



**MINUTES OF PLANNING COMMITTEE MEETING OF THE COUNCIL
OF THE CITY OF RANDWICK HELD ON TUESDAY,**

10 FEBRUARY 2009 AT 6:05 P.M.

Present:

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

North Ward	- Councillors K. Smith, P. Tracey & M. Woodsmith
South Ward	- Councillors R. Belleli & 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 (from 6.23pm) & 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
Media Officer	Ms A. Power
Manager Sustainability	Mr P. Maganov
Manager Transport	Mr T. Lehmann

The meeting was adjourned at 6.05pm and was resumed at 6.06pm.

Apologies/Granting of Leave of Absences

Apologies and written requests for leave of absence were received from Cr Matthews (from 10th February, 2009 to 24th March, 2009) and Cr Stevenson (from 10th February, 2009 to 24th February, 2009).

PL1/09

RESOLUTION: (Mayor, Cr B. Notley-Smith/Belleli) - that the apologies and requests for leave of absence received from Crs Matthews and Stevenson be accepted and leave of absence be granted.

Confirmation of the Minutes

**CONFIRMATION OF THE MINUTES OF THE PLANNING COMMITTEE MEETING
HELD ON TUESDAY 2 DECEMBER 2008**

RESOLUTION: (Belleli/Woodsmith) that the Minutes of the Planning Committee

PL2/09 Meeting held on Tuesday 2 December 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 Tracey declared a significant non pecuniary interest in item D3/09 as he knows the objector. Cr Tracey did not take part in debate or voting on the matter.
- (b) Cr Belleli declared non significant non pecuniary interests in items D11/09 and D12/09 as some of the objectors and supporters gave out how to vote information at the last election and the owner of the building in D11/09 gave him his preferences at the 2004 election.
- (c) The Mayor, Cr B. Notley-Smith and Crs Belleli, Nash, Seng and Smith declared non significant non pecuniary interests in item D10/09 as the applicant has previously sponsored a Liberal Party luncheon.
- (d) Cr Procopiadis declared a non significant non pecuniary interest in item D5/09 as he knows the owner and a non significant non pecuniary interest in item D10/09 as knows the developer.
- (e) Cr Nash declared a non significant non pecuniary interest in items D11/09 and D12/09 as his grandparents own property in the vicinity of the development.
- (f) Cr Andrews declared a non significant non pecuniary interest in items D4/09, D11/09 and D12/09 as he knows the applicants through living in the City of Randwick.

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:

- D1/09 112 - 124 ANZAC PARADE, KENSINGTON
For Mr Anthony Betros
- D2/09 201-203 BEACH STREET, COOGEE NSW 2034
Against Ms Farina Khan
For Mr Anthony Betros - on behalf of applicant
- D3/09 58 BEACH STREET, COOGEE
Against Ms Jenny Pepper
For Mr Erol Ozdirik - on behalf of applicant
- D5/09 15 MOIRA CRESCENT, COOGEE
For Mr Sergio Reinofa
- D6/09 23 DIVISION STREET COOGEE
Against Mrs Janette Milston
For Mr Tom Ferguson

- D9/09 54 COOGEE BAY ROAD, RANDWICK
For Mr Spiro Stavis - on behalf of applicant
- D10/09 80 MIDDLE STREET AND 133 BOTANY STREET, RANDWICK
For Ms Genevieve Slattery - on behalf of applicant
- D11/09 36 - 38 GOORAWAHL AVENUE, LA PEROUSE
Against Mr James Maitland
For Ms Helen Kaman
- D12/09 SECTION 96 - 36 - 38 GOORAWAHL AVENUE, LA PEROUSE
Against Mr James Maitland
For Ms Helen Kaman
- D13/09 SECTION 96 MODIFICATION - PROPOSED MUSIC FESTIVAL AT RANDWICK RACECOURSE - 77-97 ALISON ROAD, RANDWICK
Against Mr Paul Chilcott
For Mr Brett Morrison

The meeting was adjourned at 7.38pm and was resumed at 8.03pm.

The Mayor assumed the chair to move the miscellaneous item on the Victorian bushfires. Cr Nash then reassumed the Chair.

Urgent Business

Nil.

Development Application Reports

D1/09 Development Application Report - 112 - 124 Anzac Parade, Kensington (DA/736/2008)

PL3/09

RESOLUTION: (Procopiadis/Woodsmith)

That Council as the consent authority, grant development consent under Section 80 and 80A of the Environmental Planning and Assessment Act 1979 (as amended) to Development Application No 736/2008 for demolition of existing structures and construction mixed use development up to 7 storeys with ground floor retail, 59 residential units and basement parking for 76 vehicles at 112-124 Anzac Parade, Kensington subject to the following conditions.

1. The development must be implemented substantially in accordance with the plans numbered DA08B to DA24B, received by Council on 27 January 2009, 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. Fixed privacy screens must be installed to a height of at least 1.5m on the easterly aspect of the balconies for apartments numbered 1d, 7d, 13d, 12a and 20a. The privacy screens may be operable above a height of 1.5m.
3. 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.

4. All plumbing and drainage pipes, other than rainwater heads, gutters and downpipes, must be concealed within the building.
5. 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.

6. The enclosure of balconies is prohibited by this consent.
7. 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.
8. 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.
9. 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.

10. 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.
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.

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

12. In accordance with Section 80A (11) of the Environmental Planning and

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

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

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

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

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

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

15. In accordance with Clause 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.

16. 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	Contribution
Development Cost More than \$200,000	\$12,173,469.00	1.0%	\$121,734.69

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.

Security Deposit Conditions

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

17. 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.

Traffic conditions/Civil Works Conditions

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

18. The applicant must meet the full cost for Council or a Council approved contractor to:
- Construct a heavy-duty concrete vehicular crossing and layback at kerb opposite the vehicular entrance to the site in Ascot Street.
 - Remove all redundant concrete vehicular crossings and layback and to reinstate the area with footpath and integral kerb and gutter to Council's specification.
 - Reconstruct the kerb and gutter along both site frontages except opposite the vehicular entrance to the site (including associated roadworks as required).
 - Reconstruct the existing Council footpath along both site frontages in accordance with Council's Urban Design Guidelines for the Kensington Commercial Centre.
19. The applicant must meet the full cost for Council or a Council approved contractor to repair/replace any damaged sections of Council's footpath, kerb & gutter, nature strip etc which are due to building works being carried out at the above site. This includes the removal of cement slurry from Council's footpath and roadway.
20. The applicant shall note that all external work, carried out on Council property, shall be in accordance with Council's Policy for "Vehicular Access and Road and Drainage Works". An application for the cost of the Council civil works is to be

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

21. The vehicular access and basement carparking levels (including, but not limited to, the ramp grades, carpark layout and height clearances) are to be in accordance with the requirements of AS2890.1:2004. The Construction Certificate plans must demonstrate compliance with this requirement particular attention should be given to the design gradients along the inside/critical edge of any curved sections of the proposed internal ramps.
22. To prevent vehicular conflict on the internal circulation ramp linking the basement 1 carpark and the basement 2 carpark, a signalling system shall be provided. The signalling system shall be designed by a suitably qualified traffic consultant. The plans submitted for the construction certificate shall demonstrate compliance with this requirement and the signalling system must be approved by the Certifying Authority prior to issuing a Construction Certificate.
23. 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.
24. The driveway opening at the Ascot Street frontage must be 5.50 metres wide and located at least 1.5 metres clear of the side property.
25. A Works Zone is to be provided in the vicinity of the site 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.

26. 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.
27. To improve visibility at the intersection of Anzac Parade and Ascot Street, a minimum 3.0 metre x 3.0 metre splay corner shall be provided at ground level. There shall be no walls or planting higher than 600mm located within the splay corner.
28. The minimum clear distance from the existing footpaths in Anzac Parade and Ascot Street to the underside of the proposed awning shall be 3.00 metres. The plans submitted for the construction certificate shall demonstrate compliance with this requirement.
29. All new awnings shall be set back a minimum of 600mm from the face of kerb. The plans submitted for the construction certificate shall demonstrate compliance with this requirement.

30. Upon completion of the construction of the awnings, certification of the structural adequacy of the awnings must be provided to the Council.

Alignment Level Conditions

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

31. The Council's Development Engineer has inspected the above site and has determined that the design alignment level (concrete/paved/tiled level) at the property boundary for driveways, access ramps and pathways or the like, must:

- match the back of the existing footpath along both the Anzac Parade and Ascot Street site frontages.

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

32. The design alignment levels (concrete/paved/tiled level) issued by Council and their relationship to the footpath must be indicated on the building plans for the construction certificate.

33. The above alignment levels and the site inspection by Council's Development Engineer have been issued at a prescribed fee of \$1715 calculated at \$44.00 (inclusive of GST) per metre of site frontage to Ascot Street. This amount is to be paid prior to a construction certificate being issued for the development.
Change to ascot street only

Service Authority Conditions

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

34. A public utility impact assessment must be carried out on all public utility services on the site, roadway, nature strip, footpath, public reserve or any public areas associated with and/or adjacent to the development/building works and include relevant information from public utility authorities and exploratory trenching or pot-holing, if necessary, to determine the position and level of service.
35. 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.
36. 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.
37. 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.
38. 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.

39. 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 release of the plan of subdivision.

Drainage Conditions

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

40. The floor level of all ground floor habitable and storage areas shall be at a minimum of 300mm above the calculated critical 1 in 100 year flood level for both the Anzac Parade and Ascot Street site frontages. The Construction Certificate plans must demonstrate compliance with this requirement. The critical 1 in 100 year flood levels for this site, based on the flood analysis prepared by Worley Parsons (dated 7/10/08) and submitted with this application are as follows:

- The critical 1 in 100 year flood level for the Anzac Parade frontage at the northern boundary is 26.88 metres (AHD).
- The critical 1 in 100 year flood level for the Anzac Parade frontage at the southern boundary (intersection of Anzac Parade and Ascot Street) is 26.68 metres (AHD).
- The critical 1 in 100 year flood level for the Ascot Street frontage at the eastern boundary is 27.15 metres (AHD).
- The critical 1 in 100 year flood level at the intersection of Ascot Street and Anzac Parade has been taken as 26.68 metres (AHD).

The applicant must contact Council's Development Engineer to discuss Council's requirements for protection of openings and habitable floor levels prior to lodgement of the Construction Certificate application.

41. The proposed internal driveway must be designed with a high point at a minimum of 150mm above the calculated critical 1 in 100 year flood level for Ascot Street. The Construction Certificate plans must demonstrate compliance with this requirement. The critical 1 in 100 year flood levels for this site at the vehicular crossing, based on the flood analysis prepared by Worley Parsons (dated 7/10/08) and submitted with this application are as follows:

- The critical 1 in 100 year flood level for the Ascot Street frontage at the

eastern edge of the driveway opening is approximately 27.08 metres (AHD).

- The critical 1 in 100 year flood level for the Ascot Street frontage at the western edge of the driveway opening is approximately 27.02 metres (AHD).

The applicant must contact Council's Development Engineer to discuss Council's requirements for protection of the basement carpark and the design of the internal driveway prior to lodgement of the Construction Certificate application.

42. All windows, vents and other openings into the basement carpark (excluding the driveway opening) must be located at least 300 mm above the determined 1 in 100 year flood level. The Construction Certificate plans must demonstrate compliance with this requirement.
43. All structural walls on the ground floor level shall be designed to structurally withstand hydrostatic pressure/stormwater inundation from floodwater during the probable maximum flood (PMF) event as defined in the Floodplain Management Manual (New South Wales Government, January 2001). Structural Engineering certification confirming that this condition has been complied with shall be submitted to the certifying authority prior to the issuing of a construction certificate.

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

44. 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.
45. 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.
46. All site stormwater must be discharged (by gravity) to either:
- The underground drainage system in Anzac Parade, via a new and/or existing kerb inlet pit; OR
 - A suitably sized infiltration system (subject to geotechnical investigation confirming that the ground conditions are suitable for an infiltration system).

Notes:

- All new kerb inlet pits shall be constructed in general accordance with Council's standard drawing SD7a.
 - With the exception of the site discharge pipe, all new pipelines constructed within council's road reserve shall be minimum 375 mm diameter, spigot and socket rubber ringed jointed, steel reinforced concrete pipeline (RRRCP). Prior to backfilling, all pipelines in council's road reserve shall be inspected and approved by the Hydraulic Engineer certifying the works and Council.
47. Should stormwater be discharged to Council's street drainage system, on-site detention must be provided to ensure that the maximum discharge from the above site is not to exceed that which would occur during a 1 in 10 year storm of 1 hour duration for the existing site conditions. All other stormwater run-off from the above site for all storms up to the 1 in 20 year storm is to be retained on the site for gradual release to the kerb and gutter or drainage system as required by Council. Provision is to be made for satisfactory overland flow should a storm in excess of the above parameters occur.

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

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

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

48. 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.

49. 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.

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

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

- 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 car parks or in any area which may be used for storage of goods.
- Mulch/bark must not be used in onsite detention areas

52. 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.

53. 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).

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

55. A 'V' drain is to be constructed along the perimeter of the property, where

required, to direct all stormwater to the detention/infiltration area.

56. A reflux valve shall be provided (within the site) over any pipelines discharging from the site to ensure that stormwater from Council drainage system does not surcharge back into the site stormwater system.
57. 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.

58. 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.

59. Three covered car washing bays shall be provided for this development.
- The car washing bays must be drained to sewer to the requirements of Sydney Water and proof of compliance is to be submitted to the certifying authority, prior to a construction certificate being issued for the proposed

development.

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

60. 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).

61. 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.

62. 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.
- 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.

63. As the above site will encounter groundwater within the depth of the basement excavation, the basement carpark is to be suitably tanked and waterproofed. A

Structural Engineer/Geotechnical Engineer shall certify the tanking & waterproofing has been carried out to an acceptable standard and a copy of the certification is to be forwarded to Council.

Notes:

- 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 groundwater 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).

64. A report must be submitted to and approved by the Certifying Authority or an accredited certifier prior to issuing the Construction Certificate for excavation of the basement levels, detailing the proposed method of excavation and dewatering process. The approved report must be forwarded to Council, (if Council is not the Certifying Authority). This report is to be prepared by suitably qualified and experienced Geotechnical, Hydrological and Structural Engineers and is to include but not limited to:

- The proposed method of shoring/piling and dewatering.
- The zone of influence of any possible settlement.
- The location of any proposed re-injection points in relation to the property boundaries (where re-injection equipment is to be located on land other than the subject premises, the written consent of the owner must also be provided to Council).
- Monitoring of fluctuations of the water table during dewatering/construction to be undertaken by consulting engineers to ensure that the conditions of consent and other relevant requirements are satisfied.
- The location of all proposed monitoring equipment in relation to the property boundaries (where monitoring equipment is to be located on land other than the subject premises, the written consent of the owner must also be provided to Council).
- Details of any consultation and arrangements made with owners of any potentially affected nearby premises (i.e. in relation to access, monitoring and rectification of possible damage to other premises).
- Details of groundwater quality and proposed disposal of any potentially contaminated groundwater in accordance with relevant requirements of the Department of Environment & Conservation, Council and the Protection of the Environment Operations Act 1997, in an environmentally sensitive manner.
- The location of all pumping equipment in relation to the property boundaries.
- The proposed method of noise attenuation for all pumping equipment, so as not to be more than 5dB (A) greater than the A – weighted L90 background sound pressure level between the hours of 7am to 10pm within any residential premises and not to be audible at all between the hours of 10pm and 7am within any residential dwelling.

- Confirmation that the proposed methods of dewatering and excavation are appropriate and in accordance with 'best practice' principles and should not result in any unacceptable levels of settlement or damage of the adjoining or nearby buildings within the zone of influence.

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

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

65. Prior to lodgement of a Construction Certificate application the applicant must obtain from the Department of Natural Resources, the general terms of approval and any specific requirements for dewatering of the site to facilitate construction of the basement carpark levels. In particular, the applicant must obtain in writing the Department's general terms of approval for the issuing of a Part V license under the Water Act 1912.

The Construction Certificate application must demonstrate compliance with the general terms of approval for a Part V License. No construction certificate is to be issued until such time as the applicant demonstrates to the satisfaction of the Department of Natural Resources and the Certifying Authority that the proposed method for construction of the basement carpark and dewatering of the site is strictly in accordance with the Department of Natural Resources' requirements and best current engineering practice.

No dewatering of the site shall take place until such time as a Part V license has been obtained. A copy of the Part V license must be forwarded to Council prior to the commencement of any dewatering on the site.

66. There shall be no disposal of groundwater to Council's external stormwater during dewatering unless it is demonstrated to Council that the reinjection of all water during excavation and construction is not feasible. Should it be necessary to dispose of groundwater to Council's drainage system, details must be submitted to and approved by Council's Development Engineer, prior to commencing these works, in accordance with Section 138 of the Roads Act 1993.

The subject details must include the following information:

- Site plan
- Hydraulic engineering details of the proposed disposal/connection of groundwater or site stormwater to Council/s drainage system
- Volume of water to be discharged
- Location and size of drainage pipes
- Duration, dates and time/s for the proposed works and disposal
- Details of water quality and compliance with the requirements of the Protection of the Environment Act 1997
- Details of associated plant and equipment, including noise levels from the plant and equipment and compliance with the requirements of the Protection of the Environment Act 1997 and associated Regulations and Guidelines
- Copy of any required approvals and licences from other Authorities (e.g. A water licence from the Department of Planning/Department of Water &

Energy).

- Details of compliance with any relevant approvals and licences

Waste Management Conditions

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

67. The residential waste storage area/s shall be sized to contain:

- a compactor (with safe working area);
- a total of 14 x 240 litre garbage bins; and
- a total of 28 x 240 litre recycling bins.

The compactor shall be managed by a caretaker and shall be located in an area that is not accessible to residents. The plans submitted for the construction certificate shall demonstrate compliance with these requirements.

68. 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.

69. The waste storage areas shall be clearly signposted.

70. The commercial waste storage area shall be sized to contain a minimum total of 6 x 240 litre bins (3 x garbage bins and 3 x recycling bins) whilst providing satisfactory access to each of these bins.

71. Prior to the issuing of a construction certificate for the proposed development the applicant is to submit to Council and have approved by Council's Manager of Waste Services, a Waste Management Plan detailing waste and recycling storage and disposal for the development site.

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

Landscape Conditions

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

72. Detailed landscape drawings and specifications, (prepared in general accordance with the Landscape Concept Plans prepared by 360 Degrees), shall be submitted to, and be 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), and will include:

- A site plan at an appropriate scale showing existing site boundaries, the existing street tree on Anzac Parade clearly shown for removal, 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, proposed building envelope, proposed areas of pavement, and proposed landscaped areas.
- A planting plan at a scale of 1:100 or 1:200 indicating the location of all

proposed planting, with all plants to be drawn at their mature size with a suitable mixture of appropriately selected and located groundcovers, plants, shrubs, accent or feature specimens and canopy trees.

- A planting schedule listing all plants by botanic & common names, plant numbers, plant spacings, pot sizes, the estimated size of the plant at maturity (height & spread) and proposed staking methods when applicable.
- 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.
- Sectional elevations through the site showing the existing and proposed groundlines, building elevations, and mature height of proposed planting.
- All planter boxes and garden beds constructed on slab must have a minimum soil depth of 600mm. Planter box details shall be submitted with the detailed landscape plans.

73. The applicant shall meet all costs associated with upgrading the Anzac Parade and Ascot Street site frontages in accordance with Council's Urban Design Guidelines for the Kensington Commercial Centre. All works carried out on Council property, shall be in accordance with Council's requirements for Civil Works on Council property.

74. A detailed streetscape plan for both the Anzac Parade and Ascot Street frontages showing proposed paving design, street furniture, grades, finished levels, extent and location of awnings, doors/entranceways, the bus stop and any other details required by Council's Landscape Architect shall be submitted to, and approved by, Council's Director of City Services prior to commencement of the streetscape works.

Although Council has prepared a suburb-wide preliminary design for the upgrading of all footpath areas in the Kensington Commercial Centre, the applicant will still be required to liaise with Council's Landscape Architect on 9399-0915, prior to preparation of the streetscape plan to obtain more detailed, site specific landscape design requirements.

Following approval of the streetscape plan; and prior to commencement of the streetscape works on Council property, the applicant shall liaise with Council's Pre-paid Works Designer on 9399-0922, regarding scheduling of work including inspections, supervision fees and compliance with Council's requirements for public liability insurance.

The approved streetscape works shall be completed to the satisfaction of Council's Landscape Architect and Pre-paid Works Designer, prior to the issue of a final occupation certificate.

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

The applicant will be required to demonstrate that the system will be connected to the sites rainwater tanks, with backup connection the mains supply, in accordance with all current Sydney Water requirements.

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

specifications.

77. 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.

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

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

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

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

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

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

- Should the Detailed Site Investigation Report identify that the land is contaminated and the land requires remedial works to meet the relevant criteria in the National Environment Protection (Assessment of Site Contamination) Measure (NEPM) 1999, the following matters must be complied with:
 - A Remediation Action Plan (RAP) is required to be prepared and be

submitted to Council prior to commencing remediation works. The RAP is also required to be reviewed by an independent NSW Department of Environment and Conservation (DEC) Accredited Site Auditor.

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

Any 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. The presence of any EMP may be required to be included on the certificate of title.

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

- Remediation works shall be carried out in accordance with the requirements of the Contaminated Land Management Act 1997, environmental planning instruments applying to the site, guidelines made by the NSW Department of Environment and Conservation and Department of Infrastructure Planning & Natural Resources, Randwick City Council's Contaminated Land Policy 1999 and the Protection of the Environment Operations Act 1997.
- The site remediation including ground water must fully comply with all relevant Commonwealth and State Legislation, Regulations and Standards.

- 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'.
- A Site Remediation Management Plan must be prepared prior to the commencement of remediation works by a suitably qualified environmental consultant and be implemented throughout remediation works. A copy is to be forwarded to Council. The Site Remediation Management Plan shall include measures to address the following matters:
 - general site management, site security, barriers, traffic management and signage
 - hazard identification and control
 - worker health & safety, work zones and decontamination procedures
 - cross contamination
 - site drainage and dewatering
 - air and water quality monitoring
 - disposal of hazardous wastes
 - contingency plans and incident reporting, and
 - details of provisions for monitoring implementation of remediation works including details of the person/consultant responsible.
- Remediation must be completed to the satisfaction of the Accredited Site Auditor and the written concurrence of Council must be obtained prior to the issuing of the construction certificate.
- 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 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.
- 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 Auditor's approval of the amended remediation action plan / works, and
- 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.
- Any odours from excavated materials shall be mitigated by the use

of an odour suppressant, such as Biosolve, and shall not give rise to an offensive odour as defined in the Protection of the Environment Operations Act 1997. Stockpiles shall also be covered and dampened down to reduce odour and dust impacts.

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

- 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.
- 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.
- Remediation work shall be conducted within the following hours:
 - Monday – Friday 7am – 5pm
 - Saturday 8am – 5pm
 - No work permitted on Sundays or Public Holidays
- 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.
- 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.

In this regards, the written concurrence from Council's Manager Health Building & Regulatory Services accepting the changed status and proposed actions regarding land contamination & groundwater contamination shall be obtained prior to finalising remediation works and/or an occupation certificate being issued.

80. 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).

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:

81. 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.
82. Development consent is required to be obtained in relation to the specific 'use' of commercial tenancies/occupancies and 'shop fit outs', in accordance with the relevant requirements of the Environmental Planning & Assessment Act 1979.
83. 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 ensure that noise emissions from the development satisfy legislative requirements and maintain reasonable levels of amenity to the area

84. The residential units are to achieve the following internal acoustic amenity criteria:
 - In naturally ventilated residential units; the repeatable maximum L_{Aeq} (1 hour) shall not exceed:
 - 35 dB(A) between 10pm and 7am in sleeping areas when the windows are closed;
 - 45 dB(A) in sleeping areas when windows are open;
 - 45 dB(A) in living areas (24 hours) when the windows are closed, and
 - 55 dB(A) in living areas when the windows are open.
 - In residential units provided with mechanical ventilation, air conditioning or other complying means of ventilation, when doors and windows are shut, the repeatable maximum L_{Aeq} (1 hour) shall not exceed:
 - 38 dB(A) between 10pm and 7am in sleeping areas;
 - 46 dB(A) in living areas (24 hours).

Details of compliance with the relevant criteria is to be included in the construction certificate application and written confirmation of compliance is to be provided to the Council and the Certifying Authority, by the Acoustic consultant, prior to the construction certificate being issued.

85. 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.
86. 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.

87. A separate development application and construction certificate or a complying development certificate (as applicable) must be obtained if the premises is to be used at any time for any of the purposes detailed below:
- All food businesses (including premises used for the sale, storage, preparation and distribution of food and drinks)
 - Hairdressing salons, Beauty salons, Businesses involving Skin Penetration & Piercing, Massage businesses
 - Licensed premises, places of public entertainment and hotels
 - Places of Shared Accommodation (including Boarding / Lodging Houses, Bed & Breakfast businesses, Backpackers, Residential Hotels or the like)
 - Premises which have a Cooling Tower or Warm Water System
 - Business providing any form of sexual service (i.e. brothel or the like).

Business premises which are used for these purposes must comply with relevant public health and safety legislation and requirements and they must be registered with Council prior to an Occupation Certificate being issued for the development. The relevant registration and inspection fee is also required to be paid to Council in accordance with Council's adopted Pricing Policy.

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

88. 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.

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

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

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

91. 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.

92. 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.

93. 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".
94. 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.

95. 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.

96. 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.

97. 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.

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

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

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

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

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

99. 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.

100. 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.

101. 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.

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

103. The installation of ground or rock anchors underneath any adjoining premises including (a public roadway or public place) must not be carried out without specific written consent of the owners of the affected adjoining premises (including the Council if bounding a public place) and details of compliance must be provided to the certifying authority prior to the commencement of any excavation or building works.

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

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

105. 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.

106. 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).

107. 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.
108.

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.

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

Any conditions 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.

110. 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 constructed 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.

111. 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

112. 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.

113. 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.
- 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.
- 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.
- 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 local approval application must be submitted to and be approved by Council's Building Services section prior to commencing any of the following activities upon any part of the footpath, road or nature strip or in any public place: -
 - Install or erect any site fencing, hoardings or site structures
 - Operate a crane or hoist goods or materials over a footpath or road
 - Placement of a waste skip or any other container or article in a public place.

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

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

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

115. 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.

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

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

Details of proposed sediment and erosion control measures shall include; a site

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

119. 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.

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

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

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

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

121. 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 access and facilities for people with disabilities:

122. Access, facilities and car parking for people with disabilities must be provided to and within the building in accordance with the relevant provisions of the Building Code of Australia and AS1428.1, AS4299 & AS2890.1 and relevant Council development control plans for the subject development, to the satisfaction of the Certifying Authority. Details of the proposed access, facilities and car parking for people with disabilities are to be included in the plans / specifications for the construction certificate.

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

123. 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.
124. 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).

125. 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 of Health, Building & Regulatory Services.
126. Sanitary facilities for employees, plus wash hand basin and paper towel dispenser or hand dryer and appropriate signage in accordance with Part F2 of the BCA, must be provided to the satisfaction of the Certifying Authority and details are to be provided in the Construction Certificate Application.
127. A separate development application and construction certificate or a complying development certificate (as applicable) must be obtained if the premises is to be used at any time for any of the purposes detailed below:
- All food businesses (including premises used for the sale, storage, preparation and distribution of food and drinks)
 - Hairdressing salons, Beauty salons, Businesses involving Skin Penetration & Piercing, Massage businesses
 - Licensed premises, places of public entertainment and hotels
 - Places of Shared Accommodation (including Boarding / Lodging Houses, Bed & Breakfast businesses, Backpackers, Residential Hotels or the like)
 - Premises which have a Cooling Tower or Warm Water System
 - Business providing any form of sexual service (i.e. brothel or the like).

Business premises which are used for these purposes must comply with relevant public health and safety legislation and requirements and they must be registered with Council prior to an Occupation Certificate being issued for the development. The relevant registration and inspection fee is also required to be paid to Council in accordance with Council's adopted Pricing Policy.

Waste Management

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

128. Prior to the issuing of a construction certificate for the proposed development, a Waste Management Plan detailing the waste and recycling storage and removal strategy for all of the development, is required to be submitted to and approved by Council's Director of City Services.

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

- The use of the premises and the number and size of occupancies.
- The type and quantity of waste to be generated by the development.
- Demolition and construction waste, including materials to be re-used or recycled.
- Details of the proposed recycling and waste disposal contractors.

- Waste storage facilities and equipment.
- Access and traffic arrangements.
- The procedures and arrangements for on-going waste management including collection, storage and removal of waste and recycling of materials.
- Cleaning arrangements, hygiene, safety and amenity.

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

In accordance with the Environmental Planning and Assessment Act 1979 and Environmental Planning and Assessment Regulation 1994 (as amended) the Randwick has an approval role in relation to the lodged development application 112 - 124 Anzac Parade, Kensington.

129. Licences under Part V of the Water Act 1912 are required for the works (pumping from an excavation or from spearpoints around the perimeter of the construction site), for purposes of temporary dewatering as part of proposed construction at Planning Committee - 10 February 2009.

130. General and Administrative Issues.

- Groundwater shall not be pumped or extracted for any purpose other than temporary construction dewatering.
- Tailwater shall not be allowed to discharge off-site (eg adjoining roads, stormwater system, sewerage system, etc) without the controlling authorities approval and/or owners consent.
- The licensee shall allow (subject to Occupational Health and Safety Provisions) the Randwick or any person authorised by it, full and free access to the works (excavation or bore/borefield), either during or after construction, for the purpose of carrying out inspection or test of the works and its fittings and shall carry out any work or alterations deemed necessary by the Randwick for the protection and proper maintenance of the works, or the control of the water extracted to prevent wastage and for the protection of the quality and prevention from pollution or contamination of the groundwater.
- If a work is abandoned at any time the licensee shall notify the Randwick that the work has been abandoned and seal off the aquifer by such methods as agreed to or directed by the Randwick.
- Suitable documents are to be supplied to the Randwick of the following:
 - A report of prediction of the impacts of pumping on any licensed groundwater users or groundwater dependent ecosystems in the vicinity of the site. Any adverse impacts will not be allowed and the project will need to be modified.
 - A report of assessment of the potential for salt water intrusion to occur as a result of the dewatering. This report is only required for sites within 250m of any marine or estuarine foreshore area. The generation of conditions leading to salt water intrusion will not be allowed, and the proposal will need to be modified.
 - Descriptions of the methods used and actual volume of groundwater to be pumped (kilolitres/megalitres) from the dewatering works, the

works locations, the discharge rate (litres per second), duration of pumping (number of days/weeks), the amount of lowering of the water table and the anticipated quality of the extracted water.

- Descriptions of the actual volume of tailwater to be reinjected (kilolitres/megalitres), the reinjection locations, the disposal rate (litres per second), duration of operation (number of days/weeks) and anticipated quality of treated tailwater to be reinjected.
- Monitoring of groundwater levels (minimum of 3 weekly measurements of depth to water at a minimum of 3 locations broadly distributed across the site) beneath the proposed development site prior to construction. This requirement is only for sites where the proposed structure shall extend greater than one floor level into the existing ground level.

131. Specific Conditions.

- The design of the structure must preclude the need for permanent dewatering.
- The design of the structure that may be impacted by any watertable must require a water proof retention system (i.e. a fully tanked structure) with adequate provision for future fluctuations of watertable levels. (It is recommended that a minimum allowance for a watertable variation of at least +/-1.0 metre beyond any expected fluctuation be provided). The actual water table fluctuation and fluctuation safety margin must be determined by a suitably qualified professional.
- Construction methods and material used in and for construction are not to cause pollution of the groundwater.
- Monitoring of groundwater levels is to be continued at least weekly during the construction stage and at least weekly over a period of at least 2 months following cessation of dewatering, with all records being provided to the Randwick on expiration of the licence. This requirement is only for sites where the proposed structure shall extend greater than one floor level into the existing ground level.
- Groundwater quality testing must be conducted (and report supplied to the Randwick). Samples must be taken prior to the commencement of dewatering, (and ongoing to the satisfaction of the Randwick for both extraction and reinjection activities, if required). Collection and testing and interpretation of results must be done by suitably qualified persons and NATA certified laboratory identifying the presence of any contaminants and comparison of the data against accepted water quality objectives or criteria.
- Discharge of any contaminated tailwater that is not to be reinjected, must satisfy all requirements of any controlling authority (i.e. the NSW Department of Environment and Climate Change, Council and Sydney Water). The method of disposal of excess tailwater (i.e. street drainage to the stormwater system or discharge to sewer) and written advice from the relevant controlling authority, indicating that the proposed/actual quality of tailwater is acceptable, must be presented to the Randwick and the consent authority.
- Discharge of any contaminated tailwater, if reinjection is proposed, must satisfy all requirements of the NSW Department of Environment and

Climate Change and the Randwick. The quality of any tailwater reinjected must be compatible with, or improve the intrinsic or ambient groundwater in the vicinity of the reinjection site. Contaminated groundwater is not to be reinjected into any aquifer. The following must be demonstrated in writing:

- The treatment to be applied to the tailwater to remove any contamination.
 - The measures to be adopted to prevent redistribution of any contaminated groundwater.
 - The means to avoid degrading impacts on the identified beneficial use of the groundwater.
 - Written advice from the NSW Department of Environment and Climate Change indicating their approval for the methodology of handling and treating the groundwater.
- Written advice be provided from the Certifying Authority to the Randwick to certify that the following ground settlement issues have been addressed in reports submitted by the proponent:
 - Assessment by a suitably qualified geotechnical professional that the proposed dewatering activity does not pose an unacceptable risk of off-site impacts such as damage to surrounding buildings or infrastructure as a result of differential sediment compaction and surface settlement during and following pumping of groundwater.
 - Settlement monitoring activities to be undertaken prior to, during and for the required period of time following the dewatering pumping to confirm the impact predictions.
 - Locations of settlement monitoring points, and schedules of measurement.

132. Formal Application Issues.

- An application must be completed on the prescribed form for the specific purpose of temporary construction dewatering and a licence obtained from the Randwick prior to the installation of the groundwater extraction works. A plan drawn to scale will be required with the application clearly identifying the location of the dewatering installations.
- Upon receipt of an approved development application from , a fully completed licence application form and all required supporting documentation, Randwick will issue a Water Licence under Part V of the Water Act, 1912.
- A licence application under Part V of the Water Act 1912 must be accompanied by a \$151.00 fee and must specify the proposed volume of groundwater to be pumped (megalitres). The licence is also subject to administrative charges as determined from time to time by the Independent Pricing and Regulatory Tribunal (IPART).

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

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. Construction cranes may be required to operate at a height significantly higher than that of the proposed controlled activity and consequently, may not be approved under the Airports (Protection of Airspace) regulations.

Sydney Airport Corporation Ltd advises that approval to operate construction equipment (i.e. cranes) should be obtained prior to any commitment to construct.

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

D2/09 Development Application Report - 201-203 Beach Street, COOGEE NSW 2034 (da/510/2008)

PL4/09

RESOLUTION: (Andrews/Belleli)

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/510/2008 for new balconies at the rear elevated ground and first floor levels of the building and re-instating a bay window on the northern side of the building at 201-203 Beach Street, COOGEE NSW 2034 subject to the following conditions: -

1. The development must be implemented substantially in accordance with the plans numbered 28/08, dated 17 September 2008 and received by Council on 24 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:

ENVIRONMENTAL AMENITY:

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 proposed deck, balcony and associated structures are to be compatible with the existing building & adjacent development to maintain the integrity and amenity of the 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 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. A 1.6m high privacy screen shall be provided to the southern edge of the upper level balcony. The screen shall be configured and design with louvres/slats which are fixed at an angle in order to restrict outlook into the habitable living areas of the neighbouring properties to the south. Details of compliance are to be provided in the Construction Certificate plans.

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

4. The applicant must meet the full cost for Council or a Council approved contractor to repair/replace any damaged sections of Council's footpath, kerb & gutter, nature strip etc which are due to building works being carried out at the above site. This includes the removal of cement slurry from Council's footpath and roadway.
5. The applicant shall note that all external work, carried out on Council property, shall be in accordance with Council's Policy for "Vehicular Access and Road and Drainage Works". An application for the cost of the Council civil works is to be submitted to Council at the completion of the internal building works. An application fee shall be payable to Council for the quotation of the required works. The applicant may elect to use his contractor for the required works, subject to Council approval, however a design and supervision fee based on the lowest quotation from Council's nominated contractor will be required to be paid prior to the commencement of any works.

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

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

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

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

Tree Management

8. Irrespective of this application, the applicant **must** remove the *Schefflera actinophylla* (Umbrella Tree), located within the front yard, against the southern boundary, in the southwest corner of the site fronting Beach Street,

as this species is recognised as an environmental weed in the Randwick LGA due to the ability of its seeds/berries to be consumed and spread by birds, and invade areas of native bushland.

9. Approval is granted for removal of the following trees **should the applicant wish**, but will be subject to the planting of a replacement screen/hedge, along the length of the eastern boundary, selecting a more desirable and decorative evergreen species which will attain a minimum height of 3 metres at maturity, and is to be clearly nominated on the plans submitted for the construction certificate:
- a) Two *Olea europaea* (European Olives) in the rear yard, along the rear (eastern) boundary, in the northeast corner of the site.

NOTE: Should the applicant elect to retain the existing trees described above, then this condition will not apply.

10. Permission is granted for the selective pruning of only those 2nd and 3rd order branches attached to the end of the southern most co-dominant leader from the *Eucalyptus piperita* (Sydney Peppermint), which is located in the rear yard of the adjoining property to the north, 199 Beach Street, in order to provide a satisfactory clearance between the tree and proposed works, both during the course of construction and upon completion.
11. This approval does not imply any right of entry onto a neighbouring property nor does it allow pruning beyond a common boundary, with all pruning only to 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.'

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:

12. 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.

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

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

15. **Prior to the commencement of any building or fire safety works**, the person having the benefit of the development consent must: -

- i) appoint a *Principal Certifying Authority* for the building work, and
- ii) appoint a *principal contractor* for the building work 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.

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.

16. 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.

17. 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".
18. 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.

19. **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.

20. 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.

21. 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**.

Structural adequacy

22. A Certificate prepared by a *professional engineer* shall be submitted to the certifying authority (*and the Council, if the Council is not the certifying authority*) **prior to issuing an occupation certificate** which certifies that the structural adequacy of the external decks, balustrading and stairways.

Construction site management

23. 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.
 - Randwick City Council Asbestos Policy (adopted 13 September 2005)
24. 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.
 - e) 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.
 - f) 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.
 - g) A certificate or Statement, prepared by a suitably qualified person (i.e. an occupational hygienist, licensed asbestos removal contractor, building consultant, architect or experienced licensed building contractor), must be provided to Council upon completion of the works (prior to an

Occupation Certificate being issued), which confirms that the relevant requirements contained in the Asbestos Survey and conditions of consent, in relation to the safe removal and disposal of asbestos, have been satisfied.

25. 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.

26. 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.

27. 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

works and be maintained throughout construction.

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

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 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.

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

Fire safety

28. 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**:

- 1) Install a smoke detection and alarm system throughout the building in accordance with specification E2.2a of the BCA,

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

- 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*.
- 4) All new building works (including the proposed alterations/additions) must satisfy the relevant performance or deemed-to-satisfy provisions of the Building Code of Australia.
- 5) All of the fire safety upgrading works and new building work must be detailed in the Construction Certificate for the development.

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

ADVISORY CONDITIONS

A1 The applicant is to advise Council in writing and/or photographs of any signs of existing damage to the Council roadway, footway, or verge prior to the commencement of any building/demolition works.

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

D3/09 Development Application Report - 58 Beach Street, Coogee (DA/1093/2007/A)

Note: Cr Tracey, having previously declared his interest, left the chamber and took no part in the debate or voting on this matter.

PL5/09

RESOLUTION: (Andrews/White)

A. That Council, as the consent authority, grant its consent under Section 96 of the Environmental Planning and Assessment Act 1979 as amended to modify Development Consent No DA/1093/2007/A for permission to undertake a Section 96(2) modification to enlarge the previously approved rear ground floor unit of the existing residential flat building at 58 Beach Street, Coogee in the following manner:

Amend Condition No 1 to read:

The development must be implemented substantially in accordance with the plans numbered 0024/07 sheet 1 to 0024/07 sheet 3, dated 22/11/2007 and received by Council on 14 December 2007, the application form and on any supporting information received with the application, as amended by the ***Section 96 plans numbered 0024/07 sheet 1 "issue A" to 0024/07 sheet 3 "issue A", dated 22/11/2007 and received by Council on 27 October 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:

Add Condition 43 to read:

The area above the proposed dining room shown as "turf area over new slab" must be non-trafficable and separated from the existing tiled balcony by a minimum height balustrade in accordance with BCA requirements. This area must be planted with a non-trafficable ground cover rather than turf. A suitable species shall be submitted to and approved by Council's Director of City Planning prior to the issue of a construction Certificate.

MOTION: (Andrews/White) 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 Smith
Councillor Belleli	Councillor Woodsmith
Councillor Bowen	
Councillor Hughes	
Councillor Matson	
Councillor Nash	
Councillor Notley-Smith	
Councillor Procopiadis	
Councillor Seng	
Councillor White	
Total (10)	Total (2)

D4/09 Development Application Report - 23 McKeon Street, Maroubra (DA/226/2008)

PL6/09

RESOLUTION: (Andrews/Belleli)

A. That the Council support the objection under State Environmental Planning No. 1 (SEPP No.1) in respect to non-compliance with Clauses 32 of the Randwick Local Environmental Plan 1998 (as amended), relating to maximum floor space ratio, 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. 226/2008 for construction of two additional one bedroom units attached to the rear of an existing residential flat building at 23 McKeon Street, Maroubra, subject to the following conditions:

1. The development must be implemented substantially in accordance with the plans No. 1198/08, with sheet numbers 1, 2, 3, 4, 5 and 6 all dated April 2008, and received by Council on 1 December 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. The colours, materials and finishes of the external surfaces to the proposed

addition are to be consistent with the colour and materials of the existing residential flat building. Details shall be submitted to and approved by Council's Director City Planning prior to a Construction Certificate being issued for the development in accordance with section 80A (2) of the Environmental Planning and Assessment Act 1979 prior to a construction certificate being issued for the development.

3. The windows linked to the dining room and kitchen in the north-west (W15 and W16) and south-east elevation (W20 and W21) shall be designed such that these windows have fixed opaque/translucent glazing to minimise the privacy impacts on the adjoining northern property. Details shall be submitted to and approved by Council's Director City Planning prior to a Construction Certificate being issued for the development in accordance with section 80A (2) of the Environmental Planning and Assessment Act 1979 prior to a construction certificate being issued for the development.
4. All existing windows shall remain intact and unchanged and shall be appropriately repaired and maintained as required to match the existing building façade. The proposed new door for the new balcony (to the living area of the existing upper floor dwelling unit facing McKeon Street) shall be constructed in timber and able to be opened in a concertina/foldable format consistent with and matching the overall existing building façade. Details shall be submitted to and approved by Council's Director City Planning prior to a Construction Certificate being issued for the development in accordance with section 80A (2) of the Environmental Planning and Assessment Act 1979 prior to a construction certificate being issued for the development.
5. Details of all fencing on site including all entrances and associated structures indicating compliance with Part 3.5 Fences of the Development Control Plan – Multi-unit Housing (page 32) 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.
6. 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.
7. Street 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, prior to occupation of the building, an application must be submitted to and approved by Council's Director City Planning, together with the required fee, for the allocation of an appropriate street and unit numbers for the development, prior to issuing an Occupation Certificate.

8. External clothes drying facilities are to be provided in accordance with the provisions of the Building Code of Australia. The external drying facilities must be adequately screened by vegetation and details are to be incorporated into the landscaping plans, to the satisfaction of the certifying authority.

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

13. The consumption of water within the building shall be minimised by the use of triple A rated water efficient plumbing fixtures (taps and shower roses) and water efficient dual flush toilets. Details of compliance are to be noted in the **construction certificate** plans or specifications.

14. External timber or metal framed and brick veneer walls and roofs are to be provided with insulation (i.e. bulk insulation and a reflective building membrane/reflective sarking/foil insulation), having a minimum total thermal resistance R-value of 3.0 in roofs and 1.5 in external walls. The insulation and reflective building membrane is to be installed in accordance with the relevant requirements of the Building Code of Australia and the manufacturer's details.

Details of compliance with the requirements for insulation are to be included in the **construction certificate** application.

15. New hot water service pipes are to be provided with insulation and must also satisfy any relevant requirements of Building Code of Australia and AS 3500.

16. A rainwater tank, of sufficient size to provide water for irrigation of all landscaped areas within the development is to be provided to the development in accordance with Council's Rainwater Tank Policy.

The tank is to be located a minimum of 1.5m from the side boundaries and is to have a maximum height of 2.4metres. The tank is to be installed behind the front building line and is to be located at ground level and be incorporated into the relevant construction certificate and landscape plans, to the satisfaction of the Certifying Authority.

The noise level from the pump is not to exceed 5dBA above ambient background noise, measured at the property boundary and the pump must not be audible within any dwelling located upon any other premises between 10pm and 8am.

17. Landscaped areas must contain a predominance of species that require minimal watering once established or species with water needs that match the rainfall and drainage conditions.

Landscaped areas must include an area and facilities dedicated for onsite composting and porous paving should also be used in all pathways, wherever practicable, to maximise on-site absorption of rainwater and details are to be provided on the landscape plans. Details of the proposed landscaping are to be included with the **construction certificate** application.

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

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	\$ 180,000.00	1.0%	\$ 1,800.00

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 provide adequate provisions for access, transport and infrastructure:

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

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

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

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

21. Detailed drainage plans shall be submitted to and approved by the certifying authority prior to the issue of a construction certificate. The drainage plans shall demonstrate compliance with the conditions of this development approval.
22. Stormwater runoff from the site shall be discharged either:
- (a) To the kerb and gutter along the site frontage by gravity (without the use of a charged system); OR
 - (b) Through a private drainage easement(s) to Council's kerb and gutter (or underground drainage system); OR
 - (c) To a suitably sized infiltration area. As a guide the infiltration area shall be sized based on a minimum requirement of 1 m² of infiltration area (together with 1 m³ of storage volume) for every 20 m² of roof/impervious area on the site. Infiltration systems shall be located a minimum 2.1 metres from any side or rear boundary and 3 metres from adjoining structures.

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

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

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

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

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

The following conditions are applied to provide adequate provisions for waste

management:

26. Prior to the credited certifier issuing an occupation certificate for the proposed development the applicant is to contact Council's Manager of Waste in regards to meeting Council's requirements for waste services to the additional units.

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

27. The landscaped areas shown on plan number 2165L dated 28/03/2008 by Cedar Surveying Services shall be the subject of detailed landscape drawings and specifications, which are to be submitted to, and approved by, the Director City Planning, 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) and shall include, but not be limited to, the installation of appropriate mature plantings along the rear south-western boundary to a sufficient height to screen overlooking of the adjoining property to the south-west.

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

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 or fire safety works, a construction certificate must be obtained from the Council or an accredited certifier, in accordance with the provisions of the Environmental Planning & Assessment Act 1979 and Environmental Planning & Assessment Regulation 2000.

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

31. Prior to the commencement of any building or fire safety works, the person having the benefit of the development consent must:-
- i) appoint a *Principal Certifying Authority* for the building work, and
 - ii) appoint a *principal contractor* for the building work 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.

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

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

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

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

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

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

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

35. Prior to the issuing of an interim or final occupation certificate, a statement is

required to be obtained from the Principal Certifying Authority, which confirms that the development is not inconsistent with the development consent and the relevant conditions of development consent have been satisfied.

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

36. 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.

37. 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.

38. 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.

Structural adequacy

39. A Certificate prepared by a professional engineer shall be submitted to the certifying authority (and the Council, if the Council is not the certifying authority) prior to issuing an occupation certificate, which certifies that the structural adequacy of the building.

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
- Randwick City Council Asbestos Policy (adopted 13 September 2005)
- WorkCover NSW Codes of Practice and Guidelines
- The Protection of the Environment Operations Act 1997 and Protection of the Environment Operations (Waste) Regulation 1996.

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) Compliance with 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.

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

in relation to the safe removal and disposal of asbestos, have been satisfied.

42. 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.

43. 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).

44. 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.

45. 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.

46. 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 access to demolition/building works, materials and equipment on the site is to be restricted and a temporary safety fence is to be provided to protect the public, located to the perimeter of the site (unless the site is separated from the adjoining land by an existing structurally adequate fence, having a minimum height of 1.5 metres). Temporary fences are to

have a minimum height of 1.8 metres and be constructed of cyclone wire fencing, with geotextile fabric attached to the inside of the fence to provide dust control, or other material approved by Council.

- g) Temporary fences or hoardings or the like are to be structurally adequate, safe and be constructed in a professional manner and the use of poor quality materials or steel reinforcement mesh as fencing is not permissible.
- h) The public safety provisions and temporary fences or hoardings must be in place prior to the commencement of any demolition, excavation or building works and be maintained throughout construction.
- i) If it is proposed to locate any hoardings, site fencing or amenities upon any part of the footpath, nature strip or any public place, the written consent from Council's Building Services section must be obtained beforehand and detailed plans are to be submitted to Council for consideration, together with payment of the weekly charge in accordance with Council's adopted fees and charges.
- j) Stockpiles of soil, sand, aggregate or other materials must not be located on any footpath, roadway, nature strip, drainage line or any public place and the stockpiles must be protected with adequate sediment control measures.
- k) Building operations such as brick cutting, washing tools or equipment and mixing mortar are not permitted on public footpaths, roadways, nature strips, in any public place or any location which may lead to the discharge of materials into the stormwater drainage system.
- l) A local approval application must be submitted to and be approved by Council's Building Services section prior to commencing any of the following activities upon any part of the footpath, road, nature strip or in any public place: -
 - Install or erect any site fencing, hoardings or site structures
 - Operate a crane or hoist goods or materials over a footpath or road
 - Placement of a waste skip or any other container or article.

Fire safety

47. The existing levels of fire and safety within the existing 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 a self-closing tight-fitting solid-core timber door to the entry of each sole-occupancy unit in accordance with clause C3.11 of the BCA,
 - 2) The ceilings throughout the top-floor level of the building (including stairway and corridor/s) are to be provided with material having a resistance to the incipient spread of fire to the roof space above, of not less than 60 minutes, or alternatively, provide a ceiling having a resistance to the incipient spread of fire to the space below of not less than 60 minutes to the top of the stairway and corridor/s and

- interconnect the smoke alarms located within the sole occupancy units located throughout the top-floor level and the stairway and corridor/s,
- 3) Install a smoke detection and alarm system throughout the building in accordance with specification E2.2a of the BCA,
 - 4) Provide emergency lighting system to the common stairway and corridor/s, in accordance with clause E4.2 & E4.4 of the BCA,
 - 5) Provide a portable fire extinguisher adjacent to the electrical switchboard, in accordance with clause E1.6 of the BCA,
 - 6) Provide a non-combustible enclosure (i.e. a metal cabinet) with seals to prevent the passage of smoke to electricity meters and switchboard located in corridors, exits and within stairways etc,
 - 7) Balustrades and handrails to stairway/s, balconies, decks or the like are to be designed and constructed to satisfy clause D2.16 & D2.17 of the BCA,
 - 8) The main entry/exit door is to be provided with a 'hold-open' device, or swing in the direction of egress, to facilitate people seeking egress from the building in the event of an emergency,
 - 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*.
- b) All new building works (including the proposed alterations/additions) must satisfy the relevant performance or deemed-to-satisfy provisions of the Building Code of Australia.
 - c) All of the fire safety upgrading works and new building work must be detailed in the Construction Certificate for the development.
48. The fire safety upgrading works must be carried out prior to issuing of an Occupation Certificate for the development and written confirmation must be provided to Council which confirms that all of the upgrading works have been carried out in accordance with the conditions of consent.

Advisory Conditions

- A1. The applicant is to advise Council in writing and/or photographs of any signs of existing damage to the Council roadway, footway, or verge prior to the commencement of any building/demolition works.

**MOTION: (Andrews/Belleli) CARRIED UNANIMOUSLY - SEE RESOLUTION.
D5/09 Development Application Report - 15 Moira Crescent, Coogee
(DA/582/2008)**

PL7/09

RESOLUTION: (Andrews/Belleli)

That Council as the consent authority, grant development consent under Section 80 and 80A of the Environmental Planning and Assessment Act 1979 (as amended) to Development Application No.DA/582/2008 for permission to undertake alterations & additions to an existing residential flat building to convert the existing 2 units into a total of 5 units and provide 5 parking spaces at 15 Moira Crescent, Coogee subject to

the following conditions:

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

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

Title	Dwg. No	Revision Date	Received by Council
Lower ground floor plan	RC280401 – DA200/B	24/10/2008	27 Oct 2008
Ground floor plan	RC280401 – DA201/B	24/10/2008	27 Oct 2008
First floor plan	RC280401 – DA202/B	24/10/2008	27 Oct 2008
Roof & site plan	RC280401 – DA203/B	24/10/2008	27 Oct 2008
Elevations	RC280401 – DA300/B	24/10/2008	27 Oct 2008
Elevations	RC280401 – DA301/B	24/10/2008	27 Oct 2008
Sections	RC280401 – DA302/B	24/10/2008	27 Oct 2008
Sections	RC280401 – DA303/B	24/10/2008	27 Oct 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. Repointing of mortar joints of the original face and common brickwork is to be carried out in conjunction with the proposed development. A tradesperson suitably qualified and experienced in such work shall be engaged to oversee the carrying out of repairs.
3. The blocking up of existing windows in the south east side elevation is to be carefully carried out in order to match existing brickwork as closely as possible in terms of brickwork and mortar colour.
4. The layout of the ground and first floors of the existing building are to incorporate beams projecting below ceiling level, as evidence of the original layout of the building and facilitate retention of existing ceilings.
5. The colours, materials and finishes of the external surfaces to the building are to be compatible with the existing building and surrounding buildings in the heritage conservation area. 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.
6. 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 are to remain unpainted.

7. The south-west facing kitchen windows shall be fitted with translucent glass or have their sill heights raised to a minimum of 1.6m above FFL. Details of compliance are to be included in the documentation lodged with the construction Certificate application.
8. Street numbering must be provided to the premises in a prominent position, to the satisfaction of Council.

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

9. Power supply and telecommunications cabling to the development shall be underground.
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. The finished ground levels external to the building are to be consistent with the development consent and are not to be raised (other than for the provision of paving or the like on the ground) without the written consent of Council.
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 Clause 154B of the Environmental Planning & Assessment Regulation 2000, a Certifying Authority must not issue a final Occupation Certificate for this development, unless it is satisfied that each of the required BASIX commitments have been fulfilled.

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

The following condition/s are applied to meet additional demands for public facilities;

16. 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	\$987,250	1.0%	\$9,872

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.

17. Details of critical stage inspections carried out by the principal certifying authority, together with any other certification relied upon, must be provided to Council or the accredited certifier prior to the issuing of a subdivision certificate.

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:

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

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

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

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

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

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

- i) appoint a *Principal Certifying Authority* for the building work, and
- ii) appoint a *principal contractor* for the building work 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.

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

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

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

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

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

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

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

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

satisfied.

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

26. 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.

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

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

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

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

If suitable, the plans will be appropriately stamped. For Quick Check agent details please refer to Sydney Water's web site at www.sydneywater.com.au 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**.

Structural adequacy

29. A Certificate prepared by a *professional engineer* shall be submitted to the certifying authority (*and the Council, if the Council is not the certifying authority*) **prior to issuing an occupation certificate** which certifies that the structural adequacy of the building, including external balconies and balustrading to the external balconies.

Construction site management

30. 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
- Randwick City Council Asbestos Policy (adopted 13 September 2005)
- WorkCover NSW Codes of Practice and Guidelines
- The Protection of the Environment Operations Act 1997 and Protection of the Environment Operations (Waste) Regulation 1996.

31. 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) Compliance with 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.

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

satisfied.

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

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

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

33. 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).

34. 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.

35. 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.

36. A dilapidation report prepared by a professional engineer, building surveyor or other suitably qualified independent 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:

- excavations for new buildings, additions to existing buildings which are proposed to be located within the *zone of influence* of the footings of a building located upon an adjoining premises,
- excavations for new buildings, additions to existing buildings which are within rock and may result in vibration and or potential damage to any building located upon an adjoining premises,
- as otherwise required by the Principal Certifying Authority.

The report (including photographs) is required to detail the current condition and status of the relevant building/s located upon the adjoining premises, which may be affected by the subject works. A copy of the dilapidation report is to be given to the owners of the premises encompassed in the report/s before commencing any works.

37. 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 access to demolition/building works, materials and equipment on the site is to be restricted and a temporary safety fence is to be provided to protect the public, located to the perimeter of the site (unless the site is separated from the adjoining land by an existing structurally adequate fence, having a minimum height of 1.5 metres). Temporary fences are to have a minimum height of 1.8 metres and be constructed of cyclone wire fencing, with geotextile fabric attached to the inside of the fence to provide dust control, or other material approved by Council.
- g) Temporary fences or hoardings or the like are to be structurally adequate, safe and be constructed in a professional manner and the use of poor quality materials or steel reinforcement mesh as fencing is not permissible.
- h) The public safety provisions and temporary fences or hoardings must be in place prior to the commencement of any demolition, excavation or building works and be maintained throughout construction.
- i) If it is proposed to locate any hoardings, site fencing or amenities upon any part of the footpath, nature strip or any public place, the written consent from Council's Building Services section must be obtained beforehand and detailed plans are to be submitted to Council for consideration, together with payment of the weekly charge in accordance with Council's adopted fees and charges.
- j) Stockpiles of soil, sand, aggregate or other materials must not be located on any footpath, roadway, nature strip, drainage line or any public place and the stockpiles must be protected with adequate sediment control measures.
- k) Building operations such as brick cutting, washing tools or equipment and mixing mortar are not permitted on public footpaths, roadways, nature strips, in any public place or any location which may lead to the discharge of materials into the stormwater drainage system.
- l) A local approval application must be submitted to and be approved by Council's Building Services section prior to commencing any of the following activities upon any part of the footpath, road, nature strip or in any public place: -
 - Install or erect any site fencing, hoardings or site structures
 - Operate a crane or hoist goods or materials over a footpath or road
 - Placement of a waste skip or any other container or article.

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) Provide a -/60/30 fire door set, with a self-closing device, to the front entry of each sole-occupancy unit, opening to the internal stairway, in accordance with clause C3.11 of the Building Code of Australia (BCA),
 - 2) The ceilings throughout the top-floor level of the building (including stairway and corridor/s) are to be provided with material having a resistance to the incipient spread of fire to the roof space above, of not less than 60 minutes, or alternatively, provide a ceiling having a resistance to the incipient spread of fire to the space below of not less than 60 minutes to the top of the stairway and corridor/s and interconnect the smoke alarms located within the sole occupancy units located throughout the top-floor level and the stairway and corridor/s, or, each sole-occupancy unit and the common stairway/corridor located in the top-most storey must be separated from each other with material having a -/60/60 fire resistance level (FRL)
 - 3) Install a smoke detection and alarm system throughout the building in accordance with specification E2.2a of the BCA,
 - 4) Provide emergency lighting system to the common stairway and corridor/s, in accordance with clause E4.2 & E4.4 of the BCA,
 - 5) Provide an exit sign to the main entrance doorway , in accordance with clause E4.7 of the BCA,
 - 6) Provide a portable fire extinguisher within the building adjacent to any electrical switchboard, in accordance with clause E1.6 of the BCA,
 - 7) Remove any timber enclosure located below the common stairway so that it is fully open at all times. Alternatively, the enclosure must be provided with material having a -/60/60 fire resistance level (FRL) and a -/60/30 fire-door set with a self-closing device,
 - 8) Provide a non-combustible enclosure (i.e. a metal cabinet) with seals to prevent the passage of smoke to electricity meters and switchboard located in corridors, exits and within stairways etc,
 - 9) Balustrades and handrails to stairway/s, balconies, decks or the like are to be designed and constructed to satisfy clause D2.16 & D2.17 of the BCA,
 - 10) The floors/ceilings separating the residential units throughout the building shall be upgraded to achieve reasonable levels of fire separation and sound transmission, having regard to the relevant provisions of the Building Code of Australia and details are to be submitted to and approved by Council prior to commencement of the works,

- 11) The main entry/exit door is to be provided with a 'hold-open' device, or swing in the direction of egress, to facilitate people seeking egress from the building in the event of an emergency,
 - 12) 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*.
 - a) All new building works (including the proposed alterations/additions) must satisfy the relevant performance or deemed-to-satisfy provisions of the Building Code of Australia.
 - b) All of the fire safety upgrading works and new building work must be detailed in the Construction Certificate for the development.
39. The fire safety upgrading works must be carried out **prior to issuing of an Occupation Certificate** for the development and written confirmation must be provided to Council (from the Principal Certifying Authority) which confirms that all of the upgrading works have been carried out in accordance with the conditions of consent.
40. 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 EPA/DECC Noise Control Manual & Industrial Noise Policy, Council's conditions of consent (including any relevant adopted acoustic report and s), to the satisfaction of Council.

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

41. The following damage/civil works security deposit requirement is to be complied with prior to a construction certificate being issued for the development, as security for making good any damage caused to the roadway, footway, verge or any public place; or as security for completing any public work; and for remedying any defect on such public works, in accordance with section 80A(6) of the Environmental Planning and Assessment Act 1979:
- a) \$2000.00 - Damage / Civil Works Security Deposit
 - The damage/civil works security deposit may be provided by way of a cash or cheque with the Council and is refundable upon:
 - A satisfactory inspection by Council that no damage has occurred to the Council assets such as roadway, kerb, guttering, drainage pits footway, or verge; and
 - Completion of the civil works as conditioned in this development consent by Council.

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

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

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

42. Prior to the issuing of an Occupation Certificate the applicant must meet the full cost for Council or a Council approved contractor to:
- a) Remove the existing vehicular crossing and layback and to construct a new full width concrete heavy duty vehicular crossing and layback at kerb opposite the vehicular entrance to the site.
 - b) Reconstruct the kerb and gutter for the full site frontage except opposite the vehicular entrance and exit points.
 - c) Carry out a full depth, minimum 1.0 metre wide, road construction in front of the kerb and gutter along the full site frontage.
 - d) Reconstruct the concrete footpath along the full site frontage. Any unpaved areas on the nature strip must be turfed and landscaped to Council's specification.
 - e) Regrade/lower the naturestrip in Moira Crescent, immediately adjacent to the drainage reserve/accessway, to direct any stormwater overland flow from the low point drainage pit in Moira Crescent into the drainage reserve.
43. 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.
44. 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.
45. 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.
46. 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.

47. The driveway opening at the Moira Crescent frontage must be a minimum of 3.6 metres wide and located at least 0.5 metres clear of the side property.
48. A Works Zone is to be provided in Moira Crescent 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.

Prior to the issuing of an occupation certificate those sections of the western, (rear) boundary fence and the northern boundary fence that are located adjacent to the vehicle manoeuvre areas, (as shown on drawing DA 200 Issue B) must be suitably strengthened / reinforced so as to minimise the possibility of driver error leading to vehicles going into the reserve or properties fronting Ritchard Avenue, (i.e. 50 and 52-54 Ritchard Avenue). As a minimum the subject reinforced fencing shall extend along the rear boundary from carspaces 01/02 to the reserve; and along the northern boundary from the rear boundary to a suitable point past carspace 04. The reinforced fencing shall be designed by a suitably qualified engineer who shall, at the completion of works, certify that the fencing has been installed in accordance with the design specification.

The applicant must liaise with Council's Development Engineer Coordinator to obtain Council's requirements for the reinforced fencing prior to lodgement of a Construction Certificate for this development. Details of the proposed strengthened / reinforced fencing must be submitted to the Certifying Authority for approval, and be approved, prior to the issuing of a Construction Certificate.

49. 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.

50. The proposed carspaces shall be allocated such that each unit has one carspace. Prior to the issuing of a construction certificate the applicant shall submit to the Certifying Authority for approval, and have approved, a detailed parking management plan covering the allocation and use of the proposed carstacker units. The parking management plan shall include the following as a minimum:

- Details of the parking allocation;
- Manufacturer specifications and instructions for operation of the carstackers;
- Details of manual operation of the carstackers in the event of power/mechanical failure;
- Maintenance schedules for the carstackers;
- Waiting and working times for the car stacker and
- Safety and training requirements for the use of the carstackers.

The approved parking management plan must be forwarded to Council, (should

Council not be the Certifying Authority), prior to the commencement of any site construction works.

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

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

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

52. 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.
53. The above alignment levels and the site inspection by Council's Development Engineer has been issued at a prescribed fee of \$400 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:

54. 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.
55. 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.
56. Mailboxes are to be provided in accordance with Australia Post requirements. Details of compliance are to be shown on the drawings lodged with the construction certificate application.
57. Electrical reticulation is to be underground from the street and in accordance with Energy Australia requirements. Details of compliance are to be shown on the drawings lodged with the construction certificate application.
58. Reticulated gas (if available in the street) is to be supplied to a meter for each unit with service points for heating and cooking in each unit. Details of compliance are to be shown on the drawings lodged with the construction certificate application.
59. 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.
60. 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.

61. 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.
62. 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:

63. **Stormwater drainage plans have not been approved as part of this development consent.** Engineering calculations and plans with levels reduced to Australian Height Datum in relation to site drainage shall be submitted to and approved by the certifying authority prior to a construction certificate being issued for the development. A copy of the engineering calculations and plans are to be forwarded to Council, prior to a construction certificate being issued, if the Council is not the certifying authority. The drawings and details shall include the following information:
 - a) A detailed drainage design supported by a catchment area plan, at a scale of 1:100 or as considered acceptable to the Council or an accredited certifier, and drainage calculations prepared in accordance with the Institution of Engineers publication, Australian Rainfall and Run-off, 1987 edition.
 - b) A layout of the proposed drainage system including pipe sizes, type, grade, length, and 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.
64. 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.
65. The proposed balcony for Unit 01, (lower ground floor), must be suitably designed to minimize the potential for any stormwater overland flow passing down the driveway to enter the unit. Details of how it is intended to restrict possible stormwater flow into Unit 01 shall be submitted for approval with the Construction Certificate Application.
66. All site stormwater must be discharged (by gravity) to the stormwater drainage pipeline located within the drainage reserve / accessway located to the north of the development site, (i.e. the pipeline located between 11 and 15 Moira Crescent). The applicant must liaise with Council's Development Engineer Coordinator to obtain Council's requirements for connection of the internal drainage system to this pipeline prior to the issuing of a Construction Certificate. The Construction Certificate plans must demonstrate compliance with Council's requirements.
67. Onsite stormwater detention must be provided for the redeveloped portion of the site to ensure that the maximum discharge from the redeveloped portion of the site is not to exceed that which would occur during a 1 in 10 year storm of 1 hour duration for the existing site conditions. All other stormwater run-off from the above site for all storms up to the 1 in 20 year storm is to be retained on the site for gradual release to the kerb and gutter or drainage system as required by Council. Provision is to be made for satisfactory overland flow should a storm in excess of the above parameters occur.

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

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

Where possible the detention tank must have an open base to infiltrate stormwater to the groundwater. Note that the ground water and any rock

stratum has to be a minimum of 2.0 metres below the base of the tank.

68. 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.
69. The detention area/infiltration system must be regularly cleaned and maintained to ensure it functions as required by the design.
70. Any onsite detention/infiltration systems shall be located in areas accessible by residents of all units.
71. The maximum depth of ponding in above ground detention areas (and/or infiltration systems with above ground storage) shall be as follows:
 - a) 150mm in uncovered carparking areas (with an isolated maximum depth of 200mm permissible at the low point pit within the detention area)
 - b) 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)
 - c) 600mm in landscaped areas where the side slopes of the detention area have a maximum grade of 1 in 10.
 - d) 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

72. 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.
73. 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).
74. A childproof and corrosion resistant fastening system shall be installed on access grates over pits/trenches where water is permitted to be temporarily stored.
75. A 'V' drain is to be constructed along the perimeter of the property, where required, to direct all stormwater to the detention/infiltration area.
76. A reflux valve shall be provided (within the site) over any pipelines discharging from the site to ensure that stormwater from Council drainage system does not surcharge back into the site stormwater system.
77. Should a pump system be required to drain any portion of the site the system must be designed with a minimum of two pumps being installed, connected in parallel (with each pump capable of discharging at the permissible discharge

rate) and connected to a control board so that each pump will operate alternatively. The pump wet well shall be sized for the 1 in 100 year, 2 hour storm assuming both pumps are not working.

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

78. A sediment/silt arrester pit must be provided within the site at or near the street boundary prior to the site stormwater discharging by gravity to the street drainage system.

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

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

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

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

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

Notes:

- a. The "restriction on the use of land" and "positive covenant" are to be to the satisfaction of Council. A copy of Council's standard wording/layout for the restriction and positive covenant may be obtained from Council's Development Engineer.
- b. The works as executed drainage plan and hydraulic certification must be submitted to Council prior to the "restriction on the use of land" and "positive covenant" being executed by Council.

80. Prior to the issuing of an occupation certificate, the applicant shall submit to Council, a works-as-executed drainage plan prepared by a registered surveyor and approved by a suitably qualified and experienced Hydraulic Engineer. The works-as-executed drainage plan shall be to the satisfaction of the Principal Certifying Authority (PCA) and shall include the following details:
- a) The location of the detention basin with finished surface levels;
 - b) Finished site contours at 0.2 metre intervals;
 - c) Volume of storage available in the detention areas;
 - d) The location, diameter, gradient and material (i.e. PVC, RC etc) of all stormwater pipes;
 - e) The orifice size(s) (if applicable);
 - f) Details of any infiltration/absorption systems; and
 - g) Details of any pumping systems installed (including wet well volumes).
81. 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.

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

82. The garbage room areas will have to be designed so as to be able to contain a total of 6 x 240 litre bins (3 garbage bins & 3 recycle bins) whilst providing satisfactory access to these bins. Details showing compliance with this requirement are to be shown on the plans submitted to the certifying authority for the construction certificate.
83. 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.
84. The waste storage areas shall be clearly signposted.
85. Prior to the issuing of a construction certificate for the proposed development the applicant is to submit to Council and have approved by Council's Manager of Waste Services, a Waste Management Plan detailing waste and recycling storage and disposal for the development site.

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

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

86. 54) A landscape plan for the whole of the site shall be submitted to, and be approved by, the PCA, **prior to the issue of a construction certificate** (with a copy of the approved plan to be forwarded to Council if not the PCA, prior to the commencement of works). The plan shall be prepared by a professional in the Landscape/Horticulture industry (must be a registered member of either AILD or AILA), and will include:
- a. A site plan at an appropriate scale showing existing site boundaries, existing street trees and trees within the property (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, 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, which are to be shown at their mature size. An appropriate mix of trees, shrubs, accent/feature plants and ground covers shall be provided within all garden beds, with plant spacings to be indicated where appropriate.
 - c. A planting schedule listing all plants by botanic & common names, plant quantities, pot/bag sizes, estimated size of the plant at maturity (height & spread) and proposed staking methods when applicable.
 - d. 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.
 - e. In order to maintain reasonable levels of environmental amenity for both occupants of the subject site and neighbouring residents, suitable acoustic and visual screening of the car stackers proposed in the southwest corner of the site shall be provided through a combination of timber batten screens and evergreen hedging plants, or a similar alternative solution.
 - f. A minimum of 2 x 100 litre (pot/bag size at the time of planting) broad canopied trees (not palms) within the site, comprising one each in both the front and rear portions of the site, with the species selected to be those which will attain a minimum height of between 4-7 metres at maturity.
 - g. In order to reduce the amount of storm-water generated by the site, as well as to recharge groundwater supplies, porous/permeable paving shall be used in all hard surfacing not over slab.
 - 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. Any substation required shall be screened from view, with the proposed location, elevation and screening method to be clearly shown.
87. 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.
88. In order to prevent overhang or encroachment into the landscaped areas, concrete wheel-stops shall be located to all car-spaces. Such wheel-stops shall be positioned in accordance with the Australian Standard of Parking Facilities – off-street car parking, AS2890.1-1993 and shall be shown on the detailed landscape drawings and specifications. Such works shall be installed prior to the issue of a final Occupation Certificate.

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

Street Tree Management

90. The applicant must remove and dispose of (at their own cost) the existing small *Ficus benjamina* (Weeping Fig) within Council's Moira Crescent nature strip, to the south of the existing vehicle crossing, as it is as an aggressive and invasive tree species which will cause costly structural damage to both private and public infrastructure if left to attain its large dimensions upon maturity.
91. The applicant will also submit a payment of \$107.25 (including GST) to Council, being the cost for Council to supply and install 1 x 25 litre street tree, *Callistemon viminalis* (Weeping Bottlebrush) in a similar location to the existing specimen at the completion of all works.

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

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

Tree Management

92. Permission is granted for the selective pruning of those parts of the northern aspect of the *Cupressus sempervirens* (Italian Cypress), which is growing in the rear yard of the adjoining property to the south, 17 Moira Crescent, which overhangs the common boundary and needs to be cleared away from the subject building/proposed works.
93. This approval does not imply any right of entry onto a neighbouring property nor does it allow pruning beyond a common boundary; however, where such measures are desirable in the best interests of correct pruning procedures, and ultimately, the ongoing health of this tree, the applicant must negotiate with the neighbour/tree owner for access to perform this work.
94. 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 Removals

95. The following trees must be removed as part of this application, with this approval subject to full implementation of the approved landscape plan, prior to the issue of a final occupation certificate:
- a) The two shrubs/small trees within the front yard, against the front (eastern) boundary, comprising one *Celtis australis* (Nettle Tree) in the southeast corner of the site, and immediately to its north, one *Ligustrum lucidum* (Large Leafed Privet), as both are recognised as environmental weeds due to the ability of their berries to be spread by birds and invade

- areas of native bushland;
- b) The one small *Plumeria acutifolia* (Frangipani) in the front yard (should the applicant wish), as it is exempt from the provisions of Council's Tree Preservation Order (TPO) due to its small size and close proximity to the southeast corner of the existing dwelling;
 - c) The *Allocasurina glauca* (Swamp She Oak), at the western end of the existing internal driveway, to the south of the existing single car garage, as Council's Heritage requirements detail that any additional car-spaces and associated vehicle turning areas by located in this area of the site;
 - d) The *Melaleuca quinquinervia* (Broad Leafed Paperbark) immediately to the southeast of the tree described in point 'c' above, due to its small size;
 - e) The large *Allocasurina glauca* (Swamp She Oak) in the rear yard, along the southern boundary, in order to both improve the useability of this area of private open space, but also due to its large size and close proximity to the southwest corner of the existing building, its resulting ability to completely shade the whole area of private open space, with its excessive 'needle' fall preventing the establishment of any lawn or usable outdoor space.

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, including:

- a) Part B1 - Structural provisions
- b) Part C1 - Fire resistance and stability
- c) Part C3 - Protection of openings
- d) Clause C3.2&C3.4 - Protection of openings in external walls
- e) Part D1 - Provisions for escape
- f) Clause D1.3 - When fire-isolated exits are required
- g) Part D2 - Construction of exits
- h) Clause D2.4 - Separation of rising and descending stair flights
- i) Part E1 - Fire fighting equipment
- j) Part E2 - Smoke Hazard Management
- k) Part E3 - Lift Installations
- l) Part E4 - Emergency lighting, exit signs & warning systems
- m) Part F1 - Damp and weatherproofing
- n) Part F4 - Light and ventilation
- o) Part F5 - Sound Transmission and Insulation
- p) 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.

- A2. The applicant/owner is advised that this approval does not guarantee compliance with the provisions of the Disability Discrimination Act 1992 and the applicant should therefore consider their liability under the Act. In this regard, the applicant is advised that compliance with the requirements of the Building

Code of Australia and Australian Standard 1428.1 - Design for Access and Mobility does not necessarily satisfy the objectives of the Disability Discrimination Act 1992.

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

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

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

**D6/09 Development Application Report - 23 Division Street Coogee
(DA/804/2006)**

PL8/09

RESOLUTION: (Andrews/White)

That Council as the consent authority, grant its consent under Section 96 of the Environmental Planning and Assessment Act 1979 as amended to modify Development Consent No DA/804/2006/D for permission to approve the discrepancy on the plans relating to an increase in height of parapet wall to rear of bedroom, accurately depict the property boundary wall, add two skylights, addition of high level obscured glazing window on western elevation and deletion of a window in WC at 23 Division Street, Coogee in the following manner: -

Amend Condition No. 1 to read:

The development must be implemented substantially in accordance with the plans numbered DA00, 01, 02, 03 & 04, dated September 2006 and landscape plan LPDA01 dated September 2006 and received by Council on the 27th September 2006, the application form and on any supporting information received with the application, as amended by the *Section 96 "A" plans numbered S96 01 to S96 03, dated June 2007, plans numbered S96 04, dated June 2006 and all received by Council on 27 June 2007, as amended by the Section "B" plans numbered S9601 to S9604 dated 10.3.08, landscape plans numbered 2007.140DA1_A, dated February 2008, all received on the 10th March 2008, as further amended by the Section 96 "D" plans numbered S96 01 to S96 04, dated 3/11/08 all received by Council on the 5th November 2008 **only in so far as they relate to the modifications highlighted on the Section 96 "D" plans and detailed in the Section 96 "D" application**, except as may be amended by the following conditions and as may be shown in red on the attached plans: "*

MOTION: (Andrews/White) CARRIED UNANIMOUSLY – SEE RESOLUTION.

**D7/09 Development Application Report - 6-28 Harvey Street, Little Bay
(DA/571/2008)**

PL9/09

RESOLUTION: (Andrews/Belleli)

- A. 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/571/2008 for construction of 46 two storey town houses (4 with lofts and 4 with roof terraces) with basement parking, strata subdivision, associated site and landscaping works at 6-28 Harvey Street, Little Bay, subject to the following conditions: -
1. The development must be implemented substantially in accordance with the plans

numbered DA 1 02 Rev. B, DA 2 001 Rev. H, DA 2 00 Rev. J, DA 2 01 Rev. F, DA 2 02 Rev. H, DA 2 100 Rev. B, DA 2 101 Rev. B, DA 2 102 Rev. A, DA 2 103 Rev. A, DA 2 104 Rev. B, DA 2 105 Rev. B, DA 2 106 Rev. B, DA 2 107 Rev. B, DA 2 108 Rev. B, DA 2 109 Rev. B, DA 2 110 Rev. B, DA 2 111 Rev. A, DA 2 112 Rev. A, DA 2 113 Rev. A, DA 2 114 Rev. A, DA 2 115 Rev. A, DA 2 116 Rev. A, DA 2 117 Rev. A, DA 2 118 Rev. A, DA 5 001 Rev. C, DA 5 002 Rev. C, DA 5 003 Rev. C, and DA 5 004 Rev. C, and stamped received by Council on 12 August 2008, BASIX Assessment with BASIX Certificate No. 198894M, 8 August 2008, and received by Council on 12 August 2008, the Draft Strata Plan Sheets 1 to 6 issued 5 August 2008 and prepared by Denny Linker & Co., 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 external colours, materials and finishes of the proposed development and the landscaping shall be in accordance with the details submitted to Council on 12 August 2008.
3. Details of bicycle storage in the basement indicating compliance with the Development Control Plan – Parking shall be submitted to and approved by Council's Director of City Planning, in accordance with section 80A (2) of the Environmental Planning and Assessment Act 1979 prior to a construction certificate being issued for the development.
4. Details of all fencing on site including all entrances and associated structures indicating compliance with Part 4.16 Fences of the Development Control Plan for Prince Henry Site shall be submitted to and approved by Council's Director of City Planning, in accordance with section 80A (2) of the Environmental Planning and Assessment Act 1979 prior to a construction certificate being issued for the development.
5. Details of the following amendments 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:
 - The addition of ventilating clerestory skylights to bring light and winter sun to the centre of all the plans and down the stairwell.
 - Use of translucent glass balustrades to provide more privacy for building occupants.
 - More weather protection over south facing entry doors.
 - More sunshading and weather protection to glazed areas. The trees indicated on the west elevation/section cannot be relied upon for shading from afternoon summer sun.
 - Window operation – the openings need to be designed to optimize ventilation opportunities for day and night without compromising security.
 - Ceiling fans in all bedrooms
6. Street numbering must be provided to the premises in a prominent position, to the satisfaction of Council.
7. 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.

8. 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.
9. Details of public access to the visitor's carparking spaces is to be maintained at all times if applicable and, any intercom system to be provided adjacent to the vehicular entrance to the carpark, together with appropriate signage providing instructions for use. This approval does not include the installation of any roller doors or gates or the like to the carpark, without the prior development consent of Council.
10. In accordance with the provisions of clauses 143A and 154A of the Environmental Planning & Assessment Regulation 2000, a 'Design Verification Certificate' must be provided to the Certifying Authority and the Council, prior to issuing a construction certificate and an occupation certificate, respectively.
11. There must be no encroachment of the structure/s onto Council's road reserve, footway or public place, unless written permission has been obtained from the Council beforehand.
12. 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.
13. 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.

14. A formal subdivision application is required to be submitted to and approved by the Council prior to the release of the subdivision plans.
15. A copy of the Environmental Education Toolkit is to be provided for all future residents of the development.

The following conditions are applied to ensure the protection of heritage and archaeological significance of the site:

Aboriginal and Historical Archaeology

16. Prior to the commencement of any works on the site, site contractors should be made aware of the possibility that historical archaeological and Aboriginal remains may survive on and around the site.
17. Site contractors should be made aware of their obligations under the National Parks and Wildlife Act 1974 and the Heritage Act 1977 in the event that any Aboriginal or

historical archaeological remains are disturbed or exposed during site works, and of the notification procedures for such material.

18. Should Aboriginal deposits or objects (such as shell deposits, flaked stone artefacts or engravings, etc) be found, exposed or disturbed, site work is to cease temporarily within the vicinity of these objects while advice is sought from archaeologists, the La Perouse Aboriginal Land Council and the DHBC.

The following conditions are applied to incorporate NSW Police Crime Preventions:

19. The development must be implemented substantially in accordance with the s as detailed in the NSW Police Force letter received by Council on 18 September 2008.

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

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

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

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

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

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

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

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

21. 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 a full width concrete heavy duty vehicular crossing and layback at kerb in Brodie Avenue opposite the vehicular entry exit point for the basement carpark.
 - b) Construct a full width concrete heavy duty vehicular crossing and layback at kerb in Brodie Avenue opposite the vehicular entry point for the west bound internal road, (i.e. opposite the southern most of the east-west private roads).
 - c) Construct a full width concrete heavy duty vehicular crossing and layback at kerb in Brodie Avenue opposite the vehicular exit point for the east bound internal road (i.e. opposite the northern most of the east-west private roads).

- d) 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.
22. 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.
23. Prior to the issuing of a Construction Certificate for the development site the applicant shall submit to Certifying Authority for approval, and have approved, engineering details, specifications, plans and quality plans for all filling/excavation works, drainage construction works, roadworks, kerb and gutter construction, footpath construction, construction of earth retaining structures, landscaping works and site regrading, (including detailed levels, contours and cross sections that make reference to both existing and proposed surface levels). The engineering details and specifications shall include level and survey information, materials to be used, construction techniques and testing procedures and shall be prepared in consultation with Council and to the satisfaction of the Certifying Authority. The engineering details and specifications must be prepared by suitably qualified engineering consultants who must certify that the details and specifications meet best engineering practice and relevant standards. The applicant must liaise with Council's Development Engineer Coordinator prior to preparation of the subject details/specification.
24. The drainage construction specification and details referred to in the previous condition shall include the following:
- Supply, laying and backfilling of the stormwater pipelines.
 - Construction of stormwater pits and other associated structures.
25. The minimum design serviceable life for all road pavements shall be 40 years and designed in accordance with AUSTRROADS PAVEMENT DESIGN GUIDE. All other infrastructure i.e. kerb and gutter, footpaths, retaining walls, pipe drainage etc shall have a minimum design serviceable life of 80 years. The specification and engineering details prepared for the Construction Certificate must demonstrate compliance with this requirement.
26. All kerb ramps must be designed and constructed to RTA Technical Direction TDT 2002/08.
27. The internal roadways, car parking areas, aisle widths, service / delivery areas and circulation paths must be designed in strict accordance with AS 2890.1-2004 and AS 2890.2-2002 movements. The Construction Certificate plans must demonstrate compliance with this requirement.
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.

Note: this condition is only applicable if Brodie Avenue and / or Harvey Street have been dedicated to Council as public road.

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 Brodie Avenue frontage must be a minimum of 6 metres wide and located at least 1.5 metres clear of the side property.
32. The internal driveway must be a minimum 5.50m wide (clear width) for the first 6 metres inside the property so as to allow entering & exiting vehicles to pass within the site. Should the driveway narrow after this point it is then to be designed with a minimum 1.5m x 1.5m splay to allow the passing to work.
33. A minimum 3.0 metre x 3.0 metre splay corner shall be provided at the intersection of Brodie Avenue and Harvey Street. There shall be no walls or planting higher than 600mm located within the splay corner.
34. Conditional upon Brodie Avenue and / or Harvey Street having been dedicated to Council as public road a Works Zone is to be provided in either Brodie Avenue or Harvey 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 property boundary for driveways, access ramps and pathways or the like, must

match the back of the existing footpath along the full site frontage.

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

37. 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.
38. The above alignment levels and the site inspection by Council's Development Engineer has been issued at a prescribed fee of \$ 6,066.00 calculated at \$44.00 (inclusive of GST) per metre of site frontage to Brodie Avenue. 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:

39. 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.
40. 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.
41. 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.
42. Conditional upon Brodie Avenue and / or Harvey Street having been dedicated to Council as public road, 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.

43. 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.
44. 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 release of the plan of strata subdivision.

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

45. Stormwater drainage plans have not been approved as part of this development consent. Engineering calculations and plans with levels reduced to Australian Height Datum in relation to site drainage shall be submitted to and approved by the certifying authority prior to a construction certificate being issued for the development. A copy of the engineering calculations and plans are to be forwarded to Council, prior to a construction certificate being issued, if the Council is not the certifying authority. The drawings and details shall include the following information:
- a) A detailed drainage design supported by a catchment area plan, at a scale of 1:100 or as considered acceptable to the Council or an accredited certifier, and drainage calculations prepared in accordance with the Institution of Engineers publication, Australian Rainfall and Run-off, 1987 edition.
 - b) A layout of the proposed drainage system including pipe sizes, type, grade, length, invert levels, etc., dimensions and types of all drainage pipes and the connection into Council's stormwater system.
 - c) Generally all internal pipelines must be capable of discharging a 1 in 20 year storm flow. However the minimum pipe size for pipes that accept stormwater from a surface inlet pit must be 150mm diameter. The site must be graded to direct any surplus run-off (i.e. above the 1 in 20 year storm) to the proposed drainage system.
 - d) The separate catchment areas within the site, draining to each collection point or surface pit are to be classified into the following categories:
 - i. Roof areas
 - ii. Paved areas
 - iii. Grassed areas
 - iv. Garden areas
 - e) Where buildings abut higher buildings and their roofs are "flushed in" to the higher wall, the area contributing must be taken as: the projected roof area of the lower building, plus one half of the area of the vertical wall abutting, for the purpose of determining the discharge from the lower roof.
 - f) Proposed finished surface levels and grades of car parks, internal driveways and access aisles which are to be related to Council's design alignment levels.
 - g) The details of any special features that will affect the drainage design eg. the nature of the soil in the site and/or the presence of rock etc.
46. All stormwater run-off naturally draining to Lot 51 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.
47. Stormwater runoff from the site shall be managed in accordance with the Prince Henry drainage strategy prepared by Connell Wagner. This shall involve stormwater

runoff from Lot 51 being discharged by gravity to the drainage system in Brodie Avenue.

Notes:

- a. All new kerb inlet pits shall be constructed in general accordance with Council's standard drawing SD7a.
 - b. With the exception of the site discharge pipes, all new pipelines constructed within council's road reserve shall be minimum 375 mm diameter, spigot and socket rubber ringed jointed, steel reinforced concrete pipeline (RRRCP). Prior to backfilling, all pipelines in council's road reserve shall be inspected and approved by the Hydraulic Engineer certifying the works and Council.
48. A childproof and corrosion resistant fastening system shall be installed on access grates over pits/trenches where water is permitted to be temporarily stored.
49. A 'V' drain is to be constructed along the perimeter of the property, where required, to direct all stormwater to the detention/infiltration area.
50. A reflux valve shall be provided (within the site) over any pipelines discharging from the site into Council's underground drainage system to ensure that stormwater from Council's drainage system does not surcharge back into the site stormwater system.
51. 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.
52. Prior to lodgement of a Construction Certificate the applicant must accurately locate the existing pipeline located within the drainage easement that runs along the northern site boundary and part of the western site boundary. This pipeline must be fully protected during construction works and the construction certificate application must fully document the proposed method for protecting the pipeline. As a minimum, there must be no construction equipment operating within the easement / driving over the pipeline. Any footing/s to be constructed in the vicinity of the easement must be located clear of the easement and must extend below the zone of influence of the subject pipeline.
53. There must be no works undertaken within the existing drainage easement, (located along the northern site boundary and part of the western site boundary), that will block, impede or redirect the overland flow of stormwater within the easement, for storm events up to and including the critical 1 in 100 year ARI event. The definition of works shall include, but not be limited to, landscape works, construction of retaining walls, regrading works and tree planting. Any proposed fencing that is located across the drainage easement must be constructed of a free and open form that will not block the overland flow of stormwater. The Construction Certificate application must demonstrate compliance with these requirements and the Certifying Authority must be satisfied that a suitable overland flowpath can be provided/maintained within the easement prior to the issuing of a Construction Certificate.
54. A sediment/silt arrester pit must be provided within each townhouse: -

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

The sediment/silt arrester pits 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. Three covered car washing bays shall be provided for this development.
- a) The car washing bays must be drained to sewer to the requirements of Sydney Water and proof of compliance is to be submitted to the certifying authority, prior to an occupation certificate being issued for the proposed development.
 - b) The car washing bays must be located outside any required/approved stormwater detention system.
 - c) The car washing bays may be located within the visitor parking spaces provided they are signposted with *‘Exclusive Carwash Bay Use Sat 2:00pm – 5:00pm and Sunday 10:00am – 2:00pm, Visitor parking at other times’*
 - d) The car washing bays must be constructed with a minimum 20mm bund around the perimeter of the car washing bay/s (or equivalent)
 - e) A water tap shall be located adjacent to the car washing bay/s.
56. Prior to the issuing of an occupation certificate, the applicant shall submit to Council, a works-as-executed drainage plan prepared by a registered surveyor and approved by a suitably qualified and experienced Hydraulic Engineer. The works-as-executed drainage plan shall be to the satisfaction of the Principal Certifying Authority (PCA) and shall include the following details:
- a) Finished site contours at 0.2 metre intervals;

- b) The location, diameter, gradient and material (i.e. PVC, RC etc) of all stormwater pipes;
 - c) Details of any infiltration/absorption systems; and
 - d) Details of any pumping systems installed (including wet well volumes).
57. 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.
58. As the above site is likely to encounter seepage water within the depth of the basement excavation the basement carpark or similar structures are to be suitably tanked and waterproofed. A Structural Engineer\Geotechnical Engineer shall certify the tanking & waterproofing has been carried out to an acceptable standard, to the satisfaction of the certifying authority. A copy of the certification is to be forwarded to Council.

Notes: -

- a) Any subsoil drainage (from planter boxes etc) is to be disposed of within the site and is not to be discharged to Council's kerb & gutter and/or underground drainage system.
- b) Adequate provision is to be made for the ground water to drain around the basement carpark (to ensure that the basement will not dam or slow the movement of the ground water through the development site).

The following conditions are applied to provide adequate provisions was management:

59. The individual waste storage areas shall each be sized to contain a total of 3 bins (1 x 120 litre garbage bin, 1 x 240 litre recycling bin & 1 x 240 litre green waste bin) whilst providing satisfactory access to these bins.
60. 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.
61. The waste storage areas shall be clearly signposted.
62. Prior to the issuing of a construction certificate for the proposed development the applicant is to submit to Council and have approved by Council's Manager of Waste Services, a Waste Management Plan detailing waste and recycling storage and disposal for the development site.

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

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

63. The applicant shall create suitable right of carriageway, easements for access, services and internal stormwater lines, as required. The applicant shall be advised that the minimum easement width for any internal stormwater line is 0.9 metres.
64. All conditions of development consent must be satisfied and all public roads and

reserves must be satisfactorily restored prior to endorsement of the strata subdivision plans.

65. The applicant shall provide Council with a survey plan of the property prior to endorsement of the subdivision plans.

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

66. Detailed landscape drawings and specifications which have been prepared in accordance with the landscaping performance criteria and controls for Precinct P3, as set out in the Prince Henry Site Development Control Plan dated 8 December 2004, shall be submitted to, and be approved by the certifying authority, prior to a construction certificate being issued. A copy of the approved plan shall be forwarded to Council if Council is not the certifier for the site.

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.

Note: All species proposed for the landscaped areas shall be selected from the list of suitable native species provided in Appendix A of the Prince Henry Site Development Control Plan, dated 8 December 2004.

- 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. Porous paving shall be used in all pathways. Details are to be provided with the construction certificate application.
 - j. Location of easements within the site and upon adjacent sites (if any).
67. 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.
68. Permission is granted for the removal of only those trees falling within the area occupied by the approved works. Removal of any remaining trees on the site are subject to separate application under the Tree Preservation Order.
69. 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 dripline/s of the subject tree/s.
70. 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.
71. Any substation required shall be screened from view. The proposed location and elevation shall be shown on all detailed landscape drawings and specifications.

The following conditions are applied to provide adequate protection for bushland:

- 72. The proposal shall not involve the removal of any native vegetation and shall not compromise the viability of the ecological community of Eastern Suburbs Banksia Scrub within the locality and region.
- 73. The proposal shall not involve the removal of any area of known habitat for the ecological community of Eastern Suburbs Banksia Scrub within the locality and region.
- 74. Any potential direct and indirect impacts shall be actively managed during the construction process, the Eastern Suburbs Banksia Scrub community will be fenced off, and any other relevant threatening processes will be managed by implementation of the Department of Environment and Conservation's Priorities Action Statement (PAS), the site specific Bushland Management Plan (BMP) and adherence to the relevant design controls of the Prince Henry DCP

75. There shall be no direct or indirect impacts on the ecological community of Eastern Suburbs Banksia Scrub from the action, and ongoing management activities to be implemented as part of the Bushland Management Plan for the Prince Henry site and shall aim to improve the condition of the ESBS remnant over time.
76. In order to protect the area of Eastern Suburbs Banksia Scrub (ESBS) in the adjoining remnant bushland to the west, the requirements of the site specific, Prince Henry Bushland Management Plan (BMP) shall be complied with at all times.
77. In order to confirm such, a qualified and experienced Bushland Regenerator, with a minimum of 2000 hours field work, shall be engaged for the duration of the works to supervise all components which have the potential to impact on the ESBS, with all site staff required to comply with the Bush Regenerators instructions.
78. Upon completion of all site works, the Bush Regenerator will be required to provide written certification confirming compliance with the conditions of consent and any site instructions relating to the protection and preservation of the ESBS during the course of the proposed works, and shall be to the satisfaction of the certifying authority, prior to the issue of a final occupation certificate.

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

79. A Site Audit Statement (SAS) and Summary Site Audit Report (SSAR) have been issued for this site. An "Unexpected Finds Protocol" forms part of these documents and shall be complied with as part of this consent. Copies of the SAS and Unexpected Finds Protocol shall be included in all leases and sales contracts.
80. The builders, site workers and the Principal Certifying Authority for this development are to be made aware of this unexpected finds protocol and its requirements prior to any works commencing.
81. Details of any unexpected finds, including the details of any investigation procedures, remedial actions and validation undertaken shall be forwarded to the Council accordingly.
82. Chemical, 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).
 - The Chemical Control Order for Scheduled Chemical Wastes 2004
83. 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'.
84. 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.

85. 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 maintain reasonable levels of amenity to the area:

86. 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.

87. 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.

88. 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 internal acoustic amenity for 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 of Health, Building & Regulatory 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:

89. 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.

90. An application for **installation** of any proposed grey water recycling system, in accordance with Section 68 of the Local Government Act 1993 and the Local Government (General) Regulation 2005 is to be submitted to and approved by Council prior to these works commencing. Details of compliance with relevant Department of Energy, Utilities and Sustainability (DEUS) and NSW Health guidelines are to be provided with the application.

91. An application for the **operation** of any proposed grey water system, in accordance with Section 68 of the Local Government Act 1993 and the Local Government (General) Regulation 2005 is to be submitted to and approved by Council in accordance with the relevant regulatory framework. Details of compliance with relevant Department of Energy, Utilities and Sustainability (DEUS) and NSW Health guidelines are to be provided with the application.

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

92. 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.

93. 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.

94. 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.

95. 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.

96. 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.

97. 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".

98. 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.

99. 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.

100. 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.

101. 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.

102. 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.

103. 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.

104. 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:

105. 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.

106. The installation of ground or rock anchors underneath any adjoining premises including a public roadway or public place must not be carried out without specific written consent of the owners of the affected adjoining premises and details of compliance must be provided to the certifying authority prior to the commencement of any excavation or building works.

107. 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:

108. 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.

109. 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).

110. 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.

111. 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.

112. 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.

113. 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.
114. 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.
115. 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.

116. 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.

117. 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.

118. 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.

The following conditions are applied to provide reasonable levels of access for people with disabilities:

119. Access and provisions for people with a disability are to be provided to the development generally in accordance with the relevant requirements of Part 5.4 of Council's Development Control Plan for Multi-Unit Housing, AS 1428.1 – Design for Access and Mobility and AS 4299 – Adaptable Housing. Details are to be included in the Construction Certificate to the satisfaction of the certifying authority.

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

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

120. 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:

- A.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.

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

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

- a) Part B1 - Structural provisions
- b) Part C1 - Fire resistance and stability
- c) Clause D1.4 - Exit travel distances
- d) Clause D1.5 - Distance between alternative exits
- e) Part E1 - Fire fighting equipment
- f) Part E2 - Smoke Hazard Management
- f) Part E4 - Emergency lighting, exit signs & warning systems
- g) Part F1 - Damp and weatherproofing
- h) Part F3 - Room sizes
- i) Part F4 - Light and ventilation
- j) Part F5 - Sound Transmission and Insulation

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.

- A.3. 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.

- A.4. The applicant is to advise Council in writing and/or photographs of any signs of existing damage to the Council roadway, footway, or verge prior to the commencement of any building/demolition works.

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

**D8/09 Development Application Report - 5 Caley Street, Chifley
(DA/860/2008)**

PL10/09

RESOLUTION: (Andrews/Belleli)

That Council, as the consent authority, grant development consent under Section 80 and 80A of the Environmental Planning and Assessment Act 1979 (as amended) to carry out ground level extension to the rear of the attached dual occupancy under construction (SEPP1 objection to Floor Space Ratio Control) at 5 and 5A Caley Street, CHIFLEY NSW 2036 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 08.170 sheets 1-4, dated November 2008, and received by Council on the 27th November 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 addition are to be compatible with the existing building and adjacent development to maintain the integrity and amenity of the building.
3. Metal roof sheeting is to be painted or colour bonded to minimise reflection and to be sympathetic and compatible with the building and surrounding environment.

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

4. 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 imposed to promote ecologically sustainable development and energy efficiency.

5. In all new and upgraded building work, external timber or metal framed and brick veneer walls and roofs are to be provided with insulation (i.e. bulk insulation and a reflective building membrane/reflective sarking/foil insulation), having a minimum total thermal resistance R-value of 3.0 in roofs and 1.5 in external walls. The insulation and reflective building membrane is to be installed in accordance with the relevant requirements of the Building Code of Australia and the manufacturer's details.

Details of compliance with the requirements for insulation are to be included in the **construction certificate** application.

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:

6. Surface water/stormwater must be drained and discharged to the street gutter or suitably designed absorption pit, to the satisfaction of the Certifying

Authority and details are to be included in the construction certificate application for the development.

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

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

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

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

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

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

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

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

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

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

11. The building works must be inspected by the *Principal Certifying Authority* (or

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

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

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

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

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

An Occupation Certificate must not be issued for the development if the development is inconsistent with the development consent. The requirements of the Environmental Planning & Assessment Act 1979 and conditions of development consent must be satisfied prior to the issuing of an occupation certificate.
14. **Prior to the issuing of an interim or final occupation certificate**, a statement is required to be obtained from the Principal Certifying Authority, which confirms that the development is not inconsistent with the development consent and the relevant conditions of development consent have been satisfied.

Details of *critical stage* inspections carried out by the principal certifying

authority together with any other certification relied upon and must also be provided to Council with the occupation certificate.

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

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

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

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

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

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

16. 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.

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

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

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

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

Provisions.

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

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

18. The demolition of buildings and the removal, storage, handling and disposal of building materials must be carried out in accordance with the following regulations:
- The requirements and Guidelines of WorkCover NSW
 - Occupational Health and Safety Act 2000
 - Australian Standard 2601 (2001) – Demolition of Structures
 - The Protection of the Environment Operations Act 1997
 - Protection of the Environment Operations (Waste) Regulation 1996

19. 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.

20. 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.

21. A Construction Site Management Plan is to be developed and implemented prior to the commencement of demolition, excavation or building works. The site management plan must include the following measures, as applicable to the type of development:
- location and construction of protective fencing / hoardings to the perimeter of the site;
 - location of site storage areas/sheds/equipment;
 - location of building materials for construction;
 - provisions for public safety;
 - dust control measures;
 - site access location and construction
 - details of methods of disposal of demolition materials;
 - protective measures for tree preservation;
 - provisions for temporary sanitary facilities;
 - location and size of waste containers/bulk bins;
 - details of proposed sediment and erosion control measures;

- construction noise and vibration management;
- construction traffic management 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.

22. 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.
23. 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.

ADVISORY MATTERS:

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

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

- A2 A local approval application must be submitted to and be approved by Council's Building Services section prior to commencing any of the following activities on a footpath, road, nature strip or in any public place: -

- Install or erect any site fencing, hoardings or site structures
- Operate a crane or hoist goods or materials over a footpath or road
- Placement of a waste skip (greater than 3m in length) or any container

or other article.

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

D9/09 Development Application Report - 54 Coogee Bay Road, Randwick (DA/90/2008)

PL11/09

RESOLUTION: (White/Andrews)

That Council as the consent authority grant development consent under Section 80 and 80A of the Environmental Planning and Assessment Act 1979 (as amended) to Development Application No.DA/90/2008 for permission to demolish the existing building & construct & strata subdivide a 4 storey multi-unit housing development containing 2x2 bedroom dwellings & 2x3 bedroom dwellings & basement car parking for 7 vehicles at 54 Coogee Bay Road, 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 following plans:

Title	Dwg. No	Revision Date	Received by Council
Basement & lower ground floor plan	0632/01F	10/10/2008	17 Oct 2008
Ground & first floor plan	0632/02F	10/10/2008	17 Oct 2008
First floor plan (actually shows 2 nd floor and roof)	0632/03F	10/10/2008	17 Oct 2008
North & east elevations	0632/04F	15/9/2008	17 Oct 2008
South & west elevations	0632/05F	15/9/2008	17 Oct 2008
Sections	0632/06F	15/9/2008	17 Oct 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. 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 numbering must be provided to the premises in a prominent position, to the satisfaction of Council.

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

development.

4. Power supply and telecommunications cabling to the development shall be underground.
5. Ceiling fans must be provided to all bedrooms. Details to be provided with the construction certificate.
6. The glazing to the bedrooms facing Coogee Bay Road must feature panels which can be opened for ventilation without opening the sliding doors. Details of compliance are to be shown on the drawings lodged with the construction certificate application.
7. 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.
8. The finished ground levels external to the building are to be consistent with the development consent and are not to be raised (other than for the provision of paving or the like on the ground) without the written consent of Council.
9. 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.
10. In accordance with the provisions of clauses 143A and 154A of the Environmental Planning & Assessment Regulation 2000, a 'Design Verification Certificate' must be provided to the Certifying Authority and the Council, **prior to issuing a construction certificate** and an **occupation certificate**, respectively.

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

11. In accordance with Section 80A (11) of the Environmental Planning and Assessment Act 1979 and Clause 97A of the Environmental Planning and Assessment Regulation 2000, it is a prescribed condition that all of the required commitments listed in the relevant BASIX Certificate for this development are fulfilled.
12. In accordance with Clause 154B of the Environmental Planning & Assessment Regulation 2000, a Certifying Authority must not issue a final Occupation Certificate for this development, unless it is satisfied that each of the required BASIX commitments have been fulfilled.

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

The following condition/s are applied to meet additional demands for public facilities;

13. 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	\$2,238,628	1.0%	\$22,386.28

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.

14. Details of critical stage inspections carried out by the principal certifying authority, together with any other certification relied upon, must be provided to Council or the accredited certifier prior to the issuing of a subdivision certificate.

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

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

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

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

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

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

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

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

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

19. The building works must be inspected by the *Principal Certifying Authority* (or

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

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

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

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

20. A sign must be erected and maintained in a prominent position on the site for the duration of the works, which contains the following details:

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

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

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

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

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

accordance with the provisions of the Home Building Act 1989.

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

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

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

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

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

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

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

25. 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.

26. 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.

27. 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:

28. 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.

29. 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.

30. 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**.

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

32. ensuring the tree's continued health and ensuring the tree's continued health and ensuring the tree's continued health and 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.**
33. A Certificate prepared by a *professional engineer* shall be submitted to the certifying authority (*and the Council, if the Council is not the certifying authority*) **prior to 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:

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

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

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

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

If an excavation associated with the erection or demolition of a building extends below the level of the base of the footings of any building located on an adjoining allotment of land, the person causing the excavation must:

- preserve and protect the building /s on the adjoining land from damage; and
- effectively support the excavation and building; and
- at least seven (7) days before excavating below the level of the base of the footings of a building on an adjoining allotment of land (including a public road or public place), give notice of the intention and particulars of the works to the owner of the adjoining land.

Notes

- This consent and condition does not authorise any trespass or

encroachment upon any adjoining or supported land or building whether private or public. Where any underpinning, shoring, soil anchoring (temporary or permanent) or the like is proposed to be carried out upon any adjoining or supported land, the principal contractor or owner-builder must obtain:

- a) the consent of the owners of such adjoining or supported land to trespass or encroach, or
- b) an access order under the Access to Neighbouring Land Act 2000, or
- c) an easement under section 88K of the Conveyancing Act 1919, or
- d) an easement under section 40 of the Land & Environment Court Act 1979, as appropriate.

- Section 177 of the Conveyancing Act 1919 creates a statutory duty of care in relation to support of land. Accordingly, a person has a duty of care not to do anything on or in relation to land being developed (the supporting land) that removes the support provided by the supporting land to any other adjoining land (the supported land).

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

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

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

37. 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.

38. 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.

39. 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.

40. 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.
41. A **Construction Site Management Plan** is to be developed and implemented **prior to the commencement** of demolition, excavation or building works. The site management plan must include the following measures, as applicable to the type of development:
- location and construction of protective fencing / hoardings to the perimeter of the site;
 - location of site storage areas/sheds/equipment;
 - location of building materials for construction;
 - provisions for public safety;
 - dust control measures;
 - site access location and construction
 - details 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.

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

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

Dust control measures and practices may include: -

- Provision of geotextile fabric to all perimeter site fencing (attached on the prevailing wind side of the site fencing).
- Covering of stockpiles of sand, soil and excavated material with adequately secured tarpaulins or plastic sheeting.

- Installation of a water sprinkling system or provision hoses or the like.
- Regular watering-down of all loose materials and stockpiles of sand, soil and excavated material.
- Minimisation/relocation of stockpiles of materials, to minimise potential for disturbance by prevailing winds.
- Revegetation of disturbed areas.

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

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

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

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

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

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

45. 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.
46. 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.

47. 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 10 m² of bonded asbestos (or as otherwise specified by WorkCover or relevant legislation). Removal of friable asbestos material must only be undertaken by contractor that holds a current friable asbestos removal licence.

- 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 adequate provisions for infrastructure and services:

48. 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.

49. Mailboxes are to be provided in accordance with Australia Post requirements.

Details of compliance are to be shown on the drawings lodged with the construction certificate application.

50. Electrical reticulation is to be underground from the street and in accordance with Energy Australia requirements. Details of compliance are to be shown on the drawings lodged with the construction certificate application.
51. Reticulated gas (if available in the street) is to be supplied to a meter for each unit with service points for heating and cooking in each unit. Details of compliance are to be shown on the drawings lodged with the construction certificate application.

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

52. 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.

53. 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.
54. 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 provide adequate security against damage to Council's infrastructure:

1.

55. 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:

\$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:

56. The applicant must meet the full cost for Council or a Council approved contractor to:
- i) Construct a new concrete vehicular crossing and layback at kerb opposite the vehicular entrance to the site.
 - ii) Remove the redundant concrete vehicular crossing and layback and to reinstate the area with concrete footpath, turf and integral kerb and gutter with roadworks to Council's specification.
 - iii) Reconstruct the asphalt footpath in Coogee Bay Road along the full Coogee Bay Road site frontage. The reconstructed footpath shall make provision for installation of a street tree as referred to in the landscape conditions.
57. 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.
58. 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.
59. 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.
60. All new walls adjacent to vehicular crossings must be lowered to a height of 600mm above the internal driveway level for a distance of 1.5m within the site or splayed 1.5 metre by 1.5 metre to provide satisfactory sight lines. Details are to be submitted to the Certifying Authority prior to the release of the construction

certificate showing compliance with this condition.

61. The driveway opening at the Queen Street frontage must be 3.6 metres wide and located at least 1.5 metres clear of the side property. The internal driveway should be designed in accordance with the relevant provisions of AS 2890.1 – 2004 with a minimum 3.0 metre wide travel lane and a minimum 0.3 metre wide by 0.15 metre high kerb on either side of the travel lane, (hence a total opening of 3.6 metres).
62. The vehicular access and the basement carpark (including, but not limited to, the ramp grades, carpark layout and height clearances) are to be in accordance with the requirements of AS2890.1:2004. The Construction Certificate plans must demonstrate compliance with this requirement.
63. A Works Zone is to be provided in either Queen Street or Coogee Bay Road for the duration of the construction works. The 'Works Zone' shall be provided to the satisfaction of the Randwick Traffic Committee and shall have a minimum length of 12 metres. The prescribed fee for the Works Zone must be paid to Council at least four (4) weeks prior to the commencement of work on the site.

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

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

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

Alignment Level Conditions

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

65. The Council's Department of Asset & Infrastructure Services has inspected the above site and have determined that the design alignment level (concrete/paved/tiled level) at the property boundary for driveways, access ramps and pathways or the like, must be as follows:
 - Coogee Bay Rd Frontage – 100mm above the top of the kerb at all points opposite the kerb along the full site frontage.
 - Queen Street Frontage – 50mm above the back of the existing Council footpath for the full site frontage.

Any enquiries regarding this matter should be directed to Council's Development Engineer on 9399 0923. The design alignment level at the property boundary must be strictly adhered to.

66. 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.
67. The above alignment levels and the site inspection by Council's Development

Engineer have been issued at a prescribed fee of \$557.00 calculated at \$44.00 (inclusive of GST) per metre of site frontage to Coogee Bay Road. This amount is to be paid prior to a construction certificate being issued for the development.

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

68. A public utility impact assessment must be carried out on all public utility services on the site, roadway, nature strip, footpath, public reserve or any public areas associated with and/or adjacent to the development/building works and include relevant information from public utility authorities and exploratory trenching or pot-holing, if necessary, to determine the position and level of service.
69. The applicant must meet the full cost for telecommunication companies, gas providers, Energy Australia and Sydney Water to adjust/repair/relocate their services as required. The applicant must make the necessary arrangements with the service authority.
70. Documentary evidence from the relevant public utility authorities confirming that their requirements have been satisfied, must be submitted to the certifying authority prior to a construction certificate being issued for the development.
71. Any electricity substation required for the site as a consequence of this development shall be located within the site and shall be screened from view. The proposed location and elevation shall be shown on all detailed landscape drawings and specifications. The applicant must liaise with Energy Australia prior to lodging the construction certificate to determine whether or not an electricity substation is required for the development.
72. The applicant shall meet all costs associated with replacing overhead wires with underground cables in Coogee Bay Road, in the vicinity of the development site, (as a minimum this shall include replacement of those overhead wires fronting the development site). The applicant shall liaise directly with the relevant service utility authorities to organise for the overhead wires/cables to be replaced with underground cables. All overhead wires must be replaced with underground cables to the satisfaction of the relevant service utility authority prior to the issuing of an occupation certificate for the development.
73. A Section 73 Compliance Certificate under the Sydney water Act 1994 must be obtained. Application must be made through an authorised Water Servicing Coordinator. Please refer to "Your Business" section of Sydney Water's web site at www.sydneywater.com.au then the "e-developer" icon or telephone 13 20 92.

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

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

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

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

74. **Stormwater drainage plans have not been approved as part of this development consent.** Engineering calculations and plans with levels reduced to Australian Height Datum in relation to site drainage shall be submitted to and

approved by the certifying authority prior to a construction certificate being issued for the development. A copy of the engineering calculations and plans are to be forwarded to Council, prior to a construction certificate being issued, if the Council is not the certifying authority. The drawings and details shall include the following information:

- a) A detailed drainage design supported by a catchment area plan, at a scale of 1:100 or as considered acceptable to the Council or an accredited certifier, and drainage calculations prepared in accordance with the Institution of Engineers publication, Australian Rainfall and Run-off, 1987 edition.
 - b) A layout of the proposed drainage system including pipe sizes, type, grade, length, invert levels, etc., dimensions and types of all drainage pipes and the connection into Council's stormwater system.
 - c) Generally all internal pipelines must be capable of discharging a 1 in 20 year storm flow. However the minimum pipe size for pipes that accept stormwater from a surface inlet pit must be 150mm diameter. The site must be graded to direct any surplus run-off (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.
75. All stormwater run-off naturally draining to the site must be collected and discharged through this property's stormwater system. Such drainage must, if necessary, be constructed prior to the commencement of building work.
76. All 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.
77. All site stormwater must be discharged (by gravity) to either:
- The kerb and gutter or drainage system at the front of the property; OR
 - A suitably sized infiltration system (subject to geotechnical investigation confirming that the ground conditions are suitable for an infiltration system)
78. 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 the Development Engineer. 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.

79. 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.

80. 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.
81. The detention area/infiltration system must be regularly cleaned and maintained to ensure it functions as required by the design.
82. The maximum depth of pending in above ground detention areas (and/or infiltration systems with above ground storage) shall be as follows:
- 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 car parks or in any area which may be used for storage of goods.
- Mulch/bark must not be used in onsite detention areas

83. 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.
84. 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).

85. A childproof and corrosion resistant fastening system shall be installed on access grates over pits/trenches where water is permitted to be temporarily stored.
86. A 'V' drain is to be constructed along the perimeter of the property, where required, to direct all stormwater to the detention/infiltration area.
87. 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.

88. 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.
- 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.

89. Prior to the issuing of an occupation certificate, the applicant shall submit to Council's Director of Asset and Infrastructure Services, 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).
90. Prior to the issuing of an occupation certificate, the applicant shall submit to the Principal Certifying Authority (PCA) and Council's Director of Asset and Infrastructure Services, 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.
91. As the above site may encounter groundwater/seepage water within the depth of the basement excavation, the basement carpark or similar structures are to be suitably tanked and waterproofed. A Structural Engineer\Geotechnical Engineer shall certify the tanking & waterproofing has been carried out to an acceptable standard and a copy of the certification is to be forwarded to Council.

Notes: -

- a) Any subsoil drainage (from planter boxes etc) is to be disposed of within the site and is not to be discharged to Council's kerb & gutter and/or underground drainage system.
- b) Adequate provision is to be made for the ground water to drain around the basement carpark (to ensure that the basement will not dam or slow the movement of the ground water through the development site). Seepage water must **not** be drained from the site.

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

92. The garbage room areas will have to be designed so as to be able to contain a total of 4 x 240 litre bins (2 garbage bins & 2 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.
93. 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.
94. The waste storage areas shall be clearly signposted.
95. Prior to the issuing of a construction certificate for the proposed development the applicant is to submit to Council and have approved by Council's Manager of Waste Services, a Waste Management Plan detailing waste and recycling storage and disposal for the development site.

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

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

96. 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 (in conjunction with registration of the plan of subdivision) to ensure that the onsite detention/infiltration system is maintained and that no works which could affect the design function of the detention/infiltration system are undertaken without the prior consent (in writing) from Council. Such restriction and positive covenant shall not be released, varied or modified without the consent of the Council.

Notes:

- a. The "restriction on the use of land" and "positive covenant" are to be to the satisfaction of Council. A copy of Council's standard wording/layout for the restriction and positive covenant may be obtained from Council's Development Engineer.
 - b. The works as executed drainage plan and hydraulic certification must be submitted to Council prior to the "restriction on the use of land" and "positive covenant" being executed by Council.
97. The applicant shall create suitable right of carriageway, easements for services and internal stormwater lines, as required. The applicant shall be advised that the minimum easement width for any internal stormwater line is 0.9 metres.
98. All conditions of development consent must be satisfied and all public roads and reserves must be satisfactorily restored prior to endorsement of the subdivision plans.
99. The applicant shall provide Council with a survey plan of the property prior to endorsement of the subdivision plans.

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

100. Landscaping at the site shall be installed substantially in accordance with the Landscape Plan prepared by Greenplan, drawing number 07.725-01, job number 07.725, issue A, dated 11/09/07 and stamped received at Council 15/2/08, subject to the following additional requirements being indicated on an amended plan, to the satisfaction of the certifying authority, prior to the issue of a construction certificate:
- a. Demonstration that existing grades in the rear yard, beneath the dripline of the *Jacaranda mimosifolia* (Jacaranda) will be maintained through the inclusion of detailed spot levels (**refer also Tree Protection Measures conditions**).
 - b. Provision of a tiered/terraced rear yard to match existing grades, with informal steps to be provided in order connect these differences in level (**refer also Tree Protection Measures conditions**).
 - c. The use of a common/dividing fence along the eastern boundary, adjacent to the trunk of the *Jacaranda mimosifolia* (Jacaranda) which does not require the use of a continuous strip footing.
 - d. Position of existing and proposed site services including water, gas, electricity, sewer, stormwater, etc. Note: internal stormwater drainage lines must be suitably located to minimise impact on the *Jacaranda mimosifolia* (Jacaranda).
 - 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. Planter box details shall be submitted with the detailed landscape plans.
101. 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.
102. To ensure satisfactory maintenance of the landscaped areas, an automatic irrigation system shall be installed throughout all planted areas to provide full coverage areas with no overspray onto hard surfaces.

The applicant will be required to demonstrate that the system will be connected to the sites rainwater tanks, with backup connection to the mains supply, to all current Sydney Water requirements.

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

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

105. 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.

Tree Management

106. The applicant shall submit a total payment of \$269.50 to Council,
- a. Being the cost for Council to supply and install 1 x 45 litre street tree, *Melaleuca stypheloides* (Prickly Leaved Paperbark) on Council's Coogee Bay Road footpath at the completion of all works (\$245.00 + GST, tree square/saw cuts required in asphalt footpath)

The contribution shall be paid at the Cashier on the Ground Floor of the Administrative Centre **prior to a construction certificate being issued for the development.**

107. Permission is granted for selective pruning of the *Jacaranda mimosifolia* (Jacaranda) tree. This permission only covers the one, lowest branch growing in a northwest direction, currently resting on top of the existing garage roof. All pruning must be undertaken by a qualified Arborist, with suitable qualifications in Arboriculture and to Australian Standard AS 4373-1996 'Pruning of Amenity Trees.'

NOTE: Should any additional pruning works be required above and beyond that which has been described in the above condition, the applicant will be required to contact Council's Landscape Technician on 9399-0613 to arrange a joint site inspection to determine the appropriateness of any proposed additional pruning. No additional pruning shall be undertaken without the express approval of Council's Landscape Technician.

Tree Protection Measures

108. In order to ensure the retention of the *Jacaranda mimosifolia* (Jacaranda) located in the rear yard of the site, along the eastern boundary in good health, the following measures are to be undertaken:

- a. All detailed architectural, building, demolition, engineering (structural, stormwater & drainage, services), and landscape documentation submitted for the construction certificate application shall show the retention of the existing specimen with the position of its trunk and full diameter of its canopy clearly shown on all drawings.
- b. Other than excavations directly related to construction of the basement carpark and driveway ramp, all detailed architectural, building, demolition, engineering (structural, stormwater & drainage, services), and landscape documentation submitted for the construction certificate application will be required to show no alteration in the existing soil levels within the remainder of the proposed rear yard.
- c. The tree is to be physically protected by the installation of 1.8 metre high steel mesh/chainwire fencing which shall be located as close as practically possible to the building lines of the northwest corner of the proposed lower ground floor level, to a minimum distance of 4.5 metres of the western and northern sides of its trunk to completely enclose the tree.

This fencing shall be installed prior to the commencement of demolition and construction works and shall remain in place until all works are completed.

- d. 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 in the area, no stockpiling of soil or rubble, or any works listed in Point b.

Any works required within this zone (only as approved on the construction certificate) shall be under the direction of, and to the satisfaction of the site Arborist.

- e. Any excavations required for footings, structures, retaining walls, basement carparks, pipes, stormwater infiltration systems etc within 4.5 metres of the trunk shall be undertaken by hand and under the direction of, and to the satisfaction of the site Arborist, with all roots being cleanly cut.
- f. The erection of signage on the fence with the following words clearly displayed: "TREE PROTECTION ZONE", "DO NOT ENTER".
- g. A suitably qualified and professional Arborist, who is a registered member of a nationally recognised organisation, shall be engaged to undertake periodic site inspections during the critical stages of the development, and will be required to supervise and instruct relevant site staff in work methods relating to the protection and preservation of this tree.
- h. Prior to the issue of a final occupation certificate, the Arborist will be required to submit a written report to the satisfaction of the certifying authority, confirming attendance at the site during the course of the works, and that all conditions and s contained in this consent and as directed on site, were adhered to for the course of the works.
- i. A refundable deposit in the form of cash or cheque of \$3,000.00 shall be

lodged with Council prior to issue of a construction certificate for the proposed development in order to ensure the preservation of the tree in accordance with the requirements described in this condition.

QUANTITY	SPECIES	AMOUNT
1	<i>Jacaranda mimosifolia</i> (Jacaranda)	\$3,000.00
	TOTAL	\$3,000.00

The refundable deposit is placed to ensure that the tree protection measures as described in this condition are undertaken throughout the demolition and construction period. The refundable deposit will be released twelve (12) months from the time of issue of a final occupation certificate by the certifying authority providing the tree protection measures (including amendments to the plans) have been undertaken throughout the demolition and construction period and the tree has been retained in good health.

Any contravention of Council's conditions relating to the tree at any time during the demolition and construction period or prior to the issue of a final occupation certificate will result in the Council claiming all of the lodged security.

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, including:

- a) Part B1 - Structural provisions
- b) Part C1 - Fire resistance and stability
- c) Part C3 - Protection of openings
- d) Clause C3.2&C3.4 - Protection of openings in external walls
- e) Part D1 - Provisions for escape
- f) Clause D1.3 - When fire-isolated exits are required
- g) Part D2 - Construction of exits
- h) Clause D2.4 - Separation of rising and descending stair flights
- i) Part E1 - Fire fighting equipment
- j) Part E2 - Smoke Hazard Management
- k) Part E3 - Lift Installations
- l) Part E4 - Emergency lighting, exit signs & warning systems
- m) Part F1 - Damp and weatherproofing
- n) Part F4 - Light and ventilation
- o) Part F5 - Sound Transmission and Insulation
- p) 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.

- A.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.

- 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: (Matson/Woodsmith) that Council refuse its development consent as the development does not conform with the required Floor Space Ratio and the proposal is an overdevelopment of the site. **LOST.**

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

FOR	AGAINST
Councillor Hughes	Councillor Andrews
Councillor Matson	Councillor Belleli
Councillor Seng	Councillor Bowen
Councillor Woodsmith	Councillor Nash
	Councillor Notley-Smith
	Councillor Procopiadis
	Councillor Smith
	Councillor Tracey
	Councillor White
Total (4)	Total (9)

MOTION: (White/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 Hughes
Councillor Belleli	Councillor Matson
Councillor Bowen	Councillor Seng
Councillor Nash	Councillor Woodsmith
Councillor Notley-Smith	
Councillor Procopiadis	
Councillor Smith	
Councillor Tracey	
Councillor White	
Total (9)	Total (4)

D10/09 Development Application Report - 80 Middle Street and 133 Botany Street, Randwick (DA/568/2005/D)

RESOLUTION: (Andrews/Belleli)

PL12/09

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. 568/2005 for alterations to roof structures and parapet wall levels, deletion of the eastern garbage room, minor reconfiguration of the car park layout, deletion of floor slabs over the Botany Street car park access ramp, installation of car park exhaust stack, minor alterations to the location and dimensions of windows, installation of fire protection mesh screens over glazing, revision of external brickwork colours, retention of additional sections of the existing stable walls, installation of ventilation grilles in the western walls of the car park and lowering of the levels of a communal open space area, at Nos. 80 Middle and 133 Botany Streets, Randwick, in the following manner:

- **Amendment of Condition 1 to make reference to the Section 96 Modification plans as follows:**

1. The development must be implemented substantially in accordance with Revision j of the plans drawn by Turner + Associates Architects numbered DA002, DA010-DA13 Revision K, DA020, DA30-DA32, DA35, DA38, DA039 all stamped received by Council on 23 December 2005, the additional details of the northern fence design FD01 and FD02 dated 14/11/05 and stamped received by Council on 23 December 2005, the application form and on any supporting information received with the application **(including the drawing numbered 05015 – DA040(K), dated 21.12.05, prepared by Turner + Associates, which demonstrates the proposed external finishing materials and colour scheme)**, as amended by the Section 96 plans numbered DA010, DA11, DA12, DA13, DA20, DA32, DA34 and DA35, Revision M, all stamped received by Council on 22 December 2006, only in so far as they relate to the modifications highlighted on the Section 96 plans and detailed in the Section 96 application; **and as further amended by the following Section 96 (D) plans:**

Plan Number	Dated	Received	Prepared By
05015 A10(1)	22/10/08	20 Jan 2009	Turner + Associates
05015 A11(1)	22/10/08	24 Oct 2008	
05015 A12(1)	22/10/08	24 Oct 2008	
05015 A13(1)	22/10/08	24 Oct 2008	
05015 A14(1)	22/10/08	24 Oct 2008	
05015 A20(1)	22/10/08	24 Oct 2008	
05015 A30(1)	22/10/08	24 Oct 2008	
05015 A31(1)	22/10/08	24 Oct 2008	
05015 A32(1)	22/10/08	20 Jan 2009	

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

- **Amendment of Condition 17 to read as follows:**

17. Apart from the boundary fences adjoining Nos. 131A, 135, **137, 139 and 141 Botany Street** and **Nos. 76A and 78 Middle Street**, all fences located on the side or rear boundaries of the premises shall not exceed a maximum height of 1.8 metres, to maintain reasonable levels of amenity to the adjoining premises. The fencing is to be constructed of lightweight materials and is to be installed at the applicant's full cost. Details of the proposed fencing are to be provided on the plans submitted with the Construction Certificate application.

- **Amendment of Condition 114 to read as follows:**

114. Any vents, access stairs or other openings into the basement car park **(excluding the driveway openings and ventilation grilles on the western side of Building C)** must be located at or above the ground floor level of the adjoining unit block.

The plans submitted for the construction certificate shall demonstrate compliance with this requirement. Prior to installation of the ventilation grilles the applicant must demonstrate, to the satisfaction of the Certifying Authority, that the proposed ventilation grilles are suitably protected from stormwater inundation for up to the critical 1 in 100 year ARI flood levels plus freeboard for the development site, (i.e. protected from stormwater inundation up to the levels provided in Conditions 22, 24 and 25 of the development consent).

The documentation submitted to satisfy the requirement for protection of the ventilation grilles from stormwater inundation must be prepared by a suitably qualified and experienced Hydraulic Engineer. A copy of the documentation submitted to satisfy the requirement for protection of the ventilation grilles from stormwater inundation must also be provided to Council prior to installation of the ventilation grilles.

The drainage system for the communal open space area located to the west of Building C must be designed to cater for storm events up to and including the critical 1 in 100 year ARI event. Details of the proposed drainage system must be submitted to the Certifying Authority for approval, and be approved, prior to installation of the ventilation grilles on the western side of Building C.

- **Addition of Condition 164 to read as follows:**

164. The western boundary of the communal open space, which is located immediately to the west of Building C and proposed to be lowered for the purposes of installing car park ventilation grilles, shall be provided with suitable Australian native shrub and/or tree planting, with a mature height of not less than 3m and evenly spaced, in order to create a landscape screen for the communal space.

In addition, the lowered communal open space is to be reserved for soft landscaping purposes incorporating suitable Australian ground cover, shrub and/or tree species, with the exception of the access stairs and any required stormwater management measures.

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

- **Addition of Condition 165 to read as follows:**

165. The colours, materials and finishes of the external surfaces to the building are to be consistent with the approved drawing numbered 05015 – DA040(K), dated 21.12.05, prepared by Turner + Associates, which demonstrates the proposed external finishing materials and colour scheme.

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

D11/09 Development Application Report - 36 - 38 Goorawahl Avenue, La Perouse (DA/545/2008)

PL13/09

RESOLUTION: (Andrews/White)

- A. That Council, as the consent authority, grant development consent under Section 80 and 80A of the Environmental Planning and Assessment Act 1979 (as amended) to Development Application No. DA/545/2008 for the construction of waterproof clear wind plastic drop down shades around the outdoor dining area of Shop 1, subject to the following conditions:

REFERENCED PLANS:

1. The development must be implemented substantially in accordance with the plans numbered CM06/PE1 Revision C prepared by Annie Snell dated 28/05/08, and 2 plans prepared by Every Shade Pty Ltd, received by Council on the 4 August 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 noise mitigation measures in the acoustic report prepared by Acoustic Logic Pty Ltd titled *Shop 1, 1599 Anzac Parade, La Perouse – Operation hours extension – Noise Impact Assessment, reference: 2007953.2/0411A/R1/GW dated 18 November 2008* form part of this development application:
 - Install a full height minimum 2mm thick plastic blind along the outdoor seating facing Anzac Parade and the plastic blind shall be extended after 6pm daily,
 - The ceiling of the outdoor seating shall be lined with 50mm thick Tontine Acoustisorb 2 insulation faced with perforated custom orb or equal.
3. A validation/compliance report, prepared by a suitably qualified and experienced consultant in acoustics, shall be submitted to the Council **prior to the issuing of any occupation certificate**, which demonstrates and certifies compliance with the above acoustic report and conditions of consent and noise emissions 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.
4. All parts of the blinds, including the aluminium struts, are to be located wholly within the boundaries of the subject property.

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 health, safety and amenity:

Regulatory

5. 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.

6. 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*.
7. **Prior to the commencement of any building 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.

8. **Prior to the commencement of any building works** (including fit-out), the person having the benefit of the development consent must: -
 - i) appoint a *Principal Certifying Authority*, and
 - ii) appoint a *principal contractor* for the 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.
9. The work 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 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.

10. 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".

11. 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.

12. 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 commencing** the work, in accordance with the provisions of the Home Building Act 1989.

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.

14. 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**.

Structural adequacy

15. Certification must be obtained **prior to the issuing of an occupation certificate**, from a suitably qualified person, certifying that the design and construction of the metal framework and awning is structurally sound, to the

satisfaction of the certifying authority.

Building works

16. 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.

17. Public health, safety and convenience must be maintained at all times during building works.
- 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, construction equipment, building or waste materials, soil, sand 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 beforehand, if it is proposed to excavate or open-up the road or footway for services or the like.
 - 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) 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.

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

with Council's adopted fees and charges.

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.

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:

18. 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*.

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.

MOTION: (Andrews/White) CARRIED UNANIMOUSLY – SEE RESOLUTION.

D12/09 Development Application Report - Section 96 - 36 - 38 Goorawahl Avenue, La Perouse (da/3/2007/a)

PL14/09

RESOLUTION: (Matson/Andrews)

- A. That Council, as the consent authority, grant its consent under Section 96 of the Environmental Planning and Assessment Act 1979 as amended to modify Development Consent No DA/3/2007/A for the change of use and fitout of Shop 1 to a cafe with indoor seating for 47 patrons and external seating for 28 patrons; change of use and fitout of Shop 2 to a take away premises with indoor seating for 10 patrons and external seating for 20 patrons; change of use and fitout of Shop 3 to a restaurant with indoor seating for 67 patrons and no external seating at 36-38 Goorawahl Avenue, La Perouse in the

following manner:

Amend Condition No. 4 to read:

4. The licensee of Shops 1, 2 and 3 must establish and maintain a formal and documented system for the recording and resolution of complaints made to the licensed premises by residents. All complaints are to be attended to in a courteous and efficient manner and referred promptly to the licensee or duty manager. The appropriate remedial action, where possible, is to be implemented immediately and the licensee or duty Manager is to contact the complainant within 48 hours to confirm details of action taken.

Upon reasonable prior notice, the licensee must make available the incident book to the police and Council officers.

Amend Condition No. 7 to read:

7. The hours of the operation of the business are restricted to:

Shop 1

Monday to Saturday: 7:00am – 11:00pm

Sunday & Public Holidays: 8:00am – 11:00pm

Shop 2

Sunday – Wednesday: 8:00am – 10:00pm

Thursday – Saturday: 8:00am – 11:00pm

Shop 3

Sunday – Wednesday: 8:00am – 10:00pm

Thursday – Saturday: 8:00am – 11:00pm

The consent for the extending hours of trading for shop 1 is **limited to a 12 month (12) trial period from the issuing of an occupation certificate for the works under the consent as amended**, so as to enable the Council to monitor and assess the impact of the activity on the public health, safety and amenity of the surrounding environment.

A separate application will be required to be submitted to and approved by Council with regard to the continuation of the use of the extended hours of trading prior to this 12 month trial period lapsing (if the applicant wishes to continue with the extended hours of trading after the trial period).

Should the applicant not re-apply for the continuation of extended trading hours after the 12 month trial period, the use and operation of shop 1 shall revert back to that as originally approved in DA/3/2007 as determined on 15 October 2007.

Amend Condition No. 8 to read:

8. The hours of operation for outdoor dining are restricted to:

Shop 1

Monday to Saturday: 7:00am – 11:00pm

Sunday & Public Holidays: 8:00am – 11:00pm

Shop 2

Monday – Saturday: 8:00am -10:00pm

Sunday: 8:00am – 9:30pm

All food services to customers shall only be provided within the above

mentioned hours of operation and all patrons must vacate the area and all outdoor furniture is to be removed within 30minutes of the specified hours.

The consent for the extending hours of trading for shop 1 is **limited to a 12 month (12) trial period from the issuing of an occupation certificate for the works under the consent as amended**, so as to enable the Council to monitor and assess the impact of the activity on the public health, safety and amenity of the surrounding environment.

A separate application will be required to be submitted to and approved by Council with regard to the continuation of the use of the extended hours of trading prior to this 12 month trial period lapsing (if the applicant wishes to continue with the extended hours of trading after the trial period).

Should the applicant not re-apply for the continuation of extended trading hours after the 12 month trial period, the use and operation of shop 1 shall revert back to that as originally approved in DA/3/2007 as determined on 15 October 2007.

Amend Condition No. 12 to read:

12. The noise mitigation measures as listed below (but not limited to) that as detailed in part 6 of the acoustic report prepared by Acoustic Logic Pty Ltd titled *Shop 1, 1599 Anzac Parade, La Perouse – Operation hours extension – Noise Impact Assessment, reference: 2007953.2/0411A/R1/GW dated 18 November 2008* and supplementary document prepared by Acoustic Logic Pty Ltd titled *Shop 1, 1599 Anzac Parade, La Perouse – Operation hours extension – Noise Impact Assessment, reference: 2007953.2/0112A/R0/GW dated 1 December 2008*, form part of the conditions for shop 1:
 1. Install a full height, minimum 2mm thick, plastic blind along the outdoor seating facing Anzac Parade and the plastic blind shall be extended after 6pm daily,
 2. The ceiling of the outdoor seating shall be lined with 50mm thick Tontine Acoustisorb 2 insulation faced with perforated custom orb or equal,
 3. No music, speakers or sound systems are permitted to be located adjacent to any opening or within the outdoor dining area,
 4. Only background music is allowable within the premises,
 5. External windows and external doors shall remain closed except when employees and patrons are exiting and entering the premise between the following hours:

Monday – Saturday:	7.00 am – 8.00 am
Monday – Sunday:	10.00 pm -11.00 pm
 6. The kitchen exhaust fan shall not operate after 10pm daily,
 7. All the furniture which requires to be moved such as table and chairs shall be done quietly and gently and they shall have rubber mounts fixed under the legs,
 8. The setting up and removal of furniture shall not occur outside of the permitted hours of trading and operations
 9. All furniture such as tables and chairs must be removed from the outdoor dining area at or before 11pm daily,

10. All patrons must vacate the outdoor area at or before 11pm daily,
11. Indoor cleaning up and preparation shall be conducted with all doors closed,
12. The indoor clean up shall cease before midnight on any day and not commence before 7am on any day,
13. Vacuuming of the premises must not be carried out between:
Monday – Saturday: 10.00 pm – 7.00 am
Sunday – Public Holidays: 10.00 pm – 8.00 am
14. Outdoor clean up shall not be conducted after 11.00 pm daily.

Insert the following as Condition No. 12a and 12b:

- 12a. A validation/compliance report, prepared by a suitably qualified and experienced consultant in acoustics, shall be submitted to the Council **prior to the issuing of an occupation certificate or the commencement of the extended hours of operation & trading (whichever is sooner)**, which demonstrates and certifies that all of the physical noise attenuation measures have been implemented in accordance with the above acoustic report and conditions of consent to the satisfaction of Council's Manager Environmental Health & Building Services.
- 12b. A validation/compliance report, prepared by a suitably qualified and experienced consultant in acoustics, shall be submitted to the Council **within one (1) month of the issuing of an occupation certificate or commencement of the extended hours of operation & trading (whichever is sooner) for shop 1**, which demonstrates and certifies compliance with the above acoustic report, conditions of consent and noise emissions 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.

Amend Condition No. 17 to read:

17. The bi-fold windows, bi-fold doors and sliding doors situated along the front façade of the three food premises are to be closed promptly at 10.00pm, daily.

The bi-fold windows, bi-fold doors and sliding doors to Shop 1 are to remain closed and can only be opened to allow customers or staff to enter or exit the premises between the following hours:

- Monday to Saturday: 7.00am – 8.00am
Monday to Sunday: 10.00pm – 11.00pm

Insert the following as Condition No A4:

- A4. This application has not been assessed for compliance with the Smoke-free Environment Act. The applicant is required to ensure compliance is achieved with the Smoke-free Environment Act 2000.

MOTION: (Matson/Andrews) CARRIED UNANIMOUSLY – SEE RESOLUTION.

D13/09 Development Application Report - Section 96 Modification - Proposed Music Festival at Randwick Racecourse - 77-97 Alison

Road, Randwick (DA/694/2008/A)

PL15/09

RESOLUTION: (Seng/Procopiadis)

That Council as the consent authority, grant its consent under Section 96 of the Environmental Planning and Assessment Act 1979 as amended to modify condition No. 4 of Development Consent No DA/694/2008/A to allow an increase in patron numbers from 25,000 to 30,000 at the Future Music Festival to be held on 28 February 2009 at the Randwick Racecourse at 77-97 Alison Road, RANDWICK in the following manner:

**A. Amend Condition No. 4 to read:
The activity/event is restricted to the following period and numbers:**

Date	28 February 2009
Times	2pm till 10pm
Maximum Patron Numbers	30,000

B. Condition 32 is to be retained

C. Add Conditions 71 and 72:

D. The following conditions are applied to limit and control the use of private cars by patrons travelling to and from the event

71. Promotional and all advertising material for the event must emphasise the availability of public transport to the venue and is not to detail the availability of car parking at the venue.
72. Variable message signs (VMS) must be installed in locations with Council concurrence indicating access points to the event parking. VMS are also to be installed at the egress to the car park indicating the direct access direction to Anzac Parade and the arterial road system. Details are to be submitted to and approved by Council's Manager Integrated Transport 7 days prior to the **date of the event**.

E. The applicant is to thoroughly clean the surrounding area within 24 hours of the termination of the event. This is to include the area bounded by Anzac Parade, Boronia Street, Salisbury Road, Kensington Road, Roma Avenue, High Street, Botany Street, Cook Street, Cowper Street, Wentworth Street, Darley Road and Alison Road.

MOTION: (Andrews/White) that Council as the consent authority, grant its consent under Section 96 of the Environmental Planning and Assessment Act 1979 as amended to modify condition No. 4 of Development Consent No DA/694/2008/A to allow an increase in patron numbers from 25,000 to 35,000 at the Future Music Festival to be held on 28 February 2009 at the Randwick Racecourse at 77-97 Alison Road, RANDWICK.

AMENDMENT: (Seng/Procopiadis) CARRIED AND BECAME THE MOTION. MOTION 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 Matson
Councillor Hughes	Councillor Nash
Councillor Notley-Smith	Councillor Tracey

Councillor Procopiadis
Councillor Seng
Councillor Smith

Councillor White
Councillor Woodsmith

Total (7)

Total (6)

Miscellaneous Reports

M1/09 Miscellaneous Report - Local Government Chief Officers Group - Attendance of General Manager at February 2009 Meeting (F2008/00390)

PL16/09

RESOLUTION: (Andrews/White) that Council note the General Manager's attendance at the next meeting of the Local Government Chief Officers Group from 25th through 27th February 2009 in Westport, New Zealand.

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

M2/09 Miscellaneous Report - Mayoral Minute Request - Victorian Bush Fires (F2005/00266)

PL17/09

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

- a) the Mayor writes to the Mayors of affected areas offering Randwick City Council's support and condolences;
- b) Council respond to requests received and identify the best way for Randwick City Council to contribute to helping the affected areas; and
- c) Council provide a donation of \$10,000.00 to the Municipal Association of Victoria (MAV) Local Government Bushfire Recovery Fund.

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

Notices of Rescission Motions

Nil.

The meeting closed at 9.07pm.

The minutes of this meeting were confirmed at the Planning Committee Meeting of the Council of the City of Randwick held on Tuesday, 10 March 2009.

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CHAIRPERSON