



**MINUTES OF ORDINARY COUNCIL MEETING OF THE COUNCIL OF
THE CITY OF RANDWICK HELD ON TUESDAY, 20 OCTOBER 2009 AT
6:07PM**

Present:

The Mayor, Councillor J Procopiadis (Chairperson) (West Ward)

Councillor R Belleli (Deputy Chairperson) (South Ward)

North Ward	-	Councillors K Smith, P Tracey & M Woodsmith
South Ward	-	Councillors C Matthews & A White
East Ward	-	Councillors T Bowen, M Matson & B Notley-Smith
West Ward	-	Councillors B Hughes (arrived 6.30pm) & S Nash
Central Ward	-	Councillors A Andrews, T Seng (arrived 6.40pm) & G Stevenson (arrived 6.55pm)

Officers Present:

General Manager	Mr R Brownlee
Director City Services	Mr J Frangoples
Director City Planning	Ms S Truuvert
Acting Director Governance & Financial Services	Mr D Kelly
Senior Administrative Coordinator	Ms J Hartshorn
Manager Development Assessment	Mr K Kyriacou
Communications Manager	Ms D Brien
Acting Manager Organisational Performance	Ms A Warner

Prayer & Acknowledgement of Local Indigenous People

The Council Prayer was read by Cr White. The Acknowledgement of Local Indigenous People was read by Cr Woodsmith.

Apologies/Granting of Leave of Absences

There were no apologies.

Confirmation of the Minutes**CONFIRMATION OF THE MINUTES OF THE ORDINARY COUNCIL MEETING
HELD ON TUESDAY 22 SEPTEMBER 2009**

311/09

RESOLUTION: (Notley-Smith/Andrews) that the Minutes of the following meetings (copies of which were circulated to all Councillors) be and are hereby confirmed as a correct record of the proceedings of those meetings;

- Ordinary Council Meeting – 22 September 2009
- Extraordinary Council Meeting – 29 September 2009
- Extraordinary Council Meeting – 6 October 2009.

Declarations of Pecuniary and Non-Pecuniary Interests

- a) Cr Belleli declared a non significant non pecuniary interest in item CP44/09 as he was contacted by an immediate family member of the applicants who happens to be a past client of his.
- b) Cr Bowen declared a non-significant non-pecuniary interest in Item CP65/09 as he had been contacted by one of the joint owners the property who was involved in acting on behalf of a purchaser for a property that Cr Bowen was selling.
- c) Cr White declared a non-significant non-pecuniary interest in Item CP65/09 as the developer's daughter is in the same school class and netball team as his daughter.
- d) Cr Andrews declared a non-significant non-pecuniary interest in Item CP67/09 as the applicant owns a business in the Council area and Cr Andrews knows him through the business he runs.
- e) Cr Procopiadis declared a non-pecuniary non-significant interest in Item CP66/09 as he knows the architect.
- f) Cr Matthews declared a non-significant non-pecuniary interest in Item CP64/09 as he knows the architect.
- g) Cr Matthews declared a non-significant non-pecuniary interest in Item CP65/09 as the speaker was a former Town Planner with Council and he knows him.

Address of Council by Members of the Public

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

CP64/09 79-81 HANNAN STREET, MAROUBRA

Against Hyman Goldstein - objector

For Anthony Betros - on behalf of applicant

CP65/09 554 BUNNERONG ROAD, MATRAVILLE

Against Christine Lloyd - objector

Cr Hughes arrived at the meeting (6.30pm).

For Nick Salerni - on behalf of applicant

CP66/09 191 BOYCE ROAD, MAROUBRA

Against George Mandadakis - on behalf of applicant

Cr Seng arrived at the meeting (6.40pm)

For Warrick Kent - on behalf of objectors

Cr Stevenson arrived at the meeting (6.55pm).

CP67/09 105-109 ANZAC PARADE, KENSINGTON

For Anthony Betros - on behalf of applicant

The meeting was adjourned at 7.00pm and was resumed at 7.18pm.

Mayoral Minutes

MM79/09 Mayoral Minute - Council Committees - Change of Membership (F2005/00775)

312/09 **RESOLUTION: (Mayor, Cr Procopiadis) that:**

- a) Cr Woodsmith replace Cr Hughes on Council's Cultural Advisory Committee; and
- b) Cr Hughes be appointed as the Deputy Chairman of Council's Environment Committee.

MOTION: (Mayor, Cr J Procopiadis) CARRIED - SEE RESOLUTION.

MM80/09 Mayoral Minute - Australia Day Botany Bay Regatta - Request for Financial Assistance (F2004/07076)

313/09 **RESOLUTION: (Mayor, Cr Procopiadis) that:**

- a) Council vote \$750.00 from the 2009-10 Contingency Fund as a contribution towards the 2010 Australia Day Botany Bay Regatta activities;
- b) Cr Woodsmith and Cr Stevenson be nominated for the 'Councillors' Challenge' event;
- c) the event organisers undertake to appropriately and prominently acknowledge and promote Council's contribution at the Regatta events.

MOTION: (Mayor, Cr J Procopiadis) CARRIED - SEE RESOLUTION.

MM81/09 Mayoral Minute - PIA Award for Excellence in Cultural Planning 2009 (F2004/08008)

314/09 **RESOLUTION: (Mayor, Cr Procopiadis) that the winning of the 2009 NSW PIA Excellence in Planning Award for 'A Cultural Randwick City' be received and noted.**

MOTION: (Mayor, Cr J Procopiadis) CARRIED - SEE RESOLUTION.

MM82/09 Mayoral Minute - Conference "Broadening the appeal of precincts", combined precincts forum (F2009/00301)

315/09 **RESOLUTION: (Mayor, Cr Procopiadis) that:**

- a) Council receive and note this Mayoral Minute; and
- b) Council's Community Consultation Coordinator and the staff from the five Councils involved, be congratulated for their work in initiating and holding this conference.

- c) Council write to the Precinct Committees to congratulate them on their participation in the conference.

MOTION: (Mayor, Cr J Procopiadis) CARRIED - SEE RESOLUTION.

**MM83/09 Mayoral Minute - Place of Reflection for NSW Bali victims
(F2008/00407)**

316/09

RESOLUTION: (Mayor, Cr J Procopiadis) that the construction "The Place of Reflection for NSW Bali Victims" be approved.

AMENDMENT: (Matson/Hughes) that the concept plan be referred to the local precinct committee for further consultation. **LOST.**

MOTION: (Mayor, Cr J Procopiadis) CARRIED - SEE RESOLUTION.

Urgent Business

Nil

Director City Planning Reports

**CP64/09 Director City Planning Report - 79-81 Hannan Street, Maroubra
(DA/113/2009)**

317/09

RESOLUTION: (Matthews/Nash) that Council, as the consent authority, grant development consent under Section 80(A) of the Environmental Planning and Assessment Act 1979, as amended, to Development Application No. 113/2009 for the demolition of two existing single storey dwelling houses and the construction of a new five storey residential flat building containing fifteen two bedroom dwellings, five one bedroom dwellings, car parking for twenty two vehicles and strata subdivision, at No. 79-81 Hannan Street, Maroubra, subject to the following conditions:

Conditions of Consent

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:

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

No.	Prepared By	Revision Dated	Received by Council
DA 1000 A	Sgammotta Architects	20.05.09	22.05.09
DA 2000 C	Sgammotta Architects	Jul 2009	30.09.09
DA 2001 A	Sgammotta Architects	20.05.09	22.05.09
DA 2002 A	Sgammotta Architects	20.05.09	22.05.09
DA 2003 A	Sgammotta Architects	20.05.09	22.05.09
DA 2004 A	Sgammotta Architects	20.05.09	22.05.09
DA 3000 A	Sgammotta Architects	20.05.09	22.05.09
DA 3001 A	Sgammotta Architects	20.05.09	22.05.09
DA 3002 A	Sgammotta Architects	20.05.09	22.05.09
DA 3003 A	Sgammotta Architects	20.05.09	22.05.09
DA 3100 C	Sgammotta Architects	Jul 2009	30.09.09

the application form and any supporting information received with the application, except as may be amended by the following conditions:

- 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. Nothing in this consent permits or implies the erection / installation of any business identification or advertising signage with the exception of that identified in Council's *Development Control Plan for Exempt and Complying Development*. The erection of any signage, which is not identified in the above development control plan will require the approval of a separate development application by Council.
4. An intercom system is to be installed at the residential lobby for use by residential visitors.

Details demonstrating compliance with the above requirements shall be submitted to the satisfaction of the Principal Certifying Authority, prior to the issue of any Interim / Final Occupation Certificate.

5. All plumbing and drainage pipes, other than rainwater heads, gutters and downpipes, must be concealed within the building.
6. Street numbering must be provided to the development in a prominent position, to the satisfaction of Council.
7. Lighting to the development 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.

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

8. 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.
9. 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.

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

Relevant documentary evidence of compliance with the BASIX commitments is to

be forwarded to the Council upon issuing the final Occupation Certificate.

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

11. 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.

12. 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.
13. There are to be no emissions or discharges from the premises, which will give rise to a public nuisance or result in an offence under the *Protection of the Environment Operations Act 1997 and Regulations*.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

22. 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.

23. 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.

24. 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.

25. 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:

26. 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.

27. 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.

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

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

29. 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**.

30. 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**.

31. 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:

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

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

37. Public safety and convenience must be maintained at all times during demolition, excavation and construction works and the following requirements must be complied with:
- a) 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.
38. A Registered Surveyor's check survey certificate or *compliance certificate* is to be forwarded to the principal certifying authority (*and a copy is to be forwarded to the Council, if the Council is not the principal certifying authority*), detailing compliance with Council's approval at the **following stage/s of construction**:
- a) Prior to construction of the first completed floor/floor slab (prior to pouring of concrete), showing the area of land, building and boundary setbacks and verifying that the building is being 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.
39. 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.

40. 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.

41. 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.

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

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

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.

43. 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.

44. 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.

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

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

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

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

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

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

46. 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.

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

47. 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 days 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.

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

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

Category	Cost	Applicable Levy	S94A Levy
Development cost more than \$200,000	\$3,876,000	1.0%	\$38,760

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 security against damage to Council's infrastructure:

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

- a) \$10,000.00 - Damage/Civil Works Security Deposit

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

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

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

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

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

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

- a) Construct a full width heavy duty concrete vehicular crossing and layback at kerb opposite the vehicular entrance to the site.
- b) Remove the existing kerb and gutter along the Glanfield Street frontage including the kerb return into Hannan Street and construct new kerb and gutter with kerb return and associated roadworks, pram ramp and footpaths. The new face of kerb will be located a distance of 1.50m from the new dedicated Glanfield Street boundary.
- c) Construct a 1.30m wide concrete footpath along the Glanfield Street site frontage adjacent to the new kerb line.
- d) Install "No Stopping" signs along the Glanfield Street frontage, to the satisfaction of Council's Traffic Engineer and relocate the existing "Give Way" sign at the Glanfield Street/Hannan Street intersection.
- e) Remove any redundant concrete vehicular crossing and layback and to reinstate the area with concrete footpath and integral kerb and gutter to Council's specification.
- f) Reconstruct the Council footpath along the Hannan Street frontage to remove the 2 Council steps located at the Southern end of the site and to match the new kerb line in Glanfield Street.

51. The applicant must meet the full cost for Council or a Council approved contractor to repair/replace any damaged sections of Council's footpath, kerb & gutter, nature strip etc which are due to building works being carried out at the above site. This includes the removal of cement slurry from Council's footpath and roadway.
52. The applicant shall note that all external work, carried out on Council property, shall be in accordance with Council's Policy for "Vehicular Access and Road and Drainage Works". An application for the cost of the Council civil works is to be submitted to Council at the completion of the internal building works. An application fee shall be payable to Council for the quotation of the required works. The applicant may elect to use his contractor for the required works, subject to Council approval, however a design and supervision fee based on the lowest quotation from Council's nominated contractor will be required to be paid prior to the commencement of any works.
53. 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.
54. 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.
55. 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.
56. A Works Zone is to be provided in Hannan 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.

57. 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.

58. Plans submitted for the Construction Certificate must show any boundary fence positioned on the northwest corner of the site (i.e. the north-west corner following dedication of the required 2.0 metre strip of land for widening of Glanfield Street), constructed with a 2.0m x 2.0m splay. The requirement for the splay will be deleted if the height of the boundary fence is less than 0.9m above the existing Council footpath level in Hannan Street. The applicant is advised to contact

Council's Development Engineer to discuss this requirement prior to lodgement of the Construction Certificate application.

59. To prevent vehicular conflict on the internal circulation ramp linking the basement 1 carpark with 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. The signalling system must be installed in accordance with the approved plans prior to the issuing of any form of occupation certificate.
60. Prior to the issuing of an Occupation Certificate the applicant is to clearly signpost any approved small car carspaces. The small car carspaces are to fully comply with AS 2890.1:2004.
61. Prior to the issuing of a Construction Certificate the applicant must submit to Council full design and operational details for the mechanical carstackers. The required details shall include the following as a minimum:
- Manufacturer specifications and instructions for operation;
 - Details of manual operation in the event of power/mechanical failure;
 - Maintenance schedules;
 - The waiting and working times for the carstackers; and
 - Safety and training requirements for the use of the carstackers.

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

62. The Council's Development Engineer has inspected the above site and has determined that the design alignment level (concrete/paved/tiled level) at the property boundary for driveways, access ramps and pathways or the like, shall be as follows:
- Hannan Street Frontage – match the existing Council footpath levels at all points along the Hannan Street site frontage.**
- Note: The Council footpath at the southern end of the site in Hannan St will be lowered so as to remove the 2 Council steps at this location.**
- Glanfield Street Frontage – 100mm above the existing Council kerb level at all points opposite the kerb, along the full site frontage in Glanfield Street**

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

63. The design alignment levels (concrete/paved/tiled level) issued by Council and their relationship to the kerb/footpath must be indicated on the building plans for the construction certificate.
64. The above alignment levels and the site inspection by Council's Development Engineer have been issued at a prescribed fee of \$2,410.00 calculated at \$44.00 (inclusive of GST) per metre of site frontage. This amount is to be paid prior to a construction certificate being issued for the development.

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

65. 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.

66. 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.
67. 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.

68. 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.
69. All electricity and telecommunication cables/wires to service the development site across the road carriageway and/or the Council nature reserve (footpath area) are to be located underground to the satisfaction of the relevant service utility authority

The applicant shall liaise directly with the relevant service utility authorities to organise for the wires/cables to be relocated underground to the satisfaction of the relevant service utility authority prior to the issuing of either an occupation certificate and/or release of the strata subdivision for the development.

The undergrounding shall extend to the nearest power pole outside of the development site frontage and is to include laying the wires and cables and ducting :-

1. Under the Hannan Street road carriageway
2. Across the site frontage.

70. 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.

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

71. **Stormwater drainage plans have not been approved as part of this development consent.** Engineering calculations and plans with levels reduced to Australian Height Datum in relation to site drainage shall be submitted to and approved by the certifying authority prior to a construction certificate being issued for the development. A copy of the engineering calculations and plans are to be forwarded to Council, prior to a construction certificate being issued, if the Council is not the certifying authority. The drawings and details shall include the following information:
- a) A detailed drainage design supported by a catchment area plan, at a scale of 1:100 or as considered acceptable to the Council or an accredited certifier, and drainage calculations prepared in accordance with the Institution of Engineers publication, Australian Rainfall and Run-off, 1987 edition.
 - b) A layout of the proposed drainage system including pipe sizes, type, grade, length, invert levels, etc., dimensions and types of all drainage pipes and the connection into Council's stormwater system.
 - c) Generally all internal pipelines must be capable of discharging a 1 in 20 year storm flow. However the minimum pipe size for pipes that accept stormwater from a surface inlet pit must be 150mm diameter. The site must be graded to direct any surplus run-off (ie. above the 1 in 20 year storm) to the proposed drainage system.
 - d) The separate catchment areas within the site, draining to each collection point or surface pit are to be classified into the following categories:
 - i. Roof areas
 - ii. Paved areas
 - iii. Grassed areas
 - iv. Garden areas
 - e) Where buildings abut higher buildings and their roofs are "flushed in" to the higher wall, the area contributing must be taken as: the projected roof area of the lower building, plus one half of the area of the vertical wall abutting, for the purpose of determining the discharge from the lower roof.
 - f) Proposed finished surface levels and grades of car parks, internal driveways and access aisles which are to be related to Council's design alignment levels.
 - g) The details of any special features that will affect the drainage design eg. the nature of the soil in the site and/or the presence of rock etc.
72. 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.
73. All site stormwater must be discharged (by gravity) to either:
- a) The kerb and gutter in Hannan Street and/or Glanfield Street; OR
 - b) A suitably sized infiltration system (subject to geotechnical investigation

confirming that the ground conditions are suitable for an infiltration system).

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

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

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

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

75. 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.

76. 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.

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

78. Any onsite detention/infiltration systems shall be located in areas to be dedicated as common property .

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

- a) 300mm in landscaped areas (where child proof fencing is not provided around the outside of the detention area and sides slopes are steeper than 1 in 10)
- b) 600mm in landscaped areas where the side slopes of the detention area have a maximum grade of 1 in 10.
- c) 1200mm in landscaped areas where a childproof fence is provided around the outside of the detention area

Notes:

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

80. 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.

81. 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.
82. A childproof and corrosion resistant fastening system shall be installed on access grates over pits/trenches where water is permitted to be temporarily stored.
83. A 'V' drain is to be constructed along the perimeter of the property, where required, to direct all stormwater to the detention/infiltration area.
84. 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.

85. A sediment/silt arrester pit must be provided:-
 - a) within the site at or near the street boundary prior to the site stormwater discharging by gravity to the kerb/street drainage system; and
 - b) prior to stormwater discharging into any absorption/infiltration system.

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

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

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

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

86. 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.
87. One covered car washing bay shall be provided for this development.
- a) The car washing bay must be drained to sewer to the requirements of Sydney Water and proof of compliance is to be submitted to the certifying authority, prior to an occupation certificate being issued for the proposed development.
 - b) The car washing bay must be located outside any required/approved stormwater detention system.
 - c) The car washing bay may be located within the visitor parking spaces provided they are signposted with 'Exclusive Carwash Bay Use Sat 2:00pm - 5:00pm and Sunday 10:00am - 2:00pm, Visitor parking at other times'
 - d) The car washing bay must be constructed with a minimum 20mm bund around the perimeter of the car washing bay (or equivalent)
 - e) A water tap shall be located adjacent to the car washing bay.
88. 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).
89. 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.

90. As the above site may 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 seepage water to drain around the basement carpark (to ensure that the basement will not dam or slow the movement of the ground water through the development site). Seepage water must not be collected and discharged from the development site.
91. If any temporary dewatering of the site is required to facilitate construction of any part of the basement car park and/or detention tank a licence under Part V of the Water Act 1912 will be required. The licence must be obtained from the NSW Department of Water and Energy prior to installation of the works. A copy of the license agreement must be forwarded to Council prior to any dewatering being undertaken.
92. A separate written approval from Council is required to be obtained in relation to any proposed discharge of groundwater/seepage water into Council's drainage system external to the site, in accordance with the requirements of Section 138 of the Roads Act 1993. The applicant must obtain Council's terms of approval prior to undertaking any dewatering and must fully comply with the issued terms of approval.

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

93. The garbage room areas will have to be designed so as to be able to contain a total of 20 x 240 litre bins (10 garbage bins & 10 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.
94. 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.
95. The waste storage areas shall be clearly signposted.
96. Prior to the Certifying Authority issuing an occupation certificate for the proposed development the applicant is to contact Council's Manager of Waste in regards to meeting Council's requirements for waste services to the development and street presentation of the bins.
97. 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:

98. 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.
99. All conditions of the development consent must be satisfied and all public roads and reserves must be satisfactorily restored prior to endorsement of the strata subdivision plans.
100. The applicant shall provide Council with a survey plan of the property prior to endorsement of the strata subdivision plans.
101. Prior to the issuing of an Occupation Certificate and prior to endorsement of the strata subdivision plans the applicant shall dedicate to Council a 2.0 metre wide strip of land along the Glanfield Street frontage for road widening of Glanfield Street.
102. Prior to the issuing of an Occupation Certificate and prior to endorsement of the strata subdivision plans the applicant shall have all structures removed from the 2.0 m wide strip of land along the Glanfield Street frontage to be dedicated to Council.
103. Prior to endorsement of the strata subdivision plans the applicant shall have any approved small car carspaces clearly marked, signposted and identified on the strata plans submitted for endorsement.
104. The carpark in the development must incorporate the provision of at least one car parking space for each dwelling and three spaces (i.e. two small and one standard car spaces) for visitor parking. Details of compliance with this condition are to be shown on the relevant plans for the construction certificate.

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

105. Landscaping at the site shall be installed substantially in accordance with the Landscape Plan by Jane Irwin Landscape Architecture, drawing number DA01, Issue A, sheet A1, dated 13.02.09, subject to the following additional requirements being included on an amended plan, which must 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, prior to the commencement of any site works if not the PCA), and is to include:
 - a. A total of 2 x 100 litre trees which will achieve a minimum height at maturity of 8 metres must be incorporated into the main landscaped area along the eastern boundary (at the expense of the smaller specimens nominated here), with deciduous species to be considered given the aspect.
 - b. Quantities for all plants must be included in the plant schedule, together with spacings where necessary, planting and staking methods and maintenance practices (hedging, trained on wire/trellis) as applicable.
 - c. Additional notation showing soil and mulch details, irrigation details, edging, paving, fencing details, surface finishes, retaining wall details, and any other landscape elements in order to sufficiently detail the proposed works.

- d. All planter boxes and garden beds constructed on slab must have a minimum soil depth.
 - e. In order to reduce the amount of storm-water generated by the site, as well as to recharge groundwater supplies, porous/permeable paving shall be used in all hard surfacing not over slab.
 - f. To ensure satisfactory maintenance of the landscaped areas, an automatic drip irrigation system shall be installed throughout all planted areas. Details shall be provided showing that the system will be connected to the sites rainwater tanks, with back-up connection to the mains supply, in accordance with all current Sydney Water requirements.
 - g. 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.
 - h. Location of easements within the site and upon adjacent sites (if any).
106. The landscaping shall be installed in accordance with both the approved documentation and relevant conditions of consent, prior to the issue of a final occupation certificate, and must be maintained in accordance with those plans.
107. Documentary evidence from a suitably qualified Landscape Designer/Architect (must be a registered member of either AILD or AILA) confirming the above, must be submitted to the satisfaction of the PCA, with a copy to also be forwarded to Council if not the PCA.
108. The nature-strip upon both of Council's Hannan & Glanfield Street frontages shall be excavated to a depth of 150mm, and backfilled with topsoil equivalent with 'Organic Garden Mix' as supplied by Australian Native Landscapes, and re-turfed with Kikuyu Turf or similar. Such works shall be installed prior to the issue of a final Occupation Certificate.
109. Any substation required shall be screened from view, with the proposed location, elevation and screening method to be shown.

Tree Management

110. The applicant shall submit a total payment of \$321.75 (including GST), to cover the cost for Council to supply and install a total of 3 x 25 litre street trees, *Schinus areira* (Peppercorn Trees) on the Hannan Street frontage, spaced evenly between the southern site boundary and intersection of Glanfield Street.

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 the issue of a construction certificate.**

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

111. Approval is granted for the removal of all existing vegetation from within the site as part of the proposed works, subject to full implementation of the approved landscape plan.

ADVISORY MATTERS:

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

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

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

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

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

- a) Part B1 - Structural provisions
- b) Part C1 - Fire resistance and stability
- c) Part C2 - Compartmentation and separation
- d) Part C3 - Protection of openings
- e) Part D2 - Construction of exits
- f) Part E1 - Fire fighting equipment
- g) Part E2 - Smoke Hazard Management
- h) Part E3 - Lift Installations
- i) Part E4 - Emergency lighting, exit signs & warning systems
- j) Part F1 - Damp and weatherproofing
- k) Part F2 - Sanitary and other facilities, in particular, provision of a W/C for maintenance workers
- l) Part F3 - Room sizes
- m) Part F4 - Light and ventilation
- n) Part F5 - Sound Transmission and Insulation
- o) 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.

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.

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: (Matthews/Nash) CARRIED - SEE RESOLUTION.

A **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 Matthews
Councillor Nash	Councillor Tracey
Councillor Notley-Smith	Councillor Woodsmith
Councillor Procopiadis	
Councillor Seng	
Councillor Smith	
Councillor Stevenson	
Councillor White	
Total (10)	Total (5)

CP65/09 Director City Planning Report - 554 Bunnerong Road, Matraville (DA/222/2009)

318/09 **RESOLUTION: (Notley-Smith/White) -**

- A. That Council, as the consent authority, supports the objections under State Environmental Planning Policy No. 1 – Development Standards in respect to non-compliance with Clause 42DA of Randwick Local Environmental Plan 1998, relating to maximum number of storeys and maximum building height, on the grounds that the proposed development complies with the objectives of the above clause, and will not adversely affect the amenity of the locality, and that the Department of Planning be advised accordingly.
- B. 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/222/2009 for permission to Demolition of existing structures and construction of 4 storey mixed use development comprising ground level commercial tenancy, 16 residential units, 2 levels of parking for 23 vehicles and associated works (SEPP1 objection to maximum height and number of storeys controls) at 554 Bunnerong Road, Matraville, subject to the following conditions:
1. The development must be implemented substantially in accordance with the plans numbered DA100, DA101, DA102, DA103, DA300, DA301, DA302 & DA303, all dated March 2009, all Revision 03 and received by Council on 29th September 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 ensure that the development satisfies the provisions of the *Environmental Planning and Assessment Act 1979* and Regulations:

2. The colours, materials and finishes of the external surfaces to the building must be consistent with the approved drawings and the sample board prepared by ASA Architects and submitted to Council with the development application on 14 April 2009.

3. 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:
- Provision of ceiling fans in bedrooms.
 - Provision of appropriate window types to all rooms to allow for different weather conditions and give occupants a variety of ventilation options.

4. The reflectivity index of external glazing for windows of the proposed development is to be no greater than 20%. Written confirmation of the reflectivity index of glazing materials is to be submitted with the Construction Certificate application.

(Note: The reflectivity index of glazing can be obtained from glazing manufacturers. Glass with mirrored or reflective foil finishes is unlikely to achieve compliance with this requirement.)

5. The design, dimension, line-marking, sign-posting and construction of the proposed car parking spaces and access aisles shall be consistent with the provisions of Australian Standard 2890.1: Off-street car parking. Details of compliance are to be included in the Construction Certificate application.
6. 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.**

7. Lighting to the premises shall be designed so as not to cause a nuisance to nearby residents or motorists and to ensure that light overspill does not affect the amenity of the area.
8. 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.
9. 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.
10. All building, plumbing and drainage work must be carried out in accordance with the requirements of the Sydney Water Corporation.

The approved Construction Certificate 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.

11. Power supply and telecommunications cabling to the development shall be underground.
12. 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.
13. Development consent is required to be obtained in relation to the specific 'use and operation' of commercial tenancies/occupancies and 'shop fit out works', in accordance with the relevant requirements of the Environmental Planning & Assessment Act 1979
14. 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.

15. Vehicular access to the residential and commercial car parking within the development shall be readily accessible to visitors at all times. Where a security gate is provided restricting access to the basement car parking area, a suitable intercom system shall be installed adjacent to the vehicular entrance together with appropriate instructions signage to provide for access to visitor spaces at all times.
16. 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.

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

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

Category	Cost	Applicable Levy	S94A Levy
Development cost \$100,001 - \$200,000	Not applicable.	0.5%	Not applicable.
Development Cost More than \$200,000	\$2857850.00	1.0%	\$\$28578.50

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

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

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

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

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

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

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

- i) appoint a *Principal Certifying Authority* for the building work, and
- ii) appoint a *principal contractor* for the building work 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 persons intention to commence building works.

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

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

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

Documentary evidence of the building inspections carried out and details of compliance with Council's consent is to be maintained by the *Principal Certifying*

Authority. Details of *critical stage inspections* carried out and copies of certification relied upon must also be forwarded to Council with the *occupation certificate*.

The *principal contractor* 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 must also be provided to Council with the occupation certificate.

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

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

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

Where the work to be done by any other person, excavation or building work must not be carried out unless the Principal Certifying Authority:

- has been informed of the person's name and *owner-builder* permit

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

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

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

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

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

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

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

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

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

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

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

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

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

30. 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.

31. 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.

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

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

33. 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**.

34. 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**.

35. A Certificate prepared by a *professional engineer* shall be submitted to the certifying authority (*and the Council, if the Council is not the certifying authority*) **prior to issuing an occupation certificate**, 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:

36. 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.

37. 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).*

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

39. 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*, Councils conditions of consent and relevant Standards relating to noise and vibration. In support of the above, it is necessary to submit all relevant readings and calculations made.

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

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. 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

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

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

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

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

- a) The roadway, footpath and nature strip must be maintained in a good, safe condition and free from any obstructions, materials, soils or debris at

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

- b) Building materials, sand, soil, waste materials, construction equipment or other materials or articles must not be placed upon the footpath, roadway or nature strip at any time and the footpath, nature strip and road must be maintained in a clean condition and free from any obstructions, soil and debris at all times.
- c) Bulk bins, waste containers or other articles must not be located upon the footpath, roadway or nature strip at any time without the prior written approval of the Council. Applications to place a waste container or other articles in a public place can be made to Council's Health, Building & Regulatory Services department.
- d) Temporary toilet facilities are to be provided, at or in the vicinity of the work site throughout the course of demolition and construction, to the satisfaction of WorkCover NSW and the toilet facilities must be connected to a public sewer or other sewage management facility approved by Council.
- e) A temporary timber, asphalt or concrete crossing is to be provided to the site entrance across the kerb and footway area, with splayed edges, to the satisfaction of Council, unless access is via an existing concrete crossover.
- f) The applicant/builder is required to hold Public Liability Insurance, with a minimum liability of \$10 million and a copy of the Insurance cover is to be provided to Council.
- g) A local approval application must be submitted to and be approved by Council's Building Services section prior to commencing any of the following activities upon any part of the footpath, road or nature strip or in any public place:-
 - Install or erect any site fencing, hoardings or site structures
 - Operate a crane or hoist goods or materials over a footpath or road
 - Placement of a waste skip or any other container or article in a public place.

44. 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.

45. 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.

46. 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.

47. 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.

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

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

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

If it is proposed to locate any 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.

49. 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.

50. 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.

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

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

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

b) A WorkCover licensed demolition or asbestos removal contractor must undertake removal of more than 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.

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

time as all asbestos has been safely removed from the site.

- d) Asbestos waste must be stored, transported and disposed of in compliance with the Protection of the Environment Operations Act 1997 and the Protection of the Environment Operations (Waste) Regulation 1996. Asbestos waste must be disposed of at an approved waste disposal depot (refer to the DEC or Waste Service NSW for details of sites). Copies of all receipts detailing method and location of disposal must be maintained on site and be provided to Council officers upon request, as evidence of correct disposal.
- e) A Clearance Certificate or Statement, prepared by a suitably qualified person (i.e. an occupational hygienist, licensed asbestos removal contractor, building consultant, architect or experienced licensed building contractor), must be provided to Council upon completion of the works **prior to an Occupation Certificate being issued**, which confirms that the asbestos material have been removed appropriately and the relevant requirements contained in the Asbestos Survey and conditions of consent in relation to the safe removal and disposal of asbestos, have been satisfied.

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

- 52. 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:

- 53. 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*.
- 54. The proposed use of the premises and the operation of all plant and equipment shall not give rise to an 'offensive noise' as defined in the Protection of the Environment Operations Act 1997 and Regulations.

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

- 55. 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.

56. Sanitary facilities, plus wash hand basin and paper towel dispenser or hand dryer and appropriate signage, must be provided to the satisfaction of the Certifying Authority and details are to be provided in the **Construction Certificate** Application.
57. 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:

58. **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.

Security Deposit Conditions

The following conditions are applied to provide adequate security against

damage to Council's infrastructure:

59. 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) \$10,000.00 - 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:**

60. 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 heavy duty concrete vehicular crossing and layback at kerb opposite the vehicular entrance to the site.
- b) Remove any redundant concrete vehicular crossing and layback and to reinstate the area with concrete footpath, turf and integral kerb and gutter to Council's specification.
- c) Remove the existing concrete footpath adjacent to the property alignment in Bunnerong Road and replace it with paving and landscaping that is in accordance with the Matraville Urban Design Guidelines and that also meet Council's new issued alignment levels for the pedestrian entrances in Bunnerong Road.

Note: The applicant is to liaise with Council's Coordinator Landscape Design (Hayley Segedin - 9399 0915) prior to submitting to Council a detailed streetscape plan for the Bunnerong Road site frontage. As a guide the applicant should refer to the paving type and landscaping at the adjacent property in Bunnerong road.

Following approval of the streetscape plan; and prior to commencement of the streetscape works on Council property, the applicant shall liaise with Council's Special Projects Coordinator on 9399-0719, 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 Special Projects Coordinator, prior to the issue of a final occupation certificate.

- d) Remove the existing concrete footpath along the Harold Street frontage and to construct a new concrete footpath to meet Council's issued alignment levels. Any unpaved areas on the nature strip must be turfed and landscaped to Council's specification.
61. 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.
62. 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.
63. Clear fixed safety glass shall be installed adjacent to the eastern edge of the car park opening in Harold Street, as shown on submitted plan (Proj No 080803, Drwg No DA100 Rev 03 stamped by Council 29/9/09). Details are to be submitted to the Certifying Authority prior to the release of the construction certificate showing compliance with this condition.
64. The car park entry at the Harold Street frontage must be a minimum of 6 metres wide.
65. Prior to the issuing of the Construction Certificate, the applicant is to have a suitably qualified Traffic Engineer approve a traffic signaling system and signage within the site which removes vehicle conflict between vehicles entering and exiting the site.
- Note: The signalised system proposed would be a passive green signal for entry movements which will reduce the potential for on-street queuing to occur.
66. Prior to the issuing of a construction certificate the applicant is to submit full construction details of the approved signaled system to the Certifying Authority.
67. Prior to the issuing of any form of occupation certificate the signalization system and signage is to be installed in accordance with the approved plans and be fully operational. The signaling system is to be maintained fully operational at all times.
68. All internal driveway grades are to be constructed in accordance with the approved plans.

69. Prior to the issuing of the Construction Certificate, the applicant is to have the submitted plans for the lower car park level amended as follows:

Reduce the width of car spaces 21 & 22 to 2.40m.
Increase width of turning bay adjacent to car space No 21 to 2.30m

70. A Works Zone is to be provided in Harold Street or Bunnerong 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.

71. 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.

72. The minimum clear distance from the new Council footpath at the Commercial Office entrance (RL15.40 AHD) to the underside of the proposed awning shall be 3.0 metres. The plans submitted for the construction certificate shall demonstrate compliance with this requirement.

73. 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. Upon completion of the construction of the awning, certification of the structural adequacy of the awning must be provided to the Council.

74. Prior to the issuing of a construction certificate the plans are to be amended to show the following:

Deletion of the portion of the proposed awning on the Harold Street frontage that encroaches out over Council property.

Alignment Level Conditions

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

75. The Council's Development Engineer has inspected the above site and has determined that the design alignment level (concrete/paved/tiled level) at the Bunnerong Road & Harold Street property boundaries for driveways, access ramps and pathways or the like must be as follows:

Bunnerong Road Frontage – Northern Boundary Fire Exit - RL 15.70.
Commercial Office Pedestrian
Entry/Exit - RL 15.40.
Southern Boundary – RL 15.10

Harold Street Frontage - Lobby Entry - RL 14.70
Fire Exit Next to Lobby - RL 14.65

Bin Store Door - RL 14.60
 Fire Exit Next to D'way - RL 14.30
 Car park Entrance - RL 14.15

Note: The applicant is advised a redesign of the fire exit near the car park entrance will be required due to the issued alignment levels. Prior to the issuing of a construction certificate the applicant is to liaise with Council's Coordinator of Development Engineering to discuss prior to any redesign.

76. The design alignment levels (concrete/paved/tiled level) issued by Council must be indicated on the building plans for the construction certificate.
77. The above alignment levels and the site inspection by Council's Development Engineer has been issued at a prescribed fee of \$2,522.00 calculated at \$44.00 (inclusive of GST) per metre of site frontage. This amount is to be paid prior to a construction certificate being issued for the development.
78. Prior to the issuing of a construction certificate the applicant is to submit plans to Council's Development Engineering for approval which shows detailed internal driveway grades from the roller shutter car park entrance (RL 14.15 AHD) to the entry car park level (RL 13.90 AHD). The details shall also show height clearances which allow for disability vehicles to enter the car park.

Service Authority Conditions

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

79. 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.
80. 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.
81. 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.
82. 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.

83. 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.

84. 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 any form of occupation certificate for the development.
85. A Section 73 Compliance Certificate under the Sydney water Act 1994 must be obtained. Application must be made through an authorised Water Servicing Coordinator. Please refer to "Your Business" section of Sydney Water's web site at www.sydneywater.com.au then the "e-developer" icon or telephone 13 20 92.

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

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

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

Drainage Conditions

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

86. The floor level of all habitable and storage areas shall be at a minimum RL of 14.15 metres (AHD) or suitably waterproofed up to this same level.
87. The proposed internal driveway (and any other openings into the carpark from Harold Street must be designed with a high point at least RL 14.15 AHD. The plans submitted for the construction certificate shall demonstrate compliance with this requirement.
88. All windows, vents and other openings into the basement carpark (excluding the driveway opening) must be located at least RL 14.30 AHD.
89. All structural walls on the ground floor level shall be designed to **structurally** withstand hydrostatic pressure/stormwater inundation from floodwater during the probable maximum flood (PMF) event as defined in the Floodplain Development Manual (New South Wales Government, April 2005). Structural Engineering certification confirming that this condition has been complied with shall be submitted to the certifying authority prior to the issuing of a construction certificate.

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

90. **Stormwater drainage plans have not been approved as part of this development consent.** Engineering calculations and plans with levels reduced to Australian Height Datum in relation to site drainage shall be submitted to and approved by the certifying authority prior to a construction certificate being

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

- a) A detailed drainage design supported by a catchment area plan, at a scale of 1:100 or as considered acceptable to the Council or an accredited certifier, and drainage calculations prepared in accordance with the Institution of Engineers publication, Australian Rainfall and Run-off, 1987 edition.
 - b) A layout of the proposed drainage system including pipe sizes, type, grade, length, invert levels, etc., dimensions and types of all drainage pipes and the connection into Council's stormwater system.
 - c) Generally all internal pipelines must be capable of discharging a 1 in 20 year storm flow. However the minimum pipe size for pipes that accept stormwater from a surface inlet pit must be 150mm diameter. The site must be graded to direct any surplus run-off (ie. above the 1 in 20 year storm) to the proposed drainage system.
 - d) The separate catchment areas within the site, draining to each collection point or surface pit are to be classified into the following categories:
 - i. Roof areas
 - ii. Paved areas
 - iii. Grassed areas
 - iv. Garden areas
 - e) Where buildings abut higher buildings and their roofs are "flushed in" to the higher wall, the area contributing must be taken as: the projected roof area of the lower building, plus one half of the area of the vertical wall abutting, for the purpose of determining the discharge from the lower roof.
 - f) Proposed finished surface levels and grades of car parks, internal driveways and access aisles which are to be related to Council's design alignment levels.
 - g) The details of any special features that will affect the drainage design eg. the nature of the soil in the site and/or the presence of rock etc.
91. 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.
92. All site stormwater must be discharged (by gravity) to the kerb and gutter or drainage system in Harold Street.
93. Should stormwater runoff be discharged from the site directly to Council's underground drainage system in Harold Street via a new kerb inlet pit. The new kerb inlet pit shall be constructed in general accordance with Council's standard drawing SD7a.
94. 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.

95. Site discharge pipelines shall cross the verge at an angle no less than 45 degrees to the kerb line.
96. A work-as-executed plan prepared and signed by the hydraulic engineer or a registered surveyor, must be submitted to Council prior to the issuing of an occupation certificate, detailing the as constructed details for all works within Council's road reserve (including detailed levels).
97. All drainage details (for the external drainage works) shall be prepared by a suitably qualified hydraulic consultant who shall, at the completion of the works, certify that the drainage works have been constructed in accordance with the approved drainage plans and relevant standards. The plans and specifications for all works on Council property shall be submitted to and approval by Council prior to the issuing of a construction certificate.
98. 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.
99. 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.

100. The detention area must be regularly cleaned and maintained to ensure it functions as required by the design.
101. Any onsite detention shall be located in areas accessible by residents of all units.
102. Any above ground stormwater detention areas must be suitably signposted where required, warning people of the maximum flood level.
103. 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).
104. A childproof and corrosion resistant fastening system shall be installed on access grates over pits/trenches where water is permitted to be temporarily stored.
105. A 'V' drain is to be constructed along the perimeter of the property, where

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

106. 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.

107. 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;

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.

108. 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.
109. **One** covered car washing bay shall be provided for this development.
- a) The car washing bay must be drained to sewer to the requirements of Sydney Water and proof of compliance is to be submitted to the certifying authority, prior to an occupation certificate being issued for the proposed development.
- b) The car washing bay must be located outside any required/approved stormwater detention system.
- c) The car washing bay may be located within the visitor parking spaces provided they are signposted with '*Exclusive Carwash Bay Use Sat 2:00pm - 5:00pm and Sunday 10:00am - 2:00pm, Visitor parking at other times*'
- d) The car washing bay must be constructed with a minimum 20mm bund around the perimeter of the car washing bay/s (or equivalent)
- e) A water tap shall be located adjacent to the car washing bay.
110. 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 pumping systems installed (including wet well volumes).
111. 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.
112. As the above site may encounter groundwater /seepage water within the depth of the basement excavation the basement carpark or similar structures are to be suitably tanked and waterproofed. A Structural Engineer\Geotechnical Engineer shall certify the tanking & waterproofing has been carried out to an acceptable standard, to the satisfaction of the certifying authority. A copy of the certification is to be forwarded to Council.

Notes:-

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

- b) Adequate provision is to be made for the ground water to drain around the basement carpark (to ensure that the basement will not dam or slow the movement of the ground water through the development site).
113. Any seepage water must be drained directly into an absorption pit within the site. Seepage water must **not** be drained from the site.
114. A report must be submitted to and approved by the Certifying Authority or an accredited certifier, prior to issuing the Construction Certificate, detailing the proposed method of excavation and dewatering process. This report is to be prepared by suitably qualified and experienced Geotechnical, Hydrological and Structural Engineers and is to include but not limited to:
- The proposed method of shoring/piling and dewatering.
 - The zone of influence of any possible settlement.
 - The location of any proposed re-injection points in relation to the property boundaries (where re-injection equipment is to be located on land other than the subject premises, the written consent of the owner must also be provided to Council).
 - Monitoring of fluctuations of the water table during dewatering/construction to be undertaken by consulting engineers to ensure that the conditions of consent and other relevant requirements are satisfied.
 - The location of all proposed monitoring equipment in relation to the property boundaries (where monitoring equipment is to be located on land other than the subject premises, the written consent of the owner must also be provided to Council).
 - Details of any consultation and arrangements made with owners of any potentially affected nearby premises (ie in relation to access, monitoring and rectification of possible damage to other premises).
 - Details of groundwater quality and proposed disposal of any potentially contaminated groundwater in accordance with relevant requirements of the Department of Environment & Conservation, Council and the Protection of the Environment Operations Act 1997, in an environmentally sensitive manner.
 - The location of all pumping equipment in relation to the property boundaries.
 - The proposed method of noise attenuation for all pumping equipment, so as not to be more than 5dB (A) greater than the A – weighted L90 background sound pressure level between the hours of 7am to 10pm within any residential premises and not to be audible at all between the hours of 10pm and 7am within any residential dwelling.
 - Confirmation that the proposed methods of dewatering and excavation are appropriate and in accordance with 'best practice' principles and should not result in any unacceptable levels of settlement or damage of the adjoining or nearby buildings within the zone of influence.

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

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

115. If any temporary dewatering of the site is required to facilitate construction of

any part of the basement car park and/or detention tank a licence under Part V of the Water Act 1912 will be required. The licence must be obtained from the NSW Department of Water and Energy prior to installation of the works. A copy of the license agreement must be forwarded to Council prior to any dewatering being undertaken.

116. A separate written approval from Council is required to be obtained in relation to any proposed discharge of groundwater into Council's drainage system external to the site, in accordance with the requirements of Section 138 of the Roads Act 1993.

Waste Management Conditions

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

117. The garbage room area for the residential bins will have to be designed so as to be able to contain a total of 16 x 240 litre bins (8 garbage bins & 8 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.
118. 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. The waste storage areas shall be clearly signposted.
119. An additional garbage area will have to be constructed for the proposed commercial/office area. The applicant is to liaise with Council's Manager of Waste regarding the required size of this garbage area. Details showing compliance with this requirement are to be shown on the plans submitted to the certifying authority for the construction certificate.
120. 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.

Landscape Conditions

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

121. The landscaped areas, within the site, shall be installed generally in accordance with Landscape Plan *Drg Lo1/1-r14212* by Michael Siu Landscape architects dated 08 April 2009 subject to the following amendment:

Deletion of the 1.8m high masonry wall set 900mm from the rear boundary and the deep soil planting shall be installed at RL 15.00.

Enquiries regarding this matter can be directed to Council's Landscape Development Officer, Mr D Meredith on 9399 0613.

122. The landscaping shall be installed in accordance with the approved documentation prior to the issue of a final occupation certificate and shall be maintained in accordance with those plans. Documentary evidence is to be obtained from a suitably qualified Landscape Architect and submitted to the principal certifying authority (PCA) (and the Council, if the Council is not the

PCA) prior to the issuing of a final occupation certificate which confirms that the landscaping works have been completed in accordance with the approved landscaping plans and relevant conditions of development consent, to the satisfaction of the PCA.

123. 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.

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

125. Permission is granted for the removal of all trees located within the site.

126. 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.

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. 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 C2	-	Compartmentation and separation
d)	Clause C2.6	-	Vertical separation of openings in external walls
e)	Part C3	-	Protection of openings
f)	Clause C3.2&C3.4	-	Protection of openings in external walls
g)	Part D1	-	Provisions for escape
h)	Clause D1.2	-	Number of exits required
i)	Clause D1.3	-	When fire-isolated exits are required
j)	Clause D1.4	-	Exit travel distances
k)	Clause D1.5	-	Distance between alternative exits
l)	Part D2	-	Construction of exits
m)	Clause D2.4	-	Separation of rising and descending stair flights
n)	Part D3	-	Access for people with disabilities
o)	Clause D3.5	-	Car parking for people with disabilities
p)	Part E1	-	Fire fighting equipment
q)	Part E2	-	Smoke Hazard Management
r)	Part E3	-	Lift Installations
s)	Part E4	-	Emergency lighting, exit signs & warning systems
t)	Part F1	-	Damp and weatherproofing
u)	Part F2	-	Sanitary and other facilities
v)	Part F3	-	Room sizes
w)	Part F4	-	Light and ventilation
x)	Part F5	-	Sound Transmission and Insulation
y)	Section G	-	Ancillary Provisions
z)	Part G2	-	Heating appliances, fireplaces, chimneys & flues
aa)	Section H	-	Special Use Buildings
ab)	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.

You are 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.

- 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/Nash) that the recommendation be adopted, subject to a Deferred Commencement condition that the applicant submit an amended design plan incorporating an awning that reflects the requirements of the DCP with delegation to the Director City Planning. **LOST.**

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

FOR	AGAINST
Councillor Matson	Councillor Andrews
Councillor Nash	Councillor Belleli
Councillor Procopiadis	Councillor Bowen
Councillor Tracey	Councillor Hughes
Councillor Woodsmith	Councillor Matthews
	Councillor Notley-Smith
	Councillor Seng
	Councillor Smith
	Councillor Stevenson

Total (5)Councillor White
Total (10)**MOTION: (Notley-Smith/White) CARRIED UNANIMOUSLY - SEE RESOLUTION.****CP66/09 Director City Planning Report - 191 Boyce Road, Maroubra
(DA/408/2007/B)**

319/09

RESOLUTION: (Nash/Matthews) that the application be deferred for mediation.**MOTION: (Andrews/Belleli)** that Council as the consent authority grant development consent under Section 80 of the Environmental Planning and Assessment Act 1979 to development application 408/2007/B for permission to modify development consent, subject to appropriate conditions, including 4.5m established trees to be planted on the rear boundary for privacy screening.
WITHDRAWN.**MOTION (Tracey/Smith)** that Council as the consent authority grant development consent under Section 80 of the Environmental Planning and Assessment Act 1979 to development application 408/2007/B for permission to modify development consent, subject to appropriate conditions that provide for the enlarged verandah on the ground floor, but not the proposed new 1st floor balcony (i.e. the Juliet balconies on the 1st floor are to be retained).**AMENDMENT (Nash/Matthews) CARRIED AND BECAME THE MOTION.
MOTION CARRIED – SEE RESOLUTION.**A **DIVISION** was taken and the names of the Councillors voting FOR and AGAINST were as follows:

FOR	AGAINST
Councillor Andrews	Councillor Bowen
Councillor Belleli	Councillor Matson
Councillor Hughes	Councillor Smith
Councillor Matthews	Councillor Tracey
Councillor Nash	Councillor Woodsmith
Councillor Notley-Smith	
Councillor Procopiadis	
Councillor Seng	
Councillor Stevenson	
Councillor White	
Total (10)	Total (5)

**CP67/09 Director City Planning Report - 105-109 Anzac Parade, Kensington
(DA/328/2009)**

320/09

RESOLUTION: (Matthews/Notley-Smith) -

- A. That Council support the objections under State Environmental Planning No. 1 (SEPP No.1) in respect to non-compliance with Clauses 42C(4)(a) and 42C(4)(b) of the Randwick Local Environmental Plan 1988, relating to number of storeys and building height, on the grounds that the proposed development is consistent with the objective of the clause and will not adversely affect the amenity of the surrounding locality and that the Department of Planning be advised accordingly.
- B. That Council as the consent authority grant its development consent under of Section 80 and 80A of the Environmental Planning and Assessment Act 1979 to Development Application No. DA/328/2009 for demolition of the existing

building and construction of a mixed use development with retail floor space at ground floor level and up to 6 levels of residential apartments above at 105-109 Anzac Parade, Kensington, subject to the following conditions:

Referenced plans:

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

Plan Number	Issue Number	Dated	Received On
DA.A0	D	1 October 2009	1 October 2009
DA.01	DA	21 May 2009	26 May 2009
DA.02	DA	21 May 2009	26 May 2009
DA.03	C	1 October 2009	1 October 2009
DA.04	B	1 October 2009	1 October 2009
DA.05	B	1 October 2009	1 October 2009
DA.05.1	A	1 October 2009	1 October 2009
DA.06	B	1 October 2009	1 October 2009
DA.07	D	1 October 2009	1 October 2009
DA.08	D	1 October 2009	1 October 2009
DA.09	D	1 October 2009	1 October 2009
DA.10	B	1 October 2009	1 October 2009
DA.11	B	1 October 2009	1 October 2009
DA.12	B	1 October 2009	1 October 2009
DA.13	B	1 October 2009	1 October 2009
DA.14	D	1 October 2009	1 October 2009

the application form and on any supporting information received with the application, except as may be amended by 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

2. Development of the site should incorporate the recommendations of the Safer by Design Crime Risk Evaluation prepared by the NSW Police Force and received by Council on 1 September 2009.
3. Apartment Nos. D1.3, D2.3 and D3.3 are to be dedicated as accessible apartments and must comply with the relevant Australia Standards and the Adaptable Housing Standard. Details of compliance are to be provided in the construction certificate plans.
4. The sill height of the windows to the western side of the Apartment Nos. D1.1, D2.1, D3.1 and D4.1 are to be increased to be a minimum height of 1.5m above floor level, or alternatively, the windows are to be fixed and provided with translucent, obscured, frosted or sandblasted glazing below 1.5m above floor level, to minimise the direct outlook of the internal living area and external balconies of the western adjoining building at Nos. 2-4 Duke Street.
5. Privacy screens (i.e. fixed louvres) having a height of 1.5m, measured above the finished balcony level, are to be provided to the western side of the balconies of Units Nos. A2.4, A3.4, A4.3 and A5.4 to minimise the direct overlooking of the internal living area and external courtyard of the residential component of the southern adjoining building at No. 111 Anzac Parade.
6. The proposed building (except the awning over the footpath) must not encroach onto Council's properties (i.e. air space).

Details are to be provided in the Construction Certificate to demonstrate that the proposed building will not encroach onto the adjoining and Council's properties or any public place.

7. 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.

8. All plumbing and drainage pipes, other than rainwater heads, gutters and downpipes, must be concealed within the building.
9. 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.

10. The enclosure of balconies is prohibited by this consent.
11. 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.
12. 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.
13. Internal or external clothes drying facilities are to be provided in accordance with the provisions of the Building Code of Australia.

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

14. 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.
15. 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.

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

development are fulfilled.

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

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

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

18. 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)

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

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

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

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

Category	Cost	Applicable Levy	S94A Levy
Development cost \$100,001 - \$200,000	-	0.5%	-
Development Cost More than \$200,000	\$12,002,510.30	1.0%	\$120,025.10

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 ensure that the development satisfies

the provisions of the *Environmental Planning and Assessment Act 1979* and Regulations:

21. 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.

22. 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*.

23. **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.

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

- i) appoint a *Principal Certifying Authority* for the building work, and
- ii) appoint a *principal contractor* for the building work and notify the *Principal Certifying Authority* and Council accordingly in writing, and
- iii) notify the *principal contractor* of the required *critical stage inspections* and other inspections to be carried out, as specified by the *Principal Certifying Authority*, and
- iv) give at least two days notice to the Council, in writing, of the persons intention to commence building works.

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

25. 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.

26. 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".
27. An **Occupation Certificate** must be obtained from the Principal Certifying Authority prior to any occupation of the building work encompassed in this development consent, in accordance with the relevant provisions of the Environmental Planning & Assessment Act 1979.

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

28. **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.

29. 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.

30. 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**.

31. 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:

32. 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.
33. 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.

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

Any practices or recommendations specified in the engineer's report in relation to the avoidance or minimisation of structural damage to nearby premises or

land must be fully complied with and incorporated into the documentation for the **construction certificate**.

35. 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**.

36. 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**.
37. 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:

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

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

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

39. 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).*
40. Except with the written approval of Council's Manager of Health, Building & Regulatory Services, all building, demolition and associated site works (including site deliveries) must only be carried out between the hours of 7.00am to 5.00pm on Monday to Friday inclusive and (except as detailed below) between 8.00am to 5.00pm on Saturdays.

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

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

41. 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*, Councils conditions of consent and relevant Standards relating to noise and vibration. In support of the above, it is necessary to submit all relevant readings and calculations made.

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

42. 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.

43. 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

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. Public safety and convenience must be maintained at all times during demolition, excavation and construction works and the following requirements must be complied with:
- a) The roadway, footpath and nature strip must be maintained in a good, safe condition and free from any obstructions, materials, soils or debris at all times. Any damage caused to the road, footway or nature strip must be repaired immediately, to the satisfaction of Council.
 - b) Building materials, sand, soil, waste materials, construction equipment or other materials or articles must not be placed upon the footpath, roadway or nature strip at any time and the footpath, nature strip and road must be maintained in a clean condition and free from any obstructions, soil and debris at all times.
 - c) Bulk bins, waste containers or other articles must not be located upon the footpath, roadway or nature strip at any time without the prior written approval of the Council. Applications to place a waste container

or other articles in a public place can be made to Council's Health, Building & Regulatory Services department.

- d) Temporary toilet facilities are to be provided, at or in the vicinity of the work site throughout the course of demolition and construction, to the satisfaction of WorkCover NSW and the toilet facilities must be connected to a public sewer or other sewage management facility approved by Council.
 - e) A temporary timber, asphalt or concrete crossing is to be provided to the site entrance across the kerb and footway area, with splayed edges, to the satisfaction of Council, unless access is via an existing concrete crossover.
 - f) The applicant/builder is required to hold Public Liability Insurance, with a minimum liability of \$10 million and a copy of the Insurance cover is to be provided to Council.
 - g) A local approval application must be submitted to and be approved by Council's Building Services section prior to commencing any of the following activities upon any part of the footpath, road or nature strip or in any public place:-
 - Install or erect any site fencing, hoardings or site structures
 - Operate a crane or hoist goods or materials over a footpath or road
 - Placement of a waste skip or any other container or article in a public place.
46. 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.
47. 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.

48. 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.

49. 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.

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

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

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

If it is proposed to locate any 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.

51. 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.

52. 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.

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

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

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

- b) A WorkCover licensed demolition or asbestos removal contractor must undertake removal of more than 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.
- c) On sites involving the removal of asbestos, a professionally manufactured sign must be clearly displayed in a prominent visible position at the front of the site, containing the words 'DANGER ASBESTOS REMOVAL IN PROGRESS' and include details of the licensed contractor. The sign shall measure not less than 400mm x 300mm and the sign is to be installed prior to demolition work commencing and is to remain in place until such time as all asbestos has been safely removed from the site.
- d) Asbestos waste must be stored, transported and disposed of in compliance with the Protection of the Environment Operations Act 1997 and the Protection of the Environment Operations (Waste) Regulation 1996. Asbestos waste must be disposed of at an approved waste disposal depot (refer to the DEC or Waste Service NSW for details of

sites). Copies of all receipts detailing method and location of disposal must be maintained on site and be provided to Council officers upon request, as evidence of correct disposal.

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

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

54. 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:

55. 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*.
56. The proposed use of the premises and the operation of all plant and equipment shall not give rise to an 'offensive noise' as defined in the Protection of the Environment Operations Act 1997 and Regulations.

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

57. 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.
58. Sanitary facilities, plus wash hand basin and paper towel dispenser or hand dryer and appropriate signage for employees, must be provided to the satisfaction of the Certifying Authority and details are to be provided in the **Construction Certificate** Application.
59. 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:

60. **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.

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

61. A Detailed Site Contamination Investigation Report must be submitted to the satisfaction of Council's Director of City Planning **prior to issuing any Construction Certificate** for the development. The detailed investigation must be undertaken by an independent appropriately qualified environmental consultant and provide information on land and ground water contamination and also 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 & Climate Change (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.

- 1) 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 and it is not necessary to carry out any remediation work.

The written concurrence of Council must be obtained **before any Construction Certificate is issued** for the development.

- 2) 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) A Remediation Action Plan (RAP) is required to be submitted to the satisfaction of Council **prior to commencing any remediation works and prior to issuing any Construction Certificate**. The RAP is also required to be reviewed by an independent NSW Department of Environment & Climate Change (DECC) Accredited Site Auditor and a written statement is to be provided to the Council with the RAP from 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 will be suitable for the intended development and use
- b) The RAP is to be prepared in accordance with the relevant Guidelines made or approved by NSW Department of Environment & Climate Change (DECC), including the Guidelines for Consultants Reporting on Contaminated Sites.

This RAP is to include procedures for the following:

- Excavation, removal and disposal of 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.
- c) A NSW Department of Environment & Climate Change Accredited Site Auditor, accredited under the *Contaminated Land Management*

Act 1997, must be appointed to assess the suitability of the site for its intended development and use.

- d) The land must be remediated to the satisfaction of the Accredited Site Auditor and a Site Audit Statement and Summary Site Audit Report must be submitted to Council which verifies 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 must be implemented accordingly. Council is required to be consulted with prior to the development of the EMP and any comments made by Council are required to be taken into consideration prior to finalising the EMP.

- e) A Site Audit Statement (SAS) and Site Audit Report must be submitted to Council, **prior to:**

- i) **a construction certificate being issued for any building work** (other than shoring work, piling work, retaining structures or other work which is necessary to carry out the remediation works), or
ii) **a subdivision certificate being issued for the development,**

which ever comes first, unless otherwise specifically approved by Council in writing.

- f) Remediation works are to 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 EPA/DECC and Department of Planning, Randwick City Council's Contaminated Land Policy 1999 and the *Protection of the Environment Operations Act 1997*.

- g) Should the approved remediation strategy including the 'capping' or 'containment' of any contaminated land, details are to be included in the Site Audit Statement (SAS) and Environmental Management Plan (EMP) to the satisfaction of the Site Auditor.

Details of the SAS and EMP (including capping and containment of contaminated land) are also required to be included on the Certificate of Title for the subject land under the provisions of section 88 of the *Conveyancing Act 1919*.

- h) 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. 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

- disposable 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.

A copy of the Remediation Site Management Plan is to be forwarded to Council prior to commencing remediation works.

- i) Any fill importation to the site is to be monitored and classified by the Site Auditor appointed for remediation of the site or a person with his qualifications. Only 'Virgin Excavated Natural Material' (VENM) is to be imported to the site, as detailed in the NSW DECC Waste Classification Guidelines (2008).
- j) 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*
 - *NSW DECC Waste Classification Guidelines (2008).*
- k) The works must not cause any environmental pollution, 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)*.
- l) Any new information which is identified during remediation, demolition or construction works that has the potential to alter previous conclusions about site contamination or the remediation strategy shall be notified to the Site Auditor and Council immediately in writing.

The written concurrence of the Site Auditor and Council must be obtained prior to implementing any changes to the remediation action plan or strategies.

62. The Site Audit Statement must, where no guideline made or approved under the *NSW Contaminated Land Management Act* is available (as with asbestos), clearly state the source of the standard adopted in determining the suitability of the land for the intended development and use and must also demonstrate its suitability to Council.

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

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

the satisfaction of the Site Auditor.

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:

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

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

64. The residential units are to achieve the following LAeq levels having regard to the internal acoustic amenity criteria:
- in any bedroom in the building - 35 dB(A) at any time between 10pm and 7am,
 - anywhere else in the building (other than a garage, kitchen, bathroom or hallway) - 40 dB(A) at any time.

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.**

65. 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.
66. 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 from the development satisfies 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 approved acoustic report and recommendations), to the satisfaction of Council. The assessment and report must include all relevant fixed and operational noise sources.

Security Deposit Conditions

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

67. 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:
- \$5000.00 - Damage / Civil Works Security Deposit

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

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

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

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

Traffic conditions/Civil Works Conditions

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

68. 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 Duke Street opposite the vehicular entrance to the site.
 - b) Remove the redundant concrete vehicular crossing and layback and to reinstate the area with concrete footpath and integral kerb and gutter to Council's specification.
 - c) Re-construct kerb and gutter for the full site frontage in Duke Street except opposite the vehicular entrance and exit points.
 - d) Carry out a full depth, minimum 1.0 metre wide, road construction in front of the reconstructed kerb and gutter in Duke Street.
 - e) Reconstruct the concrete footpath in Duke Street along the full Duke Street site frontage in accordance with Council's Urban Design Guidelines for Kensington, (excluding the section of Duke Street that has already been constructed in accordance with the subject design guidelines).
 - f) Reconstruct the existing kerb inlet pit located in Duke Street, within the proposed vehicular crossing, into a double grated inlet pit, (i.e. removal the lintel opening).
 - g) Construct a new double grated kerb inlet drainage pit in Duke Street immediately east of the proposed vehicular crossing.
69. 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.
70. 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.

71. 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.
72. Details of the Car Share proposal as indicated in the Statement of Environmental Effects and the Traffic and Parking Impact Assessment prepared by McLaren Traffic Engineering, including implementation measures/action, 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 relevant building works. The Car Share proposal must be fully operational prior to the issuing of a final occupation certificate.
73. The driveway opening at the Duke Street frontage must be a minimum of 6.1 metres wide and located at least 1.5 metres clear of the side property. The internal driveway from Duke Street to the Basement 1 level must be a minimum 5.50m wide (clear width) at all points along the internal driveway and suitably designed for two-way traffic flows.
74. Prior to the issuing of a construction certificate the applicant must submit to the certifying authority for approval, and have approved, detailed turning manoeuvre diagrams showing entry/exit movements for the proposed loading bay. The turning manoeuvre diagrams must be prepared for a small rigid vehicle and the applicant must also demonstrate that sufficient height clearance exists along the internal driveway for a small rigid vehicle to enter/exit the loading bay. Vehicles using the loading bay must enter and exit the site in a forward direction.
75. 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 the proposed internal ramps.
76. To prevent vehicular conflict on the internal circulation ramps 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.
77. The applicant must meet the full cost for installation of a loading zone in Duke Street should such loading zone be approved by the Randwick Traffic Committee.
78. A Works Zone is to be provided in Duke 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.

79. 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 deliveries to the site and loading / unloading must take place from Duke Street.

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

80. The minimum clear distance from the existing footpath in Anzac Parade to the underside of the proposed awning shall be 3.0 metres. The plans submitted for the construction certificate shall demonstrate compliance with this requirement.
81. The minimum clear distance from the existing footpath in Anzac Parade to the underside of any proposed under awning sign shall be 2.6 metres. The plans submitted for the construction certificate shall demonstrate compliance with this requirement.
82. All new awnings shall be set back a minimum of 600mm from the face of kerb. The design of awnings must also accommodate any specific requirements for retention/provision of street trees. The plans submitted for the construction certificate shall demonstrate compliance with this requirement. Upon completion of the construction of the awning, certification of the structural adequacy of the awning 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:

83. The Council's Development Engineer has inspected the above site and has determined that the design alignment level (concrete/paved/tiled level) at the Anzac Parade and Duke Street property boundaries for driveways, access ramps and pathways or the like, must match the back of the existing footpaths along the full Anzac Parade and Duke Street site frontages.

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

84. 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.
85. The above alignment levels and the site inspection by Council's Development Engineer has been issued at a prescribed fee of \$1337.00 calculated at \$44.00 (inclusive of GST) per metre of site frontage to Anzac Parade. This amount is to be paid prior to a construction certificate being issued for the development.

Service Authority Conditions

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

86. 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.
87. 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.
88. 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.
89. 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.

90. 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.
91. 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.
92. A Section 73 Compliance Certificate under the Sydney water Act 1994 must be obtained. Application must be made through an authorised Water Servicing Coordinator. Please refer to "Your Business" section of Sydney Water's web site at www.sydneywater.com.au then the "e-developer" icon or telephone 13 20 92.

Following application a "Notice of Requirements" will detail water and sewer

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

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

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

Drainage Conditions

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

Protection from flooding

93. The floor level of all habitable and storage areas with frontage to Duke Street and Anzac Parade shall be as per the levels documented on Plan DA.03 Issue C by Hill Thalys, (received by Council 1/10/09). All structures, openings, walkways etc must be suitably designed to minimize the potential for stormwater inundation of the development for storms up to the critical 1 in 100 year ARI event. The Construction Certificate application must fully document/demonstrate compliance with this requirement.
94. The proposed internal driveway must be designed with a high point at least RL 26.60 metres AHD and in such a manner as to minimize the potential for stormwater to enter the basement carpark levels. The plans submitted for the construction certificate shall demonstrate compliance with this requirement.
95. 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 plans submitted for the construction certificate shall demonstrate compliance with this requirement.
96. All structural walls on the ground floor level shall be designed to **structurally** withstand hydrostatic pressure/stormwater inundation from floodwater during the probable maximum flood (PMF) event as defined in the Floodplain Development Manual (New South Wales Government, April 2005). Structural Engineering certification confirming that this condition has been complied with shall be submitted to the certifying authority prior to the issuing of a construction certificate.

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

Internal Drainage

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

- a) A detailed drainage design supported by a catchment area plan, at a scale of 1:100 or as considered acceptable to the Council or an accredited certifier, and drainage calculations prepared in accordance with the Institution of Engineers publication, Australian Rainfall and Run-off, 1987 edition.
 - b) A layout of the proposed drainage system including pipe sizes, type, grade, length, invert levels, etc., dimensions and types of all drainage pipes and the connection into Council's stormwater system.
 - c) Generally all internal pipelines must be capable of discharging a 1 in 20 year storm flow. However the minimum pipe size for pipes that accept stormwater from a surface inlet pit must be 150mm diameter. The site must be graded to direct any surplus run-off (ie. above the 1 in 20 year storm) to the proposed drainage system.
 - d) The separate catchment areas within the site, draining to each collection point or surface pit are to be classified into the following categories:
 - i. Roof areas
 - ii. Paved areas
 - iii. Grassed areas
 - iv. Garden areas
 - e) Where buildings abut higher buildings and their roofs are "flushed in" to the higher wall, the area contributing must be taken as: the projected roof area of the lower building, plus one half of the area of the vertical wall abutting, for the purpose of determining the discharge from the lower roof.
 - f) Proposed finished surface levels and grades of car parks, internal driveways and access aisles which are to be related to Council's design alignment levels.
 - g) The details of any special features that will affect the drainage design eg. the nature of the soil in the site and/or the presence of rock etc.
98. 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.
99. All site stormwater must be discharged (by gravity) to the underground drainage system in Duke Street via a new and/or existing kerb inlet pit.

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 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. of the property; OR
100. 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.

101. The post development stormwater discharge into the drainage system in Anzac Parade must not exceed the predevelopment discharge. The applicant must contact Council's Development Engineer Coordinator to discuss this RTA' requirement prior to undertaking the stormwater drainage design for the development site.
102. The detention area must be regularly cleaned and maintained to ensure it functions as required by the design.
103. Any onsite detention shall be located in areas accessible by residents of all units.
104. The maximum depth of ponding in above ground detention areas (and/or infiltration systems with above ground storage) shall be as follows:
 - h) 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)
 - i) 600mm in landscaped areas where the side slopes of the detention area have a maximum grade of 1 in 10.
 - j) 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

105. 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.
106. 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).

107. A childproof and corrosion resistant fastening system shall be installed on access grates over pits/trenches where water is permitted to be temporarily stored.
108. A 'V' drain is to be constructed along the perimeter of the property, where required, to direct all stormwater to the detention/infiltration area.
109. 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.
110. 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.

111. A sediment/silt arrester pit must be provided:-
 - k) within the site at or near the street boundary prior to the site stormwater discharging by gravity to the kerb/street drainage system; and
 - l) 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.

112. 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.
113. Two covered car washing bays shall be provided for this development.
- a) The car washing bays must be drained to sewer to the requirements of Sydney Water and proof of compliance is to be submitted to the certifying authority, prior to 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.
114. 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:
- m) The location of the detention basin with finished surface levels;
 - n) Finished site contours at 0.2 metre intervals;
 - o) Volume of storage available in the detention areas;
 - p) The location, diameter, gradient and material (i.e PVC, RC etc) of all stormwater pipes;
 - q) The orifice size(s) (if applicable);
 - r) Details of any infiltration/absorption systems; and
 - s) Details of any pumping systems installed (including wet well volumes).

115. 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.

116. **As the above site is located in an area with a relatively high water table, (and given that water table levels fluctuate),** the basement carparks or similar structures must 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).
117. A report must be submitted to and approved by the Certifying Authority or an accredited certifier, prior to issuing the Construction Certificate, detailing the proposed method of excavation and dewatering process. This report is to be prepared by suitably qualified and experienced Geotechnical, Hydrological and Structural Engineers and is to include but not limited to:
- The proposed method of shoring/piling and dewatering.
 - The zone of influence of any possible settlement.
 - The location of any proposed re-injection points in relation to the property boundaries (where re-injection equipment is to be located on land other than the subject premises, the written consent of the owner must also be provided to Council).
 - Monitoring of fluctuations of the water table during dewatering/construction to be undertaken by consulting engineers to ensure that the conditions of consent and other relevant requirements are satisfied.
 - The location of all proposed monitoring equipment in relation to the property boundaries (where monitoring equipment is to be located on land other than the subject premises, the written consent of the owner must also be provided to Council).
 - Details of any consultation and arrangements made with owners of any potentially affected nearby premises (ie in relation to access, monitoring and rectification of possible damage to other premises).
 - Details of groundwater quality and proposed disposal of any potentially contaminated groundwater in accordance with relevant requirements of the Department of Environment & Conservation, Council and the Protection of the Environment Operations Act 1997, in an environmentally sensitive manner.
 - The location of all pumping equipment in relation to the property boundaries.
 - The proposed method of noise attenuation for all pumping equipment, so as not to be more than 5dB (A) greater than the A – weighted L90 background sound pressure level between the hours of 7am to 10pm within any residential premises and not to be audible at all between the hours of 10pm and 7am within any residential dwelling.

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

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

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

A copy of the approved report must be submitted to Council, (for Council's record keeping purposes and as confirmation that this condition has been complied with), prior to the commencement of any site construction works.

118. 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.

119. Details of any proposed connection and/or disposal of groundwater to Council's external stormwater drainage system 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:

120. The garbage room areas will have to be designed so as to be able to contain a total of 40 x 240 litre bins (20 garbage bins & 20 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. Council would support a reduction in the number of residential garbage bins if a suitable compactor was used. The use of a compactor could be proposed with the waste management plan to be submitted to Council for approval.
121. 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. The waste storage areas shall be clearly signposted.
122. 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.

Landscape Conditions

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

123. Landscaping at the site shall be installed substantially in accordance with the Landscape Masterplan, Courtyard Details + Elevations, by Jane Irwin Landscape Architecture, drawing numbers L01-02, issue A, dated 20.05.2009, subject to the following additional requirements being shown on amended plans which must be submitted to, and be approved by, the PCA, prior to the issue of construction certificate (with a copy of the approved plans to be forwarded to Council if not the PCA, prior to the commencement of site works) and includes:
 - a. A planting schedule listing all plants by botanic & common names, quantities, spacings, pot sizes at the time of planting and proposed staking methods when applicable.
 - b. The location and quantity for all proposed plantings are to be shown, and must incorporate suitably advanced and semi-advanced specimens.
 - c. Additional notation showing soil and mulch details, irrigation details, edging, paving, fencing details, surface finishes, retaining wall details, lighting and any other landscape elements in sufficient detail to fully describe the proposed landscape works.
 - d. The row of trees proposed in the 3.5 metre wide deep soil zone along

the western boundary must be those species which will attain a minimum height of 10 metres at maturity, and will need to achieve a continuous screen so as to assist with privacy and amenity between the proposed building and the adjoining unit block to the west, 2-4 Duke Street.

- e. All planter boxes and garden beds constructed on slab must have a minimum soil depth of 600mm, with any trees proposed in raised planters to have a minimum soil depth of 1 metre as shown, and must measure 3m x 3m to ensure adequate soil area for their future growth requirements and stability.
 - f. 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.
 - g. To ensure satisfactory maintenance of the landscaped areas, an automatic drip irrigation system shall be installed throughout all planted areas. Details shall be provided showing that the system will be connected to the sites rainwater tanks, with back-up connection to the mains supply, in accordance with all current Sydney Water requirements.
124. Prior to the issue of a Final Occupation Certificate, documentary evidence is to be obtained from a suitably qualified professional in the Horticulture/Landscape industry, must be a member of either AILA or AILD, and must be submitted to the PCA (and Council if not the PCA), which confirms that the landscaping has been completed in accordance with the approved plans.

Streetscape Protection

125. As part of the proposed works, the applicant will be responsible for ensuring that no damage is sustained to the items located on public property; being the recently upgraded footpath, the two street trees and tree surrounds, the stainless steel bin enclosure, two planter pots and timber bench seat.
126. Should any of these public items need to be relocated or temporarily removed and stored (only at Council's Works Depot) in order to accommodate hoarding or similar works on public property, this must be done in accordance with Council's requirements, with the applicant required to contact Council's Landscape Development Officer on 9399-0613 to discuss this further.
127. Any relocation, storage, repair or replacement costs for this public property arising from the works shall be borne by the applicant, and must be completed to Council's satisfaction, prior to the issue of a Final Occupation Certificate.
128. A refundable deposit in the form of cash, cheque or bank guarantee for an amount of \$10,000.00 shall be paid at the Cashier on the Ground Floor of the Administrative Centre, prior to a construction certificate being issued for the development, in order to ensure compliance with the conditions listed in this consent, and ultimately, protection of the public property and associated items.

The refundable deposit will be eligible for refund following the issue of a Final Occupation Certificate, subject to completion and submission of Council's 'Security Deposit Refund Application Form', and pending a satisfactory inspection by Council's Landscape Development Officer (9399-0613).

Any contravention of Council's conditions relating to any public items at any time during the course of the works, or prior to the issue of a final occupation

certificate, may result in Council claiming all or part of the lodged security in order to perform any rectification works necessary, as per the requirements of 80A (6) of the Environmental Planning and Assessment Act 1979.

Public Domain Upgrade – Duke Street

129. The applicant shall meet all costs associated with upgrading the most western portion of the Duke Street frontage, to match in with the recently upgraded sections on Anzac Parade and the eastern part of Duke Street, in accordance with Council's Urban Design Guidelines for the Kensington Commercial Centre. All works in this area shall be in accordance with Council's requirements for Civil Works on Council property.

A detailed streetscape plan for the Duke Street frontage showing existing and proposed paving design, street trees, street furniture, grades, finished levels, extent and location of awnings, doors/entranceways, signage, light poles, as well as any other details required by **Council's Landscape Architect, shall be submitted to, and be approved by, Council's Director of City Services, prior to the commencement of streetscape works.**

The applicant will be required to contact and liaise with Council's Project Co-ordinator, Mr Paul Lunniss on 9399-0934, prior to preparation of the streetscape plan, in order to obtain more detailed, site specific landscape design requirements from the relevant Departments of Council.

Following approval of the streetscape plan; and prior to the commencement of any streetscape works on Council property, the applicant must also liaise with Council's Pre-paid Works Designer, Mr George Pandelidis on 9399-0922, regarding scheduling of 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.

Street Tree Protection

130. In order to ensure retention of the two separate *Platanus x hybrida* (London Plane Trees), within individual tree squares on Council's Anzac Parade frontage, being one about halfway across the width of the whole site, and then another one near the southern boundary in good health, the following measures are to be undertaken:
- h. All documentation submitted for the construction certificate application must accurately and clearly show the retention of both street trees, with the position and diameter of both of their trunks and canopies to be clearly shown on all drawings.
 - i. Any new services, pipes, stormwater systems or similar that need to be installed over public property along the Anzac Parade frontage, must be done so a minimum distance of 4 metres off the outside edge of either of their trunks (measured at ground level), so as to minimise root damage to the street trees.
 - j. At least 4 weeks prior to the commencement of any site works, the applicant must contact Council's Landscape Development Officer on 9399-0613, to arrange for pruning of both trees in an attempt to avoid damage to the trees and interference with the proposed works during demolition, placement of hoardings and construction of the new building and awning.

- k. Pruning can only be performed by Council or Council's authorised agents, at the applicant's cost, with the specified amount to be received into Tree Amenity Income account no 4001.768401 at the Cashier on the Ground Floor of the Administrative Centre prior to issue of a Final Occupation Certificate.
- l. The trunks of both trees are to be physically protected by geo-textile, underfelt or layers of Hessian, to which, 2m lengths of 50mm x 100mm hardwood timbers, spaced at 150mm centres shall be vertically placed, all of which are to be secured by 8 gauge wires or steel strapping at 300mm spacing. There must be no nailing to the trunk.
- m. This protection measure shall be installed prior to the commencement of demolition and construction works, and shall remain in place until all works are completed, to which signage containing the following words shall be clearly displayed and permanently attached: "TREE PROTECTION MEASURE, DO NOT REMOVE".
- n. A setback of 550mm from the Anzac Parade kerb for the proposed awning as shown is unsatisfactory to Council as it will be virtually hard up against the trunks of both trees, which will not allow for their natural movement as well as an increase in girth over time; and as such, the existing 1.2 metre setback shall be maintained along this frontage.
- o. The applicant is not authorised to perform any works to either of these street trees, and shall contact Council's Landscape Development Officer on 9399-0613 should any further pruning or any similar works be necessary, the applicant must cover all associated costs with such work, to Council's satisfaction, prior to the issue of a final occupation certificate.
- p. There must be no storage of materials or machinery, nor is cement to be mixed or chemicals spilt/disposed of and no stockpiling of soil or rubble to be undertaken around their trunks, or in an area where it may be washed towards the tree squares, and onto their root zones.

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. 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.
4. 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 Limited advises that approval to operate construction equipment (i.e cranes) should be obtained prior to any commitment to construct.

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

CP68/09 Director City Planning Report - Reporting variations to Development Standard under State Environment Planning Policy No. 1 (SEPP1) from 1 September to 30 September 2009 (F2008/00122)

321/09 **RESOLUTION: (Matthews/Notley-Smith)** that the report be received and noted.

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

CP69/09 Director City Planning Report - 2008-09 State of the Environment Report (F2009/00245)

322/09 **RESOLUTION: (Matson/Woodsmith)** that Council receive and note the 2008-09 comprehensive State of the Environment Report.

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

General Manager's Reports

GM49/09 General Manager's Report - Randwick City Council 2008-09 Annual Report (F2009/00244)

323/09 **RESOLUTION: (Andrews/Matthews)** that the Randwick City Council 2008-09 Annual Report be received and noted.

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

GM50/09 General Manager's Report - The Randwick City Plan 2009 (F2009/00426)

324/09 **RESOLUTION: (Andrews/Nash)** that:

- a) the Draft Randwick City Plan (2009), be placed on public exhibition for not less than 28 days, from 3 November 2009 to 30 November 2009, inviting submissions from the public;
- b) at the conclusion of the period of public exhibition any submissions made

concerning the Draft Plan be considered at a meeting of Council, and after taking into consideration such matters, as it considers relevant, Council adopt the Randwick City Plan (2009).

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

**GM51/09 General Manager's Report - Proposed Building Program 2010-2017
(F2007/00367)**

Note: a Rescission Motion in relation to this resolution was submitted in accordance with Council's Code of Meeting Practice and will be considered at the Ordinary Council Meeting of 24 November 2009.

325/09

RESOLUTION: (Matson/Hughes) that:

- a) Council supports, in principal, a building levy to fund a seven year building maintenance and construction program for community facilities and endorses commencing the preparation of a submission to the Department of Local Government, subject to Councillors finalising a detailed building and maintenance program at the Councillors' Workshop in November and its subsequent adoption by Council in December (the workshop to include discussion/consideration of pensioner concessions); and
- b) the final percentage increase be decided by the full Council after public consultation of Council's resolution of December and in exhibiting the detailed program, Council should survey residents as to whether they;
 - A. agree that the building maintenance and construction program is necessary and that they are willing to support a building levy; or
 - B. agree that a building maintenance and construction program is necessary but should be funded from other sources, such as self-funding from entrepreneurial initiatives; or
 - C. do not agree that a building maintenance and construction program is necessary at all.

MOTION: (Stevenson/Bowen) that:

- a) an extensive community consultation process be undertaken to determine which options ratepayers and residents prefer for the funding of the proposed building program 2010-2017;
- b) any in-principle decision to proceed to make a special rates variation application to fund the proposed building program be referred to a full council meeting with a full report on the options as determined by a (above).

**AMENDMENT: (Matson/Hughes) CARRIED AND BECAME THE MOTION.
MOTION CARRIED - SEE RESOLUTION.**

**GM52/09 General Manager's Report - Updated Purchasing Policy, Procedures
& Delegations and Tendering Policy & Guidelines (F2005/00395)**

326/09

RESOLUTION: (Matthews/Notley-Smith) that:

- a) Council's Purchasing Policy and Tendering Policy be adopted; and
- b) Council's Purchasing Procedures, Purchasing Delegation Limits and Tendering Guidelines be endorsed.

MOTION: (Matthews/Notley-Smith) CARRIED UNANIMOUSLY - SEE

RESOLUTION.**GM53/09 General Manager's Report - Invitation to Attend ALGA National Local Roads and Transport Congress 2009 (F2004/08250)**

327/09

RESOLUTION: (Matthews/Notley-Smith) that:

- a) the invitation from Mr Geoff Lake, President of the ALGA, for any interested Councillors to attend the National Local Roads and Transport Congress be accepted; and
- b) any interested councillors advise the General Manager as soon as possible for registration purposes.

MOTION: (Matthews/Notley-Smith) CARRIED UNANIMOUSLY - SEE RESOLUTION.**Director Governance & Financial Services Reports****GF45/09 Director Governance & Financial Services Report - Investment Report - September 2009 (F2004/06527)**

328/09

RESOLUTION: (Smith/Andrews) that the investment report for September 2009 be received and noted.**MOTION: (Smith/Andrews) CARRIED - SEE RESOLUTION.****GF46/09 Director Governance & Financial Services Report - 2008-09 Disclosure of Interests Returns (F2009/00955)**

329/09

RESOLUTION: (Matson/Belleli) that it be noted that the Register of Disclosure of Interests Returns for 2008-09 has been tabled at the Ordinary Council Meeting of 20 October 2009.**MOTION: (Matson/Belleli) CARRIED - SEE RESOLUTION.****Petitions**

Nil

Motions Pursuant to Notice

Nil

Confidential reports (closed session)

That the meeting move into closed session in order to consider confidential items.

GF47/09 Confidential - SSROC Tender for the Provision of Telecommunications Services (F2009/00384)

This matter is considered to be confidential under Section 10A(2) (c) Of the Local Government Act, as it deals with information that would, if disclosed, confer a commercial advantage on a person with whom the Council is conducting (or proposes to conduct) business.

330/09

RESOLUTION: (Matthews/Notley-Smith) that:

- a) under Regulation 178(1)(a) of the Local Government (General) Regulation 2005, Vodafone be accepted as the successful tenderer for Mobile Services, including Voice and Data;

- b) the General Manager, or delegated representative, be authorised to enter into a preferred supplier agreement with Vodafone for a period of two years; and
- c) Council enter into a Memorandum of Understanding with SSROC to participate in this project for Mobile Services, including Voice and Data.

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

GF48/09 Confidential - SSROC Tender for the Supply and Delivery of Timber and Associated Products (F2009/00056)

This matter is considered to be confidential under Section 10A(2) (c) Of the Local Government Act, as it deals with information that would, if disclosed, confer a commercial advantage on a person with whom the Council is conducting (or proposes to conduct) business.

331/09

RESOLUTION: (Matthews/Notley-Smith) that:

- a) under Regulation 178(1)(a) of the Local Government (General) Regulation 2005, Harper Timber and Rallis Timber Pty Ltd be accepted as the successful tenderers; and
- b) the General Manager, or delegated representative, be authorised to enter into a preferred supplier agreement with Harper Timber and Rallis Timber Pty Ltd for a period of two years, with an optional one year extension, commencing 1 November 2009.

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

Open Session

That the meeting move back into open session.

Notice of Rescission Motions

NR5/09 Notice of Rescission Motion from Crs Tracey, Woodsmith, Procopiadis, Stevenson, Bowen and Matson - Options for Council's Australia Day Events 2010 and Options to Curb Alcohol Related Anti-social Behaviour at Australia Day celebrations (F2009/00255)

MOTION: (Woodsmith/Matson) that the resolution passed at the Ordinary Council meeting held on 22 September 2009 reading as follows:

RESOLUTION: (Nash/Andrews) that:

- a) Randwick City Council conduct its 2010 Australia Day Citizenship Ceremony and Community Service Awards at the Prince Henry Community Centre followed by an alcohol free community event at Coogee from 11.00am – 3.00pm;
- b) that temporary notices be erected at Goldstein Reserve, Dunningham Reserve and Grant Reserve at Coogee which prohibits the carrying in and consumption of alcohol, at these Reserves from sunset on 25 January 2010 to sunrise on 27 January 2010;
- c) that the Brook Street, Coogee Senior Citizens Hall is to be made available to Police for their December 2009 and January 2010 operations.

BE AND IS HEREBY RESCINDED. LOST.

Councillors Woodsmith and Matson called for a **DIVISION**.

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

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

Note: A rescission motion in relation to **GM51/09 General Manager's Report - Proposed Building Program 2010-2017** was submitted by Councillors Stevenson, Bowen and Tracey and will be considered at the Ordinary Council Meeting to be held on 24 November 2009.

There being no further business, His Worship the Mayor, Cr J Procopiadis, declared the meeting closed at 9.45pm.

The minutes of this meeting were confirmed at the Ordinary Meeting of the Council of the City of Randwick held on Tuesday, 24 November 2009.

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CHAIRPERSON