, textures and finishes of the proposal in the form of a comprehensive sample board linked and coded to a coloured elevation and/or street perspective shall be submitted to and approved by Council's Director City Planning, in accordance with Section 80A (2) of the Environmental Planning and Assessment Act 1979 prior to a construction certificate being issued for the development.
3. The reflectivity index of glass used in the external façade of the development must not exceed 20 percent. Details shall be submitted to and approved by Council's Director of City Planning, in accordance with section 80A (2) of the Environmental Planning and Assessment Act 1979 prior to a construction certificate being issued for the development.
4. Street numbering must be provided to the premises in a prominent position, to the satisfaction of Council.
5. There must be no encroachment of the structures including eaves, gutters,

- hoods and similar structures or attachments 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.
6. Details of bicycle storage in the basement of the terrace and apartment blocks indicating compliance with the Development Control Plan – Parking shall be submitted to and approved by Council's Director of City Planning, in accordance with section 80A (2) of the Environmental Planning and Assessment Act 1979 prior to a construction certificate being issued for the development.
 7. 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. Details shall be submitted to and approved by Council's Director of City Planning, in accordance with section 80A (2) of the Environmental Planning and Assessment Act 1979 prior to a construction certificate being issued for the development.
 8. Each of the tandem carparking spaces shall be allocated to the same 2 or 3 bedroom unit.
 9. Public access to the visitor's carparking spaces is to be maintained at all times and an intercom system is to be provided adjacent to the vehicular entrance to the carpark, together with appropriate signage providing instructions for use.
 10. Lighting to the premises shall be designed in accordance with AS4282 – 1997 "Control of the Obtrusive Effects of Outdoor Lighting" so as not to cause a nuisance to nearby residents or motorists and to ensure that light overspill does not affect the amenity of the area.
 11. In accordance with the provisions of clauses 143A and 154A of the Environmental Planning & Assessment Regulation 2000, a 'Design Verification Certificate' must be provided to the Certifying Authority and the Council, prior to issuing a construction certificate and an occupation certificate, respectively.
 12. The eastern building wall adjacent to the vehicular crossing to the carpark of the proposed residential flat buildings (in Lot 26) shall be relocated/setback to provide satisfactory sight lines to Gumara Street. Details shall be submitted to and approved by Council's Director of City Planning, in accordance with section 80A (2) of the Environmental Planning and Assessment Act 1979 prior to a construction certificate being issued for the development.
 13. Details of all proposed recycled water systems including rainwater tanks and greywater systems provided in class 2 to 9 developments, indicating compliance with the relevant requirements and guidelines of the NSW Department of Water & Energy and NSW Department of Health, shall be submitted to and approved by Council's Director of City Planning, in accordance with section 80A (2) of the Environmental Planning and Assessment Act 1979 prior to a construction certificate being issued for the development.
 14. 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 to and approved by Council's Director of City Planning, in accordance with section 80A (2) of the Environmental Planning and Assessment Act 1979 prior to a construction certificate being issued for the development.
 15. 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 to and approved by Council's Director of City Planning, in accordance

with section 80A (2) of the Environmental Planning and Assessment Act 1979 prior to a construction certificate being issued for the development.

16. 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 to and approved by Council's Director of City Planning, in accordance with section 80A (2) of the Environmental Planning and Assessment Act 1979 prior to a construction certificate being issued for the development. 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.
17. 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 to and approved by Council's Director of City Planning, in accordance with section 80A (2) of the Environmental Planning and Assessment Act 1979 prior to a construction certificate being issued for the development.
18. 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.
19. 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.

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

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

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

21. Any new information which comes to light during demolition and construction works which has the potential to alter previous conclusions about site contamination shall be notified to the Council and the Principal Certifying Authority immediately.
22. The works shall not give rise to environmental pollution or public nuisance or,

result in an offence under the Protection of the Environment Operations Act 1997 or NSW Occupational Health & Safety Act (2000) & Regulations (2001).

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

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

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

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

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

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

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

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

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

- g. Construct a footpath through the development site and within sections of Bundock Street and Gumara Street, linking the new/proposed Bundock Street footpath with the Gumara Street footpath. Suitable easements for access must be created by the applicant over the footpath prior to the issuing of an Occupation Certificate.
 - h. Install safety measures in Bundock Street, (including any safety barriers), as determined necessary by Council's Manager Integrated Transport to minimize the potential for vehicle / pedestrian conflict. Particular emphasis will be placed on the section of Bundock Street adjacent to the north-east corner of the development site, (i.e. on the existing bend in Bundock Street).
25. Prior to the issuing of an Occupation Certificate 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 travelling 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.
26. 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.
27. 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.
28. 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.
29. 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.
30. 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.

31. 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.
32. 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.
33. 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.
34. 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.

35. 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:

36. The Council's Development Engineer has inspected the above site and has determined that 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.

37. The Council's Development Engineer has inspected the above site and has determined that 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.
38. 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 Construction Certificate Application.

Any enquiries regarding this matter should be directed to Council's Assets & Infrastructure Services Department. The design alignment level at the property boundary must be strictly adhered to.

39. 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.
40. 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.
41. 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.

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

42. 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.
43. 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.
44. 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.
45. 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.
46. 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 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**.

Drainage Conditions

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

47. 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. A copy of the engineering calculations and plans are to be forwarded to Council, prior to a construction certificate being issued, if the Council is not the certifying authority. The drawings and details shall include the following information:
 - a) A detailed drainage design supported by a catchment area plan, at a scale of 1:100 or as considered acceptable to the Council or an accredited certifier, and drainage calculations prepared in accordance with the Institution of Engineers publication, Australian Rainfall and Run-off, 1987 edition.
 - b) A layout of the proposed drainage system including pipe sizes, type, grade, length, invert levels, etc., dimensions and types of all drainage pipes and the connection into Council's stormwater system.
 - c) Generally all internal pipelines must be capable of discharging a 1 in 20 year storm flow. However the minimum pipe size for pipes that accept stormwater from a surface inlet pit must be 150mm diameter. The site must be graded to direct any surplus run-off (i.e. above the 1 in 20 year storm) to the proposed drainage system.
 - d) The separate catchment areas within the site, draining to each collection point or surface pit are to be classified into the following categories:
 - i. Roof areas
 - ii. Paved areas
 - iii. Grassed areas
 - iv. Garden areas
 - e) Where buildings abut higher buildings and their roofs are "flushed in" to the higher wall, the area contributing must be taken as: the projected roof area of the lower building, plus one half of the area of the vertical wall abutting, for the purpose of determining the discharge from the lower roof.
 - f) Proposed finished surface levels and grades of car parks, internal driveways and access aisles which are to be related to Council's design

alignment levels.

- g) The details of any special features that will affect the drainage design eg. the nature of the soil in the site and/or the presence of rock etc.
48. 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.
49. 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.

50. 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.
51. 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 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:

- a) 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).
52. A childproof and corrosion resistant fastening system shall be installed on access grates over pits/trenches where water is permitted to be temporarily stored.
53. 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.

54. 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.

55. Covered car washing bays shall be provided for this development at the general rate of 1 car washing bay per 12 dwellings. Any Construction Certificate 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.
56. 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.

57. Subject to there being an onsite detention/infiltration system constructed within the site, and prior to the issuing of an Occupation Certificate, 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.
58. 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.

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

59. Prior to the issuing of a Construction Certificate 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.

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

60. Prior to the issuing of a Construction Certificate 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).

61. The landscaping shall be installed in accordance with the approved documentation prior to the issue of a final Occupation Certificate and shall be maintained in accordance with those plans.

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

62. 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.

63. 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.

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

65. 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.

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

66. 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 (excluding plant and equipment during the construction phase) 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.

67. A report, prepared by a suitably qualified and experienced consultant in acoustics, shall be submitted to the Council prior to an **occupation** certificate being issued for the development, which demonstrates and certifies that noise and vibration emissions from the development comply with the relevant provisions of the *Protection of the Environment Operations Act 1997*, NSW Environmental Protection Authority Noise Control Manual & Industrial Noise Policy and conditions of Council's approval, to the satisfaction of Council's Manager Health, Building & Regulatory Services.
68. There are to be no emissions or discharges from the premises, which will give rise to a public nuisance or result in an offence under the *Protection of the Environment Operations Act 1997* and *Regulations*.

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

69. 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.

70. 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*.
71. 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.

72. 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.

73. 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.

74. 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".
75. An **Occupation Certificate** must be obtained from the Principal Certifying Authority **prior to any occupation of the building** in accordance with the relevant provisions of the Environmental Planning & Assessment Act 1979.

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

76. **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.

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

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

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

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

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

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

78. 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.

79. 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.

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

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

81. 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 and go to the Building, Developing and Plumbing, then Quick Check or Building and Renovating or telephone 13 20 92.

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

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

82. Documentary evidence prepared by a suitably qualified *professional geotechnical engineer* shall be submitted to the certifying authority **prior to the issuing of a construction certificate**, certifying the suitability and stability of the site for the proposed building and certifying the suitability and adequacy of the proposed design and construction of the building for the site.
83. 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.

84. 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**.

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

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

87. 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.

88. 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).

89. 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.

90. 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.

91. A report prepared by a suitably qualified and experienced person shall be submitted to the Principal Certifying Authority (PCA) and a copy is to be provided to Council upon commencement of works or as otherwise 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*, Councils conditions of consent and relevant Standards relating to noise and vibration. In support of the above, it is necessary to submit all relevant readings and calculations made.

Any 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.

92. 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) 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.
- 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) A local approval application must be submitted to and be approved by Council's Building Services section prior to commencing any of the following activities on a footpath, road or nature strip or in any public place:-
 - Install or erect any site fencing, hoardings or site structures
 - Operate a crane or hoist goods or materials over a footpath or road
 - Placement of a waste skip or any other container or article on the road, nature strip or footpath.
- g) 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.
- h) A *Road / Asset Opening Permit* must be obtained from Council prior to carrying out any works within or upon a road, footpath, nature strip or in any public place, in accordance with section 138 of the *Roads Act 1993* and all of the conditions and requirements contained in the *Road / Asset Opening Permit* must be complied with.

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

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

- i) 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.
93. A Registered Surveyor's check survey certificate or *compliance certificate* is to be forwarded to the principal certifying authority (*and a copy is to be forwarded to the Council, if the Council is not the principal certifying authority*), detailing compliance with Council's approval at the **following stage/s of construction**:
- a) Prior to construction of the first completed floor/floor slab (prior to pouring of concrete), showing the area of land, building and boundary setbacks and verifying that the building is being construction at the approved levels.
- b) On completion of the erection of the building showing the area of the land, the position of the building and boundary setbacks and verifying the building has been constructed at the approved levels.
94. A Construction Site Management Plan is to be developed and implemented prior to the commencement of demolition, excavation or building works. The site management plan must include the following measures, as applicable to the type of development:
- location and construction of protective fencing / hoardings to the perimeter of the site;
 - location of site storage areas/sheds/equipment;
 - location of building materials for construction;
 - provisions for public safety;
 - dust control measures;
 - site access location and construction
 - details and methods of disposal of demolition materials;
 - protective measures for tree preservation;
 - provisions for temporary sanitary facilities;
 - location and size of waste containers/bulk bins;
 - details of proposed sediment and erosion control measures;
 - construction noise and vibration management;
 - construction traffic management provisions.

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

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

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

Dust control measures and practices may include:-

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

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

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

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

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

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

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

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

If the work involved in the erection or demolition of a building is likely to cause

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

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

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

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

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

98. 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.

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

99. Any openings within or upon the road, footpath, nature strip or in any public place (i.e. for proposed drainage works or installation of services), must be carried out in accordance with the following requirements, to the satisfaction of Council:

- a) A *Road / Asset Opening Permit* must be obtained from Council prior to carrying out any works within or upon a road, footpath, nature strip or in any public place, in accordance with section 138 of the *Roads Act 1993* and all of the conditions and requirements contained in the *Road / Asset Opening Permit* must be complied with.
- b) The owner/developer must ensure that all works within or upon the road reserve, footpath, nature strip or other public place are completed to the satisfaction of Council, prior to the issuing of a *final occupation certificate* for the development.
- c) Relevant *Road / Asset Opening Permit* fees, construction fees, inspection fees and security deposits, must be paid to Council prior to commencing any works within or upon the road, footpath, nature strip or other public place,

- d) Excavations and trenches must be back-filled and compacted in accordance with AUSPEC standards 306U.
- e) Excavations or trenches located upon a road or footpath are required to be provided with 50mm depth of cold-mix bitumen finish, level with the existing road/ground surface, to enable Council to readily complete the finishing works at a future date.
- f) Excavations or trenches located upon turfed areas are required to be back-filled, compacted, top-soiled and re-turfed with Kikuyu turf.
- g) The work and area must be maintained in a clean, safe and tidy condition at all times and the area must be thoroughly cleaned at the end of each day's activities and upon completion.
- h) Public and vehicular safety must be maintained at all times and any related directions issued by Council officers must be complied with.
- i) The work can only be carried out in accordance with approved hours of building work as specified in the development consent, unless the express written approval of Council has been obtained beforehand.
- j) All work, including the provision of barricades, fencing, lighting, signage and traffic control, must be carried out in accordance with the NSW Roads and Traffic Authority publication - 'Traffic Control at Work Sites' and Australian Standard AS 1742.3 - Traffic Control Devices for Works on Roads, at all times.
- k) Not more than half of any road is to be opened up at any one time and excavations must be provided with suitable fencing/ barricades and flashing amber lights if not completed by the end of the day.
- l) Any necessary approvals must be obtained from NSW Police, Roads & Traffic Authority, State Transit Authority and relevant Service Authorities, prior to commencing work upon or within the road, footway or nature strip.

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

921 during business hours), to enable any necessary inspections or works to be carried out.

ADVISORY MATTERS:

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

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

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

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

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

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

MOTION: (Belleli/Smith) CARRIED UNANIMOUSLY - SEE RESOLUTION.

**D49/08 Development Application Report - 6 Barrett Place, Randwick
(DA/668/2008)**

PL30/08

RESOLUTION: (Belleli/Smith)

- A. That Council, as the consent authority, grants development consent under Sections 80 and 80A of the Environmental Planning and Assessment Act, 1979 as amended, to Development Application DA/668/2008 for the alterations and additions to 6 Barrett Place as a demonstration sustainability house and authorise the multi-unit housing on the site subject to the following conditions:

1. The development must be implemented substantially in accordance with the plans numbered 05 -10 Rev A Drawn HB dated 30 July 2008 and received by Council 18 September 2008, the application form and on any supporting information received with the application, except as may be amended by the following conditions and as may be shown in red on the attached plans:

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

2. Details of the quality and finish of the sign should be lodged to the satisfaction of the Director of City Planning prior to the Construction Certificate being issued for the development.
3. A landscape plan should be lodged to the satisfaction of the Director of City Planning prior to the Construction Certificate being issued for the development.
4. Bus parking arrangements to facilitate school excursions to the site shall be subject to the approval of the Traffic Committee.
5. Consent is not granted to the proposed pale paving in Barrett Place or the underground cogeneration plant as insufficient detail has been provided. The plans shall be amended to delete these works prior to the issuing of the construction certificate.

Heritage conditions

6. The proposed skylight to the lounge room is either to be deleted, or to be fitted with a blackout blind to ensure that the room can continue to be used for the screening of films and visual presentations. Amended drawings are to be submitted to and approved by Council's Director City Planning, in accordance with Section 80A (2) of the Environmental Planning and Assessment Act 1979 prior to a construction certificate being issued for the development.
7. Skytubes and skylights are to be installed to minimise damage to existing ceilings in the building.
8. The proposed removal of the wall between the kitchenette and rear office is to incorporate 300mm minimum nib walls, and beams projecting below ceiling level, as evidence of the original layout of the building, to avoid patching of plasterwork and to facilitate retention of existing timber and plaster detailing.
9. The kitchenette window shall be replaced with triple sashes (side casements with a central fixed panel) rather than double sashes to give the window a more traditional proportion.
10. Details of the proposed Eco awning sunshading to the eastern elevation of front verandah are to be provided.
11. Details of new pedestrian gates in the front fence, including any modifications to the existing low brick fence are to be provided.
12. The proposed underground rainwater and blackwater to be installed in the rear garden are to be installed so as to minimise any damage to existing plantings in the rear garden.
13. A Schedule of Conservation Works is to be prepared for the existing building. The Schedule is to include required repairs and maintenance, including painting etc. These works are to be carried out in conjunction with the proposed development.
14. The colours, materials and finishes of the external surfaces to the building are to be compatible with the existing building. 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 City Planning, in accordance with Section 80A (2) of the Environmental Planning and Assessment Act 1979 prior to a construction certificate being issued for the development.
15. Details of the proposed paint scheme are to be submitted to and approved by Council's Director City Planning, in accordance with Section 80A (2) of the

Environmental Planning and Assessment Act 1979 prior to a construction certificate being issued for the development. Unpainted surfaces, eg-brickwork/stonework is to remain unpainted.

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

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

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

17. 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.
18. In accordance with the provisions of the Environmental Planning & Assessment Regulation 2000, a relevant BASIX Certificate and associated documentation must be submitted to the Certifying Authority with the Construction Certificate application for this development.

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

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

19. 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)
20. In accordance with Clause 154B of the Environmental Planning & Assessment Regulation 2000, a Certifying Authority must not issue a final Occupation Certificate for this development, unless it is satisfied that each of the required BASIX commitments has been fulfilled.

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

The following conditions are applied to satisfy the relevant pollution control

criteria and to maintain reasonable levels of health, safety and amenity to the locality:

21. In accordance with Section 68 of the Local Government Act 1993, a separate local approval application must be submitted to and approved by Council for the installation and operation, of onsite waste water treatment system, prior to installation of the system, or, prior to a Construction Certificate being issued for the development.
22. The wastewater treatment system is to be designed, installed and operated in accordance with the relevant requirements of the Local Government Act 1993, Local Government (General) Regulation 2005 and the NSW Department of Water and Energy Guidelines – Greywater Reuse in Sewered Single Household Residential Premises. Details of compliance are to be provided with the application required under section 68 of the Local Government Act 1993.
23. Domestic waste water treatment systems must be designed, installed and operated in accordance with the relevant NSW Department of Health requirements and guidelines, including the NSW Health Domestic Greywater Treatment Systems Accreditation Guidelines 2005. Details of compliance must be provided with the local approval application required under section 68 of the Local Government Act 1993.
24. The operation of the greywater treatment system must not result in a public health nuisance, emission of foul odours, contamination or pollution of water or the degradation of soil and vegetation.
25. Upon installation of the onsite waste water treatment system, written certification must be provided to Council's Manager Health, Building & Regulatory Services, from a suitably qualified person/s, which confirms that the system has been installed and is operating in accordance with the relevant guidelines and conditions contained in this approval.
26. 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 (LA90), 15 min noise level, measured in the absence of the noise source/s under consideration by more than 5dB(A). The source noise level shall be assessed as an LAeq, 15 min and adjusted in accordance with the NSW Environmental Protection Authority's Industrial Noise Policy 2000 and Environmental Noise Control Manual (sleep disturbance).

27. The use and operation of the system and all plant and equipment must not give rise to a public nuisance and there are to be no emissions or discharges from the premises, which will give rise to a public nuisance or result in an offence under the Protection of the Environment Operations Act 1997 and Regulations.

The operation of the system must not result in a public health nuisance, emission of foul odours, contamination or pollution of water or, the degradation of soil and vegetation.

Building Services Conditions

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

Regulations and to provide for reasonable levels of safety and amenity:

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 (including fit-out 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 and notify the Principal Certifying Authority and Council accordingly in writing, and
- iii) notify the principal contractor of the required critical stage inspections and other inspections to be carried out, as specified by the Principal Certifying Authority, and
- iv) give at least two days notice to the Council, in writing, of the person's intention to commence building works.

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 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,
- name, address and telephone number of the Principal Certifying Authority,
- 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 must also be provided to Council with the occupation certificate.

Details of the principal building contractor are to be submitted to Council prior to the commencement of works, with the notice of appointment of the PCA / notice of intention to commence building work.

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

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

37. 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 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.

Fire safety

38. 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. External wall wetting drenchers are to be provided over the four windows in the northern side wall where within 3.0m of the side boundary to the showroom portion of the building only in accordance with C3.2 and C3.4 of BCA2008. These existing windows will as a result need to be fixed permanently closed.
 2. The existing door openings in the separating walls between the Class 2 sole occupancy units and the showroom portion are to be relined such that they have one layer of 16mm fire grade plasterboard either side of steel studs to achieve a 60/60/60 FRL.
 3. The internal walls separating the class 2 sole occupancy units and showroom portion are to be extended up to the underside of the roofing tiles with no timber or other elements permitted to pass through these walls, or alternatively install an interconnected smoke detection and alarm system within each of the sole occupancy units and within the showroom portion and 'eco-shop' portion such that if any alarm is activated, a building occupant warning system throughout the entire building is activated in accordance with clause 6 of Specification E2.2a of BCA2008.
 4. All required exit doors are to be provided with latches to the doors operable by a single handed lever action on a single device without a key from the side a person is seeking egress from in accordance with D2.21 of BCA2008. The egress to the showroom portion is to be configured such that the main entry / exit, is that leading into the office portion from the front of the building. Exit signage is to be reconfigured to reflect this.
 5. Materials, linings and surface finishes used in the works are to comply with the fire hazard properties in accordance with Specification C1.10 and C1.10a of BCA2008.
 6. The construction of any new electrical distribution board's must be in accordance with D2.7 of BCA2008 with the enclosures bounded by a

non combustible or fire protective covering and smoke seals provided around the perimeter of the doors.

7. Reconfigured emergency lighting and exit signage are required to be installed throughout the Showroom portion of the building in accordance with clauses E4.2, E4.4, E4.5, and E4.6 of BCA200B and AS2293.1-2005.
 8. The showroom portion of the building is not to be used for any form of residential accommodation at any time.
 9. Prior to commencing the abovementioned works, a Construction Certificate must be obtained from Council's Building Certification Services or an accredited certifier, in accordance with the provisions of the Environmental Planning & Assessment Act 1979 and Environmental Planning & Assessment Regulation 2000.
39. 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.

Construction site management

40. Demolition work and the removal, storage, handling and disposal of building materials 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 Codes of Practice and Guidelines
 - The Protection of the Environment Operations Act 1997 and Protection of the Environment Operations (Waste) Regulation 1996.
 - Protection Authority (EPA) and WorkCover NSW Guidelines.
 - Randwick City Council Asbestos Policy (adopted 13 September 2005)
41. In accordance with Council's Asbestos Policy, the following requirements are to be satisfied if any materials containing asbestos are present in the building:
- a) Randwick City Council Asbestos Policy (adopted 13 September 2005).

A copy of Council's Asbestos Policy is available on Council's web site at www.randwick.nsw.gov.au in the Building & Development section or a copy can be obtained from Council's Customer Service Centre.
 - b) A Demolition Work Plan must be developed and implemented in

accordance with Australian Standard AS2601-2001, Demolition of Structures.

- c) A WorkCover licensed demolition or asbestos removal contractor must undertake removal of more than 10m² of bonded asbestos (or as otherwise specified by WorkCover or relevant legislation). Removal of friable asbestos material must only be undertaken by contractor that holds a current friable asbestos removal licence.
 - d) 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) On demolition sites involving the removal of asbestos, a professionally manufactured sign must be clearly displayed in a prominent visible position at the front of the site, containing the words 'DANGER ASBESTOS REMOVAL IN PROGRESS' and include details of the licensed contractor. The sign shall measure not less than 400mm x 300mm and the sign is to be installed prior to demolition work commencing and is to remain in place until such time as all asbestos has been safely removed from the site.
 - f) A certificate or Statement, prepared by a suitably qualified person (i.e. an occupational hygienist, licensed asbestos removal contractor, building consultant, architect or experienced licensed building contractor), must be provided to Council upon completion of the works (prior to an Occupation Certificate being issued), which confirms that the relevant requirements and conditions of consent, in relation to the safe removal and disposal of asbestos, have been satisfied.
42. 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.

43. Public safety and convenience must be maintained at all times during demolition, excavation and construction works and the following requirements must be satisfied:
- a) 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.
 - b) 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.

- c) 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.
- d) 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.
- e) Bulk bins/waste containers must not be located upon the footpath, roadway or nature strip at any time without the prior written approval of the Council. Applications to place a waste container in a public place can be made to Council's Health, Building & Regulatory Services department.
- f) During construction stages, sediment laden stormwater run-off shall be controlled using the sediment control measures outlined in the manual for Managing Urban Stormwater – Soils and Construction, published by the NSW Department of Housing. Sediment and erosion control measures must be implemented prior to the commencement of any site works and be maintained throughout construction.
- g) Public safety must be maintained at all times and public access to demolition/building works, materials and equipment on the site is to be restricted. If required, a temporary 1.8m high safety fence or hoarding must be provided to protect the public, located between the work site and the public place. An awning may also be required to prevent any substance from, or in connection with, the work from falling into the public place or adjoining premises.

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

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

If it is proposed to locate any hoardings, site fencing or amenities upon any part of the footpath, nature strip or any public place, the written consent from Council's Health, Building & Regulatory Services department 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.

Access and facilities for people with disabilities

- 44. Disabled access is to be provided from the footpath area to the main entrance in accordance with A51428.1 with access ramps with a gradient not steeper than 1:14. Handrails to either side of the ramp are required to satisfy A51428.1.
- 45. The existing toilet facility serving the proposed showroom is required to be upgraded by the installation of strategically located handrails, to provide reasonable provisions for people with a disability to the satisfaction of the

certifying authority and details are to be included in the construction certificate.

ADVISORY MATTERS:

- A1. The applicant is advised that the Construction Certificate plans and specification must comply with the provisions of the Building Code of Australia (BCA).

In this regard, the development consent plans do not show compliance with the deemed-to-satisfy provisions of the BCA. Details of compliance with the relevant provisions of the Building Code of Australia and conditions of development consent are to be provided in the plans and specifications for the construction certificate.

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

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

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

- A3. It was noted that the gable end of the tiled roof that faces south is in a state of disrepair as it is not vertical and should be investigated and repaired in conjunction with the proposed works.

MOTION: (Belleli/Smith) CARRIED UNANIMOUSLY - SEE RESOLUTION.

D50/08 Development Application Report - 1406-1408 Anzac Parade, Little Bay (DA/1020/2007)

'PL31/08

RESOLUTION: (Belleli/Smith)

- A. That Council as the responsible authority grant its development consent as a Deferred Commencement under Section 80(3) of the Environmental Planning and Assessment Act 1979 (as amended) to Development Application No DA/1020/2007 for bulk earthworks and remediation of the former University of NSW Little Bay Site at 1406 - 1408 Anzac Parade, Little Bay, subject to the following conditions:

Deferred Commencement Conditions

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

- (1) A Construction Management Plan which details all bulk earth, drainage and remediation works within the riparian corridor and specifically the sections of the riparian corridor covered by the Ochre Site and the Little Bay Geological site; and which indicates how dust, stormwater, sedimentation, soil and

erosion management issues will be dealt with on site to avoid impacts on the Ochre and Miocene fossil site. The Construction Management Plan shall also indicate that prior to and during any demolition, earthworks, drainage works, remediation works, construction works and infrastructure works, the Ochre site and its surrounding buffer must be fenced off to prevent access and avoid any damage to the site by machinery or runoff from these adjacent works. No infrastructure, spoil or utilities are to be located within the Ochre site or its buffer. sedimentation and soil erosion issues, and shall be submitted to and approved by Council's Director of City Planning, in accordance with section 80A (2) of the Environmental Planning and Assessment Act 1979 prior to issue of the construction certificate or sub-division certificate (whichever comes first).

- (2) A Construction Management Plan which details all bulk earth, drainage and remediation works within the Critical Habitat of the Eastern Suburbs Banksia Scrub (ESBS) area; and which indicates how dust, stormwater and soil and erosion management issues will be dealt with on site to avoid impacts on the ESBS area.
- (3) A Plan of Management for the Ochre/ Miocene fossil sites prepared in consultation with the Department of Environment and Climate Change and the La Perouse Local Aboriginal Land Council, and agreeable to Council's Director of City Planning and agreeable to the Trust providing for the restoration, preservation, upkeep and ongoing maintenance of the land comprising the central corridor as a natural wetland; a means by which such Plan of Management is fully funded and implemented on an ongoing basis without recourse to Council; and proper and reasonable arrangements for the ongoing funding and implementation of the Plan of Management without recourse to Council
- (4) A Vegetation Management Plan for the ESBS remnant prepared in consultation with the Department of Environment and Climate Change.
- (5) A Conservation Agreement under Part 4 Division 12 of the National Parks and Wildlife Act 1974 which the owner/s of the land shall entered into with the Minister administering the Act (Minister for Environment and Climate Change) to protect and actively manage Aboriginal heritage (the Ochre site) and threatened species (the Eastern Suburbs Banksia Scrub Endangered Ecological Community) values on the land and to ensure that the local Aboriginal community retains ongoing access to the Ochre site for ceremonial purposes as well as to alert future landholders to the important values of these areas. This conservation agreement shall cover the registered Ochre site together with a surrounding buffer area and the mapped critical habitat for the Eastern Suburbs Banksia Scrub remnant on the land. The conservation agreement shall incorporate management principles for the protection and active management of these significant areas and shall be registered with the sub-division plan for the land in accordance with this condition. The conservation agreement shall specifically address access arrangements to the Ochre site by the Aboriginal community. The landowner will be responsible for meeting the costs of preparing the conservation agreement.
- (6) Details indicating a buffer of between minimum 10 and maximum 15 m retained between the ESBS remnant and any roads or subdivision lots on the land. The details must indicate the critical habitat being fenced to exclude access on the western side where it abuts the road and allotments Nos. 147, 148 and 149 (as indicated on the DA - 005 -sub-division plan 19 September 2007) and a planted buffer of locally endemic coastal heath species will be planted along the outside of this exclusion fence; a pedestrian pathway of crushed sandstone defining the outer edge of the planted buffer but not be part of it. In addition, the details shall indicate the eastern edge of the critical habitat abutting the golf course planted with a dense buffer of locally endemic coastal

heath species to limit access to the remnant from the golf course and prevent the spread of weeds.

Period within which evidence must be produced

The applicant must produce evidence to Council sufficient enough to enable it to be satisfied as to those matters above within 365 days (1 year) of the date of determination.

Clause 95(4) of the Regulation:

"The applicant may produce evidence to the consent authority sufficient to enable it to be satisfied as to those matters and, if the consent authority has specified a period for the purpose, the evidence must be produced within that period."

If the evidence is not produced within 365 days (1 year) of the date of determination, this deferred commencement consent will lapse in accordance with S95(6) of the Environmental Planning and Assessment Act 1979. No development can lawfully occur under this consent unless it operates.

Note: Nothing in the Act prevents a person from doing such things as may be necessary to comply with this condition. (See section 80(3) of the Act)

Note: Implementing the development prior to written confirmation of compliance may result in legal proceedings. If such proceedings are required Council will seek all costs associated with such proceedings as well as any penalty or order that the Court may impose. No Construction Certificate can be issued until all conditions including this condition required to be satisfied prior to the issue of any Construction Certificate have been satisfied.

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

REFERENCED PLANS:

1. The development must be implemented substantially in accordance with the plans/diagrams numbered Figures 2 to 7, prepared by Patterson Britton & Partners Pty Limited stamped received by Council on 27 November 2007, and the application form, and on any supporting information received with the application, except as may be amended by the deferred commencement conditions, the following conditions and/or as may be shown in red on the attached plans:

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

2. Development of the site for the proposal shall suitably match the existing levels of adjoining properties to ensure mobility and accessibility at the interface of, and between, the subject site and adjoining properties. Details shall be submitted with subsequent development applications for the civil works and infrastructure for the subject site.
3. Any Asset Protection Zones (APZs) required for this development shall not impinge on the critical habitat for the Eastern Suburbs Banksia Scrub remnant. All APZs must be outside of the protective buffer mapped in the Department of Environment and Climate Change's Critical Habitat Declaration Report (2007) for the Eastern Suburbs Banksia Scrub Endangered Ecological Community.

4. The Little Bay Geological Site is to be retained intact and all works associated with this development are to be designed and undertaken so as not to result in any adverse impact on the Geological Site. Prior to the issuing of a Construction Certificate the applicant must submit to the Certifying Authority for approval, and have approved, a detailed, construction management plan demonstrating measures to be undertaken such that the Little Bay Geological Site is fully protected.
5. All new development is to be consistent with the requirements of the NSW Fire Brigade Bushfire Hazard Section. Details of compliance shall be submitted with subsequent development applications for the civil works and infrastructure for the subject site.
6. Development of the site must be implemented substantially in accordance with the General Terms of Approval issued by the NSW Department of Water and Energy as detailed in the letter dated 13 July 2007 in relation to the approved Stage 1 development (under DA No. 264/2007) and letter dated 28 February 2008 in relation to the current subject DA (DA No. 1020/2007). The Construction Certificate Application must clearly demonstrate to the satisfaction of the Certifying Authority that the proposed works will be fully compliant with the referenced General Terms of Approval prior to the issuing of a Construction Certificate.

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

7. 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 \$100,001 - \$200,000	-	0.5%	-
Development Cost More than \$200,000	\$7,000,000.00	1.0%	\$70,000.00

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

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

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

8. The applicant is to engage a NSW Department of Environment and Conservation (DEC) (formerly EPA) Accredited Site Auditor. The Site Auditor is to assess the suitability of the site for its intended development and use. A Site Audit Statement and Summary Site Audit Report is to be submitted to Council, at the **completion of remediation works and/or prior to subdivision works**, which confirms that the land has been remediated and the site is suitable for the intended development and use and satisfies the relevant

criteria in the National Environment Protection (Assessment of Site Contamination) Measure 1999.

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

9. The site must be remediated in accordance with the Contaminated Land Management Act 1997 and the National Environment Protection (Assessment of Site Contamination) Measure (NEPM) 1999 and details of compliance are to be provided to Council from an Accredited Site Auditor upon completion of the remediation works.
10. The Site Audit Statement must, where no guideline made or approved under the NSW Contaminated Land Management Act is available (as with asbestos), clearly state the source of the standard adopted in determining the suitability of the land for the intended development and use and must also demonstrate its suitability to Council.

In relation to any asbestos contamination, a comprehensive remediation strategy and remedial action plan must be developed, to the satisfaction of the Site Auditor and NSW Department of Health or other suitably qualified and experienced specialist to the satisfaction of the Site Auditor.

The remediation strategy and remedial action plan must demonstrate that the land will be remediated in accordance with relevant guidelines (if any) and to a level or standard where no unacceptable health risk remains from asbestos exposure, which shall be verified upon completion of the remediation works to the satisfaction of the Site Auditor.

11. Site remediation must be carried out in accordance with the following general requirements (as applicable):
 - a) Remediation works shall be carried out in accordance with the requirements of the Contaminated Land Management Act 1997, environmental planning instruments applying to the site, guidelines made or approved by the NSW Department of Environment and Conservation (formerly EPA) and the NSW Department of Infrastructure Planning & Natural Resources (formerly Planning NSW), Randwick City Council's Contaminated Land Policy 1999 and the Protection of the Environment Operations Act 1997.
 - b) A Site Audit Statement and Summary Site Audit Report is to be submitted to Council, **at the completion of remediation works**, which confirms that the land has been remediated and the site is suitable for the intended development and use and satisfies the relevant criteria in the National Environment Protection (Assessment of Site Contamination) Measure 1999.
 - c) Any requirements contained within an Environmental Management Plan (EMP) which forms part of the Site Audit Statement and Site Audit Report, form part of this consent and Council must be consulted with prior to the development of the EMP.
 - d) The **remediation of the site shall include ground water and land which will remain undeveloped** (such as open space, buffer zones and golf course) must fully comply with all relevant Commonwealth and State Legislation, Regulations and Standards.

- e) Any variations to the proposed remediation works or remediation action plan shall be approved by the Site Auditor and a written statement is to be provided to the Council by the Site Auditor prior to the commencement of such works, which confirms the Site Auditors approval of the amended remediation action plan / works, and
- f) The Environmental Consultant and Auditor, in their assessment of appropriate soil investigation levels, must take into account all environmental concerns (for example, the potential effects on wildlife) and the protection of ground and surface water.
- g) Should any underground tanks be discovered they shall be removed in accordance with relevant NSW DEC/EPA Guidelines; Australian Institute of Petroleum's (AIP) Code of Practice for the Design, Installation and Operation of Underground Petroleum Storage Systems (CP4-1998); and WorkCover NSW requirements. In the event of conflict between AIP Code of Practice and WorkCover requirements the latter shall prevail.
- h) Any odours from excavated materials shall be mitigated by the use of an odour suppressant, such as Biosolve, and shall not give rise to an offensive odour as defined in the Protection of the Environment Operations Act 1997. Stockpiles shall also be covered and dampened down to reduce odour and dust impacts.

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

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

- l) Prior to the commencement and throughout the duration of the remediation and construction works adequate sediment and stormwater control measures shall be in place and maintained on site at all times. Sediment laden stormwater shall be controlled using measures outlined in the manual Managing Urban Stormwater Soils and Construction produced by the NSW Department of Housing.
- m) Remediation work shall be conducted within the following hours:
Monday – Friday 7am – 5pm
Saturday 8am – 5pm
No work permitted on Sundays or Public Holidays
- n) A sign displaying the contact details of the remediation contractor (and the site manager if different to remediation contractor) shall be displayed on the site adjacent to the site access. This sign shall be displayed throughout the duration of the remediation works.
- o) Any new information which comes to light during remediation, demolition or construction works which has the potential to alter previous conclusions about site contamination shall be notified to the Council and the Principal Certifying Authority immediately. **Proposed actions and strategies to deal with altered conclusion pertaining to the land contamination/remediation shall be approved in writing by Councils Director of City Planning prior to the Site Audit Statement being issued.**
12. Remediation works shall be carried out in accordance with "Remediation Works Plan 1406-1408 Anzac Pde Little Bay – Final – 7 October 2008 – Document No: S4098801_RPT_07Oct08". Any variations to the proposed remediation works or remediation action plan shall be approved by the Site Auditor and a written statement is to be provided to the Council by the Site Auditor prior to the commencement of such works, which confirms the Site Auditors approval of the amended remediation action plan / works.
13. The works shall not give rise to environmental pollution or public nuisance or, result in an offence under the Protection of the Environment Operations Act 1997 or NSW Occupational Health & Safety Act (2000) & Regulations (2001).
14. Hazardous or intractable wastes arising from the demolition, excavation and remediation process being removed and disposed of in accordance with the requirements of WorkCover NSW and the Environment Protection Authority, and with the provisions of:
- New South Wales Occupational Health and Safety Act, 2000;
 - The Occupational Health and Safety (Hazardous Substances) Regulation 2001;
 - The Occupational Health and Safety (Asbestos Removal Work) Regulation 2001;
 - Protection Of the Environment Operations Act 1997 (NSW) and
 - Environment Protection Authority's Environmental Guidelines; Assessment, Classification and Management of Liquid and Non Liquid Wastes (1999).
15. A Site Management Plan must be developed by a suitably qualified environmental consultant, prior to commencing site works, to ensure that contaminants do not result in a public nuisance or affect the health and safety of the community and satisfy the relevant conditions of development consent.

The Site Management Plan is to be reviewed and acceptable to the Site Auditor and a copy of the plan and the Site Auditors concurrence is to be forwarded to Council.

Implementation of the Site Management Plan must be monitored by a suitably qualified environmental consultant and a copy of the monitoring program and results are to be forwarded to Council.

Site Management Plan shall include (but need not be limited to) the following measures:

- general site management, site security, barriers, traffic management and signage
- hazard identification and control
- worker health & safety, work zones and decontamination procedures
- prevention of cross contamination
- site drainage and dewatering
- air and water quality monitoring
- disposal of hazardous wastes
- contingency plans and incident reporting, and
- details of provisions for monitoring implementation of remediation works including details of the person/consultant responsible.
- minimise impact on ESBS and Ochre Miocene fossil site.
- vegetation management plan for ESBS

16. The applicant is to engage the services of a suitably qualified environmental consultant to respond to enquiries and complaints made by the community or Council in relation to contamination, remediation and construction site management matters.

A specific contact number is to be made available for such enquiries and complaints (including an after-hours emergency contract number) and a complaints register is to be maintained to record all such enquiries, complaints and actions taken in response to same, which is to be made available to Council officers upon request.

17. The remediation of land must be implemented in accordance with a Remedial Action Plan (RAP) for the subject land and the following matters must be satisfied:

- a) Should it be proposed to provide on-site containment/capping of asbestos or other contaminants, full written details of the proposal must be contained in an amended Remedial Action Plan and must be referred to Council for consideration and written concurrence must be obtained from Council prior to implementation of the Remedial Action Plan.

A detailed Management Plan, prepared in accordance with Guidelines for the Assessment of On-site Containment of Contaminated Soil must be prepared for all land subject to on-site containment/capping to the satisfaction of the Site Auditor and relevant notations/restrictions are to be included on the Certificate(s) of the Title for the subject land.

A copy of the Management Plan(s) and details of relevant notations/restrictions upon the Certificates of Title must be forwarded to Council, together with a written statement from the Site Auditor, which confirms that the Management Plan is consistent with the Guidelines for the Assessment of On-site Containment of Contaminated Soils and any other relevant guidelines and legislative requirements.

18. Details of any proposed on-site containment/capping of possible asbestos

contaminants, must be included in the proposed remediation and validation strategy and be referred to the NSW Department of Health (or an occupational hygienist, with relevant experience working with asbestos) for their concurrence of the suitability of the proposed remediation and validation strategy.

19. All land to be dedicated to the Council must be remediated in accordance with the relevant legislative provisions and guidelines and shall be subject to a Site Audit Statement.

Council will not accept the dedication of any land the subject of any on-site containment or capping of asbestos or other contaminants.

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

20. 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.
21. 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.
22. Prior to and during construction of works that are the subject of this approval, the Ochre site and its surrounding buffer must be fenced off to prevent access and avoid any damage to the site by machinery or runoff from the adjacent earthworks which will be indicated in the Construction Management Plan required under the relevant deferred commencement condition of consent for the subject DA. No infrastructure, spoil or utilities are to be located within the Ochre site or its buffer.
23. A detailed Construction Traffic Management Plan for this application must be prepared and approved by Council and RTA/Regional Traffic Committee (if required) prior to the commencement of any site construction works. The plan shall demonstrate how construction and delivery vehicles will access the development site during the demolition and construction phase of the development. The approved Construction Traffic Management Plan shall be complied with at all times.
24. There must be no works carried out within the area identified as Eastern Suburbs Banksia Scrub or within any portion of the site occupied by The Coast Golf Club. The Construction Certificate application must demonstrate compliance with this requirement.

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

25. The design alignment level (concrete/paved/tiled level) at the Anzac Parade property boundary for driveways, access ramps, pathways earthworks or the like, must match the back of the existing footpath along the full site frontage. Details shall be submitted with subsequent development applications for the

civil works and infrastructure for the subject site. The design alignment level at the property boundary must be strictly adhered to.

26. The design alignment levels (concrete/paved/tiled level) issued by Council and their relationship to the footpath must be indicated on the construction certificate plans. The design alignment level at the street boundary, as issued by the Council, must be strictly adhered to.
27. The above alignment levels and the site inspection by Council's Development Engineer have been issued at a prescribed fee of \$500.00 (inclusive of GST). 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:

28. 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.
29. 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.
30. 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.
31. A Road / Asset Opening Permit must be obtained from Council prior to carrying out any public utility service works within or upon a road, footpath, nature strip or in any public place, in accordance with section 138 of the Roads Act 1993 and all of the conditions and requirements contained in the Road / Asset Opening Permit must be complied with.

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

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

32. The applicant shall meet the full cost of the overhead power lines and telecommunication cables located in the vicinity of the development site to be relocated underground and all redundant power poles to be removed. The applicant shall liaise directly with the relevant service utility authorities to organise for the wires/cables to be relocated. All wires cables must be relocated underground to the satisfaction of the relevant service utility authority prior to the issuing of an occupation certificate for the development.

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

33. Detailed drainage plans shall be submitted to and approved by the Certifying Authority prior to the issue of a Construction Certificate. The drainage plans, as

- a minimum, shall clearly identify the proposed overland flowpaths within the site and into the site from the existing development to the north. The drainage plans must demonstrate compliance with the conditions of this development approval.
34. The Construction Certificate application must demonstrate compliance with all Department of Water and Energy requirements regarding discharge of stormwater into the central water course / ponds and riffles and wetlands. Details of the Department of Water and Energy requirements and the measures proposed to ensure compliance with these requirements must be submitted to the Certifying Authority for approval and be approved prior to the issuing of a Construction Certificate for the proposed works.
 35. The proposed reduction in the size of the southern most dam and increase in the size of the eastern most dam must be approved by the Department of Water and Energy prior to the issuing of a Construction Certificate. The applicant must submit the written concurrence/approval/terms of approval to the Certifying Authority prior to the issuing of a Construction Certificate.
 36. Prior to the issuing of a Construction Certificate the applicant must liaise with Department of Water and Energy regarding safety issues surrounding the open channel. The Construction Certificate application must demonstrate compliance with all safety requirements issued by the Department. The proposed side slopes of the channel should be to the satisfaction of the Department of Water and Energy.
 37. The Construction Certificate application must provide details showing the outline of the future road network, location of potential/proposed overland flow paths, levels of properties adjacent to overland flow paths and level information on the roads in general.
 38. Flows downstream of the site are not to increase for up to the 1 in 100 year ARI storm events and resultant flood levels must not be increased. The Construction Certificate application must demonstrate compliance with this requirement. The proposed bulk earthworks must not block or divert any existing overland flowpath through the development site draining from areas external to the site.
 39. The catchment draining from north of the development site into the site must be drained through pipes sized for the 20 year ARI with provision for overland flow up to the 1 in 100 year storm event. The piped stormwater and overland flow shall be discharged to the watercourse and easements shall be created over the pipes and overland flow paths. Details must be provided with the Construction Certificate application for approval by the Certifying Authority.
 40. The following information must be submitted to Council for approval by Council and the Department of Water and Energy prior to the issuing of a Construction Certificate for the proposed works:
 - Design details, (i.e. hydraulic and civil/structural engineering details and specifications, landscaping and maintenance specifications), for the proposed creek/watercourse/riparian zone.
 41. Prior to the issuing of a Construction Certificate the applicant must submit to Council or the Certifying Authority, (if Council is not the Certifying Authority) certification from a suitably qualified engineering consultant that the proposed finished bulk earthwork levels comply with the following:
 - All habitable floor levels on allotments adjacent to the central

watercourse must be a minimum of 500mm above calculated 1in 100 year ARI water levels.

- All habitable floor levels on allotments away from the water course / ponds and riffles must be a minimum of 300 millimetres above calculated 1in 100 year ARI water levels.

A copy of the certification must be forwarded to Council prior to commencement of site works, (if Council is not the Certifying Authority).

42. At the completion of the proposed bulk earthworks the applicant must submit to Council documentation, (prepared by a suitably qualified engineer/registered surveyor), confirming that the finished bulk earthwork levels have been carried out in strict accordance with the approved Construction Certificate.

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

43. 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 installed prior to the issue of a final Occupation Certificate.
44. Critical habitat as mapped in the Department of Environment and Climate Change's Critical Habitat Declaration Report (2007) for the Eastern Suburbs Banksia Scrub remnant on the land shall be retained and actively managed for conservation in accordance with the management principles outlined in the conservation agreement between the owner/s of the subject land and the Minister administering the Act (Minister for Environment and Climate Change) as required for the mapped critical habitat for the Eastern Suburbs Banksia Scrub remnant pursuant to Part 4 Division 12 of the National Parks and Wildlife Act 1974 with the Minister administering the Act. A buffer of between minimum 10 and maximum 15 m will be retained between this remnant and any roads, subdivision lots or bulk earthworks on the land. Prior to the commencement of any works on the site the critical habitat will be fenced to exclude access on the western side where it abuts the proposed road and allotments Nos. 147, 148 and 149 (as indicated on the DA - 005 -sub-division plan 19 September 2007).
45. Prior to the issuing of a Construction Certificate the applicant must submit for approval and have approved by Council and the Certifying Authority, (if Council is not the Certifying Authority), detailed construction management measures for ensuring the long term health and stability of the Eastern Suburbs Banksia Scrub remnant on the development site.

Tree Management

46. Approval is granted for the removal of those trees on the development site that are located within the proposed work zone.

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 demolition, excavation and construction:

47. All demolition work is to be carried out in accordance with the provisions of AS2601- The Demolition of Structures.
48. The demolition of buildings and the removal, storage, handling and disposal of building materials must be carried out in accordance with the relevant

requirements of WorkCover NSW, the NSW Department of Environment & Conservation (formerly the Environment Protection Authority) and Randwick City Council policies and conditions, including:

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

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

49. 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 (including removal of any asbestos)
- Measures and processes to be implemented to ensure the health & safety of workers and community
- Measures to be implemented to minimise any airborne dust and asbestos
- Methods and location of disposal of any hazardous materials
- Other relevant details, measures and requirements to be implemented
- Date the demolition works will commence

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

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

50. Any building/demolition works involving asbestos products are to be carried out in accordance with WorkCover New South Wales requirements, guidelines and codes of practice.

51. 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.

52. 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).

(Hours of operation – building activities/construction noise for class 1 & 10 buildings, inc alterations & additions to /or new single dwellings and associated structures)

53. 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.

54. 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.

55. 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.
56. 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.
57. A report prepared by a suitably qualified and experienced consultant in acoustics/vibration shall be submitted to the Principal Certifying Authority (PCA) and a copy is to be provided to Council **upon commencement of works**, certifying that noise and vibration emissions from the construction of the development satisfies the relevant provisions of the *Protection of the Environment Operations Act 1997*, Councils conditions of consent and relevant Standards relating to noise and vibration. In support of the above, it is necessary to submit all relevant readings and calculations made.

Any 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.

58. 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.
59. 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, trip hazards, 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.

60. A Road / Asset Opening Permit must be obtained from Council prior to carrying out any works within or upon a road, footpath, nature strip or in any public

place, in accordance with section 138 of the Roads Act 1993 and all of the conditions and requirements contained in the Road / Asset Opening Permit must be complied with.

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

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

61. 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.
62. 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 Building Certification Services section.
63. A Construction Site Management Plan is to be developed and implemented prior to the commencement of demolition, excavation, earthworks, remediation works or construction 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 details.

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 amenity 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.

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

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

Dust control measures and practices may include:-

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

66. 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.

67. A warning sign for sediment control, 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.
68. 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.
69. The owner/builder is required to hold Public Liability Insurance, with a minimum liability of \$5 million and a copy of the Insurance cover is to be provided to Council.
70. 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.

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

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

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

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

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

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

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

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

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

If it is proposed to locate any 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.

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

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

The public safety provisions and temporary fences must be in place prior to the

commencement of any demolition, excavation or building works and be maintained throughout construction.

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

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

- Install or erect any site fencing, hoardings or site structures
- Operate a crane or hoist goods or materials over a footpath or road
- Placement of a waste skip or any other container or article.

Advisory Conditions

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: (Belleli/Smith) CARRIED UNANIMOUSLY - SEE RESOLUTION.

Miscellaneous Reports

M6/08 Miscellaneous Report - Coogee Bowling Club Ltd - Authority to Execute Lease Agreement and Affix the Seal (F2004/07367)

PL32/08

RESOLUTION: (Andrews/Matthews) that Council consents to the execution of the five (5) year lease agreement at the agreed market rental with the Coogee Bowling Club Ltd subject to a further market rent review being undertaken after two years, and that the Council's Seal be affixed to the signing of the agreement.

MOTION: (Andrews/Matthews) CARRIED - SEE RESOLUTION.

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

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

FOR	AGAINST
Councillor Andrews	Councillor Tracey
Councillor Belleli	Councillor Woodsmith
Councillor Bowen	
Councillor Hughes	
Councillor Matson	
Councillor Matthews	
Councillor Nash	
Councillor Notley-Smith	
Councillor Procopiadis	
Councillor Seng	
Councillor Smith	
Councillor Stevenson	
Councillor White	
Total (13)	Total (2)

Confidential Reports (closed session)

The meeting moved into closed session in order to consider the confidential item.

D51/08 Confidential - 1-9 & 2-8 Pine Avenue, Little Bay - DA/615/2006 & DA/616/2006 (DA/615/2006)

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

PL33/08 **RESOLUTION: (Belleli/Woodsmith)** that Council continues to defend the appeal.

MOTION: (Belleli/Woodsmith) CARRIED UNANIMOUSLY - SEE RESOLUTION.

Notice of Rescission Motions**NR9/08 Notice of Rescission Motion - Notice of Rescission Motion by Councillors Belleli, Procopiadis and Nash - Ordinary Council Meeting 21 October 2008 - Director City Planning Report CP57/08 - 132 Gale Road, Maroubra (DA/365/2008)**

PL34/08

RESOLUTION: (Procopiadis/Belleli) that the resolution passed at the Ordinary Council meeting held on 21 October 2008 reading as follows:

that the application be deferred to the next available meeting to allow the applicant to submit amended plans.

BE AND IS HEREBY RESCINDED.

MOTION: (Procopiadis/Belleli) CARRIED - SEE RESOLUTION.

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

FOR	AGAINST
Councillor Belleli	Councillor Andrews
Councillor Bowen	Councillor Seng
Councillor Hughes	
Councillor Matson	
Councillor Matthews	
Councillor Nash	
Councillor Notley-Smith	
Councillor Procopiadis	
Councillor Smith	
Councillor Stevenson	
Councillor Tracey	
Councillor White	
Councillor Woodsmith	
Total (13)	Total (2)

PL35/08

RESOLUTION: (Mayor, Cr B Notley-Smith/Belleli)

That Council, as the consent authority grants development consent under Section 80 and 80A of the Environmental Planning and Assessment Act 1979 (as amended) to Development Application No. DA/365/2008 for permission to demolish the existing dwelling and erect a new two storey dwelling with garaging at 132 Gale Road, 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 208-313, Revision A, Drawings No.s A01, A02, A2A, A04, A05, A06, A07, A08, A09, A010, A011, A012 and A013 dated 5/5/08, 7/5/08 & 12/5/08 and received by Council on 21 May 2008, the application form and on any supporting information received with the application, except as may be amended by the following conditions and as may be shown in red on the attached plans:
2. The colours, materials and finishes of the external surfaces to the building are to be compatible with the adjacent development to maintain the integrity and amenity of the building and the streetscape.

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

3. Street and unit numbering must be provided to the premises in a prominent position, in accordance with the Australia Post guidelines and AS/NZS 4819 (2003) to the satisfaction of Council, **prior to an occupation certificate being issued** for the development.
4. The finished ground levels external to the building are to be consistent with the development consent and are not to be raised (other than for the provision of approved paving or the like on the ground) without the written consent of Council.
5. Lighting to the premises shall be designed so as not to cause a nuisance to nearby residents.
6. 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.

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

7. 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 and go to the Building, Developing and Plumbing, then Quick Check or Building and Renovating or telephone 13 20 92.

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

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

8. 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 More than \$200,000	\$ 342 774	1.0%	\$3 427.74

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.

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

9. 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.
10. 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.

11. 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)

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

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

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

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

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

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

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

15. All new building work must be carried out in accordance with the provisions of the **Building Code of Australia (BCA)**, in accordance with Clause 98 of the *Environmental Planning and Assessment Regulation 2000*.

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

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.

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

- i) appoint a *Principal Certifying Authority* for the building work, and
- ii) appoint a *principal contractor* for the building work, or in relation to residential building work, obtain an *owner-builder* permit in accordance with the requirements of the Home Building Act 1989, and notify the *Principal Certifying Authority* and Council accordingly in writing, and
- iii) unless the person having the benefit of the consent is the *principal contractor* (i.e. *owner-builder*), notify the *principal contractor* of the required *critical stage inspections* and other inspections to be carried

out, as specified by the *Principal Certifying Authority*, and

- iv) give at least two days notice to the Council, in writing, of the 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.

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

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

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

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

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

An Occupation Certificate must not be issued for the development if the development is inconsistent with the development consent. The relevant requirements of the Environmental Planning & Assessment Act 1979 and

conditions of development consent must be satisfied prior to the issuing of an occupation certificate.

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

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

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

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

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

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

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

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

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

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

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

Smoke alarms must comply with AS3786 – Smoke alarms and be connected

to the consumer mains electric power supply and provided with a battery back-up.

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

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

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

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

25. The demolition of buildings and the removal, storage, handling and disposal of building materials must be carried out in accordance with the following regulations:

- The requirements and Guidelines of Work Cover NSW
- Occupational Health and Safety Act 2000
- Australian Standard 2601 (2001) – Demolition of Structures
- The Protection of the Environment Operations Act 1997
- Protection of the Environment Operations (Waste) Regulation 1996.

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

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

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

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

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

27. Any work involving the demolition, storage and disposal of asbestos products and materials must be carried out in accordance with the following requirements:
- a. Relevant Occupational Health & Safety legislation and WorkCover NSW requirements
 - b. Randwick City Council's Asbestos Policy (adopted 13 September 2005)
 - c. A WorkCover licensed demolition or asbestos removal contractor must undertake removal of more than 10m² of bonded asbestos (or as otherwise specified by WorkCover or relevant legislation). Removal of friable asbestos material must only be undertaken by contractor that holds a current friable asbestos removal licence.
 - d. On sites involving the removal of asbestos, a sign must be clearly displayed in a prominent visible position at the front of the site, containing the words 'DANGER ASBESTOS REMOVAL IN PROGRESS' and include details of the licensed contractor.
 - e. Asbestos waste must be stored, transported and disposed of in compliance with the Protection of the Environment Operations Act 1997 and the Protection of the Environment Operations (Waste) Regulation 1996.
 - f. A Clearance Certificate or Statement, prepared by a suitably qualified person (i.e. an occupational hygienist, licensed asbestos removal contractor, building consultant, architect or experienced licensed building contractor), must be provided to Council and the Principal certifying authority upon completion of the asbestos related works which confirms that the asbestos material have been removed appropriately and the relevant conditions of consent have been satisfied.

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

28. 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.

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

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

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

30. 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).

31. 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.

32. 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.

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

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

34. 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.

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

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

Temporary site fences are to be structurally adequate, safe and be

constructed in a professional manner and the use of poor quality materials or steel reinforcement mesh as fencing is not permissible.

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

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

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

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

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

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

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

38. Public safety and convenience must be maintained at all times during demolition, excavation and construction works and the following requirements must be complied with:
- a. Building materials, sand, soil, waste materials, construction equipment or 5 other activities must not be placed upon the footpath, roadway or nature strip at any time and the footpath, nature strip and road must be maintained in a clean condition and free from any obstructions, soil and debris at all times.
 - b. Stockpiles of soil, sand, aggregate or other materials must not be located on any footpath, roadway, nature strip, drainage line or any public place and the stockpiles must be protected with adequate sediment control measures.
 - c. Building operations such as brick cutting, washing tools or equipment and mixing mortar are not permitted on public footpaths, roadways, nature strips, in any public place or any location which may lead to the discharge of materials into the stormwater drainage system.
 - d. A warning sign for soil and water management must be displayed in a prominent position on the building site, visible to both the public and site workers. The sign must be displayed throughout the construction period. Copies of a suitable warning sign are available at Council's Customer Service Centre for a nominal fee.
 - e. Bulk bins/waste containers must not be located upon the footpath, roadway or nature strip at any time without the prior written approval of the Council. Applications to place a waste container in a public place can be made to Council's Health Building and Regulatory Services section.
 - f. Any part of Council's road, footway or nature strip which is damaged as a result of the work must be repaired or replaced to Council's satisfaction prior to occupation or finalisation of the development.

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

39. The air conditioning 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:
- before 8.00am or after 10.00pm on any Saturday, Sunday or public holiday; or
 - before 7.00am or after 10.00pm on any other day.
40. 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.

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

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

In this regard, the operation of the plant and equipment shall not give rise to an $L_{Aeq, 15 \text{ min}}$ sound pressure level at any affected premises that exceeds the background $L_{A90, 15 \text{ min}}$ 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 that adequate provisions are made for the management of waste from the development:

42. Adequate provisions are to be made within the premises for the storage and removal of waste and recyclable materials, to the satisfaction of Council and details are to be included in the construction certificate documentation.

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

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

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

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

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

44. 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:

45. Prior to the issuing of an occupation certificate the applicant must meet the full cost for Council or a Council approved contractor to:
 - a. Construct concrete vehicular crossing and layback at kerb opposite the vehicular entrance to the site.
 - b. Remove 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.
46. 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.
47. The applicant shall note that all external work, carried out on Council property, shall be in accordance with Council's Policy for "Vehicular Access and Road and Drainage Works". An application for the cost of the Council civil works is to be submitted to Council at the completion of the internal building works. An application fee shall be payable to Council for the quotation of the required works. The applicant may elect to use his contractor for the required works, subject to Council approval, however a design and supervision fee based on the lowest quotation from Council's nominated contractor will be required to be paid prior to the commencement of any works.

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

48. The Council's Development Engineer has inspected the above site and has determined that the design alignment level at the property boundary for

driveways, access ramps and pathways or the like, must be 100mm ABOVE the top of the kerb at all points opposite the kerb, along the full site frontage.

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

49. The design alignment levels (concrete/paved/tiled level) issued by Council and their relationship to the kerb must be indicated on the building plans for the construction certificate. The design alignment level at the street boundary, as issued by the Council, must be strictly adhered to.
50. The above alignment levels and the site inspection by Council's Development Engineering Section have been issued at a prescribed fee of \$443.00 calculated at \$44.00 (inclusive of GST) per metre of site frontage. This amount is to be paid prior to a construction certificate being issued for the development.
51. The top of footings of any structures constructed on the boundary alignment must be at least 150mm below the alignment level as specified for the vehicular access. This condition has been attached to accommodate future footpath construction at this location.

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

52. 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.
53. 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.
54. A Road/Asset Opening Permit must be obtained from Council prior to carrying out any public utility service works within or upon a road, footpath, nature strip or in any public place, in accordance with section 138 of the Roads Act 1993 and all of the conditions and requirements contained in the Road/Asset Opening Permit must be complied with.

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

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

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

55. Generally all site stormwater shall be piped to a sediment/silt arrester pit that drains to an infiltration area with a minimum 5 m² base area. An overflow pipe shall be provided from the silt arrester pit to drain to Council's kerb and gutter.

The location and details of the proposed internal stormwater pipelines, silt

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

Notes:

- a. The sediment/silt arrestor pit shall be constructed:
 - i. within the site at or near the street boundary.
 - ii. with a child proof and corrosion resistant fastening system (e.g. spring loaded jay-bolt).
 - iii. with a minimum of 4 x 90 mm diameter weep holes (preferably located in the walls of the pit at the floor level) and with a suitable geotextile material **with a high filtration rating** located around the weep holes.
 - iv. with the pit floor being a minimum 300mm below the invert level of the outlet pipelines.
 - v. with a **galvanised** heavy duty screen (Lysaght RH3030 Maximesh or similar) located over the outlet pipes draining to the infiltration pit and the kerb. (Similar to a Mascot GRC stormwater discharge control pit, product code DS3SDC).
- b. The infiltration/rubble pit shall:
 - i. have a minimum 300 mm of soil cover (600 mm where the pit is located under a garden/landscaping area).
 - ii. be located a minimum of 3.0 metres from the dwelling or other structure (closer if a structural engineer certifies that the infiltration area will not adversely affect the structure) and 2.1 metres from the adjacent side or rear boundaries.
 - iii. be constructed with a minimum 200 mm thick layer of 20 mm basalt/blue metal (or similar) that is wrapped in a suitable geotextile material covering with a high filtration rating (Geofabrics Bidim "A" range of filtration fabrics or equivalent). A suitable means of dispersing the stormwater over the area of infiltration is to be constructed.
Note: other equivalent methods of infiltration may be adopted.
 - iv. have a minimum base area of 5.0 square metres (m²).

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

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

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

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

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

56. Landscaping shall be provided to the site to enhance its amenity and reduce the impact of the development upon neighbouring properties. A landscape plan shall be submitted to and approved by the 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.

57. Landscaped areas must contain a predominance of species that require minimal watering once established or species with water needs that match rainfall and drainage conditions.
58. The landscaping shall be installed in accordance with the approved documentation prior to the issue of a final occupation certificate and shall be maintained in accordance with those plans.

ADVISORY MATTERS:

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

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

- A2 A local approval application must be submitted to and be approved by Council's Building Services section prior to commencing any of the following activities on a footpath, road, nature strip or in any public place:
- a. Install or erect any site fencing, hoardings or site structures
 - b. Operate a crane or hoist goods or materials over a footpath or road
 - c. Placement of a waste skip or any other container or article.
- 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/Belleli) CARRIED - SEE RESOLUTION.

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

FOR	AGAINST
Councillor Belleli	Councillor Andrews
Councillor Bowen	Councillor Seng
Councillor Hughes	
Councillor Matson	
Councillor Matthews	
Councillor Nash	
Councillor Notley-Smith	
Councillor Procopiadis	
Councillor Smith	
Councillor Stevenson	
Councillor Tracey	
Councillor White	
Councillor Woodsmith	
Total (13)	Total (2)

NR10/08 Notice of Rescission Motion - Notice of Rescission Motion by Councillors White, Matthews and Andrews - Ordinary Council Meeting 21 October 2008 - Director City Planning Report

CP56/08 - 266 Coogee Bay Road, Coogee (DA/428/2000/A)

MOTION: (White/Matthews) that the resolution passed at the Ordinary Council meeting held on 21 October 2008 reading as follows:

that Council, as the consent authority, grants its consent under Section 96 of the Environmental Planning and Assessment Act 1979, as amended, to modify Development Consent No. DA/428/2000/A at No. 266 Coogee Bay Road, Coogee, in the following manner:

Condition No. 2 is amended to read:

2. The trading hours of the pie shop shall be restricted to the following:
- Monday to Saturday: 7am to 12 Midnight
 - Sunday: 7am to 10pm.

BE AND IS HEREBY RESCINDED. **LOST.**

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

FOR	AGAINST
Councillor Andrews	Councillor Belleli
Councillor Bowen	Councillor Hughes
Councillor Matthews	Councillor Matson
Councillor Procopiadis	Councillor Nash
Councillor Stevenson	Councillor Notley-Smith
Councillor White	Councillor Seng
	Councillor Smith
	Councillor Tracey
	Councillor Woodsmith
Total (6)	Total (9)

The meeting closed at 9.41 pm.

The minutes of this meeting were confirmed at the Planning Committee Meeting of the Council of the City of Randwick held on Tuesday, 2 December 2008.

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CHAIRPERSON