

**THESE MINUTES ARE DRAFT UNTIL CONFIRMED AT THE NEXT MEETING OF THIS COUNCIL AND/OR COMMITTEE**

**MINUTES OF ORDINARY COUNCIL MEETING OF THE  
COUNCIL OF THE CITY OF RANDWICK HELD ON  
TUESDAY, 9 OCTOBER 2012 AT 6:02PM**

**Present:**

The Mayor, Councillor T Bowen (Chairperson) (East Ward)

Councillor N D'Souza (Deputy Mayor) (South Ward)

North Ward - Councillors K Neilson, L Shurey & K Smith

South Ward - Councillors R Belleli & P Garcia

East Ward - Councillors M Matson & B Roberts

West Ward - Councillors G Moore, S Nash & H Stavrinou

Central Ward - Councillors A Andrews, T Seng (arrived 7.55pm) & G Stevenson

**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 Organisational Staff Services	Ms F Calabrese
Manager Development Assessment	Mr K Kyriacou
Communications Manager	Mr J Hay
Senior Administrative Coordinator	Ms J Hartshorn

**Prayer & Acknowledgement of Local Indigenous People**

The Council Prayer was read by Cr D'Souza. The Acknowledgement of Local Indigenous People was read by Cr Garcia.

**Apologies/Granting of Leave of Absences**

Nil.

**Confirmation of the Minutes**

**CONFIRMATION OF THE MINUTES OF THE ORDINARY COUNCIL MEETING  
HELD ON TUESDAY 28 AUGUST 2012**

234/12

**RESOLUTION: (Andrews/Matson)** that the Minutes of the Ordinary Council Meeting held on Tuesday 28 August 2012 and the Extraordinary Council Meeting held on Tuesday 25 September 2012 (copies of which were circulated to all Councillors) be

and are hereby confirmed as correct records of the proceedings of those meetings.

**MOTION: (Andrews/Matson) CARRIED - SEE RESOLUTION.**

### **Declarations of Pecuniary and Non-Pecuniary Interests**

- a) Cr Matson declared a non significant non pecuniary interest in Item CP62/12 as he knows one of the objectors who is the partner of a Greens candidate in the last Council elections.
- b) Cr Shurey declared a non significant non pecuniary interest in Item CP62/12 as she knows one of the objectors who is the partner of a Greens candidate in the last Council elections.
- c) Cr Shurey declared a pecuniary interest in Item CP69/12 as she lives in close proximity to the proposed development.
- d) Cr Garcia declared a non significant non pecuniary interest in Item CP61/12 as he knows one of the objectors.
- e) Cr Garcia declared a non significant non pecuniary interest in Item CP62/12 as a member and former office holder of the Coogee Surf Club.
- f) Cr Garcia declared a non significant non pecuniary interest in Item GF44/12 as as a member of Coogee Surf Club and a former board member of Randwick District.
- g) Cr Garcia declared a non significant non pecuniary interest in Item NM58/12 as as a current officer in the Army Reserve.
- h) Cr Garcia declared a non significant non pecuniary interest in Item GM27/12 as a member of Coogee Surf Club and former member of Randwick Rugby Club.
- i) Cr Garcia declared a non significant non pecuniary interest in Item CP74/12 as he knows a nominator and nominee who are members of Coogee Surf Club.
- j) Cr Stevenson declared a non significant non pecuniary interest in Item CS9/12 as he knows some of the residents of Eastbourne Avenue.
- k) Cr Smith declared a pecuniary interest in Closed Session Item GM27/12 as his employer has a business relationship with the applicant. Cr Smith indicated that he would not take part in the debate or the vote on the matter.
- l) Cr Smith declared a pecuniary interest in Closed Session Item CP73/12 as his employer has a business relationship with the applicant. Cr Smith indicated that he would not take part in the debate or the vote on the matter.
- m) Cr Neilson declared a significant non pecuniary interest in Item CP61/12 as an Executive Member of the Randwick Precinct Committee on behalf of whom she made a submission to the Council on the matter and as she knows a number of the objectors as a member of the Randwick Precinct Committee, one of whom was a candidate at the recent Council elections.
- n) Cr Neilson declared a non significant non pecuniary interest in Item CP62/12 as she knows a number of the objectors as a member of the Randwick Precinct Committee.
- o) Cr Neilson non significant non pecuniary interest in Item GM27/12 as a member of the Randwick Rugby Club.
- p) Cr Neilson declared a significant non pecuniary interest in Item CP73/12 as an Executive Member of the Randwick Precinct Committee on behalf of whom she made a submission to the Council on the matter and as she represented the Randwick Precinct on behalf of the objectors at an onsite court hearing.
- q) Cr Garcia declared a non significant non pecuniary interest in Item MM78/12 as a member and former office holder of the Coogee Surf Club.

- r) Cr Andrews declared a non significant non pecuniary interest in Item GM27/12 as a member of the Randwick Rugby Club.
- s) The Mayor, Cr Bowen declared a significant non pecuniary interest in Item CP71/12 as he previously (some years ago) owned a nearby property and knows some of the neighbours.
- t) The Mayor, Cr Bowen declared a non significant non pecuniary interest in Item CP74/12 a number of the nominees are known to him.
- u) Cr Stevenson declared a significant non pecuniary interest in Item GM27/12 as X
- v) The Mayor, Cr Bowen declared a non significant non pecuniary interest in CP62/12 as he knows the speaker (Tony Waller).
- w) Cr Andrews declared a non significant non pecuniary interest in Item CP69/12 as a member of the Maroubra Seals Club.
- x) Cr Andrews declared a non significant non pecuniary interest in Item CP66/12 as he knows the architect for the proposal.
- y) Cr Roberts declared a non significant non pecuniary interest in Item CP69/12 as a member of the Maroubra Beach Precinct Committee.
- z) Cr Smith declared a pecuniary interest in Item CP67/12 as his employer has a business relationship with the applicant. Cr Smith indicated that he would not take part in the debate or the vote on the matter.

### **Address of Council by Members of the Public**

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

CP60/12 483-485 BUNNERONG ROAD, MATRAVILLE (DA/732/2010/A)

**Applicant** Terry Byrnes (representing the applicant)

**Having declared a significant non pecuniary interest in this matter earlier in the meeting, Cr Neilson left the meeting during the public address on the matter.**

CP61/12 65-71 BELMORE ROAD, RANDWICK (DA/606/2011)

**Applicant** Anthony Betros (representing the applicant)

Cr Neilson returned to the meeting.

CP62/12 151-191R BEACH STREET, COOGEE (DA/210/2012)

**Applicant** Tony Waller (representing Coogee Surf Club)

CP65/12 1-3 JENNER STREET, LITTLE BAY (DA/348/2012)

**Applicant** David Thompson (representing the applicant)

CP66/12 390-396 ANZAC PARADE, KINGSFORD (DA/206/2012)

**Objector** Steve Liu

**Applicant** Anthony Betros (representing the applicant)

CP67/12 10 BUNYA PARADE, SOUTH COOGEE (DA/248/2012)

**Objector** Rory McGuire

**Applicant** Steve Koolloos (representing the applicant)

CP68/12 33 EDGECLIFFE AVE, SOUTH COOGEE (DA/222/2012)

**Objector** Adrian France

**Applicant** Lyndelle Gardiner

**Having declared pecuniary interests in this matter earlier in the meeting, Crs Shurey and Smith left the meeting during the public address on the matter.**

CP69/12 9-11 FENTON AVENUE, MAROUBRA (DA/297/2012)

**Applicant** Ian Dencker (representing the applicant)

The meeting was adjourned at 7.07pm and was resumed at 7.28pm.

### Mayoral Minutes

#### **MM74/12 Mayoral Minute - The Prince Henry Hospital Trained Nurses' Association - Request for Use of Prince Henry Centre (F2010/00219)**

235/12 **RESOLUTION: (Mayor, Cr Bowen)** that the request received from the Prince Henry Hospital Trained Nurses' Association for Council to assist in the conduct of their annual reunion by waiving the fees for the hire of the Cawood Room in the Prince Henry Centre on Saturday 27 October 2012 (totalling \$4,282.84) be granted, such funds to come from the 2012-13 Contingency Fund budget.

**MOTION: (Mayor, Cr Bowen) CARRIED - SEE RESOLUTION.**

#### **MM75/12 Mayoral Minute - Jarrah House Anniversary - waiving of fees (F2004/07396)**

236/12 **RESOLUTION: (Mayor, Cr Bowen)** that the request received from the Jarrah House for Council to assist in the funding of their 25<sup>th</sup> anniversary dinner by waiving the fees for the hire of the McNevin Room in the Prince Henry Centre on Thursday 22 November 2012 (totalling \$1,246.00) be granted, such funds to come from the 2012-13 Contingency Fund budget.

**MOTION: (Mayor, Cr Bowen) CARRIED - SEE RESOLUTION.**

#### **MM76/12 Mayoral Minute - Supporting local education and employment - Mayoral Career Start Program (F2006/00304)**

237/12 **RESOLUTION: (Mayor, Cr Bowen)** that Council support the Mayoral Career Start Program as outlined in the Mayoral Minute commencing in 2013.

**MOTION: (Mayor, Cr Bowen) CARRIED - SEE RESOLUTION.**

#### **MM77/12 Mayoral Minute - Cure the Future Fundraiser (F2012/00001)**

238/12 **RESOLUTION: (Mayor, Cr Bowen)** that Council purchase a table for the Cure the Future fundraising dinner to be held at Parliament House on 14 November 2012 and that the cost (\$1,320) be funded from the 2012-13 Contingency Fund.

**MOTION: (Mayor, Cr Bowen) CARRIED - SEE RESOLUTION.**

**MM78/12 Mayoral Minute - Continuation of Sponsorship of the Westpac Rescue Helicopter Lifesaver Service (F2009/00266)**

239/12

**RESOLUTION: (Mayor, Cr Bowen)** that Randwick City Council enters into a new three year agreement with the Westpac Life Saver Rescue Helicopter service by donating \$15,000 per annum from the Contingency Fund and in return Randwick's logo will be displayed on the outside surface of both vertical stabilizers at the back of the aircraft. Randwick Council will also be listed on the service's official website in the Community Partner's section.

**MOTION: (Mayor, Cr Bowen) CARRIED - SEE RESOLUTION.**

**Urgent Business**

Nil.

**Director City Planning Reports**

**CP60/12 Director City Planning Report - 483-485 Bunnerong Road, Matraville (DA/732/2010/A)**

240/12

**RESOLUTION: (Andrews/Matson)** that Council, as the responsible Consent Authority, grants consent under Section 96(2) of the Environmental Planning and Assessment Act 1979 to modify Development Consent No DA/732/2010 for the demolition of existing dwelling and construction of part 3/part 6 storey mixed use development in two building forms containing 3 retail spaces, 22 residential units with basement level car parking of 39 spaces and associated works at 483-485 Bunnerong Road, Matraville, in the following manner:

**A Amend Condition No.1 to read:**

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

Plan Number	Revision	Prepared by	Plot Date	Received on
DA01	D	The Architecture Company	23 June 2011	24 June 2011
DA02	B		25 November 2010	24 June 2011
DA03	D		23 June 2011	24 June 2011
DA04	D		23 June 2011	24 June 2011
DA05	D		23 June 2011	24 June 2011
DA06	D		23 June 2011	24 June 2011
DA07	D		23 June 2011	24 June 2011
DA08	D		23 June 2011	24 June 2011
DA09	C		25 November 2010	24 June 2011
DA10	E		23 June 2011	24 June 2011
DA11	D		23 June 2011	24 June 2011
DA12	E		23 June 2011	24 June 2011
DA13	D		23 June 2011	24 June 2011

only in so far as they relate to the modifications highlighted on the Section 96 plans and detailed in the Section 96 application, and as amended by the following **Section 96 plans "A"**:

Plan Number	Dated	Received	Prepared By
SK01 A	23-04-2012	19 July 2012	MacKenzie
SK02 A	23-04-2012	19 July 2012	Architects

SK03 A	23-04-2012	19 July 2012	
SK04 B	12-07-2012	19 July 2012	
SK05 B	12-07-2012	19 July 2012	
SK06 B	12-07-2012	19 July 2012	
SK07 A	23-04-2012	19 July 2012	
SK08 A	23-04-2012	19 July 2012	
SK09 B	12-07-2012	19 July 2012	
SK10 B	13-07-2012	19 July 2012	
SK11 B	13-07-2012	19 July 2012	
SK12 B	13-07-2012	19 July 2012	
SK13 B	13-07-2012	19 July 2012	
LPDA 12 -202 /1 Issue C	16-02-2012	30 April 2012	Conzept Landscape Architects
LPDA 12 -202 /2 Issue D	30-04-2012	30 April 2012	Conzept Landscape Architects
BASIX provisions as contained in BASIX Assessment: Report No. 409197M Schedule of Colour and Material	dated 16 December 2011	22 Dec 2011	Planning Principles Pty Ltd
	Undated	19 July 2012	MacKenzie Architect

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:

**B. Add Conditions as follows:**

125. The following amendments shall be made to the landscape plan, drawing number LPDA 12 -202 /2 Issue D dated 30-04-2012 :

- The proposed hedge adjacent to the living area and kitchen of Unit 6 shall be installed at a minimum mature height of 2m.
- All proposed Phoenix canariensis (Canary Island Date Palms) shall be replaced with Howea fosteriana (Kentia Palm)

126. The common stairs next to the lift lobby areas shall be installed with "hold-open" doors to improve the access to natural light into this area. Details are to be shown on the construction certificate plans.

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

**CP61/12 Director City Planning Report - 65-71 Belmore Road, Randwick  
(DA/606/2011)**

**Having declared a significant non pecuniary interest in this matter earlier in the meeting, Cr Neilson left the meeting during the debate and the vote on the matter.**

241/12

**RESOLUTION: (Andrews/Stavrinos) –**

- A. That the Council support the objection under State Environmental Planning No. 1 (SEPP No.1) in respect to non-compliance with Clauses 20C of the Randwick Local Environmental Plan 1998 (Consolidation), relating to maximum floor space ratio and maximum building height on the grounds that the proposed development is consistent with the relevant objectives of the clauses and will not

adversely affect the amenity of the surrounding locality and that the Department of Planning and Infrastructure be advised accordingly.

- B. That the Council as the responsible authority grant its development consent as a Deferred Commencement under Section 80(3) of the Environmental Planning and Assessment Act 1979 (as amended) to Development Application No. 606/2012 for the upgrade of the facade, change of use from a motel to residential units, serviced apartments, retail/commercial, subdivision and associated works at No. 65-71 Belmore Road, Randwick, subject to following deferred commencement conditions:

### **Deferred Commencement Conditions**

**This consent does not operate until the applicant satisfies the Council, in accordance with the Regulations, as to all matters specified in this condition:**

#### **Amendment of Plans & Documentation**

1. The approved plans and documents must be amended in accordance with the following requirements and details are to be included in the *Construction Certificate*:
  - a. *a breaking up of the roof terrace into smaller space and a reduction in the paved area, using landscaped planter boxes, accounting for a minimum of 20m<sup>2</sup> of additional landscaping.*
  - b. *a common laundry and clothes drying areas should be provided on the roof terrace*
  - c. *a sun shelter should be introduced which has the same height as the access stairs for the roof terrace.*
2. *The north elevation must be treated, at the height of levels 5 and 6, with a public artwork, whether in the form of a mural or sculpture that does not encroach on the side setback. Details of their public artwork must be provided to Council for approval.*
3. *The south elevation must be treated, at the height of levels 4 to 7 on the blank portion of the wall with no openings, with a public artwork, whether in the form of a mural or sculpture that does not encroach on the side setback. Details of the public art work must be provided to Council for approval.*

#### **External Colours, Materials and Finishes**

4. *Details of the proposed colours, materials and textures (i.e. a schedule and brochure/s or sample board) are to be submitted for approval.*

#### ***Period within which evidence must be produced***

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

Clause 95(4) of the Regulation:

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

No development can lawfully occur under this consent unless it operates.

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

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

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

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

#### **B. GENERAL CONDITIONS**

The development must be carried out in accordance with the following conditions of consent.

These conditions have been applied to satisfy the relevant requirements of the *Environmental Planning & Assessment Act 1979*, *Environmental Planning & Assessment Regulation 2000* and to provide reasonable levels of environmental amenity.

#### **Approved Plans & Supporting Documentation**

- The development must be implemented substantially in accordance with the plans and supporting documentation listed below and endorsed with Council's approved stamp, except where amended by Council in red and/or by other conditions of this consent:

<i>Plan</i>	<i>Drawn by</i>	<i>Dated</i>
DA 0.01 revision E, DA 2.05 revision F, DA2.02 revision G, DA 2.02A revision B, DA 2.03 revision G, DA 2.04 revision I, DA 2.07 revision E, DA 3.02 revision F, DA 3.03 revision E, DA3.04 revision E, DA4.01 revision D, DA 4.02 revision C, DA 4.03 revision B, DA 4.04 revision B.	Marchese Partners International Pty Ltd	Dated 15.092010, stamped by Council 22.06.12
DA2.01 revision I and DA2.06 revision F	Marchese Partners International Pty Ltd	Dated 15.09.2010

<i>BASIX Certificate</i>	<i>No.</i>	<i>Dated</i>
Multi Dwelling	358389M	29 April 2011

#### **REQUIREMENTS BEFORE A CONSTRUCTION CERTIFICATE CAN BE ISSUED**

The following conditions of consent must be complied with before a 'Construction Certificate' is issued by either an Accredited Certifier or Randwick City Council. All necessary information to demonstrate compliance with the following conditions of consent must be included in the documentation for the construction certificate.

These conditions have been applied to satisfy the relevant requirements of the *Environmental Planning & Assessment Act 1979*, *Environmental Planning & Assessment Regulation 2000*, Council's development consent conditions and to achieve reasonable levels of environmental amenity.

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



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

The approved plans must be submitted to a Sydney Water Quick Check agent, to determine whether the development will affect Sydney Water's waste water 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 details please refer to the Sydney Water web site at [www.sydneywater.com.au](http://www.sydneywater.com.au) for:

- Quick Check agents details - see *Building and Developing* then Quick Check and
- Guidelines for Building Over/Adjacent to Sydney Water Assets – see *Building and Development* then *Building and Renovating*, or telephone 13 20 92.

The Principal Certifying Authority must ensure that a Sydney Water Quick Check Agent has appropriately stamped the plans.

#### **Consent Requirements**

3. The requirements and amendments detailed in the 'General Conditions' must be complied with and be included in the construction certificate plans and associated documentation.

#### **Section 94A Development Contributions**

4. A Quantity Surveyor's report detailing the cost of the approved works must be provided to Council for approval prior to the construction certificate being issued. In accordance with Council's Section 94A Development Contributions Plan effective from 2 July 2007 a monetary levy of 1% must be paid to Council based on the approved Quantity Surveyor's report.

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

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

#### **Long Service Levy Payments**

5. The required Long Service Levy payment, under the *Building and Construction Industry Long Service Payments Act 1986*, must be forwarded to the Long Service Levy Corporation or the Council, 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.*

#### **Security Deposits**

6. The following security deposits requirement must be complied with prior to a construction certificate being issued for the development, as security for making good any damage caused to Council's assets and infrastructure; and 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*:

- \$5,000.00 - Damage / Civil Works Security Deposit

The security deposits may be provided by way of a cash, cheque or credit card payment and is refundable upon a satisfactory inspection by Council upon the completion of the works which confirms that there has been no damage to Council's assets and infrastructure.

The developer/builder is also requested to advise Council in writing and/or photographs of any signs of existing damage to the Council roadway, footway, or verge and other assets prior to the commencement of any building/demolition works.

To obtain a refund of relevant deposits, a *Security Deposit Refund Form* is to be forwarded to Council's Development Engineer upon issuing of an occupation certificate or completion of the civil works.

#### **REQUIREMENTS TO BE INCLUDED IN THE CONSTRUCTION CERTIFICATE**

The requirements contained in the following conditions of consent must be complied with and details of compliance must be included in the construction certificate for the development.

These conditions have been applied to satisfy the relevant requirements of the *Environmental Planning & Assessment Act 1979*, *Environmental Planning & Assessment Regulation 2000*, Councils development consent conditions and to achieve reasonable levels of environmental amenity.

#### **Compliance with the Building Code of Australia & Relevant Standards**

7. In accordance with section 80A (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).
8. Access and facilities for people with disabilities must be provided in accordance with the relevant requirements of the Building Code of Australia, Disability (Access to Premises – Buildings) Standard 2010, relevant Australian Standards and conditions of consent, to the satisfaction of the Certifying Authority. Details of the required access and facilities for people with disabilities are to be included in the plans/specifications for the construction certificate.

#### **BASIX Requirements**

9. In accordance with section 80A (11) of the *Environmental Planning & Assessment Act 1979* and clause 97A of the *Environmental Planning & Assessment Regulation 2000*, the requirements and commitments contained in the relevant BASIX Certificate must be complied with.

The required commitments listed and identified in the BASIX Certificate must be included on the construction certificate plans, specifications and associated documentation, 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.*

#### **Site stability and construction work**

10. A report must be obtained from a suitably qualified and experienced

*professional engineer*, which includes the following details, to the satisfaction of the Certifying Authority for the development: -

- a) Geotechnical details which confirm the suitability and stability of the site for the development and relevant design and construction requirements to be implemented to ensure the stability and adequacy of the development and adjacent land.
- b) Details of the proposed methods of excavation and support for the adjoining land (including any public place) and buildings.
- c) Details to demonstrate that the proposed methods of excavation and construction are suitable for the site and should not result in any damage to the adjoining premises, buildings or any public place, as a result of the works and any associated vibration.
- d) The adjoining land and buildings located upon the adjoining land must be adequately supported at all times throughout demolition, excavation and building work, to the satisfaction of the *Principal Certifying Authority*.
- e) Written approval must be obtained from the owners of the land to install any ground or rock anchors underneath the adjoining premises (including any public roadway or public place) and details must be provided to the *Certifying Authority*.

#### **Stormwater Drainage**

11. Stormwater runoff (from the redeveloped portion of the site) must continue to be drained and discharged to the underground drainage system in Belmore Road in front of the site to the satisfaction of the certifying authority and details of any amendments to the proposed stormwater drainage system are to be included in the construction certificate details for the development.

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.

#### **REQUIREMENTS PRIOR TO THE COMMENCEMENT OF ANY WORKS**

The following conditions of consent must be complied with prior to the commencement of any works on the site. The necessary documentation and information must be provided to the Council or the *'Principal Certifying Authority'*, as applicable.

These conditions have been applied to satisfy the relevant requirements of the *Environmental Planning & Assessment Act 1979*, *Environmental Planning & Assessment Regulation 2000* and to provide reasonable levels of public health, safety and environmental amenity.

#### **Construction Traffic Management**

12. An application for a 'Works Zone' and Construction Traffic Management Plan must be submitted to Councils Integrated Transport Department, and approved by the Randwick Traffic Committee, for a 'Works Zone' to be provided in Belmore Road for the duration of the demolition & construction works.

The 'Works Zone' must have a minimum length of 12m and extend for a minimum duration of three months. The suitability of the proposed length and duration is to be demonstrated in the application for the Works Zone. The application for the Works Zone must be submitted to Council at least six (6) weeks prior to the commencement of work on the site to allow for assessment and tabling of agenda for the Randwick Traffic Committee.

The requirement for a Works Zone may be varied or waived only if it can be

demonstrated in the Construction Traffic Management Plan (to the satisfaction of Council's Traffic Engineers) that all construction related activities (including all loading and unloading operations) can and will be undertaken wholly within the site. The written approval of Council must be obtained to provide a Works Zone or to waive the requirement to provide a Works Zone prior to the commencement of any site work.

13. A detailed *Construction Site Traffic Management Plan* must be submitted to and approved by Council, prior to a construction certificate being issued for the development.

The Construction Site Traffic Management Plan must be prepared by a suitably qualified person and must include the following details, to the satisfaction of Council:

- A description of the demolition, excavation and construction works
- A site plan/s showing the site, roads, footpaths, site access points and vehicular movements
- Any proposed road and/or footpath closures
- Proposed site access locations for personnel, deliveries and materials
- Size, type and estimated number of vehicular movements (including removal of excavated materials, delivery of materials and concrete to the site)
- Provision for loading and unloading of goods and materials
- Impacts of the work and vehicular movements on the road network, traffic and pedestrians
- Proposed hours of construction related activities and vehicular movements to and from the site
- Current/proposed approvals from other Agencies and Authorities (including NSW Roads & Traffic Authority, Police and State Transit Authority)
- Any activities proposed to be located or impact upon Council's road, footways or any public place
- Measures to maintain public safety and convenience

#### **Public Utilities**

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

Documentary evidence from the relevant public utility authorities confirming that their requirements have been or are able to be satisfied, must be submitted to the principal certifying authority prior to the commencement of any demolition, excavation or building works.

15. The owner/builder must make the necessary arrangements and meet the full cost for telecommunication companies, gas providers, Ausgrid, Sydney Water and other service authorities to adjust, repair or relocate their services as required.

#### **Certification and Building Inspection Requirements**

16. 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 any works.

#### ***Home Building Act 1989***

17. 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 Home Warranty Insurance or a copy of the Owner-Builder Permit (as applicable) must be provided to the Principal Certifying Authority and Council.

#### **Dilapidation Reports**

18. 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 and ancillary structures located upon all of the premises adjoining the subject site (e.g. dwellings, residential flat buildings, commercial/industrial building, garages, carports, verandah's, fences, retaining walls, swimming pools and driveways etc).

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

#### **Construction Noise & Vibration Management Plan**

19. A *Construction Noise & Vibration Management Plan*, prepared in accordance with the Department of Climate Change Guidelines for Construction Noise and Assessing Vibration, by a suitably qualified person, is to be developed and implemented prior to commencing site work and throughout the course of construction.

- a) Noise and vibration emissions during the construction of the building and associated site works must not result in damage to nearby premises or result in an unreasonable loss of amenity to nearby residents.

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.

- b) The *Construction Noise & Vibration Management Plan* must include details of measurements, analysis and relevant criteria and demonstrate that the noise and vibration emissions from the work satisfy the relevant provisions of the *Protection of the Environment Operations Act 1997*, current DECC Guidelines for Construction Noise and Assessing Vibration and Councils conditions of consent.
- c) A further report/correspondence must be obtained from the consultant as soon as practicable upon the commencement of works, which reviews and confirms the implementation and suitability of the noise and vibration strategies in the *Construction Noise & Vibration Management Plan* and which demonstrates compliance with relevant criteria.
- d) Any recommendations and requirements contained in the *Construction Noise & Vibration Management Plan* and associated reports are to be implemented accordingly and should noise and vibration emissions not comply with the terms and conditions of consent, work must cease forthwith and is not to recommence until details of compliance are submitted to Council and the PCA.

A copy of the *Construction Noise & Vibration Management Plan* and associated acoustic/vibration report/s must be maintained on-site and a copy must be provided to Council and the Principal Certifying Authority accordingly.

### **Temporary Site Fencing**

20. Temporary site safety fencing must be provided to the perimeter of the site throughout demolition, excavation and construction works.

Temporary site fences must have a height of 1.8 metres and be a cyclone wire fence (with geotextile fabric attached to the inside of the fence to provide dust control), or heavy-duty plywood sheeting (painted white), or other material approved by Council.

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

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

*If it is proposed to locate any site fencing, hoardings, amenities or articles upon any part of the footpath, nature strip or public place at any time, a separate Local Approval application must be submitted to and approved by*

*Council's Health, Building & Regulatory Services before placing any fencing, hoarding or other article on the road, footpath or nature strip.*

### **Construction Site Management**

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

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

The site management measures must be implemented prior to the commencement of any site works and be maintained throughout the works, to the satisfaction of Council.

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

### **Demolition Work Plan**

22. A Demolition Work Plan must be prepared for the development in accordance with Australian Standard AS2601-2001, Demolition of Structures and relevant environmental/occupational health and safety requirements.

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 (including asbestos)
- Other relevant details, measures and requirements to be implemented
- Details of re-use, recycling and disposal of waste materials
- 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 those works.

**Notes**

- *It is the responsibility of the persons undertaking demolition work to obtain the relevant WorkCover licences and permits.*
- *Refer to the conditions within the "Requirements During Construction & Site Work", for further details and requirements relating to demolition work, removal of any asbestos and public safety.*

**Public Liability**

23. The owner/builders 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 the Principal Certifying Authority and Council.

**REQUIREMENTS DURING CONSTRUCTION & SITE WORK**

The following conditions of consent must be complied with during the demolition, excavation and construction of the development.

These conditions have been applied to satisfy the relevant requirements of the *Environmental Planning & Assessment Act 1979*, *Environmental Planning & Assessment Regulation 2000* and to provide reasonable levels of public health, safety and environmental amenity during construction.

**Road/Asset Opening Permit**

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

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

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

**Inspections during Construction**

25. The building works must be inspected by the *Principal Certifying Authority*, 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).

### **Building & Demolition Work Requirements**

26. All work and activities must be carried out in accordance with the relevant regulatory requirements, including:

- Occupational Health & Safety Act 2000 & Regulations
- WorkCover NSW Code of Practice for the Safe Removal of Asbestos
- WorkCover NSW Requirements, Guidelines and Codes of Practice
- Australian Standard 2601 (2001) – Demolition of Structures
- The Protection of the Environment Operations Act 1997
- The Protection of the Environment Operations (Waste) Regulation 2005
- DECC/EPA Waste Classification Guidelines
- Randwick City Council Asbestos Policy

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

### **Removal of Asbestos Materials**

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

- Occupational Health & Safety legislation and WorkCover NSW requirements
- Randwick City Council's Asbestos Policy
- A WorkCover licensed demolition or asbestos removal contractor must undertake removal of more than 10m<sup>2</sup> of bonded asbestos (or as otherwise specified by WorkCover or relevant legislation). Removal of friable asbestos material must only be undertaken by contractor that holds a current friable asbestos removal licence. A copy of the relevant licence must be provided to the Principal Certifying Authority.
- 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*. Details of the landfill site (which must be lawfully able to receive asbestos materials) must be provided to the Principal Certifying Authority.
- A Clearance Certificate or Statement, prepared by a suitably qualified person (ie an occupational hygienist, licensed asbestos removal contractor, building consultant, architect or experienced licensed building contractor), must be provided to Council and the Principal certifying authority upon completion of the asbestos related works which confirms that the asbestos material have been removed appropriately and the relevant conditions of consent have been satisfied.

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

**Sediment & Erosion Control**

28. Sediment and erosion control measures, must be implemented throughout the site works in accordance with the manual for Managing Urban Stormwater – Soils and Construction, published by Landcom, to Council's satisfaction.

Details must be shown in a *Sediment and Erosion Control Plan*, including; 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.

A copy of the Sediment and Erosion Control 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.

**Dust Control**

29. 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.*
- *Landscaping and revegetation of disturbed areas.*

**Public Safety & Site Management**

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

- Building materials, sand, soil, waste materials, construction equipment or other articles must not be placed upon the footpath, roadway or nature strip at any time.
- The road, footpath, vehicular crossing and nature strip must be maintained in a good, safe, clean condition and free from any excavations, obstructions, trip hazards, goods, materials, soils or debris at all times. Any damage caused to the road, footway, vehicular crossing, nature strip or any public place must be repaired immediately, to the satisfaction of Council.
- 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.

- 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 department.

### **Excavations, Back-filling & Retaining Walls**

31. 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 must 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.

Details of proposed retaining walls, shoring or piling are to be submitted to and approved by the *Principal Certifying Authority* prior to commencing such excavations or works.

### **Support of Adjoining Land**

32. 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.

### **Site Signage**

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

### **Restriction on Working Hours**

34. Building, demolition and associated site works must be carried out in accordance with the following requirements:

Activity	Permitted working hours
All building, demolition and site work, including site deliveries (except as detailed below)	<ul style="list-style-type: none"> <li>• Monday to Friday - 7.00am to 5.00pm</li> <li>• Saturday - 8.00am to 5.00pm</li> <li>• Sunday &amp; public holidays - No work permitted</li> </ul>
Excavating of rock, use of jack-hammers, pile-drivers, vibratory rollers/compactors or the like	<ul style="list-style-type: none"> <li>• Monday to Friday - 8.00am to 1.00pm only</li> <li>• Saturday - No work permitted</li> <li>• Sunday &amp; public holidays - No work permitted</li> </ul>
Additional requirements for all	<ul style="list-style-type: none"> <li>• Saturdays and Sundays where the</li> </ul>

development	preceding Friday and/or the following Monday is a public holiday - No work permitted
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*An application to vary the abovementioned hours may be submitted to Council's Manager Health, Building & Regulatory Services for consideration and approval to vary the specified hours may be granted in exceptional circumstances and for limited occasions (e.g. for public safety, traffic management or road safety reasons). Any applications are to be made on the standard application form and include payment of the relevant fees and supporting information. Applications must be made at least 10 days prior to the date of the proposed work and the prior written approval of Council must be obtained to vary the standard permitted working hours.*

### **Survey Requirements**

35. A Registered Surveyor's check survey certificate or other suitable documentation must be obtained at the following stage/s of construction to demonstrate compliance with the approved setbacks, levels, layout and height of the building to the satisfaction of the Principal Certifying Authority (PCA):
- prior to construction (pouring of concrete) of footings and retaining structures,
  - prior to construction (pouring of concrete) of each floor slab,
  - upon completion of the building, prior to issuing an *Occupation Certificate*,
  - as otherwise may be required by the PCA.

The survey documentation must 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 for the development.

### **Building Encroachments**

36. There must be no encroachment of any structures or building work onto Council's road reserve, footway, nature strip or public place.

### **REQUIREMENTS PRIOR TO THE ISSUE OF AN OCCUPATION CERTIFICATE**

The following conditions of consent must be complied with prior to the 'Principal Certifying Authority' issuing an 'Occupation Certificate'.

*Note: For the purpose of this consent, any reference to 'occupation certificate' shall also be taken to mean 'interim occupation certificate' unless otherwise stated.*

These conditions have been applied to satisfy the relevant requirements of the *Environmental Planning & Assessment Act 1979*, *Environmental Planning & Assessment Regulation 2000*, Council's development consent and to maintain reasonable levels of public health, safety and amenity.

### **Council's Infrastructure, Vehicular Crossings & Road Openings**

37. The owner/developer must meet the full cost for Council or a Council approved contractor to:
- a) Construct/reconstruct a full width footpath along the Belmore Road site frontage, in accordance with Council's Urban Design Guidelines for Randwick Commercial Centre.
38. Prior to issuing a final occupation certificate or occupation of the development (whichever is sooner), the owner/developer 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.

39. All external civil work to be carried out on Council property (including the installation and repair of roads, footpaths, vehicular crossings, kerb and guttering and drainage works), must be carried out in accordance with Council's Policy for "Vehicular Access and Road and Drainage Works" and the following requirements:
- a) All work on Council land must be carried out by Council, unless specific written approval has been obtained from Council to use non-Council contractors.
  - b) Details of the proposed civil works to be carried out on Council land must be submitted to Council in a Pre-paid Works Application Form, prior to an occupation certificate being issued for the development, together with payment of the relevant fees.
  - c) If it is proposed to use non-Council contractors to carry out the civil works on Council land, the work must not commence until the written approval has been obtained from Council and the work must be carried out in accordance with the conditions of consent, Council's design details and payment of a Council design and supervision fee.
  - d) The civil works must be completed in accordance with Council's conditions of consent and approved design and construction documentation, prior to occupation of the development, or as otherwise approved by Council in writing.

**Service Authorities**  
**Sydney Water Requirements**

40. A section 73 Compliance Certificate, under the Sydney Water Act 1994 must be obtained from Sydney Water Corporation. An Application for a Section 73 Certificate must be made through an authorised Water Servicing Coordinator. For details, please refer to the Sydney Water web site [www.sydneywater.com.au](http://www.sydneywater.com.au) > Building and developing > Developing your Land > Water Servicing Coordinator or telephone 13 20 92.

Please make early contact with the Water Servicing Co-ordinator, as building of water/sewer extensions may take some time and may impact on other services and building, driveway or landscape design.

The Section 73 Certificate must be submitted to the Principal Certifying Authority and the Council prior to issuing an *Occupation Certificate* or *Subdivision Certificate*, whichever the sooner.

**Waste Management**

41. Waste Management provisions must be implemented in accordance with the Waste Management Plan prepared by ABC Planning approved by Council's coordinator of Strategic Waste and stamped by Council 14th August 2012.
42. Prior to the occupation of the development, the owner or applicant is required to contact Council's City Services department, to make the necessary arrangements for the provision of waste services for the premises.
43. The waste storage areas shall be clearly signposted.

**Occupation Certificate Requirements**

44. An Occupation Certificate must be obtained from the Principal Certifying Authority prior to any occupation of the building work encompassed in this development consent (including alterations and additions to existing buildings), in accordance with the relevant provisions of the *Environmental Planning & Assessment Act 1979*.

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

#### **Fire Safety Certificate Requirements**

45. Prior to issuing an interim or final Occupation Certificate, a single and complete Fire Safety Certificate, which encompasses all of the essential fire safety measures contained in the *fire safety schedule* must be obtained and be submitted to Council, in accordance with the provisions of the *Environmental Planning and Assessment Regulation 2000*. The *Fire safety Certificate* must be consistent with the *Fire Safety Schedule* which forms part of the Construction Certificate.

A *Fire Safety Statement* must be provided to the Council on an annual basis, each year following the issue of a *Fire Safety Certificate*, which confirms that all the fire safety measures are operating in accordance with the relevant standards of performance.

A copy of the *Fire Safety Certificate/Fire Safety Statement* must be displayed in the building entrance/foyer at all times and a copy must also be forwarded to Fire and Rescue NSW.

#### **Structural Certification**

46. A Certificate must be obtained from a *professional engineer*, which certifies that the building works satisfy the relevant structural requirements of the Building Code of Australia and approved design documentation, to the satisfaction of the *Principal Certifying Authority*. A copy of which is to be provided to Council.

#### **Sydney Water Certification**

47. The Section 73 Certificate must be submitted to the Principal Certifying Authority prior to issuing an Occupation Certificate or Subdivision Certificate (whichever the sooner).

#### **BASIX Requirements & Certification**

48. 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 any relevant BASIX commitments and requirements have been satisfied.

Relevant documentary evidence of compliance with the BASIX commitments is to be forwarded to the *Principal Certifying Authority* and Council upon issuing an Occupation Certificate.

#### **Occupant Safety - Windows**

49. Openable windows to a room, corridor, stairway or the like with a floor level more than 4m above the external ground/surface level, must be designed and constructed to reduce the likelihood of a child accessing and falling through the window opening.

Options may include one or more of the following measures:

- The window having a minimum sill height of 1.5m above the internal floor level,
- Providing a window locking device at least 1.5m above the internal floor level,

- Fixing or securing the window (e.g. by screws or a window locking device) to restrict or to be able to secure the extent of the opening to a maximum width of 125mm,
- Installing a fixed heavy-duty gauge metal screen over the opening (e.g. A metal security screen or metal security mesh and frame system, but not standard fly-screen material),
- Other appropriate effective safety measures or barrier.

The relevant safety measures must be implemented prior to the issue of an Occupation Certificate.

#### **Noise Control Requirements & Certification**

50. The operation of 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 Office of Environment and Heritage (EPA) Noise Control Guidelines.

51. A report must be obtained from a suitably qualified and experienced consultant in acoustics, which demonstrates and certifies that noise and vibration from any plant and equipment (e.g. mechanical ventilation systems and air-conditioners) satisfies the relevant provisions of the *Protection of the Environment Operations Act 1997*, NSW Office of Environment and Heritage (EPA) Noise Control Manual, Industrial Noise Policy and Council's development consent.

A copy of the report must be provided to the *Principal Certifying Authority* and Council prior to an occupation certificate being issued.

#### **REQUIREMENTS PRIOR TO THE ISSUE OF A SUBDIVISION CERTIFICATE FOR STRATUM SUBDIVISION**

The following conditions of consent must be complied with prior to the '*Principal Certifying Authority*' issuing a '*Subdivision certificate*'.

These conditions have been applied to satisfy the provisions of Council's environmental plans, policies and codes for subdivision works.

52. A Section 73 Compliance Certificate, under the Sydney Water Act 1994 must be obtained from Sydney Water Corporation. An Application for a Section 73 Certificate must be made through an authorised Water Servicing Coordinator. For details, please refer to the Sydney Water web site [www.sydneypwater.com.au](http://www.sydneypwater.com.au) > Building and developing > Developing your Land > Water Servicing Coordinator or telephone 13 20 92.

Please make early contact with the Water Servicing Co-ordinator, as building of water/sewer extensions may take some time and may impact on other services and building, driveway or landscape design.

The Section 73 Certificate must be submitted to the Principal Certifying Authority and the Council prior to the issuing of a *Subdivision Certificate*.

53. 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.

54. Stratum Plans submitted for the subdivision certificate shall demonstrate compliance with the following required amendments;
- a) A minimum of 7 and maximum of 10 carspaces shall be allocated to the stratum lot containing the serviced apartments.
  - b) 3 carspaces shall be allocated to the stratum lot containing the commercial component consistent with DA/882/2010.
  - c) The remainder of the carspaces shall be allocated to the stratum lot containing the residential individual units.
  - d) The roof terrace shall be allocated to the stratum lot containing the residential component.
55. A formal subdivision application in respect to the stratum subdivision is required to be submitted to and approved by the Council and all stratum subdivision conditions of this development consent are required to be satisfied prior to the release of the subdivision plans.
56. The application for stratum subdivision shall be accompanied by a Building Management Statement (BMS) prepared on approved form 12 from Land Property Information.

#### **REQUIREMENTS PRIOR TO THE ISSUE OF A SUBDIVISION/STRATA CERTIFICATE**

The following conditions of consent must be complied with prior to the 'Principal Certifying Authority' issuing a 'Subdivision certificate' or 'Strata Certificate'.

These conditions have been applied to satisfy the provisions of Council's environmental plans, policies and codes for subdivision works.

57. A formal subdivision application is required to be submitted to and approved by the Council or an accredited certifier and all relevant conditions of this development consent are required to be satisfied.
58. Strata Plans submitted for the strata certificate shall demonstrate compliance with the following required amendments to the strata plans;
- a. A maximum of 1 carspace is to be allocated to each unit in the strata scheme.
59. All floors, external walls and ceilings depicted in the proposed strata plan must be constructed.
60. All floors, external walls and ceilings depicted in the proposed strata plan must correspond to those depicted in this development consent and construction certificate for the building.
61. 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.
62. The applicant shall create suitable right of carriageway, easements for services and internal stormwater lines, as required. The applicant shall be advised that the minimum easement width for any internal stormwater line is 0.9 metres.
63. The conditions of development consent must be satisfied and all public roads and footpaths must be satisfactorily restored prior to endorsement of the strata subdivision plans.

#### **OPERATIONAL CONDITIONS**



The following operational conditions must be complied with at all times, throughout the use and operation of the development.

These conditions have been applied to satisfy the relevant requirements of the *Environmental Planning & Assessment Act 1979*, *Environmental Planning & Assessment Regulation 2000*, Council's development consent and to maintain reasonable levels of public health and environmental amenity.

64. The serviced apartments level shall be operated in accordance with the definition of "serviced apartments" contained in the Randwick Local Environmental Plan 1998 (Consolidation).
65. The proposal must operate in accordance with the Plan of Management received by Council on 22 June 2012.
66. Contracts for sale for the individual dwelling must include details of the available dimensions of allocated carspaces including height clearances and ramp access and noting that the existing parking layout does not comply with current Australian Standards. This is so prospective purchasers are fully aware of the existing non-compliances and limitations of the carpark.
67. 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:
68. The proposed use of the premises and the operation of all plant and equipment shall not give rise to an 'offensive noise' as defined in the *Protection of the Environment Operations Act 1997* and Regulations.

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

#### **Environmental Amenity**

69. External lighting to the premises must be designed and located so as to minimise light-spill beyond the property boundary or cause a public nuisance.
70. Street numbering must be provided to the front of the premises in a prominent position, in accordance with the Australia Post guidelines and AS/NZS 4819 (2003) to the satisfaction of Council.

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.

#### **GENERAL ADVISORY NOTES**

The following information is provided for your assistance to ensure compliance with the *Environmental Planning & Assessment Act 1979*, *Environmental Planning & Assessment Regulation 2000*, or other relevant legislation and requirements. This information does not form part of the conditions of development consent pursuant to Section 80A of the Act.

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

- A2 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 requirements is an offence, which renders the responsible person liable to a maximum penalty of \$1.1 million. Alternatively, Council may issue a penalty infringement notice (for up to \$1,500) for each offence. Council may also issue notices and orders to demolish unauthorised or non-complying building work, or to comply with the requirements of Council's development consent.

- A3 Demolition, building or excavation work must not be commenced until;
- A Construction Certificate has been obtained from an Accredited Certifier or Council
  - An Accredited Certifier or Council 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.
- A4 This determination does not include an assessment of the proposed works under the Building Code of Australia (BCA), Disability (Access to Premises – Buildings) Standards 2010 and other relevant Standards. All new building work (including alterations and additions) must comply with the BCA and relevant Standards. You are advised to liaise with your architect, engineer and building consultant prior to lodgement of your construction certificate.
- A5 Any proposed amendments to the design and construction of the building may require a new development application or a section 96 amendment to the existing consent to be obtained from Council, before carrying out such works
- A6 Council's *Building Approvals & Certification team* can issue Construction Certificates and be your Principal Certifying Authority for the development, to undertake inspections and ensure compliance with the development consent, relevant building regulations and standards of construction. For further details contact Council's *Building Approvals & Certification team* on 9399 0944.
- A7 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.
- A8 This consent 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 land owner or principal contractor must obtain:
- the consent of the owners of such adjoining or supported land to trespass or encroach, or
  - an access order under the *Access to Neighbouring Land Act 2000*, or
  - an easement under section 88K of the *Conveyancing Act 1919*, or
  - 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).

- A9 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 any adjoining land.
- A10 Finished ground levels external to the building are to be consistent with the development consent and are not to be raised, other than for the provision of approved paving or the like on the ground.
- A11 Prior to commencing any works, the owner/builder should contact *Dial Before You Dig* on 1100 or [www.dialbeforeyoudig.com.au](http://www.dialbeforeyoudig.com.au) and relevant Service Authorities, for information on potential underground pipes and cables within the vicinity of the development site.
- A12 A Local Approval application must be submitted to and be approved by Council's Building Approvals & Certification team prior to commencing any of the following activities on a footpath, road, nature strip or in any public place: -
- Install or erect any site fencing, hoardings or site structures
  - Operate a crane or hoist goods or materials over a footpath or road
  - Placement of a waste skip or any other container or article.

For further information please contact Council's Building Approvals & Certification team on 9399 0944.

- A13 The necessary development consent and a construction certificate or a complying development certificate (as applicable) must be obtained for proposed external plant and equipment, if not included in this consent.
- A14 An application must be submitted to an approved by Council prior to the installation and operation of any proposed greywater or wastewater treatment systems, in accordance with the *Local Government Act 1993*.

Greywater/Wastewater treatment systems must comply with the relevant requirements and guidelines produced by NSW Health, NSW Office of Environment and Heritage and other relevant regulatory requirements.

- A15 Swimming/spa pool plant and equipment shall not be operated during the following hours if the noise emitted can be heard within a habitable room in any other residential premises, or, as otherwise specified in relevant Noise Control Regulations:
- before 8.00am or after 8.00pm on any Sunday or public holiday; or
  - before 7.00am or after 8.00pm on any other day.
- A16 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.

**MOTION: (Andrews/Stavrinos) 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 Smith
Councillor Belleli	
Councillor Bowen	
Councillor D'Souza	
Councillor Garcia	
Councillor Matson	
Councillor Moore	
Councillor Nash	
Councillor Roberts	
Councillor Shurey	
Councillor Stavrinou	
Councillor Stevenson	
<b>Total (12)</b>	<b>Total (1)</b>

Cr Neilson returned to the meeting at this point.

**CP62/12 Director City Planning Report - 151 - 191R Beach Street, Coogee  
(DA/210/2012)**

242/12 **RESOLUTION: (Andrews/Garcia)** that the application be deferred to enable a site inspection by interested Councillors.

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

**CP63/12 Director City Planning Report - 28 Arcadia Street, Coogee  
(DA/713/2004/C)**

243/12 **RESOLUTION: (Andrews/Nash)** 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/713/2004/C for S96 Application to modify existing development consent DA/713/2004 by adding a new roof terrace and associated internal reconfiguration to Unit 4 at No. 28 Arcadia Street, Coogee, subject to the following conditions:

**Amend Condition No. 1 to read:**

- The development must be implemented substantially in accordance with the plans numbered DA 3 101 Issue G, DA 3 202 Issue G, DA 2 300 Issue G, dated Job number 04 009 undated 27 August and 11 November 2004, strata subdivision plans surveyors reference 76199.03. L01 through to L05 submitted 13 September 2004, dilapidation report prepared by Rickard Hails Moretti P/L Ref 04-0019-180804 28 Arcadia St submitted 27 August 2004, unnumbered, undated plans submitted 2/11/04 detailing basement layout and faxed details of the structural integrity of the retaining wall dated 5/11/04 by Henry Young, the application form and on any supporting information received with the application, as amended by the following:
  - Section 96 'A' - plans drawn by Allen Jack and Cottier, marked "Issue Sec96", numbered DA2300, DA3101 and DA3202 and received by Council on 6 September 2007, only in so far as they relate to the modifications clouded on the Section 96 plans and detailed in the Section 96 application;
  - Section 96 'B' - plans drawn by Allen Jack and Cottier Architects, dated 28 November 2008, and received by Council on 14 December 2007; and
  - Section 96 'C' plans numbered DA2300 (Issue C), DA3101 (Issue C) and DA3202, drawn by Allen Jack and Cottier Architects, dated 15 May 2012, and received by Council on 16 May 2012; and addition plans numbered DA2301 (Issue A) & DA3203 (Issue A), drawn by Allen Jack and Cottier Architects, dated 23 July 2012, and received by Council on**

**27 July 2012,**

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

**Condition No.'s 124 & 125 are added:**

124. The proposed roof terrace must be reduced in size by increasing the setback to 17.8m from the southern edge of the roof terrace to the front boundary and 5.09m from the eastern edge of the terrace to the eastern boundary.
125. A fixed planter box must be provided to the eastern end of the roof terrace. The planter box must be 900mm in width by 900mm in height. The proposed plant species must be able to attain a maximum height of 600mm above the soil level, to restrict overlooking of the adjoining property at No. 30 Arcadia Street.

**MOTION: (Matson/Shurey)** that Council, as the consent authority, refuses development consent under Sections 80 and 80A of the Environmental Planning and Assessment Act 1979, as amended, to Development Application No. DA/713/2004/C for S96 Application to modify existing development consent DA/713/2004 by adding a new roof terrace and associated internal reconfiguration to Unit 4 at No. 28 Arcadia Street, Coogee, for the following reasons:

1. the proposal will have a negative impact on the amenity of the neighbourhood.
2. the proposal is not suitable for the site. **LOST.**

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

<b>FOR</b>	<b>AGAINST</b>
Councillor Matson	Councillor Andrews
Councillor Shurey	Councillor Belleli
	Councillor Bowen
	Councillor D'Souza
	Councillor Garcia
	Councillor Moore
	Councillor Nash
	Councillor Neilson
	Councillor Roberts
	Councillor Smith
	Councillor Stavrinou
	Councillor Stevenson
<b>Total (2)</b>	<b>Total (12)</b>

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

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

<b>FOR</b>	<b>AGAINST</b>
Councillor Andrews	Councillor Matson
Councillor Belleli	Councillor Shurey
Councillor Bowen	
Councillor D'Souza	
Councillor Garcia	
Councillor Moore	
Councillor Nash	
Councillor Neilson	

Councillor Roberts  
Councillor Smith  
Councillor Stavrinou  
Councillor Stevenson  
**Total (12)**

**Total (2)**

**CP64/12 Director City Planning Report - 4 McLennan Avenue, Randwick  
(DA/140/2010/A)**

244/12

**RESOLUTION: (Nash/Matson)** 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/140/2010/A for permission to modify to the approved development to include new laundry and decks/balconies to the rear of the dwelling at 4 McLennan Avenue, Randwick in the following manner:

**Amend Condition No. 1 and 3 to read:**

1. The development must be implemented substantially in accordance with the plans numbered 30/09, sheet 1 of 2, dated 16 April 2010 and received by Council on 10 May 2010, plan numbered 30/09, dated 22 May 2009 and received by Council on 3 March 2010, the application form and on any supporting information received with the application, except as amended by the ***Section 96 plans numbered 040/11, sheet 4 – 5, dated 16 April 2010 and received by Council on 6 August 2012, only in so far as they relate to the modifications highlighted on the Section 96 plans and detailed in the Section 96 application***, except as may be amended by the following conditions and as may be shown in red on the attached plans:
3. In accordance with Council's Section 94A Development Contributions Plan effective from 2 July 2007, based on the development cost of \$482,450.00, the following applicable monetary levy must be paid to Council: \$4,824.50.

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

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

**Add Conditions 44 and 45 to read:**

44. A certificate must be obtained from a professional engineer prior to the issuing of a new or amended construction certificate which confirms that the variations carried out prior to the issuing of the Section 96 determination satisfy the requirements of the Building Code of Australia.
45. A landscaped privacy screen to 1.6m high is to be provided along the boundary of the Ethne Avenue and Fraser Street properties and a landscape plan is to be submitted to Council's Director City Planning for approval prior to issue of a Construction Certificate.

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

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**CP65/12 Director City Planning Report - 1-3 Jenner Street, Little Bay  
(DA/348/2012)**

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245/12

**RESOLUTION: (Andrews/Nash) –**

- A. That the Council support the objection under State Environmental Planning No. 1 (SEPP No.1) in respect to non-compliance with Clauses 20C of the Randwick Local Environmental Plan 1998 (Consolidation), relating to maximum floor space ratio, and maximum storey, building and external wall height on the grounds that the proposed development is consistent with the relevant objectives of the clauses and will not adversely affect the amenity of the surrounding locality and that the Department of Planning and Infrastructure be advised accordingly.
- B. That the Council as the responsible authority grant its development consent as a Deferred Commencement under Section 80(3) of the Environmental Planning and Assessment Act 1979 (as amended) to Development Application No DA/348/2012 for the construction of a part 4, part 5 storey multi-unit residential development with basement level car parking comprising 73 units, 88 car park spaces and 31 bicycle spaces and associated works at 1-3 Jenner Avenue, Little Bay, subject to the following conditions:

**Deferred Commencement Conditions**

**This consent does not operate until the applicant satisfies the Council, in accordance with the Regulations, as to all matters specified in this condition:**

- a) The making of a Voluntary Planning Agreement (VPA) to the satisfaction of the Council generally in accordance with the letter of offer accompanied with the DA and annexed to this development consent providing for the dedication of 1 x 1 bedroom plus study affordable dwelling with basement parking to the Council.
- b) The VPA shall include a clause requiring the registration of the VPA upon the title to the land subject of this determined development application prior to the issue of a Construction Certificate for the subject development.
- c) Council has acknowledged compliance with this condition in writing.

***Period within which evidence must be produced***

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

Clause 95(4) of the Regulation:

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

No development can lawfully occur under this consent unless it operates.

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

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

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

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

#### **A. GENERAL**

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

<b>Plan Number</b>	<b>Dated</b>	<b>Received</b>	<b>Prepared By</b>
A201-B	23 July 2012	31 July 2012	Mijollo International Pty Limited
A202-B	23 July 2012	31 July 2012	
A203-B	23 July 2012	31 July 2012	
A204-B	23 July 2012	31 July 2012	
A205-B	23 July 2012	31 July 2012	
A206-B	23 July 2012	31 July 2012	
A207-B	23 July 2012	31 July 2012	
A301-B	23 July 2012	31 July 2012	
A302-B	23 July 2012	31 July 2012	
A401-B	23 July 2012	31 July 2012	
A402-B	23 July 2012	31 July 2012	

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

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

2. The colours, materials and finishes of the external surfaces to the building are to be consistent with the details shown on the colour and materials board, drawing No: A601-A prepared by Mijollo International Pty Limited received by Council on 25 September 2012.
3. 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.
4. Lighting to the premises shall be designed in accordance with AS4282 – 1997 Control of the Obtrusive Effects of "Outdoor Lighting" so as not to cause a nuisance to nearby residents or motorists and to ensure that light overspill does not affect the amenity of the area.
5. Public access to the visitor's car parking spaces is to be maintained at all times and an intercom system is to be provided adjacent to the vehicular entrance to the car park, together with appropriate signage providing instructions for use.
6. A copy of the Environmental Education Toolkit as required under the Section 5.5 of the Development Control Plan – Prince Henry Site is to be provided for all future residents of the development.
7. A formal subdivision application is required to be submitted to and approved by the Council or the Certifying Authority prior to the release of the subdivision plans.

**The following conditions are applied to ensure that the development satisfies**



**Regulations:**

8. 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.

**The following conditions are applied to meet the requirements of the Heritage Council of NSW:**

9. The development must be implemented in accordance with the conditions of approval issued by the Heritage Council of NSW pursuant to Section 63 of the Heritage Act 1977 as detailed in the letter from the Council dated 7 August 2012.

**The following conditions are applied to incorporate NSW Police Crime Prevention recommendations:**

10. The development must be implemented substantially in accordance with the recommendations as detailed in the NSW Police Force letter dated 3 July 2012.

**The following condition is applied to meet the requirements of the Sydney Airport Corporation Ltd. (SACL):**

11. The development must be implemented substantially in accordance with the recommendations as detailed in the Sydney Airport Corporation Limited letter and dated 98 June 2012.

**REQUIREMENTS BEFORE A CONSTRUCTION CERTIFICATE CAN BE ISSUED**

The following conditions of consent must be complied with before a 'Construction Certificate' is issued by either an Accredited Certifier or Randwick City Council. All necessary information to demonstrate compliance with the following conditions of consent must be included in the documentation for the construction certificate.

These conditions have been applied to satisfy the relevant requirements of the *Environmental Planning & Assessment Act 1979*, *Environmental Planning & Assessment Regulation 2000*, Council's development consent conditions and to achieve reasonable levels of environmental amenity.

12. The following amendments to the proposal shall be undertaken:

- *Provision of ceiling fans in all bedrooms.*
- *Specific wording on plan indicating the allocation of the proposed landscape area adjoining proposed Unit No 113 as private open space for the exclusive use and maintenance by Unit 113.*
- *Apartments directly above entry foyers or car park entries to be provided with appropriate privacy treatment to their balconies.*
- *Windows to be added to all internal enclosed bathrooms for day light and natural ventilation.*

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

13. The reflectivity index of glass used in the external façade of the development must not exceed 20 percent. Details shall be submitted to and approved by Council's Director of City Planning, in accordance with section 80A (2) of the Environmental Planning and Assessment Act 1979 prior to a construction

certificate being issued for the development.

14. Details of bicycle storage in the basement indicating compliance with the Development Control Plan – Parking shall be submitted to and approved by Council's Director of City Planning, in accordance with section 80A (2) of the Environmental Planning and Assessment Act 1979 prior to a construction certificate being issued for the development.
15. Details of all fencing on site including all entrances and associated structures indicating compliance with Part 4.16 Fences of the Development Control Plan for Prince Henry Site shall be submitted to and approved by Council's Director of City Planning, in accordance with section 80A (2) of the Environmental Planning and Assessment Act 1979 prior to a construction certificate being issued for the development.
16. In accordance with the provisions of clauses 143A and 154A of the Environmental Planning & Assessment Regulation 2000, a 'Design Verification Certificate' must be provided to the Certifying Authority, prior to issuing a construction certificate.

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

17. In accordance with Council's Section 94A Development Contributions Plan effective from 13 July 2012, the following monetary levy must be paid to Council.

Category	Cost	Applicable Levy	S94A Levy
Development Cost more than \$200,000	\$5,703,653.90	1%	\$57,036.53

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

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

**Long Service Levy Payments**

18. Any 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.*

**Structural Adequacy**

19. A Certificate prepared by a professional engineer, shall be submitted to the Council **prior to the issuing of a construction certificate**, certifying the structural adequacy of the existing structure to support the proposed works.

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

20. A Site Audit Statement (SAS) and Summary Site Audit Report (SSAR) have

been issued for this site. An "Unexpected Finds Protocol" forms part of these documents and shall be complied with as part of this consent. Copies of the SAS and Unexpected Finds Protocol shall be included in all leases and sales contracts.

21. The builders, site workers and the Principal Certifying Authority for this development are to be made aware of this unexpected finds protocol and its requirements prior to any works commencing.
22. Details of any unexpected finds, including the details of any investigation procedures, remedial actions and validation undertaken shall be forwarded to the Council accordingly.
23. Chemical, Hazardous or intractable wastes arising from the demolition, excavation and remediation process being removed and disposed of in accordance with the requirements of WorkCover NSW and the Environment Protection Authority, and with the provisions of:
  - New South Wales Occupational Health and Safety Act, 2000;
  - The Occupational Health and Safety (Hazardous Substances) Regulation 2001;
  - The Occupational Health and Safety (Asbestos Removal Work) Regulation 2001;
  - Protection Of the Environment Operations Act 1997 (NSW) and
  - Environment Protection Authority's Environmental Guidelines; Assessment,
  - Classification and Management of Liquid and Non Liquid Wastes (1999).
  - The Chemical Control Order for Scheduled Chemical Wastes 2004
24. Any fill importation to the site is to be monitored and classified by the Site Auditor appointed for remediation of the site or a person with his qualifications. Only 'Virgin Excavated Natural Material ' (VENM) is to be imported to the site, as defined within the NSW EPA 'Environmental Guidelines; Assessment, Classification and management of Liquid and Non-Liquid Wastes. 1999'.

#### **Security Deposit**

25. The following damage/civil works security deposit requirement must be complied with, as security for making good any damage caused to the roadway, footway, verge or any public place; and 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*:

- \$6000.00 - Damage / Civil Works Security Deposit

The damage/civil works security deposit may be provided by way of a cash, cheque or credit card payment and is refundable upon a satisfactory inspection by Council upon the completion of the civil works which confirms that there has been no damage to Council's infrastructure.

The owner/builder is also requested 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.

To obtain a refund of relevant deposits, a *Security Deposit Refund Form* is to be forwarded to Council's Director of City Services upon issuing of an occupation certificate or completion of the civil works.

#### **Electricity Substation**

26. The applicant must liaise with Ausgrid prior to obtaining a construction certificate (for any above ground works), to determine whether or not an electricity substation is required for the development. 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 relevant construction certificate and landscape plans.
27. All building, plumbing and drainage work must be carried out in accordance with the requirements of the Sydney Water Corporation.

The approved plans must be submitted to a Sydney Water Quick Check agent, to determine whether the development will affect Sydney Water's waste water 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 details please refer to the Sydney Water web site at [www.sydneywater.com.au](http://www.sydneywater.com.au) for:

- Quick Check agents details - see *Building and Developing* then Quick Check and
- Guidelines for Building Over/Adjacent to Sydney Water Assets – see *Building and Development* then *Building and Renovating*, or telephone 13 20 92.

The Principal Certifying Authority must ensure that a Sydney Water Quick Check Agent has appropriately stamped the plans.

#### **Protection of Street Trees**

28. In order to ensure retention of the row of five *Banksia integrifolia* (Coastal Banksia's), spaced evenly along the length of the Jenner Street verge, comprising one to the west of the existing crossing, and four to its east, as well as the row of 10 *Eucalyptus haemastoma* (Scribbly Gums) beyond the eastern site boundary, across the full width of the site, fronting McCartney Park in good health, the following measures are to be undertaken:
- a. All documentation submitted for the Construction Certificate application must show the retention of these public trees, with the position and diameter of their trunks and canopies to be clearly and accurately shown in relation to the works.
  - b. Any excavations associated with the installation of new services, pipes, stormwater systems or similar over public property will need to be located an equal distance between each of their trunks.
  - c. The five Banksia's along the Jenner Street verge must be physically protected by installing a total of four star pickets at a setback of **1.5 metres** to their east and west (measured off the outside edge of its/their trunk/s at ground level), as well as against the back of the kerb to their north, and against the footpath to their south, to which safety tape/para-webbing/shade cloth or similar 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 (TPZ), DO NOT REMOVE/ENTER".

- e. The applicant is not authorised to perform any works to these 15 trees, and shall contact Council's Landscape Development Officer on 9399-0613 should pruning or removal be sought, with the applicant required to cover all associated costs, to Council's satisfaction, prior to the issue of a Final Occupation Certificate.
- f. Within the TPZ's, 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 needing to acknowledge these requirements.
- g. A refundable deposit in the form of cash, credit card or cheque for an amount of **\$2,500.00** 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.

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, as per the requirements of 80A (6) of the Environmental Planning and Assessment Act 1979.

#### **REQUIREMENTS TO BE INCLUDED IN THE CONSTRUCTION CERTIFICATE**

The requirements contained in the following conditions of consent must be complied with and details of compliance must be included in the construction certificate for the development.

These conditions have been applied to satisfy the relevant requirements of the *Environmental Planning & Assessment Act 1979*, *Environmental Planning & Assessment Regulation 2000*, Councils development consent conditions and to achieve reasonable levels of environmental amenity.

#### **Consent Requirements**

29. The requirements and amendments detailed in the 'General Conditions' must be complied with and be included in the construction certificate plans and associated documentation.

**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:**

30. 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.
31. 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.

#### **Compliance with the Building Code of Australia & Relevant Standards**

32. In accordance with section 80A (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).
33. Access and facilities for people with disabilities must be provided in accordance with the relevant requirements of the Building Code of Australia, Disability (Access to Premises – Buildings) Standard 2010, relevant Australian Standards and conditions of consent, to the satisfaction of the Certifying Authority. Details of the required access and facilities for people with disabilities are to be included in the plans/specifications for the construction certificate.
34. A report or written correspondence must be obtained from a suitably qualified professional geotechnical engineer and be submitted to the certifying authority prior to the issuing of a construction certificate, confirming 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.
35. 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.

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

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

A copy of the engineers report is to be submitted to the Council, if the Council is not the certifying authority.

#### **Traffic & Parking**

36. Adequate provisions are to be made to provide pedestrian visibility and safety. All new walls (and/or landscaping) adjacent to vehicular crossings should not exceed a height of 600mm above the internal driveway level for a distance of 1.5m within the site or new walls (including landscaping) should splayed 1.5 metres by 1.5 metres. Details of compliance, to the satisfaction of the certifying authority, are to be included in the construction certificate documentation.

37. The vehicular access driveways, internal circulation ramps and the car park areas, (including, but not limited to, the ramp grades, car park layout and height clearances) are to be in accordance with the requirements of AS2890.1:2004. The Construction Certificate plans must demonstrate compliance with these requirements.
38. An additional 4 visitor spaces shall be provided by conversion of the storage areas between car spaces 5, 6, 77 & 79 to vehicle parking. Plans submitted for the construction certificate shall demonstrate compliance with this requirement.
39. A minimum of 4 car spaces shall be provided for people with a disability consistent with Prince Henry Development Control Plan. Disabled spaces are to be designed in accordance with Australian Standard 2890.6.

#### **Design Alignment levels**

40. The design alignment level (the finished level of concrete, paving or the like) at the property boundary for driveways, access ramps and pathways or the like, shall be:

#### **Jenner Street frontage**

- **Match back of existing footpath along the full site frontage.**

#### **Anzac Parade frontage**

- **50mm above the back of the existing footpath at all points opposite the path, along the full site frontage.**

The design alignment levels at the property boundary as issued by Council and their relationship to the footpath must be indicated on the building plans for the construction certificate. The design alignment level at the street boundary, as issued by the Council, must be strictly adhered to.

Any enquiries regarding this matter should be directed to Council's Development Engineer on 9399 0881.

41. The above alignment levels and the site inspection by Council's Development Engineering Section have been issued at a prescribed fee of \$2113 calculated at \$48.00 (inclusive of GST) per metre of Jenner Street site frontage. This amount is to be paid prior to a construction certificate being issued for the development.
42. The gradient of the internal access driveway must be designed and constructed in accordance with AS 2890.1 (2004) – Off Street Car Parking and the levels of the driveway must match the alignment levels at the property boundary (as specified by Council). Details of compliance are to be included in the construction certificate.

The height of the building must not be increased to satisfy the required driveway gradients.

#### **Flood Management**

43. The level of the 1% AEP (1 in 100yr flood) shall be determined in the vicinity of the site and the proposed internal driveway shall be designed with a high point at least 150 mm above determined 1 in 100 year flood level. Details demonstrating compliance with this condition are to be included in the construction certificate documentation.
44. The building, including building footings, are to be designed to ensure that they will not be adversely affected by stormwater, floodwater and/or the water

table.

All proposed footings located adjacent to drainage easements shall either be:

- A. Founded on rock, or;
- B. Extended below a 30 degree line taken from the level of the pipe invert at the edge of the drainage reserve/easement (angle of repose).

Structural details demonstrating compliance with this condition shall be submitted with the construction certificate application.

The footings must be inspected by the applicant's engineer to ensure that these footings are either founded on rock or extend below the "angle of repose". Documentary evidence of compliance with this condition is to be submitted to the certifying authority prior to proceeding to the subsequent stages of construction.

45. **Stormwater drainage plans have not been approved as part of this development consent.** Engineering calculations and plans with levels reduced to Australian Height Datum in relation to site drainage shall be prepared by a suitably qualified Hydraulic Engineer and 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) The separate catchment areas within the site, draining to each collection point or surface pit are to be classified into the following categories:
  - i. Roof areas
  - ii. Paved areas
  - iii. Grassed areas
  - iv. Garden areas
- e) Where buildings abut higher buildings and their roofs are "flushed in" to the higher wall, the area contributing must be taken as: the projected roof area of the lower building, plus one half of the area of the vertical wall abutting, for the purpose of determining the discharge from the lower roof.
- f) Proposed finished surface levels and grades of car parks, internal driveways and access aisles which are to be related to Council's design alignment levels.
- g) The details of any special features that will affect the drainage design eg. the nature of the soil in the site and/or the presence of rock etc.

46. The site stormwater drainage system is to be provided in accordance with the following requirements;



- a) The stormwater drainage system must be provided in accordance with the relevant requirements of Building Code of Australia and the conditions of this consent, to the satisfaction of the *Certifying Authority* and details are to be included in the construction certificate.
- b) All stormwater runoff being discharged from the site shall be managed in general accordance with the Prince Henry drainage strategy prepared by Connell Wagner. This shall involve 80% of all stormwater runoff being drained in an easterly direction through the drainage easement created over Lot 8 (The Oval) and into the biofiltration swales via a 375 mm diameter pipeline.
- c) All site stormwater which is not discharged to the biofiltration swales, shall be discharged to Council's underground drainage (via a stormwater detention system) in Anzac Parade or Jenner Street via a new or existing kerb inlet pit.
- d) An on-site stormwater detention system must be provided to ensure that the maximum discharge from the portion of the site discharging to Anzac Parade or Jenner Street site does not exceed that which would occur during a 1 in 10 year storm of one hour duration for existing site conditions. All other stormwater run-off from this portion of the site for all storms up to the 1 in 20 year storm is to be retained on the site for gradual release to the street drainage system, to the satisfaction of the certifying authority.

An overland escape route or overflow system (to Council's street drainage system) must be provided for storms having an average recurrence interval of 100 years (1 in 100 year storm), or, alternatively the stormwater detention system is to be provided to accommodate the 1 in 100 year storm.

- e) Determination of the required cumulative storage (in the on-site detention and/or infiltration system) 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.
- f) A reflux valve shall be provided (within the site) over the pipeline discharging from the site to Council's underground drainage system to ensure that stormwater from Council drainage system does not surcharge back into the site stormwater system.
- g) Any new kerb inlet pits (constructed within Council's road reserve) are to be constructed generally in accordance with Council's standard detail for the design of kerb inlet pits (drawing number SD6 which is available from Council).
- h) 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 (detention/infiltration) system.
- i) A sediment/silt arrestor pit must be provided within the site near the street boundary prior to discharge of the stormwater to Council's drainage system and prior to discharging the stormwater to any absorption/infiltration system.

Sediment/silt arrester pits are to be constructed generally in accordance with the following requirements:

- The base of the pit being located a minimum 300mm under the invert level of the outlet pipe.
- The pit being constructed from cast in-situ concrete, precast concrete or double brick.
- A minimum of 4 x 90 mm diameter weep holes (or equivalent) 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 being provided 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 being provided for the access grate (e.g. spring loaded j-bolts or similar).
- Provision of a sign adjacent to the pit stating, "This sediment/silt arrester pit shall be regularly inspected and cleaned".

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

- j) The floor level of all habitable, retail, commercial and storage areas located adjacent to any detention and/or infiltration systems with above ground storage must be a minimum of 300mm above the maximum water level for the design storm or alternately a permanent 300mm high water proof barrier is to be provided.

*(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).*

- k) The maximum depth of ponding in any above ground detention areas and/or infiltration systems with above ground storage shall be as follows (as applicable):
- i. 150mm in uncovered open car parking areas (with an isolated maximum depth of 200mm permissible at the low point pit within the detention area)
  - ii. 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)
  - iii. 600mm in landscaped areas where the side slopes of the detention area have a maximum grade of 1 in 10
  - iv. 1200mm in landscaped areas where a safety fence is provided around the outside of the detention area

- v. Above ground stormwater detention areas must be suitably signposted where required, warning people of the maximum flood level.

*Note: Above ground storage of stormwater is not permitted within basement car parks or store rooms.*

- l) A childproof and corrosion resistant fastening system shall be installed on access grates over pits/trenches where water is permitted to be temporarily stored.
  - m) A 'V' drain (or equally effective provisions) are to be provided to the perimeter of the property, where necessary, to direct all stormwater to the detention/infiltration area.
  - n) Mulch or bark is not to be used in on-site detention areas.
  - o) Site discharge pipelines shall cross the verge at an angle no less than 45 degrees to the kerb line.
  - p) Any onsite detention systems shall be located in areas accessible by residents of all units.
47. With the exception of the site discharge pipe, all new pipelines constructed within council's road reserve shall be minimum 375 mm diameter, spigot and socket rubber ringed jointed, steel reinforced concrete pipeline (RRRCP). Prior to backfilling, all pipelines in council's road reserve shall be inspected and approved by the Hydraulic Engineer certifying the works and Council.
48. The written approval of Council is required to be obtained in relation to all drainage and infrastructure works which are located externally from the site within the road reserve/public place, in accordance with the requirements of the *Roads Act 1993*. Detailed plans and specifications of the proposed works are to be submitted to and approved by the Director of City Services prior to commencing any works within the road reserve/public place.

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

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

#### **Site seepage & Dewatering**

49. Sub-soil drainage (from site seepage & planter boxes etc) must comply with the following requirements:
- a) Sub-soil drainage must not be connected or discharged directly or indirectly to Council's street gutter.
  - b) Adequate provision is to be made for the ground water to drain around the basement car park (to ensure the basement will not dam or slow the movement of the ground water through the development site).
  - c) Sub-soil drainage systems (if provided) must comply with one or more of the following requirements:-
    - i. The system may be connected directly to Council's underground drainage system (but only with the prior written approval of

Council, as required under the *Roads Act 1993*).

- ii. Any sub-soil drainage systems must be restricted from entering the basement areas of the building and the stormwater drainage system, by tanking/waterproofing the basement areas of the building.
  - iii. Sub-soil drainage systems may discharge via infiltration subject to the hydraulic consultant/engineer being satisfied that the site and soil conditions are suitable and the seepage is able to be fully managed within the site, without causing a nuisance to any premises and ensuring that it does not drain or discharge (directly or indirectly) to the street gutter.
- d) Details of the proposed stormwater drainage system including methods of sub-soil drainage, tanking/waterproofing (as applicable) must be prepared or approved by a suitably qualified and experienced *Professional Engineer* to the satisfaction of the Certifying Authority and details are to be included in the **construction certificate**.
50. Details of the proposed connection and or disposal of any site seepage, groundwater or construction site stormwater to Council's stormwater drainage system must be submitted to and approved by Council's Development Engineering Coordinator, prior to commencing these works, in accordance with section 138 of the *Roads Act 1993*.

Details must include the following information:

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

#### **Waste Management**

51. Waste Management provisions must be implemented in accordance with the Waste Management Plan submitted with the development application received by Council 30<sup>th</sup> May 2012, subject to the following amendments: -
- Compaction is not appropriate for recyclables, 36 x 240L bins must be provided for recyclables.
52. The garbage room shall be sized to contain the compactor (with safe working area) plus a minimum of 54 x 240 litre bins and with adequate provisions for access to all of the bins. Details showing compliance are to be included in the construction certificate. The compactor system shall be managed by a caretaker and the compactor is to be located in an area that is not readily accessible by residents.

Note: This will require the proposed bin storage area to be enlarged and may

require the deletion of one car space and is acceptable on the provision of the additional 4 visitor spaces being provided as required.

53. 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.

#### **REQUIREMENTS PRIOR TO THE COMMENCEMENT OF ANY WORKS**

The following conditions of consent must be complied with prior to the commencement of any works on the site. The necessary documentation and information must be provided to the Council or the *'Principal Certifying Authority'*, as applicable.

These conditions have been applied to satisfy the relevant requirements of the *Environmental Planning & Assessment Act 1979*, *Environmental Planning & Assessment Regulation 2000* and to provide reasonable levels of public health, safety and environmental amenity.

#### **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:**

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

#### **The following conditions are applied to ensure that the development satisfies relevant legislative requirements and to provide reasonable levels of health, safety and amenity:**

56. Prior to the commencement of any excavation or 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.

57. Prior to the commencement of any excavation or building works, the person having the benefit of the development consent must:-
- appoint a *Principal Certifying Authority* for the building work, and
  - appoint a *principal contractor* for the building work, 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
  - 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

- give at least two days notice to the Council, in writing, of the person's intention to commence building works.

58. 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 any relevant Certificate of Insurance) or a copy of the Owner-Builder Permit (as applicable) must be provided to the Principal Certifying Authority and Council prior to commencement of works.

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

60. 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 and ancillary structures located upon all of the premises adjoining the subject site (eg. dwellings, residential flat buildings, commercial/industrial building, garages, carports, verandah's, fences, retaining walls, swimming pools and driveways etc.).

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

61. 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.

62. A Construction Noise & Vibration Management Plan, prepared in accordance with the Department of Climate Change Guidelines for Construction Noise and Assessing Vibration, by a suitably qualified person, is to be developed and implemented prior to commencing site work and throughout the course of construction, to the satisfaction of the Council.

- a) Noise and vibration emissions during the construction of the building and

associated site works must not result in damage to nearby premises or result in an unreasonable loss of amenity to nearby residents.

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.

- b) The *Construction Noise & Vibration Management Plan* must include details of measurements, analysis and relevant criteria and demonstrate that the noise and vibration emissions from the work satisfy the relevant provisions of the *Protection of the Environment Operations Act 1997*, current DECC Guidelines for Construction Noise and Assessing Vibration and Councils conditions of consent.
- c) A further report/correspondence must be obtained from the consultant as soon as practicable **upon the commencement of works**, which reviews and confirms the implementation and suitability of the noise and vibration strategies in the *Construction Noise & Vibration Management Plan* and which demonstrates compliance with relevant criteria.
- d) Any recommendations and requirements contained in the *Construction Noise & Vibration Management Plan* and associated reports are to be implemented accordingly and should noise and vibration emissions not comply with the terms and conditions of consent, work must cease forthwith and is not to recommence until details of compliance are submitted to Council and the PCA.

A copy of the *Construction Noise & Vibration Management Plan* and associated acoustic/vibration report/s must be maintained on-site and a copy must be provided to Council and the Principal Certifying Authority accordingly.

63. Public health, safety and convenience must be maintained at all times during demolition, excavation and construction works and the following requirements must be satisfied:

- a) The roadway, footpath and nature strip must be maintained in a good, safe condition and free from any obstructions, materials, soils or debris at all times. Any damage caused to the road, footway or nature strip must be repaired immediately, to the satisfaction of Council.
- b) Building materials, sand, soil, waste materials or construction equipment must not be placed upon the footpath, roadway or nature strip at any time and the footpath, nature strip and road must be maintained in a clean condition and free from any obstructions, soil and debris at all times.
- 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 & Regulatory Services department.
- d) 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.

- e) A temporary timber, asphalt or concrete crossing is to be provided to the site entrance across the kerb and footway area, with splayed edges, to the satisfaction of Council, unless access is via an existing concrete crossover.
- f) Temporary toilet facilities are to be provided within the work site throughout the course of demolition and construction, to the satisfaction of WorkCover NSW and Council. The toilet facilities must be connected to a public sewer or other sewage management facility approved by Council.
- g) 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.

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

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

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

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

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

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

The public safety provisions and temporary fences must be in place



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

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

- i) A Road / Asset Opening application must be submitted to and be approved by 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 an occupation certificate for the development. For further information, please contact Council's Road / Asset Opening Officer on 9399 0691 or 9399 0999.

- j) The owner/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.

64. 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 Council and Principal Certifying Authority. A copy must also be maintained on site and be made available to Council officers upon request.

65. During construction stages, sediment laden stormwater run-off shall be controlled using the sediment control measures outlined in the manual for Managing Urban Stormwater – Soils and Construction, published by Landcom, to the satisfaction of Council.

Details of the proposed sediment control measures are to be detailed in the

*Construction 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.

66. 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 applicable, the Construction Certificate plans and Structural Engineering details must be amended to satisfy the requirements of Sydney Water.

If the proposal is acceptable to Sydney Water, the plans will be appropriately stamped. For Quick Check agent details please refer to Sydney Water's web site at [www.sydneywater.com.au](http://www.sydneywater.com.au) and go to the Building, Developing and Plumbing, then Quick Check or Building and Renovating or telephone 13 20 92.

The principal certifying authority is required to ensure that a Quick Check Agent/Sydney Water has appropriately stamped the plans **before the commencement of any works**.

67. Any metal roof sheeting is to be pre-painted and form part of the colour scheme and external finishes for the development. The reflectivity index of materials used in the external façade of the development must not exceed 20 percent. The details and samples of the materials to be used are to be submitted with the colour and material schedule for the approval of Council's Director of City Planning, prior to the commencement of works.

#### **Certification and Building Inspection Requirements**

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

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

#### **Construction Traffic Management**

69. A detailed *Construction Site Traffic Management Plan* must be submitted to and approved by Council, prior to:

- a) commencement of any site work [or]
- b) a construction certificate being issued for the development.

The Construction Site Traffic Management Plan must be prepared by a suitably qualified person and must include the following details, to the satisfaction of Council:

- A description of the demolition, excavation and construction works

- A site plan/s showing the site, roads, footpaths, site access points and vehicular movements
- Any proposed road and/or footpath closures
- Proposed site access locations for personnel, deliveries and materials
- Size, type and estimated number of vehicular movements (including removal of excavated materials, delivery of materials and concrete to the site)
- Provision for loading and unloading of goods and materials
- Impacts of the work and vehicular movements on the road network, traffic and pedestrians
- Proposed hours of construction related activities and vehicular movements to and from the site
- Current/proposed approvals from other Agencies and Authorities (including NSW Roads & Traffic Authority, Police and State Transit Authority)
- Any activities proposed to be located or impact upon Council's road, footways or any public place
- Measures to maintain public safety and convenience

70. Any necessary approvals must be obtained from NSW Police, Roads & Maritime Services, Transport, and relevant Service Authorities, prior to commencing work upon or within the road, footway or nature strip.

#### **Public Utilities**

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

Documentary evidence from the relevant public utility authorities confirming that their requirements have been or are able to be satisfied, must be submitted to the principal certifying authority prior to the commencement of any demolition, excavation or building works.

72. The owner/builder must make the necessary arrangements and meet the full cost for telecommunication companies, gas providers, Ausgrid, Sydney Water and other service authorities to adjust, repair or relocate their services as required.

#### **Landscaping of Street Frontage**

73. A landscape design is to be submitted to and approved by Council's Director of City Services, for the (name of street) street frontage/s of the development in accordance with Council's Urban Design Guidelines for the (name of commercial centre), prior to commencement of works. The landscape design may include pavements, seat and bin installations, street trees, tree grates and tree guards as required by Council's Landscape Architect – 9399 0915.

All street furniture is required to be purchased through Council. Due to supply constraints, the applicant is required to place an order and pay for the required furniture three months prior to the estimated date for the completion of street frontage works.

The approved landscape works to be carried out on Council land shall be in accordance with Council's requirements for Civil Works on Council property. An application for the cost of the landscape works on Council property 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 owner/applicant may elect to use his contractor for the required works, subject to the written approval, of Council, subject to the provision of a design checking and supervision fee based on the lowest quotation from Council's nominated contractor being paid prior to the commencement of any works.

A refundable deposit in the form of cash, cheque or credit card payment of (\$2,000 per street frontage) shall be lodged with Council prior to commencement of works in order to ensure the construction of the approved landscape works along the (name of street/s) site frontage/s.

74. The applicant shall submit a separate Development Application dealing with the public open space requirement of the development. The applicant shall meet the full cost of developing the public open space which shall include the preparation of all concept and detailed documentation, provision for children's play equipment and appropriate under surfacing, shade structures, site furniture, fencing, signage, pedestrian pavements, park structures, turfing, planting, lighting to Energy Australia standards, irrigation and/or (other - specify).

**The following conditions are applied to provide for heritage, aboriginal and historical archaeological protection of the area :**

75. Prior to the commencement of any works on the site, site contractors should be made aware of the possibility that historical archaeological and Aboriginal remains may survive on and around the site.

**REQUIREMENTS DURING CONSTRUCTION & SITE WORK**

The following conditions of consent must be complied with during the demolition, excavation and construction of the development.

These conditions have been applied to satisfy the relevant requirements of the *Environmental Planning & Assessment Act 1979*, *Environmental Planning & Assessment Regulation 2000* and to provide reasonable levels of public health, safety and environmental amenity during construction.

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

76. Any new information which comes to light during demolition and construction works which has the potential to alter previous conclusions about site contamination shall be notified to the Council and the Principal Certifying Authority immediately.
77. The works shall not give rise to environmental pollution or public nuisance or, result in an offence under the Protection of the Environment Operations Act 1997 or NSW Occupational Health & Safety Act (2000) & Regulations (2001).

**The following conditions are applied to ensure that the construction works are executed in a proper manner:**

**Building regulation and construction site management**

78. 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.

79. The building works must be inspected by the Principal Certifying Authority, 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.
80. 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".
81. Any work involving the demolition, storage and disposal of asbestos products and materials must be carried out in accordance with the following requirements:
- a) A WorkCover licensed demolition or asbestos removal contractor must undertake removal of more than 10m<sup>2</sup> of bonded asbestos (or as otherwise specified by WorkCover or relevant legislation). Removal of friable asbestos material must only be undertaken by contractor that holds a current friable asbestos removal licence.
  - b) 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.
  - c) 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.
  - d) 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.

82. 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.
- 1) 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:
    - a) protect and support the adjoining premises from possible damage from the excavation, and
    - b) where necessary, underpin the adjoining premises to prevent any such damage.
  - 2) 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.
83. Building, demolition and associated site works must be carried out in accordance with the following requirements:

Activity	Permitted working hours
All building, demolition and site work, including site deliveries (except as detailed below)	<ul style="list-style-type: none"> <li>• Monday to Friday - 7.00am to 5.00pm</li> <li>• Saturday - 8.00am to 5.00pm</li> <li>• Sunday &amp; public holidays - No work permitted</li> </ul>
Excavating of rock, use of jack-hammers, pile-drivers or the like	<ul style="list-style-type: none"> <li>• Monday to Friday - 8.00am to 5.00pm</li> <li>• Saturday - No work permitted</li> <li>• Sunday &amp; public holidays - No work permitted</li> </ul>
Additional requirements for all development (except for single residential dwellings)	<ul style="list-style-type: none"> <li>• Saturdays and Sundays where the preceding Friday and/or the following Monday is a public holiday - No work permitted</li> </ul>

*An application to vary the abovementioned hours may be submitted to Council's Manager Health, Building & Regulatory Services for consideration and approval to vary the specified hours may be granted in exceptional circumstances and for limited occasions (e.g. for public safety, traffic management or road safety reasons). Any applications are to be made on the standard application form and include payment of the relevant fees and supporting information. Applications must be made at least 10 days prior to the date of the proposed work and the prior written approval of Council must be obtained to vary the standard permitted working hours.*

84. A Registered Surveyor's check survey certificate or compliance certificate is to be obtained at the following stage/s of construction, to demonstrate compliance with the approved setbacks, levels, layout and height of the building, to the satisfaction of the Principal Certifying Authority:
- prior to construction of the first constructed floor/floor slab (prior to pouring of concrete),

- prior to construction of each additional new floor level,
- upon completion of the building, prior to issuing an occupation certificate,
- as may be required by the Principal Certifying Authority.

The survey documentation must 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.

85. Public health, safety and convenience must be maintained at all times during demolition and building works and the following requirements must be complied with at all times (as applicable):

- 1) Any demolition work must be carried out in accordance with Australian Standard, AS2601 (2001) - The Demolition of Structures and a *Demolition Work Plan* is required to developed and implemented to the satisfaction of the Principal Certifying Authority **prior to commencing any demolition works.**
- 2) The roadway, footpath and nature strip must be maintained in a good, safe condition and free from any obstructions, trip hazards, materials, soils or debris at all times. Any damage caused to the road, footway or nature strip must be repaired immediately, to the satisfaction of Council.
- 3) A Road / Asset Opening application must be submitted to and approved by 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. For further information, please contact Council's Road / Asset Opening Officer on 9399 0691 or 9399 0999.

- 4) 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.
- 5) Bulk bins, waste containers or other articles must not be located upon the footpath, roadway or nature strip at any time without the prior written approval of the Council. Applications to place a waste container or other articles in a public place can be made to Council's Building Services section.
- 6) During demolition and construction, 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 Landcom, to the satisfaction of Council.
- 7) Public safety must be maintained at all times and public access to any demolition and building works, materials and equipment on the site is to be restricted. If necessary, a temporary safety fence or hoarding is to be provided to protect the public. Temporary site fences are to be structurally adequate, safe and be constructed in a professional manner and the use of poor quality materials or steel reinforcement mesh as fencing is not permissible.

If it is proposed to locate any site fencing, hoardings or items upon any part of the footpath, nature strip or any public place, a Local Approval application must be submitted to and approved by Council's Health, Building & Regulatory Services department beforehand. Details and plans are to be submitted with the application, together with payment of the weekly charge in accordance with Council's adopted Pricing Policy.

- 8) 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.

The requirements and practices contained in the *Protection of the Environment Operations Act 1997* and relevant DECC Construction Noise and Vibration Guidelines are to be satisfied and a Construction Noise and Vibration Management Plan is to be developed and implemented throughout the works to the satisfaction of Council, **prior to the commencement of works.**

#### **Building & Demolition Work Requirements**

86. All work and activities must be carried out in accordance with the relevant regulatory requirements, including:

- Occupational Health & Safety Act 2000 & Regulations
- WorkCover NSW Code of Practice for the Safe Removal of Asbestos
- WorkCover NSW Requirements, Guidelines and Codes of Practice
- Australian Standard 2601 (2001) – Demolition of Structures
- The Protection of the Environment Operations Act 1997
- The Protection of the Environment Operations (Waste) Regulation 2005
- DECC/EPA Waste Classification Guidelines
- Randwick City Council Asbestos Policy

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

#### **Building Encroachments**

87. There must be no encroachment of any structures or building work onto any adjoining premises, Council's road reserve, footway, nature strip or public place.

#### **Historical Archaeology**

- Site contractors should be made aware of their obligations under the National Parks and Wildlife Act 1974 and the Heritage Act 1977 in the event that any Aboriginal or historical archaeological remains are disturbed or exposed during site works, and of the notification procedures for such material.
- Should Aboriginal deposits or objects (such as shell deposits, flaked stone artefacts or engravings, etc) be found, exposed or disturbed, site work is to cease temporarily within the vicinity of these objects while advice is sought from archaeologists, the La Perouse Aboriginal Land Council and the DHBC.

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

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



In this regard, the operation of the plant and equipment (excluding plant and equipment during the construction phase) shall not give rise to an LAeq, 15 min sound pressure level at any affected premises that exceeds the background LA90, 15 min noise level, measured in the absence of the noise source/s under consideration by more than 5dB(A) in accordance with relevant NSW Department of Environment & Conservation Noise Control Guidelines.

89. 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 relevant legislative requirements and to provide reasonable levels of health, safety and amenity:**

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

**Road/Asset Opening Permit**

91. 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) 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.
  - 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) 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* or occupation of the development (whichever is sooner).
  - e) Excavations and trenches must be back-filled and compacted in accordance with AUSPEC standards 306U.
  - f) 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.
  - g) Excavations or trenches located upon turfed areas are required to be back-filled, compacted, top-soiled and re-turfed with Kikuyu turf.
  - h) 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.

- 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) 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.
- k) 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.

#### **Traffic Management**

- 92. Adequate provisions must be made to ensure pedestrian safety and traffic flow during the site works and traffic control measures are to be implemented in accordance with the relevant provisions of the Roads and Traffic Manual "Traffic Control at Work Sites" (Version 4), to the satisfaction of Council.
- 93. 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.
- 94. All conditions and requirements of the NSW Police, Roads & Maritime Services, Transport and Council must be complied with at all times.

#### **Stormwater Drainage**

- 95. Adequate provisions must be made to collect and discharge stormwater drainage during construction of the building to the satisfaction of the principal certifying authority.

The prior written approval of Council must be obtained to connect or discharge site stormwater to Council's stormwater drainage system or street gutter.

#### **Landscape Buffer**

- 96. Until such time as the final landscape works and planting is being performed, the 3m wide landscaped buffer fronting Anzac Parade, must be physically protected by the installation of 1.8m tall chainwire mesh panels, along the eastern edge of this area, across the full width of the site, to which, shade cloth shall be attached in order to prevent sediment entering this area, with erosion control measures also to be implemented at ground level for the same reason.
- 97. The PCA/landscape contractor must ensure that, as part of installing the approved landscape works, any new trees which will attain a height of 6 metres or more or a canopy spread of 4 metres or more are setback a minimum distance of 2 metres from any physical part of the new building, so as to avoid future maintenance issues.

#### **REQUIREMENTS PRIOR TO THE ISSUE OF AN OCCUPATION CERTIFICATE**

The following conditions of consent must be complied with prior to the 'Principal Certifying Authority' issuing an 'Occupation Certificate'.

*Note: For the purpose of this consent, any reference to 'occupation certificate' shall also be taken to mean 'interim occupation certificate' unless otherwise stated.*

These conditions have been applied to satisfy the relevant requirements of the *Environmental Planning & Assessment Act 1979*, *Environmental Planning & Assessment Regulation 2000*, Council's development consent and to maintain reasonable levels of public health, safety and amenity.

### **Occupation Certificate Requirements**

98. A report, prepared by a suitably qualified and experienced consultant in acoustics, shall be submitted to the Council prior to an occupation certificate being issued for the development, which demonstrates and certifies that internal acoustic amenity for the development and the external amenity criteria comply with the relevant provisions of the Protection of the Environment Operations Act 1997, NSW Environmental Protection Authority Noise Control Manual & Industrial Noise Policy and conditions of Council's approval, to the satisfaction of Council's Manager of Health, Building & Regulatory Services.

99. An Occupation Certificate must be obtained from the Principal Certifying Authority prior to any occupation of the building work encompassed in this development consent (including alterations and additions to existing buildings), in accordance with the relevant provisions of the *Environmental Planning & Assessment Act 1979*.

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

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

101. Prior to issuing an interim or final Occupation Certificate, a single and complete Fire Safety Certificate, which encompasses all of the essential fire safety measures contained in the fire safety schedule must be obtained and be submitted to Council, in accordance with the provisions of the Environmental Planning and Assessment Regulation 2000. A copy of the Fire Safety Certificate must be displayed in the building entrance/foyer and a copy of the Fire Safety Certificate must also be forwarded to the NSW Fire Brigades.

An annual *Fire Safety Statement* is also required to be submitted to the Council and the NSW Fire Brigades, each year after the date of the *Fire Safety Certificate*, in accordance with the *Environmental Planning & Assessment Regulation 2000*.

102. 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 an occupation certificate being issued, which certifies that the building works satisfy the relevant structural requirements of the Building Code of Australia and approved design documentation.

103. Where the building is provided with plant and equipment (e.g. air-conditioners, mechanical ventilation/exhaust systems or refrigeration motors etc) a report must be obtained from a suitably qualified and experienced consultant in acoustics, prior to an occupation certificate being issued for the development, which demonstrates and certifies that noise and vibration from the development satisfies the relevant provisions of the Protection of the Environment Operations Act 1997, NSW DECC/EPA Noise Control Manual &

Industrial Noise Policy, Council's conditions of consent (including any relevant approved acoustic report and recommendations), to the satisfaction of Council. The assessment and report must include all relevant fixed and operational noise sources and a copy of the report must be provided to Council prior to/upon issuing an occupation certificate.

104. Street and unit numbering must be provided to the premises in a prominent position, in accordance with the Australia Post guidelines and AS/NZS 4819 (2003) to the satisfaction of Council, prior to an occupation certificate being issued for the development.

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

#### **Occupant Safety - Windows**

105. Openable windows to a room, corridor, stairway or the like with a floor level more than 4m above the external ground/surface level, must be designed and constructed to reduce the likelihood of a child accessing and falling through the window opening.

Options may include one or more of the following measures:

- The window having a minimum sill height of 1.5m above the internal floor level,
- Providing a window locking device at least 1.5m above the internal floor level,
- Fixing or securing the window (e.g. by screws or a window locking device) to restrict or to be able to secure the extent of the opening to a maximum width of 125mm,
- Installing a fixed heavy-duty gauge metal screen over the opening (e.g. A metal security screen or metal security mesh and frame system, but not standard fly-screen material),
- Other appropriate effective safety measures or barrier.

The relevant safety measures must be implemented prior to the issue of an Occupation Certificate.

#### **Council's Infrastructure, Vehicular Crossings & Road Openings**

106. The owner/developer must meet the full cost for Council or a Council approved contractor to:
- a) Construct a full width concrete heavy duty vehicular crossing and layback at kerb opposite the vehicular entrance to the premises.
  - b) Remove any redundant concrete vehicular crossing and layback and to reinstate the area with concrete footpath, turf and integral kerb and gutter to Council's specification..
  - c) Re/construct a 1.8m wide concrete footpath along the full site frontage, if required. Any unpaved areas on the nature strip must be turfed and landscaped to Council's specification.
107. Prior to issuing a final occupation certificate or occupation of the development (whichever is sooner), the owner/developer 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.

108. All external civil work to be carried out on Council property (including the installation and repair of roads, footpaths, vehicular crossings, kerb and guttering and drainage works), must be carried out in accordance with Council's Policy for "Vehicular Access and Road and Drainage Works" and the following requirements:
- a) All work on Council land must be carried out by Council, unless specific written approval has been obtained from Council to use non-Council contractors.
  - b) Details of the proposed civil works to be carried out on Council land must be submitted to Council in a Pre-paid Works Application Form, prior to an occupation certificate being issued for the development, together with payment of the relevant fees.
  - c) If it is proposed to use non-Council contractors to carry out the civil works on Council land, the work must not commence until the written approval has been obtained from Council and the work must be carried out in accordance with the conditions of consent, Council's design details and payment of a Council design and supervision fee.
  - d) The civil works must be completed in accordance with Council's conditions of consent and approved design and construction documentation, prior to occupation of the development, or as otherwise approved by Council in writing.
109. The naturestrip upon Council's footway shall be excavated to a depth of 150mm, backfilled with topsoil equivalent with 'Organic Garden Mix' as supplied by Australian Native Landscapes, and re-turfed with Kikuyu Turf or similar. Such works shall be installed prior to the issue of a final Occupation Certificate.

#### **Sydney Water Requirements**

110. A section 73 Compliance Certificate, under the Sydney Water Act 1994 must be obtained from Sydney Water Corporation. An Application for a Section 73 Certificate must be made through an authorised Water Servicing Coordinator. For details, please refer to the Sydney Water web site [www.sydneywater.com.au](http://www.sydneywater.com.au) > Building and developing > Developing your Land > Water Servicing Coordinator or telephone 13 20 92.

Please make early contact with the Water Servicing Co-ordinator, as building of water/sewer extensions may take some time and may impact on other services and building, driveway or landscape design.

The Section 73 Certificate must be submitted to the Principal Certifying Authority and the Council prior to issuing an *Occupation Certificate*.

#### **Stormwater Drainage**

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

Notes:

- a. The "restriction on the use of land" and "positive covenant" are to be to the satisfaction of Council. A copy of Council's standard wording/layout for the restriction and positive covenant may be obtained from Council's Development Engineer.

- b. The works as executed drainage plan and hydraulic certification must be submitted to Council prior to the "restriction on the use of land" and "positive covenant" being executed by Council.
112. A works-as-executed drainage plan prepared by a registered surveyor and approved by a suitably qualified and experienced hydraulic consultant/engineer must be forwarded to the Principal Certifying Authority and the Council. The works-as-executed plan must include the following details (as applicable):
- The location of any detention basin/s with finished surface levels;
  - Finished site contours at 0.2 metre intervals;
  - Volume of storage available in any 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).
113. The applicant shall submit to the Principal Certifying Authority (PCA) and Council, certification from a suitably qualified and experienced Hydraulic Engineer, which confirms that the design and construction of the stormwater drainage system complies with the Building Code of Australia, Australian Standard AS3500.3:2003 (Plumbing & Drainage- Stormwater Drainage) and conditions of this development consent.

The certification must be provided following inspection/s of the site stormwater drainage system by the Hydraulic Engineers to the satisfaction of the PCA.

114. The applicant shall submit to the Principal Certifying Authority (PCA) and Council certification from a suitably qualified and experienced professional Engineer, to the satisfaction of the Principal Certifying Authority confirming that the basement tanking/waterproofing and any sub-soil drainage systems (as applicable) have been provided in accordance with the conditions of consent and relevant Standards.

#### **Landscaping**

115. Prior to the PCA issuing a Final (or any type of interim) Occupation Certificate, certification from a qualified professional in the landscape/horticultural industry must be submitted, confirming that landscaping at this site has been installed substantially in accordance with the Landscape Plans by Landscape Plan by 360 Degrees, sheet 1 of 1, issue A, dated 20.05.12, with suitable strategies to be put in place to ensure this landscaping is maintained in a healthy and vigorous state until maturity.
116. The applicant must contact Council's Landscape Development Officer on 9399-0613, giving at least 2 working days notice, to arrange an inspection of the completed landscape works within the 3m wide buffer zone across the width of the Anzac Parade frontage, with any deficiencies to be rectified at the applicant's cost, to Council's satisfaction, prior to Occupation of the development.

#### **Waste Management**

117. Prior to the occupation of the development, the owner or applicant is required to contact Council's City Services department, to make the necessary arrangements for the provision of waste services for the premises.
118. The waste storage areas shall be clearly signposted.

### **OPERATIONAL CONDITIONS**

The following operational conditions must be complied with at all times, throughout the use and operation of the development.

These conditions have been applied to satisfy the relevant requirements of the *Environmental Planning & Assessment Act 1979*, *Environmental Planning & Assessment Regulation 2000*, Council's development consent and to maintain reasonable levels of public health and environmental amenity.

#### **Environmental Amenity**

119. External lighting to the premises must be designed and located so as to minimise light-spill beyond the property boundary or cause a public nuisance.
120. Street numbering must be provided to the front of the premises in a prominent position, in accordance with the Australia Post guidelines and AS/NZS 4819 (2003) to the satisfaction of Council.

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.

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

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

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

122. 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*.

#### **Stormwater Detention/Infiltration System**

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

#### **GENERAL ADVISORY NOTES**

The following information is provided for your assistance to ensure compliance with the *Environmental Planning & Assessment Act 1979*, *Environmental Planning & Assessment Regulation 2000*, or other relevant legislation and requirements. This information does not form part of the conditions of development consent pursuant to Section 80A of the Act.

- A1 The assessment of this development application does not include an assessment of the proposed building work under the Building Code of Australia (BCA).

All new building work must comply with the BCA and relevant Australian Standards and details of compliance must be provided in the Construction Certificate application.

- A2 Access for persons with disabilities, suitable access ramp/s should be provided from the entry to the premises and to the building to the satisfaction of the certifying authority and details should be included in the construction

certificate.

A3 A separate Local Approval application must be submitted to and be approved by Council's Health, Building & Regulatory Services department prior to commencing any of the following activities: -

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

Notes:

- The standard conditions may be modified or supplemented by additional non-standard site specific conditions to address any specific environmental, amenity, construction and safety considerations associated with the proposal.
- The waste management, drainage and infrastructure standard conditions may be modified or replaced with site specific conditions as proposed by Council's Development Engineer, City Services or Waste Services officers.

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.

A5 Prior to commencing any works, the owner/builder should contact *Dial Before You Dig* on 1100 or [www.dialbeforeyoudig.com.au](http://www.dialbeforeyoudig.com.au) and relevant Service Authorities, for information on potential underground pipes and cables within the vicinity of the development site.

A6 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.

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

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

FOR	AGAINST
Councillor Andrews	Councillor Belleli
Councillor Bowen	Councillor Matson
Councillor D'Souza	Councillor Shurey
Councillor Garcia	
Councillor Moore	
Councillor Nash	
Councillor Neilson	
Councillor Roberts	
Councillor Smith	
Councillor Stavrinou	
Councillor Stevenson	
<b>Total (11)</b>	<b>Total (3)</b>



**CP66/12 Director City Planning Report - 390-396 Anzac Parade, Kingsford  
(DA/206/2012)**

246/12

**RESOLUTION: (Andrews/Matson) –**

- A. That Council supports the objections under State Environmental Planning Policy No. 1 – Development Standards in respect to non-compliance with Clauses 20F and 20G of the Randwick Local Environmental Plan 1998, relating to Floor space ratio and 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 by Deferred Commencement under Section 80(3) of the Environmental Planning and Assessment Act 1979, as amended, to Development Application No. DA/206/2012 for the demolition of all structures and construction of a 7 storey mixed use development comprising 6 retail/commercial tenancies, 110 boarding house rooms, 1 managers room, roof terraces, basement carpark for 34 cars, 22 bicycles and 22 motorbikes at 390-396 Anzac Parade, Kingsford, subject to the following conditions:

**Deferred Commencement Conditions**

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

- The colours, materials and surface finishes to the development must be submitted for approval. Part elevation and section drawings at 1:50 scale that illustrate in detail the proposed materials and finishes of the building must also be submitted for approval.

**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:

**GENERAL CONDITIONS**

The development must be carried out in accordance with the following conditions of consent.

These conditions have been applied to satisfy the relevant requirements of the *Environmental Planning & Assessment Act 1979*, *Environmental Planning & Assessment Regulation 2000* and to provide reasonable levels of environmental amenity.

**Approved Plans & Supporting Documentation**

- The development must be implemented substantially in accordance with the plans and supporting documentation listed below and endorsed with Council's approved stamp, except where amended by Council in red and/or by other conditions of this consent:

<b>Plan</b>	<b>Rev.</b>	<b>Drawn by</b>	<b>Stamped</b>
DA01	F	Sgamotta Architects	1 August 2012
DA02	F	Sgamotta Architects	1 August 2012
DA03	G	Sgamotta Architects	7 August 2012
DA04	G	Sgamotta Architects	7 August 2012
DA05	G	Sgamotta Architects	7 August 2012

DA06	G	Sgamotta Architects	7 August 2012
DA07	G	Sgamotta Architects	7 August 2012
DA08	G	Sgamotta Architects	7 August 2012
DA10	F	Sgamotta Architects	1 August 2012
DA11	F	Sgamotta Architects	1 August 2012
DA12	F	Sgamotta Architects	1 August 2012
DA13	F	Sgamotta Architects	1 August 2012
DA14	F	Sgamotta Architects	1 August 2012
DA15	F	Sgamotta Architects	1 August 2012
DA16	F	Sgamotta Architects	1 August 2012
DA18	F	Sgamotta Architects	1 August 2012

#### **Landscaping works**

<b>Plan</b>	<b>Rev.</b>	<b>Drawn by</b>	<b>Stamped</b>
01B	B	Michael Zinn	30 March 2012

#### **BASIX Certificate**

<b>Project</b>	<b>No.</b>	<b>Dated</b>
390-396 Anzac Parade, Kingsford_04	389735M_04	09 August 2012

#### **Amendment of Plans & Documentation**

3. The approved plans and documents must be amended in accordance with the following requirements and details are to be included in the *Construction Certificate*:
  - a) **Front Setback:** The front setback for Level 4 units R4-15, R4-16, R4-17, R4-18 and the corresponding units vertically above through to level 7 (shown on the approved plans as 3.0m) must be increased to 3.2m when measured from the Anzac Parade site boundary frontage to the western edge of any part of the structure.
  - b) **Privacy Screens:** Privacy screens must be added to common terraces as detailed below. The privacy screens must have a height of 1.5m above floor level and must be constructed of metal or timber and the total area of any openings within the privacy screen must not exceed 25% of the area of the screen. Alternatively, the privacy screen may be provided with translucent, obscured, frosted or sandblasted glazing in a suitable frame.
    - i) The length of the eastern and southern edges of the eastern communal terrace shown on level 4.
    - ii) The eastern and southern edges of the eastern communal terrace shown on level 5.
  - c) **Roof Terrace:** The width of the communal terrace (east – west) shown on level seven shall be reduced by 3.4m. The depth of the balcony, when measured from the external wall of unit R7-9, must not exceed 7.032m. The area to the east of the terrace, as amended, must be non trafficable.
  - d) **Awning:** The awning fronting Anzac Parade must be modified to comply with the following dimensions: the western edge of the awning must be setback 600mm from the street kerb; the underside of the awning must be 3.7m above street level; and the awning must not be constructed of opaque material.
4. The building must not exceed a maximum height of 51.84 meters AHD, inclusive of all lift over-runs, vents, chimneys, aerials, antennae (of whatever

type), any roof top garden plantings etc.

5. The building must be obstacle lit at night with low intensity steady red obstacle lights in accordance with the Manuel of Standards for Part 139 of the Civil Aviation Safety Regulations 1998 (Part 139 MOS) Chapter 0, Section 9.4.
6. The proponent must provide SACL with the finished building height (in metres AHD) from a certified surveyor on completion.
7. Approval for cranes required to construct the building should be obtained through SACL before entering into any commitment to construction of the building.

#### **REQUIREMENTS BEFORE A CONSTRUCTION CERTIFICATE CAN BE LODGED**

The following conditions of consent must be complied with before a 'Construction Certificate' is lodged. All necessary information to demonstrate compliance with the following conditions of consent must be submitted to Council prior to lodgement of a construction certificate.

#### **Waste Management**

8. 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 prior to lodgement of a Construction Certificate for the building works.

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.

*Further details of Council's requirements and guidelines, including pro-forma Waste Management plan forms can be obtained from Council's Customer Service Centre.*

9. The Construction Certificate Application must demonstrate compliance with the approved Waste Management Plan.

#### **REQUIREMENTS BEFORE A CONSTRUCTION CERTIFICATE CAN BE ISSUED**

The following conditions of consent must be complied with before a 'Construction Certificate' is issued by either an Accredited Certifier or Randwick City Council. All necessary information to demonstrate compliance with the following conditions of consent must be included in the documentation for the construction certificate.

These conditions have been applied to satisfy the relevant requirements of the *Environmental Planning & Assessment Act 1979*, *Environmental Planning & Assessment Regulation 2000*, Council's development consent conditions and to achieve reasonable levels of environmental amenity.

#### **Consent Requirements**

10. The requirements and amendments detailed in the 'General Conditions' must be complied with and be included in the construction certificate plans and associated documentation.

#### **Section 94A Development Contributions**

11. In accordance with Council's Section 94A Development Contributions Plan effective from 2 July 2007, based on the development cost of \$7,562,069.00 the following applicable monetary levy must be paid to Council: \$75,620.69.

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

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

#### **Long Service Levy Payments**

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

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

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

#### **Security Deposit**

13. The following damage / civil works security deposit requirement must be complied with, as security for making good any damage caused to the roadway, footway, verge or any public place; and 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*:

- \$10000.00 - Damage / Civil Works Security Deposit

The damage/civil works security deposit may be provided by way of a cash, cheque or credit card payment and is refundable upon a satisfactory inspection by Council upon the completion of the civil works which confirms that there has been no damage to Council's infrastructure.

The owner/builder is also requested 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.

To obtain a refund of relevant deposits, a *Security Deposit Refund Form* is to be forwarded to Council's Director of City Services upon issuing of an occupation certificate or completion of the civil works.

#### **Sydney Water Requirements**

14. 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.sydneypwater.com.au](http://www.sydneypwater.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 is required to be obtained before an *occupation certificate* or *subdivision certificate* is issued, whichever the sooner.

### **Street Trees**

15. The applicant shall submit a payment of \$321.75 (including GST), being the cost for Council to supply, install and maintain 3 x 25 litre street trees, *Magnolia grandiflora* 'Little Gem' (Dwarf Magnolia's) within dedicated tree planting pits, spaced evenly along the length of the upgraded Anzac Parade footpath, with the Public Domain Plan needing to consider their location as part of the overall design, and must also match in with other existing street trees in front of the adjoining property to the south.

The contribution shall be paid into **Tree Amenity Income** at the Cashier on the Ground Floor of the Administrative Centre, **prior to a Construction Certificate being issued for the development.**

**The applicant must then contact Council's Landscape Development Officer (9399-0613), quoting the receipt number, and giving at least four working weeks notice, to arrange for planting of the new trees.**

### **Site stability and construction work**

16. A report must be obtained from a suitably qualified and experienced *professional engineer*, which includes the following details, to the satisfaction of the Certifying Authority for the development, prior to the issue of construction certificate:-
- a) Geotechnical details which confirm the suitability and stability of the site for the development and relevant design and construction requirements to be implemented to ensure the stability and adequacy of the development and adjacent land.
  - b) Details of the proposed methods of excavation and support for the adjoining land (including any public place) and buildings.
  - c) Details to demonstrate that the proposed methods of excavation and construction are suitable for the site and should not result in any damage to the adjoining premises, buildings or any public place, as a result of the works and any associated vibration.
  - d) The adjoining land and buildings located upon the adjoining land must be adequately supported at all times throughout demolition, excavation and building work, to the satisfaction of the *Principal Certifying Authority*.
  - e) Written approval must be obtained from the owners of the land to install any ground or rock anchors underneath the adjoining premises (including

any public roadway or public place) and details must be provided to the *Certifying Authority*.

17. A Registered Surveyor's check survey certificate or compliance certificate is to be obtained at the following stage/s of construction, to demonstrate compliance with the approved setbacks, levels, layout and height of the building, to the satisfaction of the Principal Certifying Authority:
- prior to construction of the first constructed floor/floor slab (prior to pouring of concrete),
  - prior to construction of each additional new floor level,
  - upon completion of the building, prior to issuing an occupation certificate,
  - as may be required by the Principal Certifying Authority.

The survey documentation must 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.

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

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

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

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

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

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

RAP is also required to be reviewed by an independent NSW Department of Environment and Conservation (DEC) Accredited Site Auditor.

- ii. The RAP is to be prepared in accordance with the relevant Guidelines made or approved by NSW Department of Environment and Conservation (DEC), including the Guidelines for Consultants Reporting on Contaminated Sites.

This RAP is to include procedures for the following:

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

Any additional conditions that are specified in the Site Audit Statement and Summary Site Audit Report by the EPA accredited site auditor, form part of this consent and Council must be consulted with prior to the development and imposition of any conditions.

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

- v. Remediation works shall be carried out in accordance with the requirements of the Contaminated Land Management Act 1997, environmental planning instruments applying to the site, guidelines made by the NSW Department of Environment and Conservation and Department of Infrastructure Planning & Natural Resources, Randwick City Council's Contaminated Land Policy 1999 and the Protection of the Environment Operations Act 1997.
- vi. The site remediation including ground water must fully comply with all relevant Commonwealth and State Legislation, Regulations and Standards.
- vii. Any fill importation to the site is to be monitored and classified by the Site Auditor appointed for remediation of the site or a person

with his qualifications. Only 'Virgin Excavated Natural Material' (VENM) is to be imported to the site, as defined within the NSW EPA 'Environmental Guidelines; Assessment, Classification and management of Liquid and Non-Liquid Wastes. 1999'.

- viii. A Site Remediation Management Plan must be prepared prior to the commencement of remediation works by a suitably qualified environmental consultant and be implemented throughout remediation works. A copy is to be forwarded to Council. The Site Remediation Management Plan shall include measures to address the following matters:
- general site management, site security, barriers, traffic management and signage
  - hazard identification and control
  - worker health & safety, work zones and decontamination procedures
  - cross contamination
  - site drainage and dewatering
  - air and water quality monitoring
  - disposal of hazardous wastes
  - contingency plans and incident reporting, and
  - details of provisions for monitoring implementation of remediation works including details of the person/consultant responsible.
- ix. Remediation must be completed to the satisfaction of the Accredited Site Auditor and the written concurrence of Council must be obtained prior to the issuing of the construction certificate.
- x. The works shall not give rise to environmental pollution or public nuisance or, result in an offence under the Protection of the Environment Operations Act 1997 or NSW Occupational Health & Safety Act (2000) & Regulations (2001).

#### **Commercial/Retail Suites**

19. A separate development application and construction certificate or a complying development certificate (as applicable) must be obtained for the use and fit out of the commercial premises associated with the development.

#### **Electricity Substation**

20. The applicant must liaise with Ausgrid prior to obtaining a construction certificate (for any above ground works), to determine whether or not an electricity substation is required for the development. 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 relevant construction certificate and landscape plans.

#### **Sydney Water Corporation**

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

The approved plans must be submitted to a Sydney Water Quick Check agent, to determine whether the development will affect Sydney Water's waste water 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 details please refer to the Sydney Water web site at [www.sydneywater.com.au](http://www.sydneywater.com.au) for:



- Quick Check agents details - see *Building and Developing* then Quick Check and
- Guidelines for Building Over/Adjacent to Sydney Water Assets – see *Building and Development* then *Building and Renovating*, or telephone 13 20 92.

The Principal Certifying Authority must ensure that a Sydney Water Quick Check Agent has appropriately stamped the plans.

22. A report must be obtained from a qualified, experienced Geotechnical and/or Hydrogeological Engineer, which provides an assessment of the site and the potential impact of groundwater and the water table upon the development, prior to lodging a Construction Certificate. The report must confirm whether or not the site is, or may be affected by *groundwater* or *fluctuating water table* and the report must include details of the measures to be implemented to effectively manage any groundwater. This report must clearly identify the existing groundwater levels within the development site and potential seepage flows and fully document clearance from the existing groundwater level to the lowest point of any excavation required for construction of the basement level/s. The report must be submitted to Council for approval, and be approved, prior to lodgement of a Construction Certificate for the building works.

#### **REQUIREMENTS TO BE INCLUDED IN THE CONSTRUCTION CERTIFICATE**

The requirements contained in the following conditions of consent must be complied with and details of compliance must be included in the construction certificate for the development.

These conditions have been applied to satisfy the relevant requirements of the *Environmental Planning & Assessment Act 1979*, *Environmental Planning & Assessment Regulation 2000*, Councils development consent conditions and to achieve reasonable levels of environmental amenity.

#### **Compliance with the Building Code of Australia & Relevant Standards**

23. In accordance with section 80A (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).
24. Access and facilities for people with disabilities must be provided in accordance with the relevant requirements of the Building Code of Australia, Disability (Access to Premises – Buildings) Standard 2010, relevant Australian Standards and conditions of consent, to the satisfaction of the Certifying Authority. Details of the required access and facilities for people with disabilities are to be included in the plans/specifications for the construction certificate.

#### **BASIX Requirements**

25. In accordance with section 80A (11) of the *Environmental Planning & Assessment Act 1979* and clause 97A of the *Environmental Planning & Assessment Regulation 2000*, the requirements and commitments contained in the relevant BASIX Certificate must be complied with.

The required commitments listed and identified in the BASIX Certificate must be included on the construction certificate plans, specifications and associated documentation, 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.*

### **Building & Design**

#### **Acoustic Report**

26. A report prepared by a suitably qualified and experienced consultant in acoustics shall be submitted to Council prior to a construction certificate being issued for the development, which demonstrates that noise and vibration emissions from the development will comply with the relevant provisions of the Protection of the Environment Operations Act 1997, Environmental Protection Authority Noise Control Manual & Industrial Noise Policy and relevant conditions of approval. The report is to be prepared in accordance with the NSW Environment Protection Guidelines, namely the Industrial Noise Policy and Environmental Noise Control Manual (sleep disturbance) and the relevant Australian Standard. Protection

#### **Traffic conditions**

27. Adequate provisions are to be made to provide pedestrian visibility and safety. All new walls (and/or landscaping) adjacent to vehicular crossings should not exceed a height of 600mm above the internal driveway level for a distance of 1.5m within the site or new walls (including landscaping) should splayed 1.5 metres by 1.5 metres. Details of compliance, to the satisfaction of the certifying authority, are to be included in the construction certificate documentation.
28. The vehicular access driveways, internal circulation ramps and the carpark areas, (including, but not limited to, the ramp grades, carpark layout and height clearances) are to be in accordance with the requirements of AS2890.1:2004. Particular reference is made to the existing right of carriageway, the applicant **must demonstrate** that the grades of the existing pavement and the transition from the existing pavement to the new internal ramp comply with AS 2890.1-2004. The Construction Certificate plans must demonstrate compliance with these requirements.
29. Plans submitted for the construction certificate shall demonstrate the proposed awnings complying with the following council requirements;
- a) The minimum clear distance from the existing footpath in Anzac Parade to the underside of the proposed awning shall be 3.0 metres.
  - b) All new awnings shall be set back a minimum of 600mm from the face of kerb.
  - c) The Anzac Parade awning must be designed to accommodate street tree planting. The applicant must liaise with Council regarding Council's proposed Anzac Parade street tree planting before finalising the design of the awning.

#### **Design Alignment levels**

30. The Council's Development Engineer has inspected the above site and has determined that the design alignment level (concrete/paved/tiled level) at the property boundary for driveways, access ramps and pathways or the like, shall be as follows:
- Anzac Parade Frontage - 100mm above the top of the kerb at all points opposite the kerb, along the full Anzac Parade site frontage.
  - Harbourne Lane frontage - 25mm above the existing top of the kerb at all points opposite the kerb, along the full Harbourne Lane site frontage.
  - Middle Lane Frontage - 25mm above the existing top of the kerb at all

points opposite the kerb, along the full Middle Lane site frontage.

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

31. The design alignment levels (concrete/paved/tiled level) issued by Council and their relationship to the roadway/kerb/footpath must be indicated on the building plans for the construction certificate. The design alignment level at the street boundary, as issued by the Council, must be strictly adhered to.
32. The above alignment levels and the site inspection by Council's Development Engineering Section have been issued at a prescribed fee of \$1257.00 calculated at \$48.00 (inclusive of GST) per metre of site frontage. This amount is to be paid prior to a construction certificate being issued for the development.
33. The gradient of the internal access driveway must be designed and constructed in accordance with AS 2890.1 (2004) – Off Street Car Parking and the levels of the driveway must match the alignment levels at the property boundary (as specified by Council). Details of compliance are to be included in the construction certificate.

The height of the building must not be increased to satisfy the required driveway gradients.

#### **Stormwater Drainage & Flood Management**

34. The floor level of all habitable, retail, commercial and storage areas (excluding those in the basement carpark) shall be at a minimum RL of 26.80 metres (AHD) or be suitably waterproofed up to this same level. Details demonstrating compliance with this condition are to be included in the construction certificate documentation.
35. The proposed internal driveway shall be designed with a high point at least 300 mm above invert of the gutter in Middle Lane. Details demonstrating compliance with this condition are to be included in the construction certificate documentation. A longitudinal section of the driveway must be provided with the construction certificate plans, at a scale of 1:20 along the extremities and the centreline of the driveway. The sections shall demonstrate compliance with the Council issued alignment level at the property boundary, compliance with Council's requirement for protection of openings from stormwater inundation together with satisfactory ramp grades (and transitions) in accordance with AS 2890.1 (2004) to the satisfaction of the Certifying Authority. The approved plans must be forwarded to Council prior to issuing the Construction Certificate.
36. Windows, vents and other openings into the basement carpark (excluding the driveway opening) are to be located at least 500 mm above the determined 1 in 100 year flood level. Details demonstrating compliance with this condition are to be included in the construction certificate documentation.
37. The ground floor level shall be designed to *structurally* withstand hydrostatic pressure/stormwater inundation from floodwater during the probable maximum flood (PMF) event as defined in the Floodplain Management Manual (New South Wales Government, January 2001). Structural Engineering certification confirming that this condition has been complied with shall be submitted to the certifying authority with the construction certificate.

This requirement does not necessitate the development being flood proof/water tight up to the PMF event, rather the requirement is to ensure that

the development will not be *structurally* damaged in manner that could endanger lives during the PMF event.

38. **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 prepared by a suitably qualified Hydraulic Engineer and 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) 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.

### **Internal Drainage**

39. The site stormwater drainage system is to be provided in accordance with the following requirements;

- a) The stormwater drainage system must be provided in accordance with the relevant requirements of Building Code of Australia and the conditions of this consent, to the satisfaction of the *Certifying Authority* and details are to be included in the construction certificate.
- b) The stormwater must be discharged (by gravity) directly into Council's underground drainage system located in Anzac Parade via a new and/or existing kerb inlet pit.
- c) On-site stormwater detention system must be provided to ensure that the maximum discharge from the site does not exceed that which would occur during a **1 in 5** year storm of one hour duration for existing site

conditions. All other stormwater run-off from the site for all storms up to the 1 in 20 year storm is to be retained on the site for gradual release to the street drainage system, to the satisfaction of the certifying authority.

An overland escape route or overflow system (to Council's street drainage system) must be provided for storms having an average recurrence interval of 100 years (1 in 100 year storm), or, alternatively the stormwater detention system is to be provided to accommodate the 1 in 100 year storm.

- d) Determination of the required cumulative storage (in the on-site detention and/or infiltration system) 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 any detention tanks should have an open base to infiltrate stormwater into the ground. Infiltration should not be used if ground water and/or any rock stratum is within 2.0 metres of the base of the tank.

- e) A reflux valve shall be provided (within the site) over the pipeline discharging from the site to ensure that stormwater from Council drainage system does not surcharge back into the site stormwater system.
- f) Any new kerb inlet pits (constructed within Council's road reserve) are to be constructed generally in accordance with Council's standard detail for the design of kerb inlet pits (drawing number SD6 which is available from Council).
- g) 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 (detention/infiltration) system.
- h) A sediment/silt arrestor pit must be provided within the site near the street boundary prior to discharge of the stormwater to Council's drainage system and prior to discharging the stormwater to any absorption/infiltration system.

Sediment/silt arrestor pits are to be constructed generally in accordance with the following requirements:

- The base of the pit being located a minimum 300mm under the invert level of the outlet pipe.
- The pit being constructed from cast in-situ concrete, precast concrete or double brick.
- A minimum of 4 x 90 mm diameter weep holes (or equivalent) 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 being provided 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 being provided for the access grate (e.g. spring loaded j-bolts or similar).
- Provision of a sign adjacent to the pit stating, "This sediment/silt

arrester pit shall be regularly inspected and cleaned".

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

- i) The floor level of all habitable, retail, commercial and storage areas located adjacent to any detention and/or infiltration systems with above ground storage must be a minimum of 300mm above the maximum water level for the design storm or alternately a permanent 300mm high water proof barrier is to be provided.

*(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).*

- j) The maximum depth of ponding in any above ground detention areas with above ground storage shall be as follows (as applicable):
  - i. 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)
  - ii. 600mm in landscaped areas where the side slopes of the detention area have a maximum grade of 1 in 10
  - iii. 1200mm in landscaped areas where a safety fence is provided around the outside of the detention area
  - iv. Above ground stormwater detention areas must be suitably signposted where required, warning people of the maximum flood level.

*Note: Above ground storage of stormwater is not permitted within basement car parks or store rooms.*

- k) A childproof and corrosion resistant fastening system shall be installed on access grates over pits/trenches where water is permitted to be temporarily stored.
- l) The site stormwater system must be regularly cleaned and maintained to ensure it operates as required by the design.
- m) Site discharge pipelines shall cross the verge at an angle no less than 45 degrees to the kerb line.
- n) Any onsite detention systems shall be located in areas accessible by residents of all units.

#### **Site seepage & Dewatering**

- 40. As the above site may be located in an area with a relatively high water table, (and given that water table levels fluctuate) the design of the basement levels and any sub-soil drainage (from planter boxes etc) must comply with the following requirements:

- a) Ground water and subsoil drainage (from planter boxes etc) **must not be collected** & discharged directly or indirectly to Council's street gutter or underground drainage system
- b) Adequate provision is to be made for the ground water to drain around the basement carpark (to ensure the basement will not dam or slow the

movement of the ground water through the development site).

- c) The walls of the basement level/s of the building are to be fully tanked to restrict the entry of any ground water into the basement level/s of the building and the stormwater drainage system for the development.
  - d) Sub-soil drainage from planter boxes / landscaped areas may discharge via infiltration subject to the hydraulic consultant/engineer being satisfied that the site and soil conditions are suitable and the sub-soil drainage discharge is able to be fully managed within the site, without causing a nuisance to any premises and ensuring that it does not drain or discharge (directly or indirectly) to the street gutter.
  - e) Details of the proposed stormwater drainage system including methods of tanking the basement levels and any sub-soil drainage systems (as applicable) must be prepared or approved by a suitably qualified and experienced *Professional Engineer* to the satisfaction of the Certifying Authority and details are to be included in the **construction certificate**. **A copy of the proposed method for tanking the basement levels must be forwarded to Council if Council is not the Certifying Authority.**
41. The basement levels of the proposed development site may be affected by groundwater and fluctuating water table, (both during the course of construction and post construction). A report must be submitted to and approved by the Certifying Authority, with the **Construction Certificate**, detailing the proposed methods of excavation, managing groundwater and dewatering the site.

The report is to be prepared by a suitably qualified and experienced Geotechnical and/or Hydrogeological Engineer and include:

- Details of compliance with relevant approvals and licences (eg. Council's conditions of consent and Water Licence from the New South Wales Office of Water).
- The proposed method of shoring/piling and dewatering.
- Details of the proposed connection and or disposal of groundwater or construction site stormwater to Council's drainage system.
- The zone of influence of any possible settlement.
- The location of any proposed re-injection points in relation to the property boundaries (where re-injection equipment is to be located on land other than the subject premises, the written consent of the owner must also be provided to Council).
- The program to monitor fluctuations of the water table during dewatering/ construction to be undertaken by consulting engineers to ensure that the conditions of consent and other relevant requirements are satisfied.
- The location of all proposed monitoring equipment in relation to the property boundaries (where monitoring equipment is to be located on land other than the subject premises, the written consent of the owner must also be provided to Council).
- Details of any consultation and arrangements made with owners of any potentially affected nearby premises (i.e. in relation to access, monitoring and rectification of possible damage to other premises)
- Details of groundwater quality and proposed disposal of any potentially contaminated groundwater in accordance with relevant requirements and approvals of the Department of Environment & Climate Change, Council

and the *Protection of the Environment Operations Act 1997*, in an environmentally sensitive manner.

- The location of all pumping equipment in relation to the property boundaries.
- The proposed method of noise attenuation for all pumping equipment, so as not to be more than 5dB (A) greater than the A – weighted L90 background sound pressure level between the hours of 7am to 10pm within any residential premises and not to be audible at all between the hours of 10pm and 7am within any residential dwelling.
- Confirmation that the proposed methods of dewatering and excavation are appropriate and in accordance with 'best practice' principles and should not result in any unacceptable levels of settlement or damage of the adjoining or nearby buildings within the zone of influence.

Any practices or recommendations made by the consulting Engineer/s must be implemented accordingly and the dewatering process must be monitored by the consulting Engineer/s to the satisfaction of the Principal Certifying Authority.

A copy of the reports, certification and details of compliance with the conditions of consent and dewatering requirements must be provided to the Principal Certifying Authority and a copy must be forwarded to the Council.

The site conditions and fluctuations in the water table are to be reviewed by the consulting Engineer prior to and during the excavation/construction process, to ensure the suitability of the excavation and dewatering process and compliance with Council's conditions of consent. Details of compliance must be provided to the satisfaction of the Principal Certifying Authority and a copy must be forwarded to Council.

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

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

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

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

43. Details of the proposed connection and or disposal of any groundwater (i.e. during construction) or construction site stormwater to Council's stormwater drainage system must be submitted to and approved by Council's Development Engineer, prior to commencing these works, in accordance with section 138 of



the *Roads Act 1993*.

Details must include the following information:

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

#### **Landscaping**

44. The Landscape Plan by Michael Zinn – Landscape Designer, dwg no. 01B, project no. 971, revision B, stamped 30 March 2012, shall be amended to include the following details, and must be submitted to, and be approved by, the PCA, prior to the commencement of any site works:
- a. In order to ensure that sufficient soil volume is provided for the establishment of landscaping, a minimum soil depth of 1 metre must be provided throughout the raised planter/s shown on Level 2, and must be graded up to achieve a depth of 2m for the southern half of this area, where it will need to accommodate the larger screening trees/palms.
  - b. In order to add visual interest and create a lush appearance, a minimum of three advanced (100 litre pot/bag size at maturity; or; minimum height of 2 metres at the time of planting) native palms (*Howea*, *Archontophoenix*, *Livistona*) that will achieve a minimum height of 10 metres at maturity, shall be incorporated as accent plantings along the southern boundary in this area, at the expense of some of the trees which are currently shown if necessary.
  - c. Sectional elevations showing proposed ground-lines, elevations, and the mature height of the proposed planting shall be provided to demonstrate compliance with these requirements.
  - d. Additional notation showing soil and mulch details, irrigation details, edging, paving, fencing details, surface finishes, lighting, retaining wall details, and any other landscape elements in sufficient detail to fully describe the proposed landscape works.
  - e. To ensure satisfactory maintenance of the landscaped areas, an automatic drip irrigation system shall be installed throughout all planted areas. Details shall be provided showing that the system will be connected to the sites rainwater tanks, with back-up connection to the mains supply, in accordance with all current Sydney Water requirements.
  - f. All detention tanks and below ground stormwater infiltration systems located within the landscaped areas shall have a minimum soil cover of

1 metre to ensure sufficient soil depth to permit the establishment of landscaping.

#### **REQUIREMENTS PRIOR TO THE COMMENCEMENT OF ANY WORKS**

The following conditions of consent must be complied with prior to the commencement of any works on the site. The necessary documentation and information must be provided to the Council or the *'Principal Certifying Authority'*, as applicable.

These conditions have been applied to satisfy the relevant requirements of the *Environmental Planning & Assessment Act 1979*, *Environmental Planning & Assessment Regulation 2000* and to provide reasonable levels of public health, safety and environmental amenity.

#### **Certification and Building Inspection Requirements**

45. 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 and the requirements of the *Home Building Act 1989* must be satisfied 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 any works.

46. 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 any relevant Certificate of Insurance) must be provided to the Principal Certifying Authority and Council prior to commencement of works.

#### **Home Building Act 1989**

47. 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 Home Warranty Insurance or a copy of the Owner-Builder Permit (as applicable) must be provided to the Principal Certifying Authority and Council.

**Dilapidation Reports**

48. 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 and ancillary structures located upon all of the premises adjoining the subject site (e.g. dwellings, residential flat buildings, commercial/industrial building, garages, carports, verandah's, fences, retaining walls, swimming pools and driveways etc).

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

**Construction Noise & Vibration Management Plan**

49. A *Construction Noise & Vibration Management Plan*, prepared in accordance with the Department of Climate Change Guidelines for Construction Noise and Assessing Vibration, by a suitably qualified person, is to be developed and implemented prior to commencing site work and throughout the course of construction.

- a) Noise and vibration emissions during the construction of the building and associated site works must not result in damage to nearby premises or result in an unreasonable loss of amenity to nearby residents.

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.

- b) The *Construction Noise & Vibration Management Plan* must include details of measurements, analysis and relevant criteria and demonstrate that the noise and vibration emissions from the work satisfy the relevant provisions of the *Protection of the Environment Operations Act 1997*, current DECC Guidelines for Construction Noise and Assessing Vibration and Councils conditions of consent.
- c) A further report/correspondence must be obtained from the consultant as soon as practicable upon the commencement of works, which reviews and confirms the implementation and suitability of the noise and vibration strategies in the *Construction Noise & Vibration Management Plan* and which demonstrates compliance with relevant criteria.
- d) Any recommendations and requirements contained in the *Construction Noise & Vibration Management Plan* and associated reports are to be implemented accordingly and should noise and vibration emissions not comply with the terms and conditions of consent, work must cease forthwith and is not to recommence until details of compliance are submitted to Council and the PCA.

A copy of the *Construction Noise & Vibration Management Plan* and associated acoustic/vibration report/s must be maintained on-site and a copy must be provided to Council and the Principal Certifying Authority accordingly.

**Temporary Site Fencing**

50. Temporary site safety fencing must be provided to the perimeter of the site

throughout demolition, excavation and construction works.

Temporary site fences must have a height of 1.8 metres and be a cyclone wire fence (with geotextile fabric attached to the inside of the fence to provide dust control), or heavy-duty plywood sheeting (painted white), or other material approved by Council.

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

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

*If it is proposed to locate any site fencing, hoardings, amenities or articles upon any part of the footpath, nature strip or public place at any time, a separate Local Approval application must be submitted to and approved by Council's Health, Building & Regulatory Services before placing any fencing, hoarding or other article on the road, footpath or nature strip.*

#### **Construction Site Management**

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

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

The site management measures must be implemented prior to the commencement of any site works and be maintained throughout the works, to the satisfaction of Council.

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

#### **Demolition Work Plan**

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

environmental/occupational health and safety requirements.

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 (including asbestos)
- Other relevant details, measures and requirements to be implemented
- Details of re-use, recycling and disposal of waste materials
- 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 those works.

#### **Notes**

- *It is the responsibility of the persons undertaking demolition work to obtain the relevant WorkCover licences and permits.*
- *Refer to the conditions within the "Requirements During Construction & Site Work", for further details and requirements relating to demolition work, removal of any asbestos and public safety.*

#### **Public Liability**

53. The owner/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 the Principal Certifying Authority and Council.

#### **Construction Traffic Management**

54. An application for a 'Works Zone' must be submitted to Councils Integrated Transport Department, and approved by the Randwick Traffic Committee, for a 'Works Zone' to be provided at a suitable location for the duration of the demolition & construction works.

The 'Works Zone' must have a minimum length of 18m and extend for a minimum duration of three months. The suitability of the proposed length and duration is to be demonstrated in the application for the Works Zone. The application for the Works Zone must be submitted to Council at least six (6) weeks prior to the commencement of work on the site to allow for assessment and tabling of agenda for the Randwick Traffic Committee.

The requirement for a Works Zone may be varied or waived only if it can be demonstrated in the Construction Traffic Management Plan (to the satisfaction of Council's Traffic Engineers) that all construction related activities (including all loading and unloading operations) can and will be undertaken wholly within the site. The written approval of Council must be obtained to provide a Works Zone or to waive the requirement to provide a Works Zone prior to the commencement of any site work.

55. A detailed *Construction Site Traffic Management Plan* must be submitted to and approved by Council, prior to a construction certificate being issued for the development.

The Construction Site Traffic Management Plan must be prepared by a suitably qualified person and must include the following details, to the satisfaction of Council:

- A description of the demolition, excavation and construction works
  - A site plan/s showing the site, roads, footpaths, site access points and vehicular movements
  - Any proposed road and/or footpath closures
  - Proposed site access locations for personnel, deliveries and materials
  - Size, type and estimated number of vehicular movements (including removal of excavated materials, delivery of materials and concrete to the site)
  - Provision for loading and unloading of goods and materials
  - Impacts of the work and vehicular movements on the road network, traffic and pedestrians
  - Proposed hours of construction related activities and vehicular movements to and from the site
  - Current/proposed approvals from other Agencies and Authorities (including NSW Roads & Traffic Authority, Police and State Transit Authority)
  - Any activities proposed to be located or impact upon Council's road, footways or any public place
  - Measures to maintain public safety and convenience
56. Any necessary approvals must be obtained from NSW Police, Roads & Maritime Services, Transport, and relevant Service Authorities, prior to commencing work upon or within the road, footway or nature strip.

#### **Public Domain Upgrades**

57. The applicant shall meet all costs associated with upgrading the Anzac Parade, Harbourne Lane and Middle Lane frontages in accordance with Council's Urban Design Elements Manual for the Kingsford Commercial Centre. All works carried out on Council property, shall be in accordance with Council's requirements for Civil Works on Council property.

A detailed streetscape plan for all three frontages showing proposed paving design, street furniture, street trees, tree squares/pits/guards, grades, finished levels, extent and location of awnings, doors/entranceways, posts, poles, signage, services and any other details required by Council's Landscape Architect shall be submitted to, and be approved by, Council's Director of City Services, prior to commencement of any external works.

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

The approved streetscape works must be completed to the satisfaction of Council's Landscape Architect and Pre-paid Works Designer, prior to the issue of a Final (or any type of Interim) Occupation Certificate.

#### **Civil Works**

58. A separate written approval from Council is required to be obtained in relation to all works which are located externally from the site within the road

reserve/public place, in accordance with the requirements of the Roads Act 1993. Detailed plans and specifications of the proposed works are to be submitted to and approved by the Director of City Services prior to commencing any works within the road reserve/public place.

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

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

#### **Public Utilities**

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

Documentary evidence from the relevant public utility authorities confirming that their requirements have been or are able to be satisfied, must be submitted to the principal certifying authority prior to the commencement of any demolition, excavation or building works.

60. The owner/builder must make the necessary arrangements and meet the full cost for telecommunication companies, gas providers, Ausgrid, Sydney Water and other service authorities to adjust, repair or relocate their services as required.

#### **REQUIREMENTS DURING CONSTRUCTION & SITE WORK**

The following conditions of consent must be complied with during the demolition, excavation and construction of the development.

These conditions have been applied to satisfy the relevant requirements of the *Environmental Planning & Assessment Act 1979*, *Environmental Planning & Assessment Regulation 2000* and to provide reasonable levels of public health, safety and environmental amenity during construction.

#### **Inspections during Construction**

61. The building works must be inspected by the *Principal Certifying Authority*, 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).

#### **Building & Demolition Work Requirements**

62. All work and activities must be carried out in accordance with the relevant regulatory requirements and Randwick City Council policies, including:
- Work Health and Safety Act 2011
  - 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
- Protection of the Environment Operations (Waste) Regulation 2005
- Relevant Office of Environment & Heritage / Environment Protection Authority (EPA) and WorkCover NSW Guidelines.
- Randwick City Council Asbestos Policy (adopted 13 September 2005)

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

### **Removal of Asbestos Materials**

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

- Occupational Health & Safety legislation and WorkCover NSW requirements
- Randwick City Council's Asbestos Policy
- A WorkCover licensed demolition or asbestos removal contractor must undertake removal of more than 10m<sup>2</sup> of bonded asbestos (or as otherwise specified by WorkCover or relevant legislation). Removal of friable asbestos material must only be undertaken by contractor that holds a current friable asbestos removal licence. A copy of the relevant licence must be provided to the Principal Certifying Authority.
- 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*. Details of the landfill site (which must be lawfully able to receive asbestos materials) must be provided to the Principal Certifying Authority.
- A Clearance Certificate or Statement, prepared by a suitably qualified person (ie an occupational hygienist, licensed asbestos removal contractor, building consultant, architect or experienced licensed building contractor), must be provided to Council and the Principal certifying authority upon completion of the asbestos related works which confirms that the asbestos material have been removed appropriately and the relevant conditions of consent have been satisfied.

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

### **Sediment & Erosion Control**

64. Sediment and erosion control measures, must be implemented throughout the site works in accordance with the manual for Managing Urban Stormwater – Soils and Construction, published by Landcom, to Council's satisfaction.

Details must be shown in a *Sediment and Erosion Control Plan*, including; 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.

A copy of the Sediment and Erosion Control 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.

#### **Dust Control**

65. 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.*
- *Landscaping and revegetation of disturbed areas.*

#### **Public Safety & Site Management**

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

- Building materials, sand, soil, waste materials, construction equipment or other articles must not be placed upon the footpath, roadway or nature strip at any time.
- The road, footpath, vehicular crossing and nature strip must be maintained in a good, safe, clean condition and free from any excavations, obstructions, trip hazards, goods, materials, soils or debris at all times. Any damage caused to the road, footway, vehicular crossing, nature strip or any public place must be repaired immediately, to the satisfaction of Council.
- 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.
- 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 department.

#### **Excavations, Back-filling & Retaining Walls**

67. 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 must 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.

Details of proposed retaining walls, shoring or piling are to be submitted to and approved by the *Principal Certifying Authority* prior to commencing such excavations or works.

#### **Support of Adjoining Land**

68. 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.

69. 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.

#### **Site Signage**

70. 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".

#### **Restriction on Working Hours**

71. Building, demolition and associated site works must be carried out in accordance with the following requirements:

Activity	Permitted working hours
All building, demolition and site work, including site deliveries (except as detailed below)	<ul style="list-style-type: none"> <li>Monday to Friday - 7.00am to 5.00pm</li> <li>Saturday - 8.00am to 5.00pm</li> <li>Sunday &amp; public holidays - No work permitted</li> </ul>
Excavating of rock, use of jack-hammers, pile-drivers, vibratory rollers/compactors or the like	<ul style="list-style-type: none"> <li>Monday to Friday - 8.00am to 1.00pm only</li> <li>Saturday - No work permitted</li> <li>Sunday &amp; public holidays - No work permitted</li> </ul>
Additional requirements for all development	<ul style="list-style-type: none"> <li>Saturdays and Sundays where the preceding Friday and/or the following Monday is a public holiday - No work permitted</li> </ul>

*An application to vary the abovementioned hours may be submitted to Council's Manager Health, Building & Regulatory Services for consideration and approval to vary the specified hours may be granted in exceptional circumstances and for limited occasions (e.g. for public safety, traffic management or road safety reasons). Any applications are to be made on the standard application form and include payment of the relevant fees and supporting information. Applications must be made at least 10 days prior to the date of the proposed work and the prior written approval of Council must be obtained to vary the standard permitted working hours.*

#### **Survey Requirements**

72. A Registered Surveyor's check survey certificate or other suitable documentation must be obtained at the following stage/s of construction to demonstrate compliance with the approved setbacks, levels, layout and height of the building to the satisfaction of the Principal Certifying Authority (PCA):
- prior to construction (pouring of concrete) of footings and retaining structures,
  - prior to construction (pouring of concrete) of each floor slab,
  - upon completion of the building, prior to issuing an *Occupation Certificate*,
  - as otherwise may be required by the PCA.

The survey documentation must 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 for the development.

#### **Building Encroachments**

73. There must be no encroachment of any structures or building work onto Council's road reserve, footway, nature strip or public place.

#### **Road/Asset Opening Permit**

74. 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) 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.
- 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) 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* or occupation of the development (whichever is sooner).
- e) Excavations and trenches must be back-filled and compacted in accordance with AUSPEC standards 306U.
- f) 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.
- g) Excavations or trenches located upon turfed areas are required to be back-filled, compacted, top-soiled and re-turfed with Kikuyu turf.
- h) 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.
- 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) 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.
- k) 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.

#### **Traffic Management**

- 75. Adequate provisions must be made to ensure pedestrian safety and traffic flow during the site works and traffic control measures are to be implemented in accordance with the relevant provisions of the Roads and Traffic Manual "Traffic Control at Work Sites" (Version 4), to the satisfaction of Council.
- 76. 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.
- 77. All conditions and requirements of the NSW Police, Roads & Maritime Services, Transport and Council must be complied with at all times.

#### **Stormwater Drainage**

78. Adequate provisions must be made to collect and discharge stormwater drainage during construction of the building to the satisfaction of the principal certifying authority.

The prior written approval of Council must be obtained to connect or discharge site stormwater to Council's stormwater drainage system or street gutter.

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

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

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

#### **Street Awning**

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

#### **REQUIREMENTS PRIOR TO THE ISSUE OF AN OCCUPATION CERTIFICATE**

The following conditions of consent must be complied with prior to the 'Principal Certifying Authority' issuing an 'Occupation Certificate'.

*Note: For the purpose of this consent, any reference to 'occupation certificate' shall also be taken to mean 'interim occupation certificate' unless otherwise stated.*

These conditions have been applied to satisfy the relevant requirements of the *Environmental Planning & Assessment Act 1979*, *Environmental Planning & Assessment Regulation 2000*, Council's development consent and to maintain reasonable levels of public health, safety and amenity.

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

#### **Occupation Certificate Requirements**

83. An Occupation Certificate must be obtained from the Principal Certifying Authority prior to any occupation of the building work encompassed in this development consent (including alterations and additions to existing buildings), in accordance with the relevant provisions of the *Environmental Planning & Assessment Act 1979*.

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

#### **Fire Safety Certificate Requirements**

84. Prior to issuing an interim or final Occupation Certificate, a single and complete

Fire Safety Certificate, which encompasses all of the essential fire safety measures contained in the *fire safety schedule* must be obtained and be submitted to Council, in accordance with the provisions of the *Environmental Planning and Assessment Regulation 2000*. The *Fire safety Certificate* must be consistent with the *Fire Safety Schedule* which forms part of the Construction Certificate.

A *Fire Safety Statement* must be provided to the Council on an annual basis, each year following the issue of a *Fire Safety Certificate*, which confirms that all the fire safety measures are operating in accordance with the relevant standards of performance.

A copy of the *Fire Safety Certificate/Fire Safety Statement* must be displayed in the building entrance/foyer at all times and a copy must also be forwarded to Fire and Rescue NSW.

#### **Structural Certification**

85. A Certificate must be obtained from a *professional engineer*, which certifies that the building works satisfy the relevant structural requirements of the Building Code of Australia and approved design documentation, to the satisfaction of the *Principal Certifying Authority*. A copy of which is to be provided to Council.

#### **Sydney Water Certification**

86. The Section 73 Certificate must be submitted to the Principal Certifying Authority prior to issuing an Occupation Certificate or Subdivision Certificate (whichever the sooner).

#### **BASIX Requirements & Certification**

87. 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 any relevant BASIX commitments and requirements have been satisfied.

Relevant documentary evidence of compliance with the BASIX commitments is to be forwarded to the *Principal Certifying Authority* and Council upon issuing an Occupation Certificate.

#### **Occupant Safety - Windows**

88. Openable windows to a room, corridor, stairway or the like with a floor level more than 4m above the external ground/surface level, must be designed and constructed to reduce the likelihood of a child accessing and falling through the window opening.

Options may include one or more of the following measures:

- The window having a minimum sill height of 1.5m above the internal floor level,
- Providing a window locking device at least 1.5m above the internal floor level,
- Fixing or securing the window (e.g. by screws or a window locking device) to restrict or to be able to secure the extent of the opening to a maximum width of 125mm,
- Installing a fixed heavy-duty gauge metal screen over the opening (e.g. A metal security screen or metal security mesh and frame system, but not standard fly-screen material),
- Other appropriate effective safety measures or barrier.

The relevant safety measures must be implemented prior to the issue of an Occupation Certificate.

**Noise Control Requirements & Certification**

89. The operation of 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 Office of Environment and Heritage (EPA) Noise Control Guidelines.

90. A report must be obtained from a suitably qualified and experienced consultant in acoustics, which demonstrates and certifies that noise and vibration from any plant and equipment (e.g. mechanical ventilation systems and air-conditioners) satisfies the relevant provisions of the *Protection of the Environment Operations Act 1997*, NSW Office of Environment and Heritage (EPA) Noise Control Manual, Industrial Noise Policy and Council's development consent.

A copy of the report must be provided to the *Principal Certifying Authority* and Council prior to an occupation certificate being issued.

**Landscaping Certification**

91. Prior to the PCA issuing a Final (or any type of interim) Occupation Certificate, certification from a qualified professional in the landscape/horticultural industry must be submitted to the PCA, confirming that landscaping at this site has been installed substantially in accordance with the amended Landscape Plan by Michael Zinn – Landscape Designer, dwg no. 01B, project no. 971, revision B, stamped 30 March 2012, as well as the relevant conditions of consent, with the owner/s to implement strategies to ensure that the landscaping is maintained in a healthy and vigorous state until maturity.

**Council's Infrastructure, Vehicular Crossings & Road Openings**

92. The owner/developer must meet the full cost for Council or a Council approved contractor to:
- a) Construct commercial strength concrete vehicular crossings and laybacks at kerb opposite the vehicular entrances to the site.
  - b) Remove any redundant concrete vehicular crossings and laybacks and to reinstate the area with concrete footpath, turf and integral kerb and gutter to Council's specification.
  - c) Construct new kerb and gutter for the full site frontage in Harbourne Lane & Middle Lane as required by Council's Asset Infrastructure Services Department. Note: the new kerb and gutter in Middle lane will be located 1.2 metres off the Middle Lane site boundary after the required dedication for road widening of Middle Lane has occurred. This will allow the carriageway in Middle Lane to be widened a minimum of 0.6 metres.
  - d) Carry out a full depth, minimum 2.5 metre wide, road construction in front of the kerb and gutter along the full site frontage in both Harbourne Lane & Middle St as required by Council's Asset Infrastructure Services Department.
  - e) Re/construct drainage pits in Harbourne Lane as required by Council's Drainage Engineer.

- f) Construct footpaths along the full site frontages to Council Urban Design Guideline specifications.
  - g) Supply & install signage along both the Harbourne Lane & Middle Lane frontages as required by Council.
93. Prior to issuing a final occupation certificate or occupation of the development (whichever is sooner), the owner/developer 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.
94. The applicant shall, at no cost to Council, dedicate a 1.2 metre wide strip of land for road widening purposes along the Middle Lane frontage of the site. This condition is required to maintain or improve existing traffic conditions in Middle Lane, to facilitate turning manoeuvres in and out of the site and to provide a provide a trafficable footpath along the Middle Lane frontage.
95. The applicant shall, at no cost to Council, dedicate a 0.6 metre wide strip of land for road widening purposes along the Harbourne Lane frontage of the site. This condition is required so as to provide a trafficable footpath along the Harbourne Lane frontage.
96. The applicant shall, at no cost to Council, dedicate a 2 metre x 2 metre splay corner for road widening purposes on the north/west corner of the development site, (intersection of Harbourne Lane & Anzac Parade). Note: the splayed corners are to be taken from the new property boundaries after road dedication in Harbourne Lane has been made.
97. The applicant shall, at no cost to Council, dedicate a 1.5 metre x 1.5 metre splay corner for road widening purposes on the north/east corner of the development site, (intersection of Harbourne Lane & Middle Lane). Note: the splayed corners are to be taken from the new property boundaries after road dedication in Harbourne & Middle Lanes have been made.
98. All external civil work to be carried out on Council property (including the installation and repair of roads, footpaths, vehicular crossings, kerb and guttering and drainage works), must be carried out in accordance with Council's Policy for "Vehicular Access and Road and Drainage Works" and the following requirements:
- a) All work on Council land must be carried out by Council, unless specific written approval has been obtained from Council to use non-Council contractors.
  - b) Details of the proposed civil works to be carried out on Council land must be submitted to Council in a Pre-paid Works Application Form, prior to an occupation certificate being issued for the development, together with payment of the relevant fees.
  - c) If it is proposed to use non-Council contractors to carry out the civil works on Council land, the work must not commence until the written approval has been obtained from Council and the work must be carried out in accordance with the conditions of consent, Council's design details and payment of a Council design and supervision fee.
  - d) The civil works must be completed in accordance with Council's conditions of consent and approved design and construction documentation, prior to occupation of the development, or as otherwise approved by Council in



writing.

### **Sydney Water Requirements**

99. A section 73 Compliance Certificate, under the Sydney Water Act 1994 must be obtained from Sydney Water Corporation. An Application for a Section 73 Certificate must be made through an authorised Water Servicing Coordinator. For details, please refer to the Sydney Water web site [www.sydneywater.com.au](http://www.sydneywater.com.au) > Building and developing > Developing your Land > Water Servicing Coordinator or telephone 13 20 92.

Please make early contact with the Water Servicing Co-ordinator, as building of water/sewer extensions may take some time and may impact on other services and building, driveway or landscape design.

The Section 73 Certificate must be submitted to the Principal Certifying Authority and the Council **prior to issuing an Occupation Certificate.**

100. The applicant shall meet the full cost for the overhead power lines and any telecommunication cables located along the Anzac Parade, Harbourne Lane and Middle Lane site frontages to be relocated underground. The applicant shall liaise directly with the relevant service utility authorities to organise for the cables to be relocated. All 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.

### **Stormwater Drainage**

101. 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 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 on the use of land" and "positive covenant" are to be to the satisfaction of Council. A copy of Council's standard wording/layout for the restriction and positive covenant may be obtained from Council's Development Engineer.
  - b. The works as executed drainage plan and hydraulic certification must be submitted to Council prior to the "restriction on the use of land" and "positive covenant" being executed by Council.
102. A works-as-executed drainage plan prepared by a registered surveyor and approved by a suitably qualified and experienced hydraulic consultant/engineer must be forwarded to the Principal Certifying Authority and the Council. The works-as-executed plan must include the following details (as applicable):
- The location of any detention basin/s with finished surface levels;
  - Finished site contours at 0.2 metre intervals;
  - Volume of storage available in any 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).
103. The applicant shall submit to the Principal Certifying Authority (PCA) and Council, certification from a suitably qualified and experienced Hydraulic

Engineer, which confirms that the design and construction of the stormwater drainage system complies with the Building Code of Australia, Australian Standard AS3500.3:2003 (Plumbing & Drainage- Stormwater Drainage) and conditions of this development consent. The certification must be provided following inspection/s of the site stormwater drainage system by the Hydraulic Engineers to the satisfaction of the PCA.

104. The applicant shall submit to the Principal Certifying Authority (PCA) and Council certification from a suitably qualified and experienced professional Engineer, to the satisfaction of the Principal Certifying Authority confirming that the basement tanking/waterproofing and any sub-soil drainage systems (as applicable) have been provided in accordance with the conditions of consent and relevant Standards.

#### **Waste Management**

105. Prior to the occupation of the development, the owner or applicant is required to contact Council's City Services department, to make the necessary arrangements for the provision of waste services for the premises.
106. The waste storage areas shall be clearly signposted.

#### **OPERATIONAL CONDITIONS**

The following operational conditions must be complied with at all times, throughout the use and operation of the development.

These conditions have been applied to satisfy the relevant requirements of the *Environmental Planning & Assessment Act 1979*, *Environmental Planning & Assessment Regulation 2000*, Council's development consent and to maintain reasonable levels of public health and environmental amenity.

#### **The following conditions are applied to ensure proper operation and management of the subject boarding house:**

107. The boarding house premises shall be operated in accordance with the definition of "boarding house" as stipulated in Randwick Local Environmental Plan 1998. Accommodation is not to be provided on a temporary basis to persons whose principal place of residence is elsewhere and/or for tourism purposes.
108. Each proposed dwelling unit within the development, with the exception of the manager's room / caretaker's flat, shall accommodate a maximum of 2 residents at all times. In addition, the above dwelling units shall only be leased to related family members or couples. The manager / caretaker shall be responsible for ensuring that this requirement is adhered to by validating relevant personal details before admission. This condition is to ensure that strangers are not sharing the units and potentially altering the approved use of the premises.
109. The manager / caretaker of the boarding house must reside on the premises and must be a person over the age of 18 years.
110. The manager / caretaker shall be accommodated in the unit entitled "Manager's Room" as indicated on the approved drawings.
111. The use and occupation of the communal courtyards and terraces within the premises shall be restricted to a curfew of no later than 10:00pm and no earlier than 7:00am.
112. The manager shall ensure that a notice is placed near the entrance to the property in a visible position to the public, advising of the manager's /

caretaker's name and contact number.

113. Each occupant shall be furnished with a set of house rules (i.e. a Plan of Management as required by this consent) and that no variation shall be permitted without the further approval of Council.
114. The manager / caretaker shall maintain a record of all residents with details of their names, length of stay and number of persons in each room. This information shall be stored for a minimum of 12 months on site and made available to Council's Officers upon request.
115. All residents in the boarding house are to sign a lease or license agreeing to comply with the approved Plan of Management for the boarding house, with the length of the lease to be determined by the management.
116. The individual rooms and common areas of the boarding house, including the Common Room, toilet, outdoor communal courtyards and terrace areas shall be maintained in a clean and tidy condition at all times.
117. The following facilities are to be provided for each of the proposed dwelling units within the development:
  - (a) A washing machine, and
  - (b) A refrigerator unit (for example, a bar fridge), and
  - (c) A stove-top with two burners, and
  - (d) A ceiling fan, and
  - (e) All furniture and facilities proposed to be provided to the dwelling units as listed under Section 7.0 *Operation and Management* of the submitted Statement of Environmental Effects, prepared by Cracknell and Lonergan, Architects, that accompanies this development application.
118. A Plan of Management (PoM), prepared with the advice of an independent, suitably qualified and experienced consultant in acoustics, shall be submitted to Council and accepted in writing by the Manager of Health, Building and Regulatory Services, prior to the issue of the Construction Certificate.

The Plan of Management shall contain suitable measures and procedures to achieve the following:

- Ensure compliance with the relevant conditions of approval.
- Minimise the potential impacts as a result of the operation of the premises upon nearby residents.
- effectively minimise and manage anti-social behaviour.
- Ensure a clean and comfortable living environment for occupants.

The Plan of Management shall include, but not necessarily be limited to, the following information and control measures:

- Details of the role and responsibilities of the on-site management including: daily operation and administration, cleaning, maintenance of garden areas and landscaping, compliance with the Plan of Management and emergency management (e.g. fire evacuation).
- Information relating to staffing arrangement, including the location and 24-hour contact details of the site manager / caretaker.
- Measures to ensure proper maintenance and monitoring of cleanliness of all common areas, including the Common Room, toilet and outdoor courtyard.
- Time restrictions on the use of common areas within the development, such as the indoor common Room, roof terrace and outdoor courtyard

areas.

- Details of cleaning and vermin control, including information that indicates how regular the shared facilities (e.g. common Room and associated toilet and kitchenette areas) are cleaned to a professional standard.
- Details of house rules, which shall be provided to all residents, including:
  - The maximum number of residents per room
  - Measures for ensuring that guests do not stay overnight and exceed an appropriate number
  - Guest behaviour / visitor policy
  - Activities and noise control
  - Operation hours of the communal courtyard and common areas
  - Prohibition of alcohol and drug consumption
  - Permissible use and prohibited use of external balconies (e.g. prohibiting the storage of excessive furniture and late night social gatherings in the balconies, etc.)
- Measures to minimise unreasonable amenity impacts on the living, bedroom and other areas of the adjoining developments. Specifically, the Plan of Management is to specify measures that will minimise noise from the outdoor spaces and balconies of the boarding house.
- Details of internal signage including:
  - Contact details of the on-site manager / caretaker
  - Emergency contact numbers for essential services, such as fire brigade, ambulance, police and utilities (i.e. gas, electricity)
  - Egress routes and any evacuation plan
  - Means of contacting emergency services in the event of emergency (i.e. where landline telephone is provided within the boarding house)
- Waste minimisation and recycling strategies and practices.

119. The boarding house premises shall be operated in accordance with the approved Plan of Management at all times.

120. Places of Shared Accommodation must comply with the *Local Government (General) Regulation 2005* and the premises must be registered with the Council, and the approved registration/inspection fee is to be forwarded to Council **prior to issuing an occupation certificate**.

#### **Environmental Amenity**

121. External lighting to the premises must be designed and located so as to minimise light-spill beyond the property boundary or cause a public nuisance.

122. Street numbering must be provided to the front of the premises in a prominent position, in accordance with the Australia Post guidelines and AS/NZS 4819 (2003) to the satisfaction of Council.

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.

123. Each boarding room must be occupied by no more than two people at any one time.

124. The use of internal common areas must be restricted to 6:00am to 11:00am.

125. The use of external common areas including the ground floor courtyard and terraces must be restricted to 7:00am to 10:00pm.
126. Adequate provisions are to be made within the premises for the storage and removal of waste and recyclable materials, to the satisfaction of Council and the location, collection, storage and removal of wastes generated within the premises must not result in a public health nuisance or cause pollution.

**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:**

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

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

128. 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.
129. The use and operation of the premises shall not give rise to an environmental health or public nuisance.
130. There are to be no emissions or discharges from the premises, which give rise to a public nuisance or result in an offence under the Protection of the Environment Operations Act 1997 and Regulation.

**Stormwater Detention**

131. The detention area must be regularly cleaned and maintained to ensure it functions as required by the design.

**GENERAL ADVISORY NOTES**

The following information is provided for your assistance to ensure compliance with the *Environmental Planning & Assessment Act 1979*, *Environmental Planning & Assessment Regulation 2000*, or other relevant legislation and requirements. This information does not form part of the conditions of development consent pursuant to Section 80A of the Act.

- A1 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 requirements is an offence, which renders the responsible person liable to a maximum penalty of \$1.1 million. Alternatively, Council may issue a penalty infringement notice (for up to \$1,500) for each offence. Council may also issue notices and orders to demolish unauthorised or non-complying building work, or to comply with the requirements of Council's development consent.

- A2 Demolition, building or excavation work must not be commenced until;
- A Construction Certificate has been obtained from an Accredited Certifier

- or Council
- An Accredited Certifier or Council 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.
- A3 This determination does not include an assessment of the proposed works under the Building Code of Australia (BCA), Disability (Access to Premises – Buildings) Standards 2010 and other relevant Standards. All new building work (including alterations and additions) must comply with the BCA and relevant Standards. You are advised to liaise with your architect, engineer and building consultant prior to lodgement of your construction certificate.
- A4 Any proposed amendments to the design and construction of the building may require a new development application or a section 96 amendment to the existing consent to be obtained from Council, before carrying out such works
- A5 Council's *Building Approvals & Certification team* can issue Construction Certificates and be your Principal Certifying Authority for the development, to undertake inspections and ensure compliance with the development consent, relevant building regulations and standards of construction. For further details contact Council's *Building Approvals & Certification team* on 9399 0944.
- A6 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.
- A7 This consent 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 land owner or principal contractor must obtain:
- the consent of the owners of such adjoining or supported land to trespass or encroach, or
  - an access order under the *Access to Neighbouring Land Act 2000*, or
  - an easement under section 88K of the *Conveyancing Act 1919*, or
  - 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).
- A8 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 any adjoining land.
- A9 Finished ground levels external to the building are to be consistent with the development consent and are not to be raised, other than for the provision of approved paving or the like on the ground.
- A10 Prior to commencing any works, the owner/builder should contact *Dial Before You Dig* on 1100 or [www.dialbeforeyoudig.com.au](http://www.dialbeforeyoudig.com.au) and relevant Service Authorities, for information on potential underground pipes and cables within the vicinity of the development site.

- A11 A Local Approval application must be submitted to and be approved by Council's Building Approvals & Certification team prior to commencing any of the following activities on a footpath, road, nature strip or in any public place: -
- Install or erect any site fencing, hoardings or site structures
  - Operate a crane or hoist goods or materials over a footpath or road
  - Placement of a waste skip or any other container or article.

For further information please contact Council's Building Approvals & Certification team on 9399 0944.

- A12 The necessary development consent and a construction certificate or a complying development certificate (as applicable) must be obtained for proposed external plant and equipment, if not included in this consent.

- A13 An application must be submitted to and approved by Council prior to the installation and operation of any proposed greywater or wastewater treatment systems, in accordance with the *Local Government Act 1993*.

Greywater/Wastewater treatment systems must comply with the relevant requirements and guidelines produced by NSW Health, NSW Office of Environment and Heritage and other relevant regulatory requirements.

- A14 Swimming/spa pool plant and equipment shall not be operated during the following hours if the noise emitted can be heard within a habitable room in any other residential premises, or, as otherwise specified in relevant Noise Control Regulations:

- before 8.00am or after 8.00pm on any Sunday or public holiday; or
- before 7.00am or after 8.00pm on any other day.

- A15 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.

**MOTION: (Andrews/Matson) CARRIED - SEE RESOLUTION.**

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

<b>FOR</b>	<b>AGAINST</b>
Councillor Andrews	Councillor Smith
Councillor Belleli	
Councillor Bowen	
Councillor D'Souza	
Councillor Garcia	
Councillor Matson	
Councillor Moore	
Councillor Nash	
Councillor Neilson	
Councillor Roberts	
Councillor Shurey	
Councillor Stavrinou	
Councillor Stevenson	
<b>Total (13)</b>	<b>Total (1)</b>

**CP67/12 Director City Planning Report - 10 Bunya Parade, South Coogee  
(DA/248/2012)**

247/12 **RESOLUTION: (Matson/Shurey)** that the application be deferred to enable mediation between the applicant and objectors.

**MOTION: (Matson/Shurey) CARRIED - SEE RESOLUTION.**

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

<b>FOR</b>	<b>AGAINST</b>
Councillor Belleli	Councillor Andrews
Councillor Bowen	
Councillor D'Souza	
Councillor Garcia	
Councillor Matson	
Councillor Moore	
Councillor Nash	
Councillor Neilson	
Councillor Roberts	
Councillor Shurey	
Councillor Smith	
Councillor Stavrinou	
Councillor Stevenson	
<b>Total (13)</b>	<b>Total (1)</b>

**CP68/12 Director City Planning Report - 33 Edgecliffe Ave, South Coogee  
(DA/222/2012)**

248/12 **RESOLUTION: (Andrews/Nash)** 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/222/2012 for *substantial alterations and additions to existing dwelling including new first floor, ground level deck to rear, changes to openings and construction of garage at front of dwelling*, at No. 33 Edgecliffe Ave, South Coogee, subject to the following conditions:

**DEVELOPMENT CONSENT CONDITIONS**

**GENERAL CONDITIONS**

The development must be carried out in accordance with the following conditions of consent.

These conditions have been applied to satisfy the relevant requirements of the *Environmental Planning & Assessment Act 1979, Environmental Planning & Assessment Regulation 2000* and to provide reasonable levels of environmental amenity.

**Approved Plans & Supporting Documentation**

- The development must be implemented substantially in accordance with the plans and supporting documentation listed below and endorsed with Council's approved stamp, except where amended by Council in red and/or by other conditions of this consent:

<i>Plan</i>	<i>Drawn by</i>	<i>Dated</i>	<i>Received by Council</i>
18/12 Sheet 1 of 2	Peter	4 April 2012	10 April 2012
18/12 Sheet 2 of 2	Banfield		



<b><i>BASIX Certificate</i></b>	<b><i>No.</i></b>	<b><i>Dated</i></b>	<b><i>Received by Council</i></b>
Alterations and additions	A136079	3 April 2012	10 April 2012

### **Privacy measures**

2. The following privacy measures shall be incorporated into the development:
  - a. Privacy measures shall be implemented in accordance with the detail provided on the approved plans;
  - b. The sill height of the east elevation rumpus room window shall be raised or obscured to a minimum height of 1500mm above finished floor level. Alternatively, a louvred screen may be provided with the louvers angled and spaced to prevent overlooking and having a total area of openings no greater than 25% of the area of the screen.

### **REQUIREMENTS BEFORE A CONSTRUCTION CERTIFICATE CAN BE ISSUED**

The following conditions of consent must be complied with before a 'Construction Certificate' is issued by either Randwick City Council or an Accredited Certifier. All necessary information to demonstrate compliance with the following conditions of consent must be included in the documentation for the construction certificate.

These conditions have been applied to satisfy the relevant requirements of the *Environmental Planning & Assessment Act 1979*, *Environmental Planning & Assessment Regulation 2000*, Council's development consent conditions and to achieve reasonable levels of environmental amenity.

### **Consent Requirements**

3. The requirements and amendments detailed in the 'General Conditions' must be complied with and be included in the construction certificate plans and associated documentation.

### **External Colours, Materials & Finishes**

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

External materials, finishes and colours of the building are required to match, as closely as possible, the existing building and any metal roof sheeting is to be pre-painted (e.g. Colourbond) to limit the level of reflection and glare.

- b) 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 Manager Development Assessments prior to issuing a construction certificate for the development.

### **Section 94A Development Contributions**

5. In accordance with Council's Section 94A Development Contributions Plan effective from 2 July 2007, based on the development cost of \$320,000, the following applicable monetary levy must be paid to Council: \$3200.00.

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

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

#### **Long Service Levy Payments**

6. The required Long Service Levy payment, under the *Building and Construction Industry Long Service Payments Act 1986*, must be forwarded to the Long Service Levy Corporation or the Council, 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.*

#### **Security Deposits**

7. The following security deposits requirement must be complied with prior to a construction certificate being issued for the development, as security for making good any damage caused to Council's assets and infrastructure; and 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*:

- \$600.00 - Damage / Civil Works Security Deposit

Security deposits may be provided by way of a cash, cheque or credit card payment and is refundable upon a satisfactory inspection by Council upon the completion of the civil works which confirms that there has been no damage to Council's infrastructure.

The owner/builder is also requested 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.

To obtain a refund of relevant deposits, a *Security Deposit Refund Form* is to be forwarded to Council's Director of City Services upon issuing of an occupation certificate or completion of the civil works.

#### **Design Alignment levels**

8. The design alignment level (the finished level of concrete, paving or the like) at the property boundary for driveways, access ramps and pathways or the like, shall be:

- **80mm above the top of the kerb at all points opposite the kerb, along the full site frontage.**

The design alignment levels at the property boundary as issued by Council and their relationship to the kerb must be indicated on the building plans for the construction certificate. The design alignment level at the street boundary, as issued by the Council, must be strictly adhered to.

Any *enquiries* regarding this matter should be directed to Council's Development Engineer on 9399 0881.

9. The above alignment levels and the site inspection by Council's Development Engineer have been issued at a prescribed fee of \$135.00 (inclusive of GST). This amount is to be paid prior to a construction certificate being issued for the development.

#### **Driveway/Garage Design**

10. The roller door to the proposed garage shall be recessed within the proposed garage approximately 1m so as to provide sufficient room for a second carspace to be provided on the driveway in accordance with AS 2890.1 (2004) – Off Street Car Parking. Details of compliance are to be included in the construction certificate documentation.

NOTE:

This condition has been included to ensure compliance with the parking provision requirements of Council's DCP-parking and to avoid vehicles parking on the driveway that overhang onto Council's footpath.

11. The gradient of the internal access driveway must be designed and constructed in accordance with AS 2890.1 (2004) – Off Street Car Parking and the levels of the driveway must match the alignment levels at the property boundary (as specified by Council). Details of compliance are to be included in the construction certificate documentation.

**Stormwater Drainage**

12. Stormwater runoff from the redeveloped portion of the site shall be discharged:

- a) To the kerb and gutter along the site frontage by gravity (preferably without the use of a charged system).

13. Should a charged system be required to drain any portion of the site, the charged system must be designed with suitable clear-outs/inspection points at pipe bends and junctions.

**Street Tree Amenity Fee**

14. The applicant must submit a payment of **\$350.00** (including GST) to Council, being a loss of amenity fee in recognition that the semi-established native tree, *Hibiscus tileaceus 'Rubra'* (Ruby Hibiscus) is being removed from public land in order to accommodate the development of private property, with a replacement not possible due to the presence of other trees and vehicle crossings, and will be used towards other street plantings in the surrounding area.

This contribution must be paid into Tree Amenity Income at the Cashier on the Ground Floor of the Administrative Centre, prior to a **Construction Certificate** being issued for the development.

**Protection of Street Tree**

15. In order to ensure retention of the other street tree, the *Banksia serrata* (Saw Toothed Banksia) located on the Edgecliffe Avenue verge, just the west of the existing vehicle crossing in good health, the following measures are to be undertaken:

- a. All documentation submitted for the Construction Certificate application must show the retention of this tree, with the position and diameter of both its trunk and canopy to be clearly shown on all drawings.

- b. Any excavations associated with the installation of new services, pipes, stormwater systems or similar over public property, must be located along either of the sites side boundaries; or; against either side of the new vehicle crossing.

- 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 **1.5 metres** on all four sides (measured off the outside edge of its trunk at ground level) in order to completely enclose this 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 (TPZ), DO NOT REMOVE/ENTER".
- e. The applicant is not authorised to perform any works to this 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 the TPZ, 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 needing to acknowledge these requirements.
- g. A refundable deposit in the form of cash, credit card or cheque for an amount of **\$750.00** 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, as per the requirements of 80A (6) of the Environmental Planning and Assessment Act 1979.

#### **REQUIREMENTS TO BE INCLUDED IN THE CONSTRUCTION CERTIFICATE**

The requirements contained in the following conditions of consent must be complied with and details of compliance must be included in the construction certificate for the development.

These conditions have been applied to satisfy the relevant requirements of the *Environmental Planning & Assessment Act 1979*, *Environmental Planning & Assessment Regulation 2000*, Councils development consent conditions and to achieve reasonable levels of environmental amenity.

#### **Compliance with the Building Code of Australia**

16. 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). Details of compliance with the BCA are to be included in the construction certificate application.

#### **Structural Adequacy**

17. Certificate of Adequacy supplied by a *professional engineer* shall be submitted to the certifying authority (*and the Council, if the Council is not the certifying*

*authority*), certifying the structural adequacy of the existing structure to support the first floor addition.

#### **Smoke Alarms**

18. Smoke alarms are required to be installed in dwellings in accordance with the relevant provisions of the Building Code of Australia (volume 2), smoke alarms must comply with AS3786. Smoke alarms must be connected to the consumer mains electric power supply and provided with a battery back-up. Details of compliance are to be included in the construction certificate.

#### **BASIX Requirements**

19. In accordance with section 80A(11) of the *Environmental Planning & Assessment Act 1979* and clause 97A of the *Environmental Planning & Assessment Regulation 2000*, the requirements and commitments contained in the relevant BASIX Certificate must be complied with.

The required commitments listed and identified in the BASIX Certificate must be included on the construction certificate plans, specifications and associated documentation, 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.

#### **REQUIREMENTS PRIOR TO THE COMMENCEMENT OF ANY WORKS**

The following conditions of consent must be complied with prior to the commencement of any works on the site. The necessary documentation and information must be provided to the Council or the '*Principal Certifying Authority*' (PCA), as applicable.

These conditions have been applied to satisfy the relevant requirements of the *Environmental Planning & Assessment Act 1979*, *Environmental Planning & Assessment Regulation 2000* and to provide reasonable levels of public health, safety and environmental amenity.

#### **Certification, PCA & other Requirements**

20. 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 any 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.*

**Home Building Act 1989**

21. 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 Home Warranty Insurance or a copy of the Owner-Builder Permit (as applicable) must be provided to the Principal Certifying Authority and Council.

**Dilapidation Reports**

22. 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 terraced dwellings),
- 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.

**Construction Noise & Vibration Management Plan**

23. 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*, prepared in accordance with the NSW DECC Construction Noise Guideline by a suitably qualified person, is to be implemented throughout the works. A copy of the strategy must be provided to the Principal Certifying Authority and Council prior to the commencement of works on site.

**Construction Site Management Plan**

24. A *Construction Site Management Plan* must be developed and implemented prior to the commencement of any works. The construction 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;
- provisions for temporary stormwater drainage;
- construction noise and vibration management;
- construction traffic management details.

The site management measures must be implemented prior to the commencement of any site works and be maintained throughout the works, to the satisfaction of Council.

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

**Demolition Work Plan**

25. A Demolition Work Plan must be prepared for the development in accordance with Australian Standard AS2601-2001, Demolition of Structures and relevant environmental/occupational health and safety requirements.

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 (including asbestos)
- Other relevant details, measures and requirements to be implemented
- Details of re-use, recycling and disposal of waste demolition/building materials
- 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 those works.

#### **Notes**

- *It is the responsibility of the persons undertaking demolition work to obtain the relevant WorkCover licences and permits.*
- Refer to the conditions within the "Requirements During Construction & Site Work", for further details and requirements relating to demolition work, removal of any asbestos and public safety.

#### **Sydney Water**

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

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

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

#### **Public Utilities**

27. 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.
28. The applicant must meet the full cost for telecommunication companies, gas providers, Ausgrid, and Sydney Water to adjust/repair/relocate their services as required. The applicant must make the necessary arrangements with the service authority.

### **REQUIREMENTS DURING CONSTRUCTION & SITE WORK**

The following conditions of consent must be complied with during the demolition, excavation and construction of the development.

These conditions have been applied to satisfy the relevant requirements of the *Environmental Planning & Assessment Act 1979*, *Environmental Planning & Assessment Regulation 2000* and to provide reasonable levels of public health, safety and environmental amenity during construction.

#### **Inspections During Construction**

29. The building works must be inspected by the *Principal Certifying Authority*, 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).

### Site Signage

30. 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".

### Restriction on Working Hours

31. Building, demolition and associated site works must be carried out in accordance with the following requirements:

Activity	Permitted working hours
All building, demolition and site work, including site deliveries (except as detailed below)	<ul style="list-style-type: none"> <li>• Monday to Friday - 7.00am to 5.00pm</li> <li>• Saturday - 8.00am to 5.00pm</li> <li>• Sunday &amp; public holidays - No work permitted</li> </ul>
Excavating of rock, use of jack-hammers, pile-drivers, vibratory rollers/compactors or the like	<ul style="list-style-type: none"> <li>• Monday to Friday - 8.00am to 5.00pm</li> <li>• Saturday - No work permitted</li> <li>• Sunday &amp; public holidays - No work permitted</li> </ul>

*An application to vary the abovementioned hours may be submitted to Council's Manager Health, Building & Regulatory Services for consideration and approval to vary the specified hours may be granted in exceptional circumstances and for limited occasions (e.g. for public safety, traffic management or road safety reasons). Any applications are to be made on the standard application form and include payment of the relevant fees and supporting information. Applications must be made at least 10 days prior to the date of the proposed work and the prior written approval of Council must be obtained to vary the standard permitted working hours.*

### Demolition Work Requirements

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 & Water and Randwick City Council policies, including:

- Work Health & Safety Act 2011 and Regulations
- WorkCover NSW Code of Practice for the Safe Removal of Asbestos
- WorkCover NSW Guidelines and Codes of Practice
- Australian Standard 2601 (2001) – Demolition of Structures
- The Protection of the Environment Operations Act 1997 and Regulations
- Relevant DECCW/EPA Guidelines
- Randwick City Council Asbestos Policy

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

**Removal of Asbestos Materials**

33. 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
  - A WorkCover licensed demolition or asbestos removal contractor must undertake removal of more than 10m<sup>2</sup> of bonded asbestos (or as otherwise specified by WorkCover or relevant legislation). Removal of friable asbestos material must only be undertaken by contractor that holds a current friable asbestos removal licence. A copy of the relevant licence must be provided to the Principal Certifying Authority.
  - 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*. Details of the landfill site (which must be lawfully able to receive asbestos materials) must be provided to the Principal Certifying Authority.
  - A Clearance Certificate or Statement, prepared by a suitably qualified person (i.e. an occupational hygienist, licensed asbestos removal contractor, building consultant, architect or experienced licensed building contractor), must be provided to Council and the Principal certifying authority upon completion of the asbestos related works which confirms that the asbestos material have been removed appropriately and the relevant conditions of consent have been satisfied.

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

**Sediment & Erosion Control**

34. Sediment and erosion control measures, must be implemented throughout the site works in accordance with the manual for Managing Urban Stormwater – Soils and Construction, published by Landcom, to Council's satisfaction. Details are to be included in the *Construction Site Management Plan*.

**Public Safety & Site Management**

35. 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) Public access to the building site and materials must be restricted by existing boundary fencing or temporary site fencing having a minimum height of 1.5m, to Council's satisfaction.

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

- b) Building materials, sand, soil, waste materials, construction equipment or other articles must not be placed upon the footpath, roadway or nature strip at any time.
- c) The road, footpath, vehicular crossing and nature strip must be maintained in a good, safe, clean condition and free from any excavations, obstructions, trip hazards, goods, materials, soils or debris at all times. Any damage caused to the road, footway, vehicular crossing, nature strip or any public place must be repaired immediately, to the satisfaction of Council.
- d) Building operations such as brick cutting, washing tools or equipment and mixing mortar are not permitted on public footpaths, roadways, nature strips, in any public place or any location which may lead to the discharge of materials into the stormwater drainage system.
- e) Sediment and erosion control measures, must be implemented throughout the site works in accordance with the manual for Managing Urban Stormwater – Soils and Construction, published by Landcom, to Council's satisfaction.
- f) Site fencing, building materials, bulk bins/waste containers and 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 in a public place can be made to Council's Health, Building and Regulatory Services department.
- g) Temporary safety fencing is to be provided to any swimming pools under construction, pending the completion of all building work and the pool must not be filled until a fencing inspection has been carried out and approved by the principal certifying authority.

#### **Support of Adjoining Land, Excavations & Retaining Walls**

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.
37. 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 must 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.

Details of proposed retaining walls, shoring, piling or other measures are to be submitted to and approved by the Principal Certifying Authority.

38. Prior to undertaking any demolition, excavation or building work in the following circumstances, a report must be obtained from a *professional engineer* which details the methods of support for the dwelling or associated structure on the adjoining land, to the satisfaction of the *Principal Certifying Authority*.

- when undertaking excavation or building work within the zone of influence of the footings of a dwelling or associated structure that is located on the adjoining land;
- when undertaking demolition work to a wall of a dwelling that is built to a common or shared boundary (e.g. semi-detached or terrace dwelling);
- when constructing a wall to a dwelling or associated structure that is located within 900mm of a dwelling located on the adjoining land.

The demolition, excavation and building work and the provision of support to the dwelling or associated structure on the adjoining land, must also be carried out in accordance with the abovementioned report, to the satisfaction of the *Principal Certifying Authority*.

#### **Building Encroachments**

39. There must be no encroachment of any structures or building work onto Council's road reserve, footway, nature strip or public place.

#### **Road/Asset Opening Permit**

40. A *Road / Asset Opening Permit* must be obtained from Council prior to commencing any excavations or 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.

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

#### **Street Tree Removal**

41. Approval is granted for the applicant to remove and dispose of (at their own cost) the existing *Hibiscus tileaceus 'Rubra'* (Ruby Hibiscus) located on Council's Edgecliffe Avenue nature strip, towards the western site boundary, during excavations associated with the proposed vehicle crossing in this same location as has been shown, and must satisfy themselves as to the location of all site services, prior to the commencement of any works on public property.

#### **Tree Management**

42. Approval is also granted for removal of the small Frangipani in the front yard, in the northwest corner of the site, as well as the two *Howea fosteriana* (Kentia Palms) just to its east, so as to accommodate the new garage that is shown for this same area of the site, with the *Dypsis lutescens* (Goledn Cane Palm) in the rear yard, along the western boundary, closest to the southwest corner of the house also able to be removed so as to accommodate the proposed deck as shown.

#### **Protection of trees within site**

43. In order to ensure retention of those native palms within the site, being two *Howea fosteriana* (Kentia Palms) in the front yard, along the front (northern) boundary, just west of the internal driveway, and then another two Kentia Palms in the rear yard, along the western boundary, next to the pool in good health, the following measures are to be undertaken:
- a. They must be shown for retention, with the position and diameter of their trunks and crowns to be clearly shown on all drawings.
  - b. Both groups must be physically protected by installing evenly spaced star pickets at a setback of **1.5 metres** (measured off the outside edge of their trunks at ground level), matching up with the respective site boundaries, to which safety tape/para-webbing/shade cloth or similar

shall be permanently attached so as to completely enclose each palm for the duration of works.

- c. Within the Tree Protection Zone described above, 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 needing to acknowledge these requirements.

#### **REQUIREMENTS PRIOR TO THE ISSUE OF AN OCCUPATION CERTIFICATE**

The following conditions of consent must be complied with prior to the 'Principal Certifying Authority' issuing an 'Occupation Certificate'.

*Note: For the purpose of this consent, any reference to 'occupation certificate' shall also be taken to mean 'interim occupation certificate' unless otherwise stated.*

These conditions have been applied to satisfy the relevant requirements of the *Environmental Planning & Assessment Act 1979*, *Environmental Planning & Assessment Regulation 2000*, Council's development consent and to maintain reasonable levels of public health, safety and amenity.

#### **Occupation Certificate Requirements**

44. An Occupation Certificate must be obtained from the Principal Certifying Authority prior to any occupation of the building work encompassed in this development consent (including alterations and additions to existing buildings), in accordance with the relevant provisions of the *Environmental Planning & Assessment Act 1979*.

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

#### **BASIX Requirements**

45. 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.

#### **Occupant Safety**

46. Openable windows to a room, corridor, stairway or the like with a floor level more than 4m above the external ground/surface level, must be designed and constructed to reduce the likelihood of a child accessing and falling through the window opening.

Options may include one or more of the following measures:

- The window having a minimum sill height of 1.5m above the internal floor level,
- Providing a window locking device at least 1.5m above the internal floor level,
- Fixing or securing the window (e.g. by screws or a window locking device) to restrict or to be able to secure the extent of the opening to a maximum width of 125mm,
- Installing a fixed heavy-duty gauge metal screen over the opening (excluding upon any front or street elevation of the building) e.g. A metal

security screen or metal security mesh and frame system, but not standard fly-screen material,

- Other appropriate effective safety measures or barrier.

The relevant measures must be implemented prior to the issue of an occupation certificate.

**Council's Infrastructure, Vehicular Crossings, street verge**

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) Construct a concrete vehicular crossing and layback at kerb opposite the vehicular entrance to the site.
  - b) Remove the redundant concrete vehicular crossing and layback and to reinstate the area with concrete footpath, turf and integral kerb and gutter to Council's specification.
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. All external civil work to be carried out on Council property (including the installation and repair of roads, footpaths, vehicular crossings, kerb and guttering and drainage works), must be carried out in accordance with Council's Policy for "Vehicular Access and Road and Drainage Works" and the following requirements:
- a) All work on Council land must be carried out by Council, unless specific written approval has been obtained from Council to use non-Council contractors.
  - b) Details of the proposed civil works to be carried out on Council land must be submitted to Council in a Pre-paid Works Application Form, prior to issuing an occupation certificate, together with payment of the relevant fees.
  - c) If it is proposed to use non-Council contractors to carry out the civil works on Council land, the work must not commence until the written approval has been obtained from Council and the work must be carried out in accordance with the conditions of consent, Council's design details and payment of a Council design and supervision fee.
  - d) The civil works must be completed in accordance with Council's conditions of consent and approved design and construction documentation, prior to occupation of the development, or as otherwise approved by Council in writing.
50. That part of the nature-strip upon Council's footway which is damaged during the construction of the proposed works shall be excavated to a depth of 150mm, backfilled with topsoil equivalent with 'Organic Garden Mix' as supplied by Australian Native Landscapes, and re-turfed with Kikuyu turf or similar. Such works shall be completed at the applicant's expense prior to the issue of a Final Occupation Certificate.

**OPERATIONAL CONDITIONS**

The following operational conditions must be complied with at all times, throughout the use and operation of the development.

These conditions have been applied to satisfy the relevant requirements of the *Environmental Planning & Assessment Act 1979*, *Environmental Planning & Assessment Regulation 2000*, Council's development consent and to maintain reasonable levels of public health and environmental amenity.

**Use of premises**

51. The premises must only be used as a single residential dwelling and must not be used for dual or multi-occupancy purposes.

**External Lighting**

52. External lighting to the premises must be designed and located so as to minimise light-spill beyond the property boundary or cause a public nuisance.

**Plant & Equipment**

53. The operation of all plant and equipment upon the premises 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 Office of Environment & Heritage (EPA) Noise Control Guidelines.

**Air Conditioners**

54. 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.

**Rainwater Tanks**

55. The operation of plant and equipment associated with rainwater tanks 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 NOTES**

The following information is provided for your assistance to ensure compliance with the *Environmental Planning & Assessment Act 1979*, *Environmental Planning & Assessment Regulation 2000*, or other relevant legislation and Council's policies. This information does not form part of the conditions of development consent pursuant to Section 80A of the Act.

- A1 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 requirements is an offence, which renders the responsible person liable to a maximum penalty of \$1.1 million. Alternatively, Council may issue a penalty infringement notice (for up to \$1,500) for each offence. Council may also issue notices and orders to demolish unauthorised or non-complying building work, or to comply with the requirements of

Council's development consent.

- A2 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.
- A3 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.
- A4 Council's *Building Approvals & Certification team* can issue Construction Certificates and be your Principal Certifying Authority for the development, to undertake inspections and ensure compliance with the development consent, relevant building regulations and standards of construction. For further details contact Council's *Building Approvals & Certification team* on 9399 0944.
- A5 A Local Approval application must be submitted to and be approved by Council's Building Approvals & Certification team prior to commencing any of the following activities on a footpath, road, nature strip or in any public place:-
- Install or erect any site fencing, hoardings or site structures
  - Operate a crane or hoist goods or materials over a footpath or road
  - Placement of a waste skip or any other container or article.

For further information please contact Council's Building Approvals & Certification team on 9399 0944.

- A6 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.

- A7 This consent 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 land owner or principal contractor must obtain:

- the consent of the owners of such adjoining or supported land to trespass or encroach, or
- an access order under the *Access to Neighbouring Land Act 2000*, or
- an easement under section 88K of the *Conveyancing Act 1919*, or
- 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).



- A8 Prior to commencing any works, the owner/builder should contact *Dial Before You Dig* on 1100 or [www.dialbeforeyoudig.com.au](http://www.dialbeforeyoudig.com.au) and relevant Service Authorities, for information on potential underground pipes and cables within the vicinity of the development site.
- A9 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.
- A10 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.

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

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

<b>FOR</b>	<b>AGAINST</b>
Councillor Andrews	Councillor Shurey
Councillor Belleli	
Councillor Bowen	
Councillor D'Souza	
Councillor Garcia	
Councillor Matson	
Councillor Moore	
Councillor Nash	
Councillor Neilson	
Councillor Roberts	
Councillor Smith	
Councillor Stavrinou	
Councillor Stevenson	
<b>Total (13)</b>	<b>Total (1)</b>

**CP69/12 Director City Planning Report - 9-11 Fenton Avenue, Maroubra (DA/297/2012)**

Having declared interests in this matter earlier in the meeting, Crs Shurey and Smith left the meeting during the debate and the vote on the matter.

Cr Seng arrived at the meeting at this point (7.55pm).

249/12 **RESOLUTION: (Nash/Belleli)** that the application be deferred to enable the applicant to supply information that addresses the proposed reasons for refusal.

**MOTION: (Andrews/Stavrinou)** 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 297/2012 for Demolition of existing building and extension of existing at grade car park for Maroubra Seals Club with associated landscaping, fencing and storm water absorption tank underneath at No. 9-11 Fenton Avenue, subject to standard conditions to be prepared by staff, including that the operating hours of the carpark be 10.30am to 10pm Sunday to Thursday and 10am to 11pm Friday to Saturday.

(Reason: approval of the application will alleviate some of the parking problems in the

Maroubra Beach area).

**AMENDMENT: (Nash/Belleli) CARRIED AND BECAME THE MOTION.**

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

Crs Shurey and Smith returned to the meeting.

**CP70/12 Director City Planning Report - 1/102-106 Boyce Road, Maroubra  
(DA/466/2012)**

250/12

**RESOLUTION: (Andrews/Matson)** 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/466/2012 for permission of a fit-out and change of use of existing tenancy to Chinese medicine, acupuncture, massage and holistic health business including associated signage, at No. 1/102-106 Boyce Road, Maroubra subject to the following conditions:

**GENERAL CONDITIONS**

The development must be carried out in accordance with the following conditions of consent.

These conditions have been applied to satisfy the relevant requirements of the *Environmental Planning & Assessment Act 1979*, *Environmental Planning & Assessment Regulation 2000* and to provide reasonable levels of environmental amenity.

**Approved Plans & Supporting Documentation**

1. The development must be implemented substantially in accordance with the plans and supporting documentation listed below and endorsed with Council's approved stamp, except where amended by Council in red and/or by other conditions of this consent:

<i>Plan</i>	<i>Drawn by</i>	<i>Dated</i>	<i>Received</i>
DA.01 (Revision D)	Chunfu Cai	21/09/12	21/09/12
DA.02 (Revision D)	Chunfu Cai	21/09/12	21/09/12
DA.03 (Revision D)	Chunfu Cai	21/09/12	21/09/12

2. The top hamper sign shall be internally illuminated only.
3. The intensity of the light in the illuminated sign 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.
4. The proposed signage must not have/use:
  - Flashing lights;
  - Electronically changeable messages;
  - Animated display, moving parts or simulated movement;
  - Complex displays that hold a driver's attention beyond 'glance appreciation';
  - Displays resembling traffic signs or signals; and
  - A method and level of illumination that distracts or dazzles.
5. The proposed A-frame signage on Council footpath must be deleted.

**REQUIREMENTS BEFORE A CONSTRUCTION CERTIFICATE CAN BE ISSUED**

The following conditions of consent must be complied with before a 'Construction Certificate' is issued by either Randwick City Council or an Accredited Certifier. All necessary information to demonstrate compliance with the following conditions of

consent must be included in the documentation for the construction certificate.

These conditions have been applied to satisfy the relevant requirements of the *Environmental Planning & Assessment Act 1979*, *Environmental Planning & Assessment Regulation 2000*, Council's development consent conditions and to achieve reasonable levels of environmental amenity.

#### **Consent Requirements**

6. The requirements and amendments detailed in the 'General Conditions' must be complied with and be included in the construction certificate plans and associated documentation.
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.

#### **REQUIREMENTS TO BE INCLUDED IN THE CONSTRUCTION CERTIFICATE**

The requirements contained in the following conditions of consent must be complied with and details of compliance must be included in the construction certificate for the development.

These conditions have been applied to satisfy the relevant requirements of the *Environmental Planning & Assessment Act 1979*, *Environmental Planning & Assessment Regulation 2000*, Councils development consent conditions and to achieve reasonable levels of environmental amenity.

8. 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.

9. 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). Details of compliance are to be provided in the construction certificate.
10. Access and/or facilities for people with disabilities must be provided to new building work in accordance with any relevant provisions of the Building Code of Australia and Disability (Access to Premises – Buildings) Standard 2010, to the satisfaction of the Certifying Authority and details are to be provided with the Construction Certificate application.
11. The design, construction and fit out of the premises must be carried out in accordance with the relevant requirements of the:
  - *Public Health Act 2010*
  - *Public Health Regulation 2012*
  - NSW Health Codes of Best Practice

Details of compliance are to be provided in the plans and specifications for the Construction Certificate including work area surfaces, storage, sinks, hand wash basins, sanitary facilities and waste disposal/storage.

#### **REQUIREMENTS PRIOR TO THE COMMENCEMENT OF ANY WORKS**

The following conditions of consent must be complied with prior to the commencement of any works on the site. The necessary documentation and information must be provided to the Council or the *'Principal Certifying Authority'*, as applicable.

These conditions have been applied to satisfy the relevant requirements of the *Environmental Planning & Assessment Act 1979*, *Environmental Planning & Assessment Regulation 2000* and to provide reasonable levels of public health, safety and environmental amenity.

12. **Prior to the commencement of any building (including 'fit-out' work), a construction certificate must be obtained from the Council or an accredited certifier**, in accordance with the provisions of the Environmental Planning & Assessment Act 1979 and Environmental Planning & Assessment Regulation 2000.

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

13. **Prior to the commencement of any building or 'fit-out' works**, the person having the benefit of the development consent must:

- appoint a *Principal Certifying Authority* for the building work, and
- appoint a *principal contractor* for the building work, 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
- 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
- give at least two days notice to the Council, in writing, of the person's intention to commence building works.

#### **Sydney Water**

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

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

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

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

#### **Public Utilities**

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

**REQUIREMENTS DURING CONSTRUCTION & SITE WORK**

The following conditions of consent must be complied with during the demolition, excavation and construction of the development.

These conditions have been applied to satisfy the relevant requirements of the *Environmental Planning & Assessment Act 1979*, *Environmental Planning & Assessment Regulation 2000* and to provide reasonable levels of public health, safety and environmental amenity during construction.

16. The works must be inspected by the *Principal Certifying Authority*, 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.
17. In existing buildings, the following works are to be carried out to ensure minimum levels of fire safety:
  - 1) Any new or replacement ceilings walls and floor linings and doorways are required to satisfy the relevant requirements of the Building Code of Australia.
18. Building, demolition and associated site works must be carried out in accordance with the following requirements:

Activity	Permitted working hours
All building, demolition and site work, including site deliveries (except as detailed below)	<ul style="list-style-type: none"> <li>• Monday to Friday - 7.00am to 5.00pm</li> <li>• Saturday - 8.00am to 5.00pm</li> <li>• Sunday &amp; public holidays - No work permitted</li> </ul>
Excavating of rock, use of jack-hammers, pile-drivers or the like	<ul style="list-style-type: none"> <li>• Monday to Friday - 8.00am to 5.00pm</li> <li>• Saturday - No work permitted</li> <li>• Sunday &amp; public holidays - No work permitted</li> </ul>
Internal work only within a commercial or industrial development, located in a commercial or industrial zone, which is not audible within any residential dwelling or commercial or industrial premises	<ul style="list-style-type: none"> <li>• Monday to Saturday - No time limits (subject to column 1)</li> <li>• Sunday &amp; public holidays - No work permitted</li> </ul>

*An application to vary the abovementioned hours may be submitted to Council's Manager Health, Building & Regulatory Services for consideration and approval to vary the specified hours may be granted in exceptional circumstances and for limited occasions (e.g. for public safety, traffic management or road safety reasons). Any applications are to be made on the standard application form and include payment of the relevant fees and supporting information. Applications must be made at least 10 days prior to the date of the proposed work and the prior written approval of Council must be obtained to vary the standard permitted working hours.*

19. Public health, safety and convenience must be maintained at all times during demolition and building works and the following requirements must be complied with at all times (as applicable):
  - 1) Demolition work must be carried out in accordance with Australian

Standard, AS2601 (2001) - The Demolition of Structures and a *Demolition Work Plan* is required to developed and implemented to the satisfaction of the Principal Certifying Authority **prior to commencing any demolition works.**

- 2) The demolition, removal, storage and disposal of any materials containing asbestos must be carried out in accordance with the relevant requirements of WorkCover NSW, Council's Asbestos Policy and the following requirements:
  - A licence must be obtained from WorkCover NSW for the removal of friable asbestos and or more than 10m<sup>2</sup> of bonded asbestos (i.e. fibro)
  - Asbestos waste must be disposed of in accordance with the Protection of the Environment Operations Act 1997 & relevant Regulations
  - A sign must be provided to the site/building stating "Danger Asbestos Removal In Progress"
  - A Clearance Certificate or Statement must be obtained from a suitably qualified person (i.e. Occupational Hygienist) upon completion of the asbestos removal works, which is to be submitted to the Principal Certifying Authority and Council **prior to issuing an Occupation Certificate.**

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

- 3) A sign must be provided and maintained in a prominent position, 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".
- 4) The roadway, footpath and nature strip must be maintained in a good, safe condition and free from any obstructions, trip hazards, materials, soils or debris at all times. Any damage caused to the road, footway or nature strip must be repaired immediately, to the satisfaction of Council.
- 5) A Road/Asset Opening application must be submitted to and approved by 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. For further information, please contact Council's Road / Asset Opening Officer on 9399 0691 or 9399 0999.

- 6) 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.

- 7) Bulk bins, waste containers or other articles must not be located upon the footpath, roadway or nature strip at any time without the prior written approval of the Council. Applications to place a waste container or other articles in a public place can be made to Council's Building Services section.
- 8) Public safety must be maintained at all times and public access to any demolition and building works, materials and equipment on the site is to be restricted. If necessary, a temporary safety fence or hoarding is to be provided to protect the public. Temporary site fences are to be structurally adequate, safe and be constructed in a professional manner and the use of poor quality materials or steel reinforcement mesh as fencing is not permissible.

If it is proposed to locate any site fencing, hoardings or items upon any part of the footpath, nature strip or any public place, a Local Approval application must be submitted to and approved by Council's Health, Building & Regulatory Services department beforehand. Details and plans are to be submitted with the application, together with payment of the weekly charge in accordance with Council's adopted Pricing Policy.

- 9) 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.

The requirements and practices contained in the *Protection of the Environment Operations Act 1997* and relevant DECC Construction Noise and Vibration Guidelines are to be satisfied and a Construction Noise and Vibration Management Plan is to be developed and implemented throughout the works to the satisfaction of Council, **prior to the commencement of works.**

20. Any reusable equipment used to penetrate the skin must be sterilised in an autoclave as per Australian Standard AS:2182-Sterilisers-steam-benchtops, & AS4815:2001-'Office-based health care facilities – cleaning, disinfection and sterilisation of reusable, medical and surgical instrument and maintenance of the associated environment' and Public Health (Skin Penetration) regulation.
21. Wash hand basins must be provided for each treatment room where skin penetration activities are carried out.
22. Each wash hand basin must be provided with hot and cold water delivered through a common outlet and have a supply of soap and paper towels at all times.
23. A suitable cleaning sink must be provided in a common area for the cleaning and disinfection of equipment.

#### **REQUIREMENTS PRIOR TO THE ISSUE OF AN OCCUPATION CERTIFICATE**

The following conditions of consent must be complied with prior to the 'Principal Certifying Authority' issuing an 'Occupation Certificate'.

*Note: For the purpose of this consent, any reference to 'occupation certificate' shall also be taken to mean 'interim occupation certificate' unless otherwise stated.*

These conditions have been applied to satisfy the relevant requirements of the

*Environmental Planning & Assessment Act 1979, Environmental Planning & Assessment Regulation 2000, Council's development consent and to maintain reasonable levels of public health, safety and amenity.*

24. An Occupation Certificate must be obtained from the Principal Certifying Authority **prior to any occupation or use of the development** encompassed in this development consent (including alterations, additions and 'fit-out' work to existing buildings), in accordance with the relevant provisions of the Environmental Planning & Assessment Act 1979.
25. Where applicable, 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*.

The *Fire Safety Certificate* must include 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.

An annual *Fire Safety Statement* is also required to be submitted to the Council and the NSW Fire Brigades, each year after the date of the *Fire Safety Certificate*, in accordance with the *Environmental Planning & Assessment Regulation 2000*.

#### **OPERATIONAL CONDITIONS**

The following operational conditions must be complied with at all times, throughout the use and operation of the development.

These conditions have been applied to satisfy the relevant requirements of the *Environmental Planning & Assessment Act 1979, Environmental Planning & Assessment Regulation 2000, Council's development consent and to maintain reasonable levels of public health and environmental amenity.*

26. The use and operation of the premises must be carried out in accordance with the relevant requirements of the *Public Health Act 2010, Public Health Regulation 2012* and associated NSW Health Codes of Best Practice and guidelines at all times.
27. The business may be the subject of routine inspection by Council's Environmental Health Officers and relevant inspection fees are payable, as provided in Council's Annual Pricing Policy.
28. The premises must be maintained in a clean, healthy and sanitary condition at all times.
29. The business must be registered with Council and be inspected by a Council Environmental Health Officer prior to commencing business operations.
30. The use and operation of the premises shall not give rise to an environmental health or public nuisance.
31. 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.



32. Adequate provisions are to be made within the premises for the storage, collection and disposal of waste and recyclable materials, to the satisfaction of Council.
33. Trade/commercial waste materials must not be disposed via council's domestic garbage service. All trade/commercial waste materials must be collected by Council's Trade Waste Service or an appropriately licensed waste contractor and details of the proposed waste collection and removal service are to be submitted to Council prior to occupation of the building.
34. The premise is not to be used for the purpose of a brothel and in this regard, no sexual services are to be offered in association with the massage usage.
35. The owner of the subject site must advise Council in writing of any change in the tenant that is operating the business and advise the new tenant that they must provide Council with the qualifications of all staff involved in providing massage services prior to commencing the new operation.

**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:**

36. 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.

37. The hours of operation of the business is restricted to:

Monday to Sunday: 7:00am – 9:00pm

**ADVISORY NOTES**

The following information is provided for your assistance to ensure compliance with the *Environmental Planning & Assessment Act 1979*, *Environmental Planning & Assessment Regulation 2000*, or other relevant legislation and Council's policies. This information does not form part of the conditions of development consent pursuant to Section 80A of the Act.

- A1 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 requirements is an offence, which renders the responsible person liable to a maximum penalty of \$1.1 million. Alternatively, Council may issue a penalty infringement notice (for up to \$1,500) for each offence. Council may also issue notices and orders to demolish unauthorised or non-complying building work, or to comply with the requirements of Council's development consent.

- A2 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.

A3 Council's *Building Approvals & Certification team* can issue Construction Certificates and be your Principal Certifying Authority for the development, to undertake inspections and ensure compliance with the development consent, relevant building regulations and standards of construction. For further details contact Council's *Building Approvals & Certification team* on 9399 0944.

A4 A Local Approval application must be submitted to and be approved by Council's Building Approvals & Certification team prior to commencing any of the following activities on a footpath, road, nature strip or in any public place: -

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

For further information please contact Council's Building Approvals & Certification team on 9399 0944.

A5 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.

A6 Prior to commencing any works, the owner/builder should contact *Dial Before You Dig* on 1100 or [www.dialbeforeyoudig.com.au](http://www.dialbeforeyoudig.com.au) and relevant Service Authorities, for information on potential underground pipes and cables within the vicinity of the development site.

A7 This consent 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 land owner or principal contractor must obtain:

- the consent of the owners of such adjoining or supported land to trespass or encroach, or
- an access order under the *Access to Neighbouring Land Act 2000*, or
- an easement under section 88K of the *Conveyancing Act 1919*, or
- 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).

A8 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.

A9 Prior to the commencement of any building or shop 'fit-out' works, a *construction certificate* must be obtained from the Council or an accredited certifier, in accordance with the provisions of the *Environmental Planning & Assessment Act 1979*.

A10 The assessment of this development application does not include an assessment of the proposed building work under the Building Code of

Australia (BCA).

All new building work must comply with the BCA and relevant Australian Standards and details of compliance must be provided in the Construction Certificate application.

- A11 In existing buildings, the levels of fire and occupant safety should be upgraded where necessary and details should be incorporated in the Construction Certificate to the satisfaction of the Certifying authority.

Where the levels of accessibility to existing buildings do not meet current standards, if practicable, the level of accessibility should also be upgraded in conjunction with the proposed development (e.g. via the installation of a 1:8 access ramp within the building) and details included in the construction certificate application.

Building owners, applicants and builders are advised to speak to the appointed Certifying Authority prior to lodgement of the Construction Certificate.

- A12 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.

- A13 The applicant shall be advised that Council may, in the future, be implementing a new policy (under Section 611 of the Local Government Act) wherein fees may apply for advertising in public airspace

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

**CP71/12 Director City Planning Report - 155-157 Arden Street, Coogee  
(DA/58/2008/E)**

251/12

**RESOLUTION: (Andrews/Nash)** that Council, as the consent authority, grants its consent under Section 96 of the Environmental Planning and Assessment Act 1979, as amended, to modify Development Consent No. 58/2008 by alteration to basement level, addition of pump room adjoining garbage room, installation of privacy screens on rear terrace, alter pedestrian access and wall on driveway, deletion of roof over walkway on northern side, new front retaining wall, installation of louvres on southern side of unit 4 terrace, privacy screens to rear terrace of unit 5, alter balustrade to unit 5 front terrace, installation of screen to lift/stair foyer, alter window to unit 7, construct pergola on unit 8 terrace, delete skylights to unit 7 and 8, installation of operable louvres on rear balconies ground floor levels, modify louvres on the front of the building, at No. 155-157 Arden Street, Coogee, in the following manner:

**(a) Amendment of Condition No. 1 to read as follows:**

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

Dwg No.	Title	Revision	Date
DA101	Basement Plan	C	2/7/08
DA102	Floor plan ground level	C	2/7/08
DA103	Floor plan level 1	C	2/7/08
DA104	Floor plan level 2 & 3	D	26/2/10
DA105	Roof plan	B	2/7/08
DA106	Sections sheet 1	B	29/5/08
DA107	Sections sheet 2	B	29/5/08
DA108	North & west elevation	C	14/7/09
DA109	South & east elevation	C	2/7/08

DA118	Sections sheet 3	A	29/5/08
DA119	Sections sheet 4	A	29/5/08
DA134	Sandstone wall alignment	C	26/2/10
DA136	Sandstone wall and stair details	C	22/2/10
DA137	Sandstone wall details	B	26/2/10

the application form and on any supporting information received with the application, as amended by the following:

- Section 96 'A' application dated 4 May 2010 and received by Council on 5 May 2010;
- Section 96 'B' application dated 3 November 2010 and received by Council on 4 November 2010;
- Section 96 'C' plans numbered SK01 through to SK09, dated 17 January 2011 and received by Council on 25 February 2011;
- The following Section 96 'D' plans numbered SK004A through to SK010A, dated 17/08/2011 and received by Council on 19 August 2011; and
- **The following Section 96 'E' plans:**

Plan Number	Dated	Received	Prepared By
SK001B	26/06/2012	28 June 2012	MacKenzie Architects
SK002B			
SK003B			
SK004B			
SK005B			
SK006B			
SK007B			
SK008B			
SK009B			

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

**(b) Amendment of Conditions 15 and 16 to make reference to the updated BASIX Certificate:**

15. 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 **BASIX Certificate No. 382638M\_03 (dated 28 June 2012)** for this development are fulfilled.

The BASIX Certificate is to be submitted to the Certifying Authority with the Construction Certificate application for this development.

16. In accordance with the provisions of the Environmental Planning & Assessment Regulation 2000, **BASIX Certificate No. 382638M\_03 (dated 28 June 2012)** 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.

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

**CP72/12 Director City Planning Report - A New Planning System for NSW-  
Green Paper submission (F2011/00542)**

252/12

**RESOLUTION: (Matson/Seng)** that the Council endorse the attached submission on the NSW Government's Green Paper- A New Planning System for NSW subject to the further submission of a clarifying addendum to the effect that Council at its meeting of 9 October 2012 reiterated its past opposition to the use of IHAPS and confirmed that it supports planning powers being retained by elected representatives of Councils.

**AMENDMENT: (Nash/Belleli)** that:

- a) the Council endorse the attached submission on the NSW Government's Green Paper- A New Planning System for NSW
- b) Council note that the O'Farrell Government has made a commitment to return planning powers of Councils through its Green Paper reform. **LOST.**

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

FOR	AGAINST
Councillor Andrews	Councillor Bowen
Councillor Belleli	Councillor D'Souza
Councillor Nash	Councillor Garcia
Councillor Roberts	Councillor Matson
Councillor Seng	Councillor Moore
Councillor Smith	Councillor Neilson
Councillor Stavrinou	Councillor Shurey
	Councillor Stevenson
<b>Total (7)</b>	<b>Total (8)</b>

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

**General Manager's Reports**

**GM26/12 General Manager's Report - Strengthening Your Community -  
Randwick City Council submission (F2004/08250)**

253/12

**RESOLUTION: (Andrews/Nash)** that Council endorse the Strengthening Your Community – Randwick City Council submission.

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

**Director City Services Reports**

**CS9/12 Director City Services Report - Eastbourne Avenue, Clovelly -  
Burying Overhead Power Lines. (F2005/00798)**

254/12

**RESOLUTION: (Stevenson/Smith)** that Council allocate \$35,000 from its

Infrastructure Reserve for the permanent restoration of trench works associated with the undergrounding of overhead power lines from 24 Eastbourne Avenue to 32 Ocean Street Clovelly.

**MOTION: (Stevenson/Smith) CARRIED - SEE RESOLUTION.**

**CS10/12 Director City Services Report - Tree Removal - Outside 3-3A Abbott Street, Coogee (F2004/07359)**

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255/12

**RESOLUTION: (Andrews/Nash)** that the two Council owned *Ficus 'Hillii'* (Hill's Weeping figs) growing outside 3 and 3A Abbott Street, Coogee, be removed and replaced with two-three *Waterhousia floribunda* (Weeping Lilly Pillys) – as nominated in Council's Street Tree Masterplan.

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

**CS11/12 Director City Services Report - Tree Removal - Outside 16 Figtree Avenue, Randwick (F2004/07359)**

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256/12

**RESOLUTION: (Andrews/Nash)** that the Council-owned *Ficus 'Hillii'* (Hill's Weeping fig) growing outside 16 Figtree Avenue, Randwick, be removed and replaced with a *Waterhousia floribunda* (Weeping Lilly Pilly) – as nominated in Council's Street Tree Masterplan.

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

**Director Governance & Financial Services Reports**

**GF43/12 Director Governance & Financial Services Report - Councillor Workshops and Ongoing Councillor Professional Development Program 2012-13 (F2012/00038)**

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257/12

**RESOLUTION: (Andrews/Shurey)** that:

- a) any Councillors interested in attending a DLG Councillor Workshop and/or LGSA Professional Development training, advise the Manager Administrative Services as soon as possible for registration purposes.
- b) Council write to the Director-General of the Division of Local Government requesting that future training for Councillors be conducted outside of normal business hours.

**MOTION: (Andrews/Shurey) CARRIED - SEE RESOLUTION.**

**GF44/12 Director Governance & Financial Services Report - Affixing of the Council Seal - Randwick District of the Sydney Branch of SLSA of Australia Incorporated (F2011/07367)**

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258/12

**RESOLUTION: (Andrews/Nash)** that the Council's Seal be affixed to the signing of agreements between Cromwell Park (R81544) Reserve Trust and Randwick District of the Sydney Branch of SLSA of Australia Incorporated in relation to the Deed of Licence.

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

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**GF45/12 Director Governance & Financial Services Report - Investment Report - August 2012 (F2004/06527)**

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259/12 **RESOLUTION: (Andrews/Nash)** that the investment report for August 2012 be received and noted.

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

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**GF46/12 Director Governance & Financial Services Report - Affixing of the Council Seal - Eastern Suburbs Tennis Association Inc. (F2011/07367)**

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260/12 **RESOLUTION: (Andrews/Nash)** that the Council's Seal be affixed to the signing of agreements between Heffron Park (R81741) Reserve Trust and Eastern Suburbs Tennis Association Inc. in relation to the Deed of Licence.

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

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**GF47/12 Director Governance & Financial Services Report - Monthly Financial Report as at 31 July 2012 (F2011/00530)**

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261/12 **RESOLUTION: (Andrews/Nash)** that the monthly financial reports as at 31 July 2012 be noted.

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

### **Petitions**

Nil.

### **Motion Pursuant to Notice**

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**NM55/12 Notice of Motion from Cr Garcia - Management and operation of Child Care Centres in Randwick City (F2006/00214)**

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262/12 **RESOLUTION: (Garcia/Andrews)** that a briefing session on the management and operation of Child Care Centres in Randwick City be held and then this matter be reported to Council.

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

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**NM56/12 Notice of Motion from Cr Garcia - Stormwater drainage diversion works at Malabar Beach (F2004/08208)**

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263/12 **RESOLUTION: (Garcia/Andrews)** that, on completion of the stormwater drainage diversion works at Malabar Beach, Council considers in the 2013-14 budget the removal of the large (green) Council storm water pipeline that previously discharged into the Malabar Beach area.

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

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**NM57/12 Notice of Motion from Cr D'Souza - Port Botany (F2004/07975)**

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264/12 **RESOLUTION: (D'Souza/Garcia)** that:

a) a meeting be arranged with the Mayor, South Ward Councillors and the Sydney

Port Authority to discuss the noise levels from Port Botany (including the reversing noise from the vehicles) that are affecting the amenity of our adjacent residents.

- b) Council write to the NSW Government expressing concern and disappointment with the lifting of the cap on container movements at Port Botany and request the government to reconsider the decision.

**MOTION: (D'Souza/Garcia) CARRIED - SEE RESOLUTION.**

**NM58/12 Notice of Motion from Cr Matson - Response to Moverly Precinct meet-the-candidates forum re: Spot Rezoning for Defence surplus land at Bundock Street (F2004/08424)**

265/12

**RESOLUTION: (Matson/Andrews)** that Council:

- a) Notes the agreement given by all council candidates at the recent Moverly Precinct Committee's meet-the-candidates forum to facilitate a spot rezoning of the surplus Defence land at the Bundock Street site;
- b) Endorses community views that development of the surplus land would be better controlled under the development standards of a Council residential zoning rather than the incidental development provisions available to Defence under the proposed Special Activities SP1 (Defence); and
- c) Formerly requests Federal Kingsford Smith MP Peter Garret's assistance in achieving Federal Government agreement to allow the Council to seek gateway determination from the State Government for the exhibition of a Draft LEP seeking to change all surplus Defence land to a residential zoning equivalent to the prevailing community consensus that was formerly expressed through the Master Plan for the site.

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

**Confidential reports (closed session)**

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

**Closed Session**

**GM27/12 Confidential - Randwick Rugby Club (F2004/06325)**

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

**Having declared interests in this matter earlier in the meeting, Crs Smith and Stevenson left the meeting during the debate and the vote on the matter.**

266/12

**RESOLUTION: (Andrews/Stavrinis)** that:

- a) Council purchase the Randwick Rugby Club site (102 Brook Street, Coogee being Lot 1 in DP 1050760) for a negotiated amount based on the two options outlined in this report.
- b) the Common Seal of the Council be affixed to any necessary documentation to effect the purchase and/or lease (as detailed in the report).



- c) a further report be brought back to Council detailing refurbishment and further funding options should the purchase proceed.

**MOTION: (Andrews/Stavrinou) CARRIED - SEE RESOLUTION.**

Cr Stevenson returned to the meeting at this point (9.05pm)

**CP73/12 Confidential - 2 St Marks Road, Randwick (DA/98/2010/A)  
(DA/98/2010/A)**

*This matter is considered to be confidential under Section 10A(2)(e) of the Local Government Act, as it deals with information that would, if disclosed, prejudice the maintenance of law.*

**Having declared interests in this matter earlier in the meeting, Crs Neilson and Smith left the meeting during the debate and the vote on the matter.**

267/12

**RESOLUTION: (Andrews/Nash) that Council:**

- a) make a without prejudice offer to the applicant seeking a reduction of the maximum patron numbers from 60 to 50.
- b) proceed to settle the matter by way of consent orders.

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

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

<b>FOR</b>	<b>AGAINST</b>
Councillor Andrews	Councillor Shurey
Councillor Belleli	Councillor Stavrinou
Councillor Bowen	Councillor Stevenson
Councillor D'Souza	
Councillor Garcia	
Councillor Matson	
Councillor Moore	
Councillor Nash	
Councillor Roberts	
Councillor Seng	
<b>Total (10)</b>	<b>Total (3)</b>

Crs Neilson and Smith returned to the meeting at this point (9.15pm).

**CP74/12 Confidential - Awards for Sporting Achievements 2012  
(F2012/00269)**

*This matter is considered to be confidential under Section 10A(2)(a) of the Local Government Act, as it deals with personnel matters concerning particular individuals.*

**Note: a Rescission Motion in relation to this item was submitted in accordance with Council's Code of Meeting Practice and will be considered at the Ordinary Council Meeting to be held on 23 October 2012.**

268/12

**RESOLUTION: (Matson/D'Souza) that:**

- a) the Council endorse the judging panel's recommendations for the 2012 Randwick City Junior Sports Awards; the 2012 Bradley Matthews Memorial Award for Sporting Excellence; and the 2012 Randwick City Hall of Sporting Champions,

- b) the announcement and presentation of the winners of the Randwick City Junior Sports Awards, the Bradley Matthews Memorial Award for Sporting Excellence and the Randwick City Hall of Sporting Champions be presented under Council's Seal at a combined Civic Reception.
- c) the remaining nominees for all three Sports Awards are presented with Certificates of Commendation under the Seal of Council;
- d) the perpetual Trophy for the Bradley Matthews Memorial Award is updated to reflect the 2012 winner;
- e) the Randwick City Hall of Champions Board located at Bowen Library is updated to reflect the 2012 winners, after the announcement.
- f) the details of the 2012 Sports Awards remain confidential until formally announced on the presentation evening.

**MOTION: (Andrews/Garcia) that:**

- a) the Council endorse the judging panel's recommendations for the 2012 Randwick City Junior Sports Awards; the 2012 Bradley Matthews Memorial Award for Sporting Excellence; and the 2012 Randwick City Hall of Sporting Champions,
- b) the announcement and presentation of the winners of the Randwick City Junior Sports Awards, the Bradley Matthews Memorial Award for Sporting Excellence and the Randwick City Hall of Sporting Champions be presented under Council's Seal at their respective Civic Receptions on Wednesday 7 November and Thursday 14 November 2012.
- c) the remaining nominees for all three Sports Awards are presented with Certificates of Commendation under the Seal of Council;
- d) the perpetual Trophy for the Bradley Matthews Memorial Award is updated to reflect the 2012 winner;
- e) the Randwick City Hall of Champions Board located at Bowen Library is updated to reflect the 2012 winners, after the announcement.
- f) the details of the 2012 Sports Awards remain confidential until formally announced on the presentation evening.

**AMENDMENT: (Matson/D'Souza) CARRIED AND BECAME THE MOTION.**

**MOTION: (Matson/D'Souza) CARRIED – SEE RESOLUTION.**

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

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

FOR	AGAINST
Councillor Bowen	Councillor Andrews
Councillor D'Souza	Councillor Belleli
Councillor Garcia	Councillor Nash
Councillor Matson	Councillor Seng
Councillor Moore	Councillor Stavrinou
Councillor Neilson	Councillor Stevenson
Councillor Roberts	
Councillor Shurey	

Councillor Smith

**Total (9)**

**Total (6)**

**CS12/12 Confidential - Tender T08/12 Des Renford Pool Enclosure (F2010/00233)**

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

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269/12

**RESOLUTION: (Andrews/Matson)** that Council:

- a) decline all tenders and that Council enter into negotiation with capable suppliers;
- b) in accordance with Clause 178(3)(e) of the regulations, negotiates with suppliers with the view to entering into a contract for the design, supply and installation of a permanent pool enclosure; and
- c) approve for the General Manager, or delegated representative, be authorised to execute a contract on behalf of Council.

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

**GF48/12 Confidential - SSROC Tender for the Provision and Coordination of Temporary Staff (F2011/00488)**

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

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270/12

**RESOLUTION: (Matson/Garcia)** that:

- a) Under Regulation 178 (1)(a) of the Local Government (General) Regulation 2005, accept the tender submissions offered by the panel of suppliers for temporary staff as listed in Table 1 (above) for the Provision and Coordination of Temporary Staff;
- b) the General Manager, or delegated representative, be authorised to enter into a preferred supplier agreement with these recommended suppliers for a period of three (3) years, with two (2) optional one (1) year extensions; and
- c) Unsuccessful tenderers are advised accordingly.

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

**GF49/12 Confidential - SSROC Tender for Waste Mattress Processing and Collection Services (F2012/00453)**

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

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271/12

**RESOLUTION: (Smith/Matson)** that:

- a) Under Regulation 178 (1)(a) of the Local Government (General) Regulation

2005, accept the tender submissions offered by Landsavers Pty Ltd and Mission Australia for Waste Mattress Processing and Collection Services;

- b) the General Manager, or delegated representative, be authorised to enter into a preferred supplier agreement with these recommended suppliers for a period of three (3) years, with two (2) optional one (1) year extensions.

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

**GM28/12 Confidential - Alternative Waste Treatment Offer from SITA  
(F2011/00346)**

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

272/12

**RESOLUTION: (Moore/Stevenson) that Council:**

- a) note SITA's offer to process 7,000 tonnes of Randwick waste at their Alternative Waste Treatment (AWT) facility that is expected to increase landfill diversion rate by around 7%;
- b) authorise the General Manager to accept SITA's offer to process Council waste at their AWT facility at an additional cost of approximately \$761,000; and
- c) agree to fund the additional cost from a combination of;
1. the approximate overestimated \$300,000 waste management charge generated as a result of the carbon tax component, previously resolved by this Council to be returned to ratepayers
  2. the additional benefit realised through avoidance of a carbon cost resulting from the diversion of 7,000 tonnes of waste from landfill to the AWT facility, and
  3. the remainder from the Domestic Waste Management Reserve.

**MOTION: (Matson/D'Souza) that Council:**

- a) note SITA's offer to process 7,000 tonnes of Randwick waste at their Alternative Waste Treatment (AWT) facility that is expected to increase landfill diversion rate by around 7%;
- b) authorise the General Manager to accept SITA's offer to process Council waste at their AWT facility at an additional cost of approximately \$761,000; and
- c) agree to fund the additional cost from the Domestic Waste Management Reserve and Council replenish the balance of this reserve through the Domestic Waste Levy in future years.

Cr Andrews left the meeting at this point (9.34pm).

**AMENDMENT: (Moore/Stevenson) CARRIED AND BECAME THE MOTION.**

**MOTION: (Moore/Stevenson) CARRIED - SEE RESOLUTION.**

**Open Session**

That the meeting move back into open session.

**Notice of Rescission Motions**

Note: A rescission motion on Confidential Item CP74/12 – ‘Awards for Sporting Achievement 2012’ was submitted by Councillors Andrews, Belleli and Moore in accordance with Council’s Code of Meeting Practice and will be considered at the Ordinary Council Meeting to be held on 23 October 2012.

There being no further business, His Worship the Mayor, Cr T Bowen, declared the meeting closed at 9.43pm.

**The minutes of this meeting were confirmed at the Ordinary Meeting of the Council of the City of Randwick held on Tuesday, 23 October 2012.**

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**CHAIRPERSON**