

**MINUTES OF PLANNING COMMITTEE MEETING OF THE COUNCIL
OF THE CITY OF RANDWICK HELD ON TUESDAY,
9 FEBRUARY 2010 AT 6:20PM**

Present:

The Mayor, Councillor J Procopiadis (West Ward)

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

Officers Present:

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

Apologies/Granting of Leave of Absences

An apology was received from Cr Stevenson.

RESOLVED: (Bowen/Tracey) that the apology received from Cr Stevenson be accepted and leave of absence from the meeting be granted.

Confirmation of the Minutes

**CONFIRMATION OF THE MINUTES OF THE PLANNING COMMITTEE MEETING
HELD ON TUESDAY 1 DECEMBER 2009**

PL1/10

RESOLUTION: (Matson/Procopiadis) that the Minutes of the Planning Committee Meeting held on Tuesday 1 December 2009 (copies of which were circulated to all Councillors) be and are hereby confirmed as a correct record of the proceedings of that meeting.

Declarations of Pecuniary and Non-Pecuniary Interests

- (a) Cr Nash declared a non significant non pecuniary interest in item D6/10 as he has a professional association with the town planner for the applicant.
- (b) Cr Woodsmith declared a non significant non pecuniary interest in all the matters on the agenda as she knows objectors in all items.
- (c) Cr Tracey declared a non significant non pecuniary interest in item D8/10 as he knows the Chairman of the AJC.
- (d) Cr White declared a non significant non pecuniary interest in item D8/10 as he knows the Chairman of the AJC.
- (e) Cr Matson declared a non significant non pecuniary interest in item D8/10 as he knows Anthony Chilcott through his involvement in the precinct committees and Suzanne Egan through his involvement in the anti ramps campaign some years ago.
- (f) Cr Smith declared a non significant non pecuniary interest in item D8/10 as his employer has a business relationship with the AJC.
- (g) The Mayor declared a non significant non pecuniary interest in item D2/10 as St Spyridons is his parish.
- (h) Cr Bowen declared a non significant non pecuniary interest in item D8/10 as he knows the Chairman of the AJC.
- (i) Cr Matthews declared a non significant non pecuniary interest in item D8/10 as he knows the Chairman of the AJC.
- (j) Cr Andrews declared a non significant non pecuniary interest in item D8/10 as he knows the Chairman of the AJC.
- (k) Cr Andrews declared a non significant non pecuniary interest in item D2/10 as he regularly attends this parish church.
- (l) Cr Seng declared a non significant non pecuniary interest in item D8/10 as he knows the Chairman of the AJC.
- (m) Cr Notley Smith declared a non significant non pecuniary interest in item D3/10 as he knows members of the Kensington Precinct Committee.
- (n) Cr Notley Smith declared a non significant non pecuniary interest in item D4/10 as he knows the objector.
- (o) Cr Notley Smith declared a non significant non pecuniary interest in item D6/10 as he knows members of the relevant precinct committees.
- (p) Cr Matson declared a non significant non pecuniary interest in item D4/10 as the objector is the sister of a person known to him through the precinct committees.
- (q) Cr Matthews declared a non significant non pecuniary interest in item D3/10 as he knows the objector.

Address of Council by Members of the Public

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

D1/10 71-73 FRENCHMANS ROAD, RANDWICK

For Anthony Betros (ABC Planning)

D3/10 23-25 STRACHAN STREET, KINGSFORD

- Against** Marjorie Whitehead (Kensington Precinct Committee)
- For** Peter Lonergan
- D4/10 373 AVOCA STREET, RANDWICK
- Against** Sandra Tosti
- For** Ms Soak Foong
- D6/10 13-15 SILVER STREET, RANDWICK
- Against** Anthony Rowan (T/Planning consultant for Applicant)
- D8/10 77-97 ALISON ROAD, RANDWICK
- Against** Mr Lorcan Byrne
- For** Brett Robinson (Future Events Pty Ltd)

The meeting was adjourned at 7.08pm and was resumed at 7.28pm.

Urgent Business

Nil

Development Application Reports

D1/10 Development Application Report - 71-73 Frenchmans Road, Randwick (DA/927/2008)

PL2/10

RESOLUTION: (Tracey/Woodsmith)

- 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 Clauses 32(3) and 33(5) of Randwick Local Environmental Plan 1998, relating to floor space ratio and maximum building height respectively, on the grounds that the proposed development complies with the objectives of the above clauses, and will not adversely affect the amenity of the locality, and that the Department of Planning be advised accordingly.
- B. That Council, as the consent authority, grants development consent under Sections 80 and 80A of the Environmental Planning and Assessment Act 1979, as amended, to Development Application No. 927/2008 for demolition of the rear wing of the existing building on site, construction of a new 4th floor level on the existing building to be retained, and construction of a 4-storey rear extension, to create 2 x retail suites, 1 x health consulting room, 4 x 2-bedroom units, 3 x 1-bedroom units, 6 x studio units and car parking for 12 vehicles, at 71-73 Frenchmans Road, Randwick, subject to the following conditions:

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

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

Plan Number	Dated	Received
ATES-01D	09.04.2009	1 May 2009

ATES-02D	09.04.2009	1 May 2009
ATES-03D	09.04.2009	1 May 2009
ATES-04D	09.04.2009	1 May 2009
ATES-06D	09.04.2009	1 May 2009
ATES-07C	03.12.2008	19 December 2008

, prepared by CSA Architects; the application form and any supporting information received with the application, except as may be amended by the following conditions and as may be shown in red on the attached plans:

2. The colours, materials and finishes of the external surfaces to the building are to be consistent with the approved drawings.
3. The proposed car parking spaces are to be designed, constructed, line-marked and sign-posted as being compliant with Australian Standard 2890.1(2004): Off-Street Car Parking. Details of compliance are to be included in the Construction Certificate application.
4. A minimum of six (6) bicycle parking spaces are to be provided within the development. The design and construction of the bicycle parking facilities are to be compliant with Australian Standards 2890.3: Bicycle Parking Facilities. Details of compliance are to be included in the Construction Certificate application.
5. Ceiling fans are to be installed within the development in accordance with the approved drawings.
6. The metal roofing of the development is to be pre-painted or colour-bonded so that no unreasonable light overspill or reflection will result.
7. A fixed planter box of not less than 900mm in width with suitable planting is to be installed within the central courtyard / light well adjacent to the bedroom window of Unit 2, in order to improve privacy for the above dwelling.
8. The south-western wall to the central courtyard / light well abutting the shared boundary with No. 67-69 Frenchmans Road shall be appropriately finished (for instance, rendered and paint-finished) on both sides.
9. The south-western screen walls to the rear-facing balconies of Units 2, 7 and 11 shall have a minimum height of 1800mm as measured from the finished floor level.
10. The south-western windows of Units 2, 7 and 11, which are located adjacent to the balconies, shall be constructed with fixed, obscured glazing.
11. Access to the residential garbage room shall be controlled by an appropriate security system, such as lock and key or swipe card, etc.). The system shall be designed so that the commercial tenants do not have access to the residential bin room. Details of compliance shall be submitted to the satisfaction of the Principal Certifying Authority, prior to issuing of the Occupation Certificate.
12. Suitable ventilation grilles shall be installed in the enclosing walls to both the commercial and residential garbage rooms, so that these areas can be naturally ventilated from the car park.
13. Street and unit numbering must be provided to the premises in a prominent position, in accordance with Australia Post guidelines and AS / NZS 4819 (2003) to the satisfaction of Council, prior to an occupation certificate being issued for the development.

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

14. Power supply and telecommunications cabling to the development shall be underground.
15. 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.
16. 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.
17. 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.
18. Any gates / bi-folding doors shall be constructed so that the gates / doors, when hung, will be fitted in such a manner that they will not open over the footway or public place.

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

19. 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.
20. 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.

21. 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)

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

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

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

23. 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	\$1,682,545	1.0%	\$16,825.45

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:

24. 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.

25. 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*.

26. **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.

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

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

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

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

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

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

29. A sign must be erected and maintained in a prominent position on the site for the duration of the works, which contains the following details:
- name, address, contractor licence number and telephone number of the *principal contractor*, including a telephone number at which the person may be contacted outside working hours, or *owner-builder* permit details (as applicable)

- name, address and telephone number of the *Principal Certifying Authority*,
- a statement stating that "unauthorised entry to the work site is prohibited".

30. 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.

31. **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.

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

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

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

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

- Has been informed of the person's name and owner-builder permit number, or
- Has been given a declaration, signed by the owner of the land that states that the market cost of the labour and materials involved in the work does not exceed \$5000.

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 work.

33. The required Long Service Levy payment, under the Building and Construction Industry Long Service Payments Act 1986, is to be forwarded to the Long Service Levy Corporation or the Council, prior to the issuing of a Construction

Certificate, in accordance with Section 109F of the Environmental Planning & Assessment Act 1979.

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

34. 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**.

35. 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 has been applied to ensure the structural adequacy and integrity of the proposed building and adjacent premises:

36. 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.

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

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

38. A 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.**

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:

39. 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.

40. 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).

41. 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.

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 constructed at the approved levels.
- b) On completion of the erection of the building showing the area of the land, the position of the building and boundary setbacks and verifying the building has been constructed at the approved levels.

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

- b) Bulk bins, waste containers or other articles must not be located upon the footpath, roadway or nature strip at any time without the prior written approval of the Council. Applications to place a waste container or other articles in a public place can be made to Council's Health, Building & Regulatory Services department.
- c) 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.
- d) A temporary timber, asphalt or concrete crossing is to be provided to the site entrance across the kerb and footway area, with splayed edges, to the satisfaction of Council, unless access is via an existing concrete crossover.
- e) 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.
- 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 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 50 m² of bonded asbestos (or as otherwise specified by WorkCover or relevant legislation). Removal of friable asbestos material must only be undertaken by contractor that holds a current friable asbestos removal licence.
- 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 demolition and remedial works, 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 condition is applied to provide access and facilities for people with disabilities:

- 52. Access for people with disabilities must be provided to and within the entrance floor of the building in accordance with the relevant provisions of the Building Code of Australia and AS1428.1 to the satisfaction of the Certifying Authority. Details of the proposed access for people with disabilities are to be included in the plans / specifications for the construction certificate.

Road / Asset Openings

The following conditions are applied to ensure that appropriate provisions are made for infrastructure, drainage and services:

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

- g) The work and area must be maintained in a clean, safe and tidy condition at all times and the area must be thoroughly cleaned at the end of each day's activities and upon completion.
- h) Public and vehicular safety must be maintained at all times and any related directions issued by Council officers must be complied with.
- i) The work can only be carried out in accordance with approved hours of building work as specified in the development consent, unless the express written approval of Council has been obtained beforehand.
- j) All work, including the provision of barricades, fencing, lighting, signage and traffic control, must be carried out in accordance with the NSW Roads and Traffic Authority publication - 'Traffic Control at Work Sites' and Australian Standard AS 1742.3 - Traffic Control Devices for Works on Roads, at all times.
- k) Not more than half of any road is to be opened up at any one time and excavations must be provided with suitable fencing/ barricades and flashing amber lights if not completed by the end of the day.
- l) Any necessary approvals must be obtained from NSW Police, Roads & Traffic Authority, State Transit Authority and relevant Service Authorities, prior to commencing work upon or within the road, footway or nature strip.

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

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

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

54. **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 condition is applied to maintain reasonable levels of public health, amenity and safety:

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

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.

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:

56. 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*.
57. 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).

58. 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.
59. Any air conditioning plant and equipment shall not be operated during the following hours if the noise emitted can be heard within a habitable room in any other residential premises, or, as otherwise specified in relevant Noise Control Regulations:
- before 8.00am or after 10.00pm on any Saturday, Sunday or public holiday; or
 - before 7.00am or after 10.00pm on any other day.
60. The installation of rainwater tanks shall comply with the following noise control requirements:-
- a) The operation of all plant and equipment shall not give rise to an 'offensive noise' as defined in the *Protection of the Environment Operations Act 1997 and Regulations*.
- In this regard, the operation of the plant and equipment shall not give rise to an $L_{Aeq, 15 \text{ min}}$ sound pressure level at any affected premises that exceeds the background $L_{A90, 15 \text{ min}}$ noise level, measured in the absence of the noise source/s under consideration by more than 5dB(A) in accordance with relevant NSW Department of Environment & Conservation Noise Control Guidelines.
- b) Plant and equipment associated with rainwater tank(s) are to be enclosed in a sound absorbing enclosure or installed within a building, to minimise noise emissions and possible nuisance to nearby residents.
- c) The operation of plant and equipment associated with the rainwater tank(s) are to be restricted to the following hours if the noise emitted can be heard within a habitable room in any other residential premises:
- before 8.00am or after 8.00pm on weekends or public holiday; or
 - before 7.00am or after 8.00pm on weekdays.

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

61. The use and operation of the premises shall not give rise to an environmental health or public nuisance and there are to be no emissions or discharges from the premises, which will give rise to a public nuisance or result in an offence under the *Protection of the Environment Operations Act 1997 and Regulations*.
62. Development consent is required to be obtained in relation to the specific 'use' of commercial tenancies/occupancies and 'shop fit outs', in accordance with the relevant requirements of the Environmental Planning & Assessment Act 1979.

Security Deposit Conditions

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

63. The following damage/civil works security deposit requirement is to be complied with prior to a construction certificate being issued for the

development, as security for making good any damage caused to the roadway, footway, verge or any public place; or as security for completing any public work; and for remedying any defect on such public works, in accordance with section 80A(6) of the Environmental Planning and Assessment Act 1979:

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

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

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

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

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

Traffic Conditions/Civil Works Conditions

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

64. Prior to the issuing of an Occupation Certificate the applicant must meet the full cost for Council or a Council approved contractor to remove the existing vehicular crossing and to construct a new full width concrete heavy duty vehicular crossing and layback at kerb opposite the vehicular entrance to the site. Note: the new vehicular crossing shall be a minimum of 4.5 metres in width.
65. 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.
66. 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.
67. 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.

68. The driveway opening at the Roscrea Avenue frontage must be a minimum of 4.5 metres wide and located at least 1.5 metres clear of the side property.
69. A Works Zone is to be provided in Roscrea Avenue 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.

Alignment Level Conditions

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

70. 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 in Roscrea Avenue for driveways, access ramps and pathways or the like, must match the back of the existing footpath along the full site frontage.

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

71. The design alignment levels (concrete/paved/tiled level) issued by Council and their relationship to the footpath must be indicated on the building plans for the construction certificate.
72. The above alignment levels and the site inspection by Council's Development Engineer have been issued at a prescribed fee of \$1939 calculated at \$44.00 (inclusive of GST) per metre of the Roscrea Avenue site frontage. This amount is to be paid prior to a construction certificate being issued for the development.

Service Authority Conditions

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

73. 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.
74. 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.

75. 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.
76. 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.
77. 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 replaced with aerial bundled cables. The applicant shall liaise directly with the relevant service utility authorities to organise for the wires/cables to be replaced. All work must be to the satisfaction of the relevant service utility authority prior to the issuing of an occupation certificate for the development.
78. 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:

79. **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.
80. 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.
81. All site stormwater must be discharged (by gravity) to either:
- the kerb and gutter in Roscrea Avenue OR
 - The stormwater easement at the rear of the property.
- Note:
Documentary evidence confirming use rights over the stormwater easement shall be submitted to the principal certifying authority prior to the issuing of a construction certificate
82. Onsite stormwater detention must be provided for the redeveloped portion of the site to ensure that the maximum discharge from the redeveloped portion of the site does not 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 have to be a minimum of 2.0 metres below the base of the tank.

83. The detention area/infiltration system must be regularly cleaned and maintained to ensure it functions as required by the design.
84. Any onsite detention/infiltration systems shall be located in **areas accessible by residents of all units**
85. The maximum depth of ponding in above ground detention areas (and/or infiltration systems with above ground storage) shall be as follows:
 - 150mm in uncovered carparking areas (with an isolated maximum depth of 200mm permissible at the low point pit within the detention area).
 - 300mm in landscaped areas (where child proof fencing is not provided around the outside of the detention area and sides slopes are steeper than 1 in 10).
 - 600mm in landscaped areas where the side slopes of the detention area have a maximum grade of 1 in 10.
 - 1200mm in landscaped areas where a childproof fence is provided around the outside of the detention area

Notes:

- It is noted that above ground storage will not be permitted in basement carparks or in any area which may be used for storage of goods.
 - Mulch/bark must not be used in onsite detention areas
86. Any above ground stormwater detention areas (and/or infiltration systems with above ground storage) must be suitably signposted where required, warning people of the maximum flood level.
 87. The applicant shall ensure that the structural integrity of the existing stormwater drainage line, located adjacent to the northern site boundary within a private drainage easement, is maintained. Details of how the stormwater line is to be protected during construction of the development shall be submitted to the certifying authority for approval, and approved, prior to the issuing of a construction certificate for this development. The applicant shall also detail how access to the private drainage easement and pipeline is to be provided to those parties with an interest in the easement and pipeline.
 88. The applicant shall ensure that no existing overland stormwater flowpath through the development site is blocked or altered in such a way as to direct stormwater overland flow into an adjoining property.
 89. 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).

90. A childproof and corrosion resistant fastening system shall be installed on access grates over pits/trenches where water is permitted to be temporarily stored.
91. A 'V' drain is to be constructed along the perimeter of the property, where required, to direct all stormwater to the detention/infiltration area.
92. A sediment/silt arrester pit must be provided:-
- within the site at or near the street boundary prior to the site stormwater discharging by gravity to the kerb/street drainage system; and
 - prior to stormwater discharging into any absorption/infiltration system.

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

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

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

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

suitably qualified and experienced Hydraulic Engineer confirming that the design and construction of the stormwater drainage system complies with the conditions of development consent. The certification must be provided following inspection/s of the site stormwater drainage system by the certifying engineers and shall be provided to the satisfaction of the PCA.

Waste Management Conditions

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

95. The garbage room for the residential areas will have to be designed so as to be able to contain a total of 13 x 240 litre bins (7 garbage bins & 6 recycle bins) whilst providing satisfactory access to these bins. Details showing compliance with this requirement are to be shown on the plans submitted to the certifying authority for the construction certificate.
96. The applicant is to liaise with Council's Manager of Waste regarding the required size of the commercial bin area. Details showing compliance with his requirements are to be shown in the Waste Management Plan and on plans submitted to the certifying authority for the construction certificate.
97. 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.
98. The waste storage areas shall be clearly signposted.
99. 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:

100. Landscaping at the site shall be installed substantially in accordance with the Landscape Plans By Michael Zinn Landscape Designer, project number 376, drawing number 01(A) and 02(B), dated 9 December 2008 and 21 April 2009 respectively, subject to the following additional requirements being shown on an amended plan, which shall be submitted to, and be approved by, the PCA, prior to the issue of a construction certificate (with a copy of the approved plan to be forwarded to Council if not the PCA, prior to the commencement of site works) and is to include:
 - a. All planter boxes and garden beds constructed on slab must have a minimum soil depth of 600mm and all lawn areas must have a minimum soil depth of 300mm.
 - b. 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.
 - c. 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 site's rainwater tanks, with back-up connection to the mains supply, in accordance with all current Sydney Water requirements.

- d. 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.
101. Any substation required shall be screened from view, with the proposed location, elevation and screening method to be shown.
 102. The nature-strip on Council's Roscrea Avenue footway shall be excavated to a depth of 150mm, backfilled with topsoil equivalent with 'Organic Garden Mix' as supplied by Australian Native Landscapes, and re-turfed with Kikuyu Turf or similar. Such works shall be installed prior to the issue of a final Occupation Certificate.

Streetscape Works

103. The applicant shall meet all costs associated with upgrading the Frenchman's Road site frontage in accordance with Council's Urban Design Guidelines for the Frenchman's Road Commercial Centre, with all works carried out on public property to be in accordance with Council's requirements for Civil Works on Council property.

A detailed streetscape plan for the Frenchman's Road frontage showing **existing and proposed** paving design, plantings, street furniture (including the existing bin and stainless steel bin enclosure), grades, finished levels, services, extent and location of awnings, doors/entranceways, traffic signs and any other details required shall be submitted to, and be approved by, Council's Director of City Services, **prior to the commencement of any external civil works.**

The applicant will be required to liaise with Council's Co-ordinator, Landscape Design, on 9399-0911, prior to the preparation of this separate streetscape plan in order to obtain any detailed, site specific landscape design requirements.

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

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

Tree Management

104. The applicant shall submit a total payment of \$107.25 (including GST), being to cover the cost for Council to supply and install 1 x 25 litre street tree, *Callistemon viminalis* (Weeping Bottlebrush), on Council's Roscrea Avenue nature strip, spaced evenly between the existing street tree growing near the western boundary, and the proposed vehicle crossing, at the completion of all works.

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

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

105. With the exception of the *Dracaena draco* (Dragon Tree), which is to be retained as part of this application (refer to Tree Protection measures below), approval is granted for the removal of all other existing vegetation within the site in order to accommodate the proposed works and associated landscaping as shown.

Tree Protection Measures

106. In order to ensure retention of the *Dracaena draco* (Dragon Tree) located along the northern site boundary, within an existing garden bed fronting Roscrea Avenue in good health, the following measures are to be undertaken:
- a. All detailed architectural, building, demolition, engineering (structural, stormwater & drainage, services), and landscape documentation submitted for the construction certificate application **MUST** show its retention, with the position of its trunk and full diameter of its canopy clearly shown on all drawings.
 - b. All construction certificate plans must show that other than re-constructing the perimeter of the garden where this tree is growing, there shall be no alteration to existing soil levels or the location of any other new structures, services, detention tanks, stormwater infiltration systems or pipes within a minimum distance of 2 metres of its trunk, **with the submitted hydraulic plans needing to be amended to show compliance with this requirement.**
 - c. To prevent failure of this tree should the existing low masonry wall surrounding this garden area be demolished as part of the works, new retaining walls to the same height must be re-constructed as soon as practically possible to assist with its stability.
 - d. This tree is to be physically protected by the installation of 1.8 metre high steel mesh/chainwire fencing which shall be located around the perimeter of this garden area, ie, a distance of 1.5 metres to its east and south, 1 metre to its west, and along the northern boundary, so as to completely enclose this tree for the duration of the works.
 - e. This fencing shall be installed prior to the commencement of demolition and construction works and shall remain in place until all works are completed, to which signage containing the following words shall be clearly displayed and permanently attached: "TREE PROTECTION ZONE, DO NOT ENTER".
 - f. Within the zone specified in point 'd' above, there is to be no storage of materials or machinery or site office/sheds, nor is cement to be mixed or chemicals spilt/disposed of and no stockpiling of soil or rubble.
 - g. Any roots encountered during excavations associated with re-constructing this garden area (as described in point 'b' above) shall be cut cleanly by hand, and the affected area backfilled with clean site soil

as soon as practically possible. Roots shall not be left exposed

107. In order to also ensure retention of the *Callistemon viminalis* (Weeping Bottlebrush), located on Council's Roscrea Avenue nature strip, about halfway along the length of the northern boundary, between the two existing vehicle crossings in good health, the following measures are to be undertaken:

- a. All detailed architectural, building, demolition, engineering (structural, stormwater & drainage, services), and landscape documentation submitted for the construction certificate application MUST show its retention, with the position of its trunk and full diameter of its canopy to be clearly shown on all drawings.
- b. All construction certificate plans must show that any services, stormwater infiltration systems, pipes etc which need to be installed over public property along this frontage, must be done so along the edge of the proposed vehicle crossing, so as to minimise any damage to its root system caused by excavations.
- c. This tree is to be physically protected by the installation of 1.8 metre high steel mesh/chainwire fencing which shall be located a minimum distance of 2 metres to both its west and east (measured off the outside edge of its trunk at ground level), as well as along the back of the kerb to its north, and the pedestrian footpath to its west, in order to completely enclose this tree for the duration of the works.
- d. This fencing 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 ZONE, DO NOT ENTER".
- e. The applicant is not authorised to perform any works to this street tree, and shall contact Council's Landscape Development Officer on 9399-0613 should pruning or any similar such work appear necessary, with the applicant required to cover all associated costs with such work, to Council's satisfaction, prior to the issue of a final occupation certificate.
- f. Within this zone specified in point 'c' above, there is to be no storage of materials or machinery or site office/sheds, nor is cement to be mixed or chemicals spilt/disposed of and no stockpiling of soil or rubble.
- g. A refundable deposit in the form of cash, cheque or bank guarantee (with no expiry date) for an amount of **\$1,500.00 (no GST)** shall also 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, preservation of this street tree.

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 the tree 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.

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

108. All floors, external walls and ceilings depicted in the proposed strata plan must be constructed prior to the issue of a strata subdivision certificate.
109. All floors, external walls and ceilings depicted in the proposed strata plan must correspond to those depicted in this development consent and future construction certificates for the building.
110. Prior to endorsement of the strata plans, all facilities required under this development consent (such as parking spaces, terraces and courtyards) must be provided in accordance with the relevant requirements.
111. A Section 73 Compliance Certificate under the Sydney Water Act 1994 must be obtained from Sydney Water Corporation.

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

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

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

112. The applicant shall provide Council with the finalised survey plan of the property prior to receiving subdivision approval.
113. The applicant shall create suitable rights of carriageway, easements for services, support and stormwater lines, as required. The applicant shall be advised that the minimum easement width for any stormwater line is 0.9 metres.
114. A "restriction on the use of land" and "positive covenant" (under section 88E of the Conveyancing Act 1919) shall be placed on the title of the subject property, in conjunction with the registration of the proposed plan of strata subdivision for this property, to ensure that the onsite detention system is maintained and that no works which could affect the design function of the detention 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 as to user 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.
115. A formal subdivision application is required to be submitted to and approved by the Council or an accredited certifier and all conditions of this development

consent are required to be satisfied prior to the release of the subdivision plans.

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

ADVISORY MATTERS:

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

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 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.

- A2. 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 C3.2 | - | Protection of openings in external walls |
| e) | Part D3 | - | Access for people with disabilities |
| f) | Clause D3.5 | - | Car parking for people with disabilities |
| g) | Part E1 | - | Fire fighting equipment |
| h) | Part E2 | - | Smoke Hazard Management |
| i) | Part E3 | - | Lift Installations |
| j) | Part E4 | - | Emergency lighting, exit signs & warning systems |
| k) | Part F1 | - | Damp and weatherproofing |
| l) | Part F2 | - | Sanitary and other facilities |
| m) | Part F3 | - | Room sizes |
| n) | Part F4 | - | Light and ventilation |
| o) | Part F5 | - | Sound Transmission and Insulation |
| p) | Section J | - | Energy efficiency |

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

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.

- A3. 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.

- A4. The applicant is to advise Council in writing and/or photographs of any signs of existing damage to the Council roadway, footway, or verge prior to the commencement of any building/demolition works.

MOTION: (Tracey/Woodsmith) CARRIED – SEE RESOLUTION.

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

FOR	AGAINST
Councillor Andrews	Councillor Notley-Smith
Councillor Belleli	Councillor Smith
Councillor Bowen	
Councillor Hughes	
Councillor Matson	
Councillor Matthews	
Councillor Nash	
Councillor Procopiadis	
Councillor Seng	
Councillor Tracey	
Councillor White	
Councillor Woodsmith	
Total (12)	Total (2)

D2/10 Development Application Report - 1130 Anzac Parade, Maroubra (DA/524/2008/B)

PL3/10

RESOLUTION: (Matthews/Matson) that Council, as the consent authority, grants development consent under Sections 96 of the Environmental Planning and Assessment Act 1979, as amended, to modify condition 4 of the Development Consent No. 524/2008 in relation to Section 94A contribution for St Spyridon College at 1130 Anzac Parade, Maroubra, in the following manner:

Amend Condition 4 to read:

4. 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	\$5,500,000	1%	\$55,000

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.

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

**D3/10 Development Application Report - 23-25 Strachan Street, Kingsford
(DA/488/2009)**

PL4/10

RESOLUTION: (Matthews/Matson)

- A. That Council supports the objections under State Environmental Planning Policy No. 1 – Development Standards in respect to non-compliance with Clauses 33 of Randwick Local Environmental Plan 1998, relating to maximum external wall heights, 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, grants Development Consent by Deferred Commencement under Section 80(3) of the Environmental Planning and Assessment Act 1979 to Development Application No. 488/2009 for demolition of existing buildings and construction of a new 4 storey, 42-room boarding house, at 23-25 Strachan Street, Kingsford subject to the following conditions:

Deferred Commencement Conditions:

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

1. A detailed coloured drawing in 1:100 scale and a material sample board that clearly demonstrate the colours, materials and finishes of the external surfaces of the proposed buildings. The above documentation shall include the following information:
 - Tone/tinting and texture of the external walls.
 - Types and colours/tinting of all glazing materials used for windows, doors and wall openings.
 - Colours and materials of the proposed external door and window frames and balcony balustrades.
 - Colours and materials of fencing along both the northern and western property boundaries. Plain colourbond will be inappropriate. Fences on the street boundary must not be more than 1.2m high.
2. A photomontage perspective prepared by a suitably qualified and experienced person in 3-dimensional architectural modelling and rendering, demonstrating how the proposed buildings will appear in the streetscape context of Houston Road. The image shall clearly indicate the architectural form of the development and depict as accurate as possible the building materials and external colouring.

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

- C. Subject to compliance with the Deferred Commencement Conditions, to the satisfaction of the Director of City Planning, Development Consent is granted under Sections 80 and 80A of the Environmental Planning and Assessment Act 1979, as amended, subject to the following conditions:

Approved plans

1. The development must be implemented substantially in accordance with the plans numbered DA_03, DA_04, DA_05 and DA_07, dated 10 November 2009

and received by Council 11 November 2009, and plans numbered DA_08 and DA_09, dated 30 October 2009 and received by Council 21 January 2010, 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 condition is applied to meet additional demands for public facilities

2. 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 \$200000	\$2,100,000	1.0%	\$21,000

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

3. The boarding house must provide lodgers with a principal place of residence for at least 3 months and must not be let to any person for a duration that is less than 3 months.
4. The south facing louvered windows to units 1, 12 and 24 must be installed with frosted glass.
5. Use of the premises must be in accordance with the Operation and Management schedule on pages 35 and 36 of the Statement of Environmental Effects received by Council 17 July 2009.
6. No boarding room shall be occupied by more than 2 adult lodgers.
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. The Strachan Street fence must be constructed of a material that compatible with the architectural style of the building. Plain metal is inappropriate. Design details must be approved by Council before a Construction Certificate is issued.
9. Street numbering must be provided to the premises in a prominent position, to the satisfaction of Council.

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

10. Power supply and telecommunications cabling to the development shall be underground.
11. 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.
12. The finished ground levels external to the building are to be consistent with the development consent and are not to be raised (other than for the provision of paving or the like on the ground) without the written consent of Council.
13. 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.
14. In accordance with the provisions of clauses 143A and 154A of the Environmental Planning & Assessment Regulation 2000, a 'Design Verification Certificate' must be provided to the Certifying Authority and the Council, **prior to issuing a construction certificate** and an **occupation certificate**, respectively.

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

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

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

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

16. 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*:

17. 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.

18. 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*.
19. **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.

20. **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.
21. 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.

22. 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".

23. 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.

24. **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.

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

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

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

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.

26. 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

27. 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.

28. 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.

29. 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:

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. 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:

33. 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.

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

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

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

Notes

- *This consent and condition does not authorise any trespass or encroachment upon any adjoining or supported land or building whether private or public. Where any underpinning, shoring, soil anchoring (temporary or permanent) or the like is proposed to be carried out upon any adjoining or supported land, the principal contractor or 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).

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

36. 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.

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.
- a) Building materials, sand, soil, waste materials, construction equipment or other materials or articles must not be placed upon the footpath, roadway or nature strip at any time and the footpath, nature strip and road must be maintained in a clean condition and free from any obstructions, soil and debris at all times.
- b) Bulk bins, waste containers or other articles must not be located upon the footpath, roadway or nature strip at any time without the prior written approval of the Council. Applications to place a waste container or other articles in a public place can be made to Council's Health, Building & Regulatory Services department.
- c) Building operations such as brick cutting, washing tools or equipment and mixing mortar are not permitted on public footpaths, roadways, nature strips, in any public place or any location which may lead to the discharge of materials into the stormwater drainage system.

- d) A temporary timber, asphalt or concrete crossing is to be provided to the site entrance across the kerb and footway area, with splayed edges, to the satisfaction of Council, unless access is via an existing concrete crossover.
- e) A local approval application must be submitted to and be approved by Council's Building Services section prior to commencing any of the following activities on a footpath, road or nature strip or in any public place:-
- Install or erect any site fencing, hoardings or site structures
 - Operate a crane or hoist goods or materials over a footpath or road
 - Placement of a waste skip or any other container or article on the road, nature strip or footpath.
- f) The applicant/builder is required to hold Public Liability Insurance, with a minimum liability of \$10 million and a copy of the Insurance cover is to be provided to Council.
- g) A *Road/Asset Opening Permit* must be obtained from Council prior to carrying out any works within or upon a road, footpath, nature strip or in any public place, in accordance with section 138 of the *Roads Act 1993* and all of the conditions and requirements contained in the *Road / Asset Opening Permit* must be complied with.
- The owner/builder must ensure that all works within or upon the road reserve, footpath, nature strip or other public place are completed to the satisfaction of Council, prior to the issuing of a final occupation certificate for the development.
- For further information, please contact Council's Road / Asset Opening Officer on 9399 0691 or 9399 0999.
- h) Temporary toilet facilities are to be provided, at or in the vicinity of the work site throughout the course of demolition and construction, to the satisfaction of WorkCover NSW and the toilet facilities must be connected to a public sewer or other sewage management facility approved by Council.
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 adequate security against damage to Council's infrastructure:

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

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

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

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

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

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

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

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

- a) Remove any redundant concrete vehicular crossing and layback and to reinstate the area with concrete footpath, turf and integral kerb and gutter and drainage lintel's to Council's specification.
- a) Remove the existing sandstone kerb and gutter along the Houston Rd frontage and replace it with new concrete kerb and gutter with a minimum 1.00m wide road reknit.
- b) Reconstruct any damaged sections of council's footpath along the full site

frontage. Any unpaved areas on the nature strip must be turfed and landscaped to Council's specification.

- c) Amend and relocate "No Stopping" sign adjacent to redundant vehicular crossing in Strachan St. The signage is to be amended to Council's Traffic Engineer's requirements.
48. 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.
49. 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.
50. A Works Zone is to be provided in Houston Road frontage 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.

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

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

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

52. The Council's Development Engineer has inspected the above site and has determined that the design alignment level (concrete/paved/tiled level) at the property boundary for driveways, access ramps and pathways or the like, must match the back of the existing footpath along the Strachan Street and Houston Road site frontages.
53. The design alignment levels (concrete/paved/tiled level) issued by Council and their relationship to the footpath must be indicated on the building plans for the construction certificate.
54. The above alignment levels and the site inspection by Council's Development Engineer has been issued at a prescribed fee of \$1828.00 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:

55. A public utility impact assessment must be carried out on all public utility services on the site, roadway, nature strip, footpath, public reserve or any public areas associated with and/or adjacent to the development/building works and include relevant information from public utility authorities and exploratory trenching or pot-holing, if necessary, to determine the position and level of service.
56. The applicant must meet the full cost for telecommunication companies, gas providers, Energy Australia and Sydney Water to adjust/repair/relocate their services as required. The applicant must make the necessary arrangements with the service authority.
57. Documentary evidence from the relevant public utility authorities confirming that their requirements have been satisfied, must be submitted to the certifying authority prior to a construction certificate being issued for the development.
58. A Road / Asset Opening Permit must be obtained from Council prior to carrying out any public utility service works within or upon a road, footpath, nature strip or in any public place, in accordance with section 138 of the Roads Act 1993 and all of the conditions and requirements contained in the Road / Asset Opening Permit must be complied with.

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

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

59. 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.
60. The applicant shall meet the full cost of the overhead power lines and telecommunication cables servicing the development site to be relocated underground. 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.
61. A Section 73 Compliance Certificate under the Sydney water Act 1994 must be obtained. Application must be made through an authorised Water Servicing Coordinator. Please refer to "Your Business" section of Sydney Water's web site at www.sydneywater.com.au then the "e-developer" icon or telephone 13 20 92.

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

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

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

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

62. **Stormwater drainage plans have not been approved as part of this development consent.** Engineering calculations and plans with levels reduced to Australian Height Datum in relation to site drainage shall be submitted to and approved by the certifying authority prior to a construction certificate being issued for the development. A copy of the engineering calculations and plans are to be forwarded to Council, prior to a construction certificate being issued, if the Council is not the certifying authority. The drawings and details shall include the following information:
- a) A detailed drainage design supported by a catchment area plan, at a scale of 1:100 or as considered acceptable to the Council or an accredited certifier, and drainage calculations prepared in accordance with the Institution of Engineers publication, Australian Rainfall and Run-off, 1987 edition.
 - b) A layout of the proposed drainage system including pipe sizes, type, grade, length, invert levels, etc., dimensions and types of all drainage pipes and the connection into Council's stormwater system.
 - c) Generally all internal pipelines must be capable of discharging a 1 in 20 year storm flow. However the minimum pipe size for pipes that accept stormwater from a surface inlet pit must be 150mm diameter. The site must be graded to direct any surplus run-off (i.e. above the 1 in 20 year storm) to the proposed drainage system.
 - d) The separate catchment areas within the site, draining to each collection point or surface pit are to be classified into the following categories:
 - i. Roof areas
 - ii. Paved areas
 - iii. Grassed areas
 - iv. Garden areas
 - e) Where buildings abut higher buildings and their roofs are "flushed in" to the higher wall, the area contributing must be taken as: the projected roof area of the lower building, plus one half of the area of the vertical wall abutting, for the purpose of determining the discharge from the lower roof.
 - f) Proposed finished surface levels and grades of car parks, internal driveways and access aisles which are to be related to Council's design alignment levels.
 - g) The details of any special features that will affect the drainage design eg. the nature of the soil in the site and/or the presence of rock etc.
63. 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.

64. All site stormwater must be discharged (by gravity) to either:
- The kerb and gutter or drainage system at the front of the property; OR
 - A suitably sized infiltration system (subject to geotechnical investigation confirming that the ground conditions are suitable for an infiltration system).
65. Should stormwater be discharged to Council's street drainage system, on-site detention must be provided to ensure that the maximum discharge from the above site is not to exceed that which would occur during a **1 in 10** year storm of 1 hour duration for the existing site conditions. All other stormwater run-off from the above site for all storms up to the 1 in 20 year storm is to be retained on the site for gradual release to the kerb and gutter or drainage system as required by Council. Provision is to be made for satisfactory overland flow should a storm in excess of the above parameters occur.

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

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

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

66. 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.

67. 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.
68. The detention area/infiltration system must be regularly cleaned and maintained to ensure it functions as required by the design.
69. Any onsite detention/infiltration systems shall be located in areas accessible by residents of all units.
70. The maximum depth of ponding in above ground detention areas (and/or infiltration systems with above ground storage) shall be as follows:
- 300mm in landscaped areas (where child proof fencing is not provided around the outside of the detention area and sides slopes are steeper than 1 in 10)
 - 600mm in landscaped areas where the side slopes of the detention area have a maximum grade of 1 in 10.
 - 1200mm in landscaped areas where a childproof fence is provided around the outside of the detention area

Notes:

- It is noted that above ground storage will not be permitted in basement car parks or in any area which may be used for storage of goods.
 - Mulch/bark must not be used in onsite detention areas
71. 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.
72. 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.
73. (In this regard, it must be noted that this condition must not result in any increase in the heights or levels of the building. Any variations to the heights or levels of the building will require a new or amended development consent from the Council prior to a construction certificate being issued for the development).
74. A childproof and corrosion resistant fastening system shall be installed on access grates over pits/trenches where water is permitted to be temporarily stored.
75. A 'V' drain is to be constructed along the perimeter of the property, where required, to direct all stormwater to the detention/infiltration area.
76. A reflux valve shall be provided (within the site) over any pipelines discharging from the site directly into a Council stormwater pit to ensure that stormwater from Council drainage system does not surcharge back into the site stormwater system.
77. Should a pump system be required to drain any portion of the site the system must be designed with a minimum of two pumps being installed, connected in parallel (with each pump capable of discharging at the permissible discharge rate) and connected to a control board so that each pump will operate alternatively. The pump wet well shall be sized for the 1 in 100 year, 2 hour storm assuming both pumps are not working.

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

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

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

- The base of the pit located a minimum 300mm under the invert level of the outlet pipe.
- The pit constructed from cast in-situ concrete, precast concrete or double brick.

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

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

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

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

the Principal Certifying Authority (PCA) and Council, certification from a suitably qualified and experienced Hydraulic Engineer confirming that the design and construction of the stormwater drainage system complies with the conditions of development consent. The certification must be provided following inspection/s of the site stormwater drainage system by the certifying engineers and shall be provided to the satisfaction of the PCA.

82. Any seepage water must be drained directly into an absorption pit within the site. Seepage water must **not** be drained from the site.

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

83. **The garbage room area will have to be redesigned so as to be able to contain a total of 22 x 240 litre bins (11 garbage bins & 11 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 prior to the issuing of a construction certificate.
84. The waste storage area/s are to be provided with a tap and hose and the floor is to be graded and drained to the sewer to the requirements of Sydney Water.
85. The waste storage area shall be clearly signposted.
86. 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 site.
87. Prior to the issuing of a construction certificate for the proposed development the applicant is to submit to Council and have approved by Council's Manager of Waste Services, a Waste Management Plan detailing waste and recycling storage and disposal for the development site.

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

Landscape Conditions

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

88. Landscaping at the site shall be installed substantially in accordance with the Landscape Plan D.A. by Michael Zinn, drawing number, project number 534, dated November 2009, prior to the PCA issuing a Final Occupation Certificate, with the future owner/on-site manager to ensure that this landscaping is maintained in accordance with these plans.
89. While the provision of a hedge of *Syzygium paniculatum* 'Dwarf' (Lilly Pilly's), along the northern boundary, fronting Strachan Street is supported by Council, the applicant/future on-site manager or similar, will be responsible for ensure that this hedge is regularly trimmed so as to remain contained wholly within the site, so that it does not encroach onto the adjoining public footpath and cause an obstruction to pedestrians.
90. To ensure satisfactory maintenance of the landscaping, 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.

91. The nature-strip upon both of Council's Strachan Street and Houston Road footways shall be excavated to a depth of 150mm, backfilled with topsoil equivalent with 'Organic Garden Mix' as supplied by Australian Native Landscapes, and re-turfed with Kikuyu Turf or similar. Such works shall be installed prior to the issue of a final Occupation Certificate.
92. Any substation required shall be screened from view. The proposed location and elevation shall be shown on all detailed landscape drawings and specifications.

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.

Tree Removals within site

93. Approval is granted for removal of the following trees, subject to full implementation of the approved landscape plan:
 - a) Two, multi-trunk *Archontophoenix cunninghamiana* (Bangalow Palms), in the front yard of 23 Strachan Street, as they are exempt from the provisions of Council's Tree Preservation Order (TPO) due to their inappropriate location hard up against the front of this existing dwelling;
 - b) Still within the front yard of no 23, right in the northwest corner of this site, one *Metrosideros excelsa 'Variegata'* (Variegated NZ Xmas Tree), and then immediately to its south, a *Persea amerciana* (Avocado Tree), and then further to their south again, about halfway along the length of the western boundary, a *Morus nigra* (Mulberry Tree), due to their insignificance and in order to accommodate the proposed works and associated landscaping as shown;
 - c) In the rear yard of 23 Strachan Street, along the rear (southern) boundary, two small *Olea europaea* (European Olives), and then to their east, in the rear yard of 25 Strachan Street, along its western boundary, between the existing free-standing garage and dwelling, from south to north, one *Mangifera indica* (Mango Tree) and then another *Persea amerciana* (Avocado Tree) for the same reasons outlined point 'b' above.

NOTE: While the submitted Landscape Plan proposes the planting of two Plane Trees within the Strachan Street nature strip in front of the site, this is not supported by Council given the narrow width of the verge, and the fact that parked cars will damage these trees as they overhang the kerb.

Protection of existing Street Trees

94. In order to ensure retention of the row of five small *Jacaranda mimosifolia* (Jacaranda's) spaced evenly along the length of the Houston Road frontage, as well as the larger *Platanus x hybrida* (London Plane Tree) and the under-planting of *Dianella's* in the garden bed at the corner of Strachan Street and Houston Road in good health, the following measures are to be undertaken:
 - a. All documentation submitted for the construction certificate application must show the retention of the trees, with the position and diameter of both of their trunks and canopies to be clearly shown.
 - b. Any new services, pipes, stormwater systems or similar that need to be

installed/connected over public property, must be done so at the maximum distance away from each of their trunks in order to minimise root damage.

- c. Each of the five (5) *Jacaranda's* must be physically protected (individually) by installing a total of four star pickets at a setback of 1.0 metre to their north and south (measured off the outside edge of their trunks at ground level), as well as against the back of the kerb to their west, and against the footpath to their east, to which safety tape/para-webbing shall be permanently attached so as to completely enclose each tree for the duration of works.
- d. This fencing 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 ZONE, DO NOT ENTER".
- e. The applicant is not authorised to perform any works to any of these street trees/garden areas, and shall contact Council's Landscape Development Officer on 9399-0613 should pruning, replacement or any similar such work be necessary, with the applicant to cover all associated costs, to Council's satisfaction, prior to the issue of a Final Occupation Certificate.
- f. Within the zones specified in point 'c' above, as well as the garden area at the intersection of Strachan Street & Houston Road, there is to be no storage of materials, machinery or site office/sheds, nor is cement to be mixed or chemicals spilt/disposed of and no stockpiling of soil or rubble, with all Site Management Plans to acknowledge this requirement.
- g. A refundable deposit in the form of cash, credit card or cheque for an amount of **\$5,000.00** 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, preservation of these street trees and garden areas.

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 these areas 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.

- Further information and details on Council's requirements for trees on development sites can be obtained from the recently adopted Tree Technical Manual, which can be downloaded from Council's website at the following link, <http://www.randwick.nsw.gov.au> - Looking after our environment – Trees – Tree Management Technical Manual; which aims to achieve consistency of approach and compliance with appropriate standards and best practice guidelines.

Advisory Conditions

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

ADVISORY MATTERS:

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

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

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

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

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

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

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

**D4/10 Development Application Report - 373 Avoca Street, Randwick
(DA/654/2009)**

PL5/10

RESOLUTION: (Matson/Notley-Smith)

- A. That Council supports the objections under State Environmental Planning Policy No. 1 - Development Standards in respect to non-compliance with Clause 32(1) of Randwick Local Environmental Plan 1998, relating to Floor Space Ratio, on the grounds that the proposed development complies with the objectives of the above clauses, and will not adversely affect the amenity of the locality, and that the Department of Planning be advised accordingly.
- B. That Council, as the consent authority, grants development consent under Sections 80 and 80A of the Environmental Planning and Assessment Act 1979, as amended, to Development Application No. DA/654/2009 for alterations and additions at No. 373 Avoca Street, Randwick, subject to the following conditions:

The following conditions are applied to satisfy the provisions of section 79C of the *Environmental Planning & Assessment Act 1979* and to maintain

reasonable levels of environmental amenity:

1. The development must be implemented substantially in accordance with the plans numbered 861-07, dated 18 November 2009 and received by Council on 19 November 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:

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

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

3. The fencing in front of the main building on the northern and southern side boundaries are restricted to maximum height of 1.2m with a solid design or 1.8m and designed so that the upper two thirds are 50% open.

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

4. The proposed fences located on the northern and southern side boundaries behind the front building line shall not exceed a maximum height of 1800mm, measured above the existing ground levels.

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

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

5. The treatment of the brick wall along the northern side boundary shared with the neighbouring property at No 371 Avoca Street shall be treated so that it is compatible with the neutral colour scheme of the adjoining dwelling.

6. The design, materials and colour of the roofing to the proposed building/s are required to match, as closely as possible, the existing roof.

7. Metal roof sheeting is to be pre-painted (e.g. colourbond) and form part of the colour scheme and external finishes for the development.

8. There must be no encroachment of the structures or associated articles (including footings) onto Council's road reserve, footway, nature strip, public place or adjoining properties.

9. The upper studio level must only be used for the storage purposes associated with the residence and or health consulting rooms and must not be let, adapted or used for habitable residential/commercial use at any time.

10. No cooking facilities or sanitary fittings other than those indicated on the approved plans are to be installed in the premises without the prior written consent of the Council.

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

11. 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.
12. The applicant shall note that all external work, carried out on Council property, shall be in accordance with Council's Policy for "Vehicular Access and Road and Drainage Works". An application for the cost of the Council civil works is to be submitted to Council at the completion of the internal building works. An application fee shall be payable to Council for the quotation of the required works. The applicant may elect to use his contractor for the required works, subject to Council approval, however a design and supervision fee based on the lowest quotation from Council's nominated contractor will be required to be paid prior to the commencement of any works.

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

13. The Council's Development Engineer has inspected the above site and has determined that the design alignment level at the property boundary for driveways, access ramps and pathways or the like, must match the back of the existing footpath along the full site frontage.
14. The above alignment levels and the site inspection by Council's Development Engineering Section have been issued at a prescribed fee of \$121(inclusive of GST). This amount is to be paid prior to a construction certificate being issued for the development.

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

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

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

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

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

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

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

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

17. In accordance with Section 80A (11) of the *Environmental Planning and Assessment Act 1979* and Clause 97A of the *Environmental Planning and Assessment Regulation 2000*, it is a prescribed condition that all of the required commitments listed in the relevant BASIX Certificate for this development are fulfilled.
18. In accordance with the provisions of the *Environmental Planning & Assessment Regulation 2000*, a relevant BASIX Certificate and associated documentation must be submitted to the Certifying Authority with the Construction Certificate application for this development.

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

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

19. The following provisions are to be implemented in accordance with the relevant BASIX Certificate and details are to be included in the Construction Certificate documentation (as applicable), to the satisfaction of the Certifying Authority:
 - Stormwater management (i.e. rainwater tanks)
 - Water efficiency (i.e. triple A rated taps and showers, dual flush toilets and water re-use)
 - Landscaping provisions
 - Thermal comfort (i.e. construction materials, glazing and insulation)
 - Energy efficiency (i.e. cooling & heating provisions and hot water systems)
20. In accordance with Clause 154B of the *Environmental Planning & Assessment Regulation 2000*, a Certifying Authority must not issue an 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 an Occupation Certificate.

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

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

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

Details of any works proposed to be carried out in or on a public road/footway

are to be submitted to and approved by Council prior to commencement of works.

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

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

23. 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.

24. In accordance with section 80 A (11) of the *Environmental Planning & Assessment Act 1979* and clause 98 of the *Environmental Planning & Assessment Regulation 2000*, it is a *prescribed condition* that all building work must be carried out in accordance with the provisions of the Building Code of Australia (BCA).

25. Prior **to the commencement of any building works**, the following requirements must be complied with:

- a) 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*.

A copy of the construction certificate, the approved development consent plans and 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.

- b) a *Principal Certifying Authority* (PCA) must be appointed to carry out the necessary building inspections and to issue an *occupation certificate*; and
- c) a *principal contractor* must be appointed for the building work, or in relation to residential building work, an *owner-builder* permit may be obtained in accordance with the requirements of the *Home Building Act 1989*, and the PCA and Council are to be notified accordingly; and
- d) the *principal contractor* must be advised of the required *critical stage inspections* and other inspections to be carried out, as specified by the *Principal Certifying Authority*; and
- e) at least two days notice must be given to the Council, in writing, prior to commencing building works.

26. 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 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).

27. A sign must be erected and maintained in a prominent position on the site for the duration of the works, which contains the following details:
- name, address, contractor licence number and telephone number of the *principal contractor*, including a telephone number at which the person may be contacted outside working hours, or *owner-builder* permit details (as applicable);
 - name, address and telephone number of the *Principal Certifying Authority*; and
 - a statement stating that "unauthorised entry to the work site is prohibited".
28. In accordance with section 80 A (11) of the *Environmental Planning & Assessment Act 1979* and clause 98 of the *Environmental Planning & Assessment Regulation 2000*, the requirements of the *Home Building Act 1989* must be complied with.

Details of the Licensed Building Contractor (and a copy of the relevant Certificate of Insurance) or a copy of the Owner-Builder Permit (as applicable) must be provided to the Principal Certifying Authority and Council, in writing, **prior to commencement of works**.

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. 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.

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

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

Details of compliance with the provisions of the Building Code of Australia must

be included in the plans/specification for the **construction certificate**.

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

32. The demolition of buildings and the removal, storage, handling and disposal of building materials must be carried out in accordance with the relevant requirements of WorkCover NSW, the NSW Department of Environment & Climate Change (formerly EPA) and Randwick City Council policies, including:

- Occupational Health and Safety Act 2000 & Regulations
- WorkCover NSW Guidelines & Codes of Practice
- Australian Standard 2601 (2001) – Demolition of Structures
- The Protection of the Environment Operations Act 1997 and Protection of the Environment Operations (Waste) Regulation 2005
- Relevant DECC/EPA Guidelines
- Randwick City Council Asbestos Policy (adopted 13 September 2005)
 - 1.
 2. *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.*

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

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

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

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

If the work involves asbestos products or materials, a copy of the Demolition Work Plan must also be provided to Council, not less than 2 days before commencing such works.

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

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

- Relevant Occupational Health & Safety legislation and WorkCover NSW requirements
- Randwick City Council's Asbestos Policy (adopted 13 September 2005)

- A WorkCover licensed demolition or asbestos removal contractor must undertake removal of more than 10m² of bonded asbestos (or as otherwise specified by WorkCover or relevant legislation). Removal of friable asbestos material must only be undertaken by contractor that holds a current friable asbestos removal licence.
- On sites involving the removal of asbestos, a sign must be clearly displayed in a prominent visible position at the front of the site, containing the words 'DANGER ASBESTOS REMOVAL IN PROGRESS' and include details of the licensed contractor.
- Asbestos waste must be stored, transported and disposed of in compliance with the *Protection of the Environment Operations Act 1997* and the *Protection of the Environment Operations (Waste) Regulation 2005*.
- A Clearance Certificate or Statement, prepared by a suitably qualified person (i.e. an occupational hygienist, licensed asbestos removal contractor, building consultant, architect or experienced licensed building contractor), must be provided to Council and the principal certifying authority immediately upon completion of the asbestos related works, which confirms that the asbestos material have been removed appropriately and the relevant conditions of consent have been satisfied.

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

35. 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.

36. In accordance with section 80 A (11) of the *Environmental Planning & Assessment Act 1979* and clause 98 E of the *Environmental Planning & Assessment Regulation 2000*, it is a prescribed condition that the adjoining land and buildings located upon the adjoining land must be adequately supported at all times.
- a) If the development involves an excavation that extends below the level of the base of the footings of a building on adjoining land, the person having the benefit of the development must, at the person's own expense:
- i) protect and support the adjoining premises from possible damage from the excavation, and

- ii) where necessary, underpin the adjoining premises to prevent any such damage.
- b) The condition referred to in subclause 1) does not apply if the person having the benefit of the development consent owns the adjoining land or the owner of the adjoining land has given consent in writing to that condition not applying.
37. A dilapidation report prepared by a professional engineer, building surveyor or other suitably qualified independent person must be submitted to the satisfaction of the Principal Certifying Authority **prior to commencement** of any demolition, excavation or building works, in the following cases:
- excavations for new dwellings, additions to dwellings, swimming pools or the like which are proposed to be located within the *zone of influence* of the footings of any dwelling, associated garage or other substantial structure located upon an adjoining premises,
 - new dwellings or additions to dwellings sited up to shared property boundaries (e.g. additions to a semi-detached dwelling or a terraced dwelling),
 - excavations for new dwellings, additions to dwellings, swimming pools or the like which are within rock and may result in vibration and or potential damage to any dwelling, associated garage or other substantial structure located upon an adjoining premises,
 - as otherwise may be required by the Principal Certifying Authority.

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

38. Except with the written approval of Council's Manager of Health, Building & Regulatory Services, all building, demolition and associated site works (including site deliveries) must only be carried out between the hours of 7.00am to 5.00pm on Monday to Friday inclusive and between 8.00am to 5.00pm on Saturdays and all building activities are strictly prohibited on Sundays and Public Holidays.

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

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

Noise and vibration from any rock excavation machinery, pile drivers and all plant and equipment must be minimised, by using appropriate plant and equipment, silencers and the implementation of noise management strategies.

A *Construction Noise Management Plan* is required to be developed and implemented throughout the works, to the satisfaction of the Council. A copy of the strategy must be provided to the Principal Certifying Authority and Council **prior to the commencement of site works**.

The Construction Noise Management Plan is to be prepared in accordance with the relevant provisions of the DECC Construction Noise Guideline.

40. 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, to the satisfaction of Council.

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

41. A Construction Site Management Plan is to be developed and implemented **prior to the commencement of any works**. The site management plan must include the following measures, as applicable to the type of development:

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

The site management measures are to be implemented prior to the commencement of any site works and be maintained throughout the works, to maintain reasonable levels of public health, safety and amenity to the satisfaction of Council.

A copy of the Construction Site Management Plan must be provided to the Principal Certifying Authority and Council. A copy must also be maintained on site and be made available to Council officers upon request.

The sediment and erosion control measures are to be in accordance with the manual for Managing Urban Stormwater – Soils and Construction, published by Landcom, to the satisfaction of Council and details are to be provided in the Construction Site Management Plan.

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

- a) Building materials, sand, soil, waste materials, construction equipment or other activities must not be placed upon the footpath, roadway or nature strip at any time and the footpath, nature strip and road must be

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

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

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

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

In this regard, the operation of the plant and equipment shall not give rise to an $L_{Aeq, 15 \text{ min}}$ sound pressure level at any affected premises that exceeds the background $L_{A90, 15 \text{ min}}$ noise level, measured in the absence of the noise source/s under consideration by more than 5dB(A) in accordance with relevant NSW Department of Environment & Conservation Noise Control Guidelines.

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

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

In this regard, the operation of the plant and equipment shall not give rise to an $L_{Aeq, 15 \text{ min}}$ sound pressure level at any affected premises that exceeds the background $L_{A90, 15 \text{ min}}$ noise level, measured in the absence of the noise source/s under consideration by more than 5dB(A) in accordance with relevant NSW Department of Environment & Conservation Noise Control Guidelines.

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

ADVISORY MATTERS:

- A1 Demolition, building or excavation work must not be commenced until;
 - A Construction Certificate has been obtained from Council or an Accredited Certifier

- Council or an Accredited Certifier has been appointed as the Principal Certifying Authority for the development
- Council and the Principal Certifying Authority have been given at least 2 days notice (in writing) prior to commencing any works.

Failure to comply with these important requirements is an offence, which renders the responsible person liable to a maximum penalty of \$1.1 million under the *Environmental Planning & Assessment Act 1979*. Alternatively, Council may issue a penalty infringement notice (for up to \$1,500) for each offence.

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

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

A3 Specific details of the location of the building/s should be provided in the Construction Certificate to demonstrate that the proposed building work will not encroach onto the adjoining properties, Council's road reserve or any public place, to the satisfaction of the certifying authority.

A4 This determination does not include an assessment of the proposed works under the Building Code of Australia (BCA) and other relevant Standards. All new building work (including alterations and additions) must comply with the BCA and relevant Standards and you are advised to liaise with your architect, engineer and building consultant prior to lodgement of your construction certificate.

A5 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/Hughes) that this matter be deferred for mediation between the applicant and objector. **LOST.**

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

FOR	AGAINST
Councillor Hughes	Councillor Andrews
Councillor Matson	Councillor Belleli
	Councillor Bowen
	Councillor Matthews
	Councillor Nash
	Councillor Notley-Smith
	Councillor Procopiadis
	Councillor Seng
	Councillor Smith
	Councillor Tracey
	Councillor White
	Councillor Woodsmith
Total (2)	Total (12)

MOTION: (Matson/Notley-Smith) 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 Belleli
Councillor Bowen	Councillor Matthews
Councillor Hughes	Councillor Smith
Councillor Matson	Councillor Tracey
Councillor Nash	
Councillor Notley-Smith	
Councillor Procopiadis	
Councillor Seng	
Councillor White	
Councillor Woodsmith	
Total (10)	Total (4)

**D5/10 Development Application Report - 61 High Street, Randwick
(DA/881/2009)**

PL6/10

RESOLUTION: (Matthews/Matson)

- A. That Council as consent authority waive the requirement for a masterplan under Clause 40A(30) of Randwick Local Environmental Plan 1998 on the basis that the proposed development is ancillary to the current use of the land.
- B. That Council, as consent authority, grant development consent under Sections 80 and 80A of the Environmental Planning and Assessment Act 1979, to Development Application No. DA/881/2009 for internal re-development of level 5 Prince of Wales Private Hospital at 61 High Street, Randwick subject to the following conditions:

Approved Plans

- 1) The development must be implemented substantially in accordance with the plans numbered A200, A203, dated 24 November 2009 and received by Council on 30 November 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 & Assessment Act 1979 and other Acts and Regulations:

- 2) The relevant requirements of the Sydney Water Act 1994 must be complied with and a Section 73 Compliance Certificate under the Sydney Water Act 1994 must be obtained from Sydney Water. An Application for a Section 73 Certificate must be made through an authorised Water Servicing Co-ordinator. For details, please refer to the "Your Business" section of Sydney Water's web site www.sydneywater.com.au then the "e-developer" icon or telephone 13 20 92.

Following the application, a "Notice of Requirements" will be provided, detailing water and sewer extensions to be built and charges to be paid. Please make early contact with the Water Servicing Co-ordinator, as building of water/sewer extensions can be time consuming and may impact on other services and building, driveway or landscape design.

A copy of Sydney Water's 'Notice of Requirements' must be submitted to the

Certifying Authority prior to issuing a Construction Certificate.

The Section 73 Certificate must be submitted to the Principal Certifying Authority prior to issuing an occupation certificate or subdivision certificate (whichever the sooner).

- 3) 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.
- 4) Failure to comply with these legislative requirements is an offence and may result in the commencement of legal proceedings, issuing of `on-the-spot` penalty infringements or service of a notice and order by Council.
- 5) In accordance with section 80 A (11) of the Environmental Planning & Assessment Act 1979 and clause 98 of the Environmental Planning & Assessment Regulation 2000, it is a prescribed condition that all building work must be carried out in accordance with the provisions of the Building Code of Australia (BCA).
- 6) Prior to the commencement of any building works, a construction certificate must be obtained from the Council or an accredited certifier, in accordance with the provisions of the Environmental Planning & Assessment Act 1979 and Environmental Planning & Assessment Regulation 2000.
- 7) A copy of the construction certificate, the approved plans and development consent conditions must be kept on the site at all times and be made available to the Council officers and all building contractors for assessment
- 8) Prior to the commencement of any building works, the person having the benefit of the development consent must:
 - a) appoint a Principal Certifying Authority for the building work, and
 - b) appoint a principal contractor for the building work, or in relation to residential building work, obtain an owner-builder permit in accordance with the requirements of the Home Building Act 1989, and notify the Principal Certifying Authority and Council accordingly in writing, and
 - c) unless the person having the benefit of the consent is the principal contractor (i.e. owner-builder), notify the principal contractor of the required critical stage inspections and other inspections to be carried out, as specified by the Principal Certifying Authority, and
 - d) give at least two days notice to the Council, in writing, of the persons intention to commence building works.
- 9) 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.
- 10) An Occupation Certificate must not be issued for the development if the development is inconsistent with the development consent. The requirements of the Environmental Planning & Assessment Act 1979 and conditions of development consent must be satisfied prior to the issuing of an occupation certificate.
- 11) 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.

- 12) 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).
- 13) 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.
- 14) The principal contractor or owner-builder (as applicable) must ensure that the required critical stage and other inspections, as specified in the Principal Certifying Authority's "Notice of Critical Stage Inspections", are carried out to the satisfaction of the Principal Certifying Authority and at least 48 hours notice (excluding weekends and public holidays) is to be given to the Principal Certifying Authority, to carry out the required inspection, before carrying out any further works.

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

**D6/10 Development Application Report - 13-15 Silver Street, Randwick
(DA/311/2008/B)**

PL7/10

RESOLUTION: (Matthews/Matson)

That Council as the consent authority, refuse its consent under Section 96 of the Environmental Planning and Assessment Act 1979 as amended to modify Development Consent No DA/311/2008 for demolition of existing buildings and construction of a 3 storey building with 4 tenancies for use as medical centre with 11 on site car park spaces, with roof terrace at 13-15 Silver Street, Randwick, for the following reasons:

1. The proposed deletion Condition No. 76 will result in a development with unsightly and unsafe power lines, poles and telecommunication cables around the subject site contrary to that part of the development consent for which approval was granted. The proposed Section 96 modification to delete Condition No. 76 in effect maintains/perpetuates the existing unsatisfactory overhead power and telecommunications supply to the subject site which the approved proposal was required to remove.
2. The proposal to delete Condition No. 76 results in a development with unsightly and unsafe power poles and lines and telecommunication cables that has an adverse impact on the visual amenity of the streetscape and detracts from the existing character of development in the locality.
3. The proposed deletion Condition No. 76 results in a development that fails to comply with provisions of Council's policy on undergrounding of cables adopted on 8 November 2005.
4. The proposed deletion Condition No. 101 results in a development that fails to comply with provisions of Council's Urban Design Guidelines for the Randwick

Commercial Centre.

5. The proposed deletion Condition No. 76 and 101 results in a development that fails to comply with Clause 9 of the Randwick LEP 1998.
6. The proposed deletion Conditions No. 76 and 101 results in a development that will be inconsistent with the general aims of the Randwick LEP 1998 as listed in Clause 2 of the LEP.
7. The proposed deletion Conditions No. 76 and 101 results in a development that will be inconsistent with the specific objectives of the General Business 3A zone contained in Clause 13 of the Randwick LEP 1998.
8. The proposed deletion Condition No. 101 will result in a development with inconsistent and variable footpath civil works/construction standards that would be unsightly and unsafe for public use.
9. Conditions No. 76 and 101 are valid conditions in that they serve a planning purpose; fairly and reasonably relate to the original development for which approval has been granted; and are reasonable conditions to apply.

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

**D7/10 Development Application Report - 164 Belmore Road, Randwick
(DA/522/2008)**

PL8/10

RESOLUTION: (Matthews/Matson) that Council enter into the Voluntary Planning Agreement relating to the proposed development under DA No. 522/2008 at 164 Belmore Road, Randwick as publicly exhibited from 18 August to 18 September 2009 including the amendments to the provisions of Clauses 2 and 3 of the draft VPA to allow for payment of the development charge immediately upon execution of the Agreement.

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

**D8/10 Development Application Report - 77-97 Alison Road, Randwick
(DA/873/2009)**

PL9/10

RESOLUTION: (Notley-Smith/Woodsmith)

That Council, as the consent authority, grant development consent under Section 80 and 80A of the Environmental Planning and Assessment Act 1979 (as amended) to Development Application No. DA/873/2009 for the proposed Future Music Festival to be held on Saturday 28 February 2009 at Randwick Racecourse at 77-97 Alison Road, Randwick subject to the following conditions:

1. The development must be implemented substantially in accordance with the details set out in the application form and accompanying submission received by Council on 25 November 2009, Noise Management Plan prepared by Andrew Rogers, dated 15 June 2009 and Traffic Management Plan prepared by Julian Sanderson & Andrew Sturday, dated 23 November 2009, all received by Council on 25 November 2009 and any other 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. The applicant must ensure that vehicles related to the event do not obstruct emergency entry/exit points, thoroughfares or fire hydrants.

3. The spill of artificial lighting is to be restricted so as not to illuminate areas beyond the perimeter of the site.
4. The activity/event is restricted to the following period and numbers:

Date	6 March 2010
Times	12 Midday till 10.00pm
Maximum Patron Numbers	38,000

The following conditions are applied at the Recommendation of the NSW Police Service to maintain standards of public safety.

5. The applicant shall meet the costs of policing (crowd control & traffic management) for the event as follows: 173 Police.
6. The applicant shall implement all strategies listed in the letter from the NSW Police – Eastern Beaches Local Area Command to Council dated 30 January 2010 to ensure that security is improved and criminal activities are minimised.
7. The applicant must prepare a comprehensive traffic management plan (TMP), incorporating, but not limited to, all measures detailed in the e-mail dated 29 January 2010 from Julian Sanderson to Council's Development Engineer, John Flanigan. Such plan also must not include the closure of Alison Road. Full details of any clearway required as approved by Council's Local Traffic Committee must be included in the traffic management plan. The traffic management plan must be submitted to Council, for approval by Council, the NSW Police Force and the RTA's Transport Management Centre prior to **26 February 2010**. The applicant must fully comply with the approved TMP. Note: any TMP for this event must significantly increase the capacity of the buses for egress of the event as proposed in the "2009 Future Music Festival – Site Plan Proposed Egress Operations", (it is recommended that the capacity be increased from the proposed 12000 to 18000 as a minimum).
8. The applicant must prepare a comprehensive egress plan for the event. The egress plan must be submitted to Council, for approval by Council and the NSW Police Force prior to **26 February 2010**. The applicant must fully comply with the approved egress plan. Note: any egress plan for this event must significantly increase the capacity of the buses for egress of the event as proposed in the "2009 Future Music Festival – Site Plan Proposed Egress Operations", (it is recommended that the capacity be increased from the proposed 12000 to 18000 as a minimum).
9. A limit of 2 alcoholic drinks per patron shall be applied for each drink purchase.
10. All other restrictions that normally apply to sale of intoxicating liquor at the Randwick race course shall be adhered to by the event promoter and licensee.
11. No intoxicating liquor is to be served after 9pm.
12. The sale of intoxicating liquor at the event shall be regulated by any other conditions imposed by the NSW Police Force.
13. Patrons shall be subject to a strict 'no pass outs' rule for the duration of the event. This is to be clearly shown on the "Conditions of Entry Poster" issued for the event.

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

14. Mandatory bag inspections are to be carried out prior to entry of patrons on to the site.
15. The event organiser shall implement all measures listed under the relevant sections on **Resident Response** contained in the Security Management Plan prepared by Steven Ferraris and received by Council on 25 November 2009, to ensure minimal impacts to adjoining and surrounding residents from unruly patrons of the events including, but not limited to, trespassing, breaking and entering of and/or through private property (unless otherwise directed by the Police/authorised City Ranger or modified by these conditions).
16. The installation of temporary facilities including barricades, fencing, signage, toilets, lighting vending outlets is to be carried out to ensure that there is no damage to the site, including built structures and landscape elements.

The following conditions are applied to meet the requirements of the Roads and Traffic Authority of NSW:

17. The event organiser is to arrange with the RTA's Transport Management Centre (TMC) for any required Road Occupancy Licence for the event and associated impact on traffic flows on the road network, particularly Alison Road during the music festival. Contact details for the TMC are:

Manager Network Operations
Transport Management Centre
35 Garden Street
Everleigh NSW 2015

Ph: 8396 1510
Fax: 8396 1525

18. The Traffic Management Plan (TMP) submitted with the application has been referred to the Traffic Management Centre for review. The applicant will be advised of any amendments required to be made to the TMP following this review.

If required the Planner Incident Unit at the RTA's Transport Management Centre can be contacted on Ph: 8396 1513 or Fax: 8396 1530.

19. Any local traffic issues of the event should be dealt with through the Local Traffic Committee.
20. Any cost associated with traffic management and traffic control for the proposed music festival shall be at no cost to the RTA.

The following conditions are applied to provide adequate provisions for parking to the development :

21. Signage advising the closure of the any Bus Stop on Alison Road is to be erected at least 7 days prior to the event and to remain up until the time the bus stop reopens to the public. Any bus stop to be closed is to remain operational until **8pm** on the day of the event.
22. The security fencing proposed for Alison Road is to be erected in a manner such that sight lines to approaching buses is maintained without the need for bus patrons to extend themselves into traffic on Alison Road to see approaching buses.

23. All vehicles (including taxis) exiting the racecourse at High Street must be controlled such that they turn right only to proceed to Anzac Parade. Left turning traffic onto High Street should not be allowed as this will cause traffic to filter through local streets.
24. The placement of water filled barriers is to be such that they do not extend beyond or encroach on the Lane 1 (kerb side lane) lane line.
25. The placement of all barricades and signs is to be in accordance with the plans submitted as part of this application and be in accordance with the requirements specified in AS1742.3
26. The event organiser shall implement all measures in accordance with the approved Traffic Management Plan, unless otherwise directed by the Police/authorised City Ranger.
27. The applicant shall be responsible for the reimbursement of the cost of repair of any damage caused to public ways as a result of the event.
28. The applicant shall indemnify against all claims for damage or injury that may arise as a result of the subject event. In this regard, the applicant shall submit, prior to the event, evidence of a current public liability insurance policy in relation to the proposed event for an amount of at least \$10,000,000 or more and such amount shall be specified by Council's Risk Coordinator.

The following conditions are applied to maintain adequate levels of public amenity:

29. The ticket price is to include return public transport to and from the event valid for the Sydney Metropolitan Area.
30. The clean up works and packing up of equipment and other materials on the site must not commence in the vicinity of the Doncaster Avenue residence until 8 am, 7th March, 2010.
31. The applicant is to thoroughly clean the surrounding area at earliest daybreak and within 24 hours of the termination of the event. This is to include the area bounded by:
 - Anzac Parade to the west;
 - Alison and Darley Roads to the north;
 - Dangar Street and Church Street to the east; and
 - High Street to the south.
32. To ensure compliance with the above condition, the applicant is lodge with Council a security deposit of \$50,000 at least fourteen days prior to the event, which will be refunded subject to the cleanup being undertaken to the satisfaction of Council's Director of City Planning.
33. A damage/cleanup security deposit of **\$50,000** must be paid to Council **at least two days prior to the event** as security for making good any damage caused to the roadway, footway, verge or any public place; and as security for cleanup that in the reasonable opinion of Council was connected to the event.

The damage/cleanup security deposit may be provided by way of a cash or cheque with the Council and is refundable upon a satisfactory inspection by Council upon the completion of the event which confirms that there has been no damage to Council property and that the cleanup has been satisfactorily executed. Any costs borne by Council for additional cleanup resulting from the event shall be deducted from this amount.

To obtain a refund of relevant deposits, a Security Deposit Refund Form is to be forwarded to Council's Director of City Services upon completion of the event.

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

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:

35. The number of patrons in attendance at any one time during the event must be made available to Council officers upon request.
36. Numbered tickets must be issued in order to calculate the number of persons permitted at the event so as not to exceed the authorised capacity. Records of the number of tickets issued shall be provided to Council within 7 days of the event.
37. Prior to the activity/event, the applicant shall distribute a notice to the nearby likely affected residents and other nearby premises advising of the activity/event and providing the following details:
- Details of the activity/event
 - time and date when the activity/event will occur,
 - the name and relevant details of the applicant and organiser of the activity/event
 - contact details for the relevant person to whom further enquiries can be obtained,
 - contact details for the making of complaints/enquiries in regard to the set up, operation of the event and post event nuisance, traffic and clean up concerns (including contact details for complaints to be lodged at least up to 4 hours before and after the event
 - any other information that may be required to properly and fully describe the event, including any measures to maintain reasonable levels of amenity and safety.

The notice is to be distributed to the effected parties no less then 7 days prior to the staging of the event.

38. Advertising and marketing of the activity/event shall promote the use of public transport to the activity.
39. The use of fireworks, firearms, explosives or lighting of fires is not permitted.
40. Adequate provisions are to be made for the storage, collection and disposal of waste and recyclable materials.
41. The conditions and recommendations contained in the acoustic report titled *Noise Management Plan Future Music Festival 2010 March 2010 Randwick Racecourse* prepared by Noise Consulting and Management Pty Ltd dated 15 June 2009 Ref 1027 form part of this consent. The following noise abatement measures are contained within (but not limited to):
- a) The noise limit at affected residences will be L_{max} 70 dB(A) and L_{max} 90 dB(C), when measured with the meter set to fast response over any

- 15 minute period during the concert or sound test. All music will cease at **10:00 pm**
- b) A complaints hotline will be established for use during the bump in, during the duration of the event.
 - c) Noise Consulting & Management Pty Ltd will investigate any complaints, record the results of the investigation and the action taken and report back to the resident and Council if requested.
 - d) A notice informing nearby residents/apartment body corporates of the event and the hotline number will be sent out at least 7 days prior to the event. A copy of the notice will be forwarded to Council. The area to be letter dropped is shown in Appendix A of the acoustic report. This includes the areas that the music is likely to be the dominant noise source and additional areas in Kensington based on previous complaints.
 - e) The speakers of the outdoor stages will be set up as outlined in the acoustic report.
 - f) A sound check will be performed 1 hour prior to the event. During the sound check, appropriate music levels will be set on compressors at each of the stages to ensure they are started at appropriate levels.
 - g) Sound level meters indicating the actual and allowed music levels will be displayed at each stage.
 - h) All sound systems will include a level limiter (or compressor) so music levels can be locked down. Artist and sound engineers will be advised that music limiting will be used and settings are not to be tampered with.
 - i) Noise Consulting & Management Pty Ltd will continuously monitor throughout the entire event, the pre-determined noise sensitive locations and any additional locations that may become necessary based on the conditions and any complaints encountered.
 - j) The acoustic consultant will be in two way radio and mobile phone contact with the sound desk staff, production manager, sound engineers, event organiser, and hotline staff throughout the event.
 - k) The production manager and sound engineers will be briefed on the importance of reducing music levels as requested by the acoustic consultant.
 - l) Procedures will be implemented to allow for a quick reduction of the
 - m) Music levels of all stages if required. The Directors/Production Manager Mr Robinson and/or Mr Ayoubi shall ensure that sound engineers reduce music levels when instructed. The main stage sound desk will be manned by staff under the direct supervision of the acoustical consultant.
 - n) A report containing the results of the monitoring, any complaints and the noise control measures will be presented to Council within 30 days of the event.
 - o) Security guards will assist patrons in leaving quietly and avoiding passing through the nearby residential areas where possible. Security guards will be stationed in the residential areas to ensure noise is kept to a minimum.

42. All sound amplification equipment to be used is to be installed, maintained and operated, in such a way as to minimise the noise impact on residential premises or sensitive receivers.
43. The organiser of the event must keep a legible record of all complaints made to it or any employee or agent in relation to the event to which this application applies.

The complaints hotline shall operate during the bump in phase, for the entire duration of the event and for the remainder of the weekend to address any unresolved complaint by nearby residents.

The complaints register must keep a record of the following:

- the date and time of the complaint;
 - the method by which the complaint was made;
 - any personal details of the complainant which were provided by the complainant or, if no such details were provided, a note to that effect;
 - the nature of the complaint;
 - the action taken by the organiser in relation to the complaint, including any follow-up contact with the complainant; and
 - if no action was taken by the organiser, the reasons why no action was taken.
44. During the music event, rehearsal or sound tests, the organiser must ensure that an employee or agent is present at the sound-mixing desk for the event and is able to exercise ultimate control of the noise levels from the sound amplification equipment during the event.
 45. The organiser must ensure that during the entire event, employees or agents can contact and communicate with all of the acoustical consultants conducting the monitoring of the noise levels from the concert, as required.
 46. Following the completion of the music event and within 30 days, the organiser must provide to Council an acoustical report, prepared by the appointed acoustic consultant, detailing the following:
 - Whether or not there has been compliance or non-compliance with the consent conditions, including the reasons for any breaches;
 - The times and details of any occasions where a breach of the noise criteria as set in the consent, occurred and why the breach occurred and what measures were implemented to ensure that the breach did not reoccur.
 47. The activity/event shall not give rise to an environmental health or public nuisance or affect public safety and convenience.
 48. The operation of the activity/event shall not result air, noise or water pollution offence under the *Protection of the Environment Operations Act 1997*.
 49. The relevant requirements of WorkCover New South Wales and the Occupational Health and Safety Act 2000, are required to be complied with at all times.
 50. Access to the event shall be provided to Council authorised officers so as to enable compliance monitoring to be undertaken.

The following conditions are applied to ensure compliance with the Food Act 2003 and to ensure public health and safety:

51. The requirements of the *Food Act 2003* and *Food Safety Standards* must be complied with at all times.

52. The applicant is required to ensure that all temporary food stalls, vendors and mobile food vendors have registered their details with Council's Environmental Health Unit, at least one week prior to the event. The required Registration Fee must be forwarded to Council with the registration details. Further details can be obtained by telephoning 9399 0973.

The following conditions are applied to ensure that the development satisfies the provisions of the Environmental Planning and Assessment Act 1979 and Regulations, and to ensure the structural adequacy and integrity of the proposed building and adjacent premises:

53. The number of persons permitted within the betting Pavilion is not to exceed 3000 in accordance with the recommendations made in the Holmes Fire and Safety fire engineering design report number 96343 dated 27 April 1999.
54. The relevant provisions of Schedule 3A of the Environmental Planning & Assessment Regulation 2000 (as amended), are to be complied with at all times.
55. Any proposed temporary structures are to be designed and constructed in accordance with the relevant provisions of the *Environmental Planning & Assessment Regulation 2000* and the provisions of Part B1 and NSW Part H102 of Volume One of the *Building Code of Australia 2007*.
56. The maximum number of people permitted in the temporary structures must not exceed the number of square meters of the floor area of the tent or marquee and a person must be appointed to ensure that the permissible capacity is not exceeded. A sign detailing the maximum number of people permitted in the temporary structure/s must be displayed near the entrance.
57. Tents and marquees must comply with the following requirements:-
- a) The number and width of exits to any tent, marquee or booth must be provided in accordance with the provisions of NSW H102.4 and NSW Table H102.4.
 - b) the tent, marquee or booth resists loads determined in accordance with the Australian and New Zealand Standards entitled:
 - i) AS/NZS 1170.0:2002, *Structural design actions – General principles, and*
 - ii) AS/NZS 1170.1:2002, *Structural design actions – Permanent, imposed and other actions, and*
 - iii) AS/NZS 1170.2:2002, *Structural design actions – Wind actions.*
 - c) Written details or certification must be provided to the Principal Certifying Authority detailing compliance with the requirements of these conditions, prior to the use and occupation of the temporary structures.
58. Fabric that is used in the construction of a temporary structure must comply with the flammability indexes required by NSW H102.8 of the Building Code of Australia 2008.
59. Essential fire safety measures & equipment within the temporary structures must be provided in accordance with the provisions of NSW H102 of the Building Code of Australia, to the satisfaction of the principal certifying authority.
60. A notice is to be provided to each stage or platform, that indicates the actual distributed and concentrated load for which the stage or platform has been designed, located in a conspicuous position on the stage or platform.

61. Stages, platforms or walkways greater than 1m in height above ground level which are accessible to the public or audience, must be provided with adequate balustrading or other measures to prevent them from falling off the stage or platform.
62. If a tent or marquee has a floor area greater than 100 square meters, the erection of the tent or marquee must not commence until the provisions of Clause 268A of the Environmental Planning & Assessment Regulation 2000 (as amended), relating to the appointment of a principal certifying authority, have been met.
63. An Occupation Certificate must be obtained from the Principal Certifying Authority (Council or Accredited Certifier) for the temporary structures, in accordance with the provisions of the *Environmental Planning & Assessment Regulation 2000*, prior to the use and occupation of the temporary structure/s.
64. A statement of adequacy is to be obtained from a suitably qualified person and be submitted to Council upon the erection of any temporary structures, amusement devices and stages, which certifies that the item/s satisfy relevant requirements and standards for structural adequacy and public safety.
65. The operator of the activity/function must hold current public liability insurance cover of at least \$10 million.
66. Temporary structures must be removed/dismantled within 2 days after the conclusion of the event.
67. Adequate toilets, urinals, wash-hand basins and hand dryers or disposable towels (including facilities for people with a disability) must be provided for the duration of the activity/event, to the satisfaction of the Principal Certifying Authority.

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

68. 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	\$120,000	0.5%	\$6,000

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.

Heritage Conditions:

69. The installation of temporary facilities including stages, enclosures, decking, fencing, signage, toilets, lighting, rides and vending outlets is to be carried out to ensure that there is no damage to the site, including built structures and landscape elements.

MOTION: (Notley-Smith/Woodsmith) that cleanup works and the packing up of equipment and other materials does not commence on site in the vicinity of Doncaster Avenue residents till 8.00am the next morning. **CARRIED UNANIMOUSLY – SEE RESOLUTION.**

Miscellaneous Reports

M1/10 Miscellaneous Report - Land & Environment Court Proceeding in Relation to 1406-1408 Anzac Parade, Little Bay (DA/81/2009)

PL10/10 **RESOLUTION: (White/Nash)** that the report be received and noted.

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

M2/10 Miscellaneous Report - Joint Regional Planning Panel (JRPP) - Council Procedures (F2009/00256)

PL11/10 **RESOLUTION: (Mayor, Cr J Procopiadis/Bowen)** that Council note and endorse the Council Procedures for submissions/reports to the Joint Regional Planning Panel.

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

M3/10 Miscellaneous Report - UNSW Request to Amend Council's S94A Development Contributions Plan (F2004/06783)

PL12/10 **RESOLUTION: (Mayor, Cr J Procopiadis/Woodsmith)** that the Council note and endorse this report as a basis for responding to the University's request to amend the S94A Plan, with a suggested approach of amending the S94A Plan works schedule in the next S94A Plan review to specifically include public domain works around the University and linking to the nearby town centres.

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

M4/10 Miscellaneous Report - Advising of Monitoring & Advice Procedures for Political Donation Disclosures & Affordable Rental Housing Development (F2005/00303)

PL13/10 **RESOLUTION: (Tracey/Woodsmith)** that the report be received and noted.

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

Notice of Rescission Motions

Nil.

The meeting closed at 7.56pm.

The minutes of this meeting were confirmed at the Planning Committee Meeting of the Council of the City of Randwick held on Tuesday, 9 March 2010.

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CHAIRPERSON