

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

MINUTES OF PLANNING COMMITTEE MEETING OF THE COUNCIL OF THE CITY OF RANDWICK HELD ON TUESDAY, 9 JULY 2013 AT 6:11 P.M.

Present:

The Mayor, Councillor T Bowen (East Ward) (from 6.35pm)

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| North Ward | - Councillors L Shurey |
| South Ward | - Councillors R Belleli, D'Souza & P Garcia |
| East Ward | - Councillors M Matson & B Roberts |
| West Ward | - Councillors G Moore, S Nash & H Stavrinis |
| Central Ward | - Councillors A Andrews, T Seng & G Stevenson (Deputy Chairperson) (in the Chair) |

Officers Present:

General Manager	Mr R Brownlee
Director City Services	Mr J Frangoples
Director City Planning	Ms S Truvert
Director Governance & Financial Services	Mr G Banting
A/Manager Development Assessment	Mr R Quinton
Manager Administrative Services	Mr D Kelly
Communications Manager	Mr J Hay

Apologies/Granting of Leave of Absences

Apologies were received from Crs Neilson and Smith.

RESOLVED: (Andrews/Garcia) that the apologies received from Crs Neilson and Smith be accepted and leave of absence from the meeting be granted.

Confirmation of the Minutes

CONFIRMATION OF THE MINUTES OF THE PLANNING COMMITTEE MEETING HELD ON TUESDAY 11 JUNE 2013

PL57/13

RESOLUTION: (D'Souza/Andrews) that the Minutes of the Planning Committee Meeting held on Tuesday 11 June 2013 (copies of which were circulated to all Councillors) be and are hereby confirmed as a correct record of the proceedings of

that meeting.

Declarations of Pecuniary and Non-Pecuniary Interests

- (a) Cr Garcia declared a significant pecuniary interest in Item D54/13 as he lives in the subject street in close proximity to the proposed development. Cr Garcia will be taking no part in the debate or voting on this matter.
- (b) All Liberal councillors declared a non significant non pecuniary interest in item D53/13 as they know one of the objectors to this matter.
- (c) Cr Andrews declared a non significant non pecuniary interest in item D53/13 as he knows one of the objectors to this matter.
- (d) Cr Andrews declared a non significant non pecuniary interest in item D54/13 as he knows the applicant from his time as a member of the ALP.
- (e) All Councillors declared a non significant non pecuniary interest in item D49/13 as they all know one of the objectors as she works at Council.

The meeting was adjourned at 6.15pm and was resumed at 6.16pm.

Address of Council by Members of the Public

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

D47/13 94 & 96 STOREY STREET, MAROUBRA (DA/696/2012) DEFERRED

Applicant George Mandadakis

D49/13 385 MAROUBRA ROAD, MAROUBRA (DA/243/2013)

Objector Anthony Betros - on behalf of objectors

Applicant Belinda Colyer

D51/13 11 LURINE STREET, MAROUBRA (DA/161/2009/C)

Applicant Jennifer Hill - on behalf of applicant

D52/13 146-150 COOGEE BAY ROAD, COOGEE (DA/159/2013)

Applicant Tony Robb

D53/13 40 EARL STREET, RANDWICK (DA/544/2011/C)

Objector Anthony Boskovitz - on behalf of objectors

Applicant Scott Clark

D54/13 285 RAINBOW STREET, SOUTH COOGEE (DA/144/2013)

Applicant Stuart Harding - on behalf of applicant

Urgent Business

Nil.

The meeting was adjourned at 7.06pm and was resumed at 7.24pm.

Development Application Reports

D47/13 Development Application Report - 94 & 96 Storey Street, Maroubra (DA/696/2012) DEFERRED (DA/696/2012)

PL58/13

RESOLUTION: (Andrews/Garcia)

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/696/2012 for construction of a two (2) storey dwelling with basement garage and associated works on each of 94 Storey Street & 96 Storey Street, resulting in two (2) new dwellings in total, at No. 94 and 96 Storey Street, Maroubra, 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>Rev</i>	<i>Drawn by</i>	<i>Dated</i>	<i>Received by Council</i>
DA2-01 Landscape Plan	1	S.Chew	September 2012	1 November 2012
DA2-02 Basement Plan	1			27 February 2013
DA2-03 Ground Floor Plan	2			27 February 2013
DA2-04 First Floor plan	2			27 February 2013
DA2-05 Roof Plan	2			27 February 2013
DA2-06 South & North Elevations	2			27 February 2013
DA2-07 East Elevations	1			1 November 2012
DA2-08 West Elevations	2			27 February 2013
DA2-09 Section x-x	1			1 November 2012
DA2-10 Section y-y & z-z	1			

<i>BASIX Certificate</i>	<i>No.</i>	<i>Dated</i>	<i>Received By Council</i>
Single Dwelling (94 Storey St, Maroubra)	446200S	14 September 2012	1 November 2012
Single Dwelling (96 Storey St, Maroubra)	446282S		

Storey Street and Hannan Lane fencing

- Fencing to the Storey Street and Hannan Lane street frontages shall be no

the fence.

Amendment of plans and documentation

3. The approved plans and documents shall be amended in accordance with the following requirements:
 - a. The rear, ground floor deck of No. 94 Storey Street shall be reduced by 450mm, to achieve a 4.5 metre setback from the rear boundary, as indicated in red on the approved plans.

The above amendments shall be incorporated into the plans to the satisfaction of the Principal Certifying Authority, prior to the issue of a construction certificate.

Landscaping amendments

4. Provision shall be made for a 1.0 metre wide, deep soil garden bed along the length of the northern boundaries of each site, in which a continuous evergreen hedge shall be planted. Planting shall be generally consistent with the submitted Landscape Plan.

Despite the Landscape Plan, where adjacent the rear open space of 1 Hannan Lane, an advanced species selected from the list provided below shall be installed. At the time of installation each plant shall be advanced - of at least 1500mm in height and be suitable in attaining height of 2.5 metres at maturity, but will not exceed 4 metres. Plantings must be evenly spaced to achieve a uniform, dense cover.

A suitable species for the above requirement may be selected from the following shortlist:

- *Syzygium australe* 'Aussie Southern'
- *Syzygium* 'Bush Christmas'
- *Syzygium wilsonii*
- *Syzygium* 'Cascade'
- *Amena smithii* 'Minor'
- *Amena smithii minor* 'Sunrise' or 'Cherry Surprise'

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

5. 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

6. External colours, materials and finishes must be consistent with the relevant approved plans and documentation, including the schedule provided on Plan 'DA2-08', Revision 2, prepared by S. Chew and received by Council on 27 February 2013.

The colours, materials and finishes of the external surfaces must be compatible with the adjacent development to maintain the integrity and amenity of the

building and the streetscape.

All materials used within the development shall be treated so as to minimise the impact of reflectivity upon neighbouring sites. This may be achieved through powder coating or anodizing treatments.

Section 94A Development Contributions

7. In accordance with Council's Section 94A Development Contributions Plan effective from 2 July 2007, based on the development cost of \$763,510.00, the following applicable monetary levy must be paid to Council: \$ 7635.10.

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.

Long Service Levy Payments

8. 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 Deposit

9. 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*:

- \$2000.00 - 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.

Design Alignment levels

10. 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:

Vehicle Entrance

- **Match the back of the footpath at all points opposite.**

Pedestrian Entrance

- **20mm above the back of the footpath at all points opposite the path.**

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.

11. The above alignment levels and the site inspection by Council's Development Engineering Section have been issued at a prescribed fee of \$1583 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.

Driveway Design

12. 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.

Sydney Water

13. 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 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.

Groundwater

14. As the proposed basement level may be affected by fluctuations of the water table, the following requirements apply:
 - a. The design and construction of the basement level must preclude the need for any dewatering after construction.
 - b. That part of the development that may be impacted by the water table must include a water proof retention system (i.e. a fully tanked structure) with adequate provision for future fluctuations of water table levels. (It is recommended that a minimum allowance for a water table variation of at least +/-1.0 metre beyond any expected fluctuation be provided). The

actual water table fluctuation and fluctuation safety margin must be determined by a suitably qualified professional.

Drainage Easement

15. All proposed footings located adjacent to drainage easements shall either be:
- b. Founded on rock, or;
 - c. 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.

Stormwater Drainage

16. Detailed drainage plans with levels reduced to Australian Height Datum (AHD), shall be prepared by a suitably qualified Hydraulic Engineer and be submitted to and approved by the certifying authority. A copy of the plans shall be forwarded to Council, if Council is not the certifying authority.

The drainage plans must demonstrate compliance with the Building Code of Australia, Australian Standard AS3500.3:2003 (Plumbing and Drainage - Stormwater Drainage) and the relevant conditions of this development approval.

17. The site stormwater drainage systems for the dwellings are to be provided in accordance with the following requirements;
- a) Roof stormwater must be directed to a suitably designed and constructed rainwater tank, as required in the relevant BASIX Certificate for the dwelling/s;
 - b) The overflow from the rainwater tank and other surface stormwater must be discharged as per the following;

For 94 Storey Street:

- i. Directly to the Council drainage pit located at the front of the subject site on the footpath verge
- ii. Directly to the inter-allotment drainage pit located at the southwest corner of the property.
- iii. To a suitably designed infiltration system (subject to confirmation in a geotechnical investigation that the ground conditions are suitable for the infiltration system)

For 96 Storey Street:

- i. Directly to Council's underground drainage system via the existing drainage pit located within the subject site and adjacent to the Storey Street frontage.
- ii. To a suitably designed infiltration system (subject to confirmation in a geotechnical investigation that the ground conditions are suitable for the infiltration system)

- c) Should stormwater be discharged to Council's underground drainage system, an on-site stormwater detention system must be provided to ensure that the maximum discharge from the sites 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) Should stormwater be discharged to an infiltration system, the infiltration area shall be sized for all storm events up to the 1 in 20 year storm event with provision for a formal overland flow path to Council's Street drainage system.

Should no formal overland escape route be provided for storms greater than the 1 in 20 design storm, the infiltration system shall be sized for the 1 in 100 year storm event.

- 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.

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.

- f) Should a pump-out system be required to drain any portion of the site the pump-out system must be provided with two pumps connected in parallel (with each pump being capable of discharging at the required discharge rate) and connected to a control board so that each pump will operate alternatively. The pump wet well is required to be sized for the 1 in 100 year, 2 hour storm assuming both pumps are not working. All pump-out water must pass through a stilling pit prior to being discharged by gravity to the kerb and gutter

Pump-out systems must be designed by a suitably qualified and experienced hydraulic consultant/engineer and the pump-out system designed and constructed generally in accordance with Council's Stormwater Code.

- 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 into Council's underground 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 arrestor pit shall be regularly inspected and cleaned".

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

- i) The floor level of all habitable, 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) Infiltration systems/Absorption Trenches must be designed and constructed generally in accordance with "Section 8.5 ABSORPTION TRENCHES" of Randwick City Council's Private Stormwater Code.
- 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) Mulch or bark is not to be used in on-site detention areas.
- n) Site discharge pipelines shall cross the verge at an angle no less than 45 degrees to the street alignment.

New Street Tree

18. The applicant must submit a payment of **\$500.00** (including GST) to cover the cost for Council to supply, plant and maintain a new 25 litre *Agonis flexuosa* (Willow Myrtle) and timber tree guard on the Storey Street verge, an equal distance between the proposed vehicle crossing for no.94 and the eastern site boundary.

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 contact Council's Landscape Development Officer on 9399-0613 (quoting the receipt number), and giving at least four working weeks notice to arrange for the new tree and guard upon the completion of all site works.

Street Tree Protection

19. In order to ensure retention of the *Agonis flexuosa* (Willow Myrtle) and timber tree guard on the Storey Street verge, centrally across the width of no.96, as well as the two *Hibiscus tileaceus 'Rubra'* (Ruby Hibiscus) on the Hannan Lane verge, being one centrally along the length of this frontage, and one in line with the northern site boundary of no.94 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 three trees, with the position and diameter of their trunks/tree guards to be clearly shown in relation to all works.
 - b. Any excavations associated with the installation of new services, pipes, stormwater systems or similar over public property, must be setback a minimum distance of 3 metres off the tree guards.
 - c. The eastern edge of the crossing for no.96 must be setback a minimum distance of 3.5 metres off the tree guard of the street tree on Storey Street, near the corner of Hannan Lane.
 - d. Safety tape/para-webbing/shade cloth or similar shall be permanently attached to the three tree guards so as to completely enclose each tree for the duration of works, and 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 trees, 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'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 **\$1,000.00** shall be paid at the Cashier on the Ground Floor of the Administrative Centre, **prior to a Construction Certificate being issued for the development**, in order to ensure compliance with the conditions listed in this consent, and ultimately, preservation of the trees and tree guards.

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

- 20. 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.

Smoke Alarms

- 21. Smoke alarms are required to be installed in accordance with the relevant provisions of the Building Code of Australia (volume 2) and 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

- 22. 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

23. 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

24. In accordance with section 80 A (11) of the *Environmental Planning & Assessment Act 1979* and clause 98 of the *Environmental Planning & Assessment Regulation 2000*, 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

25. 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. 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

26. Noise and vibration emissions during the construction of the building and associated site works must not result in damage to nearby premises or result in an unreasonable loss of amenity to nearby residents and the relevant 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, to the satisfaction of the Council. A copy of the strategy must be provided to the Principal Certifying Authority and Council prior to the commencement of works on site.

Construction Site Management Plan

27. 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

28. 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
- 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.*

Demolition & Construction Waste

29. A *Demolition and Construction Waste Management Plan* (WMP) must be developed and implemented for the development, to the satisfaction of Council.

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

sites.

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

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

Public Utilities

30. A *Public Utility Impact Assessment* must be carried out to identify 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.
31. The owner/builder must make the necessary arrangements and meet the full cost for telecommunication companies, gas providers, Ausgrid, Sydney Water and other 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

32. 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

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"> • Monday to Friday - 7.00am to 5.00pm • Saturday - 8.00am to 5.00pm • Sunday & public holidays - No work permitted
Excavating of rock, use of jack-hammers, pile-drivers, vibratory rollers/compactors or the like	<ul style="list-style-type: none"> • Monday to Friday - 8.00am to 5.00pm • Saturday - No work permitted • Sunday & public holidays - No work permitted

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

35. 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 in the Building & Development section or a copy can be obtained from Council's Customer Service Centre.

Removal of Asbestos Materials

36. 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 10m² of bonded asbestos (or as otherwise specified by WorkCover or relevant legislation). Removal of friable asbestos material must only be undertaken by contractor that holds a current friable asbestos removal licence. 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 in the Building & Development Section or a copy can be obtained from Council's Customer Service Centre.

Sediment & Erosion Control

37. 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 a copy must be maintained on site and be made available to Council officers upon request.

Public Safety & Site Management

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

- a) 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) 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.
- h) 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

39. 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.
40. 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.

41. 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*.

Survey Requirements

42. 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 the footings or first completed 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

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

Site Amenities

44. Temporary toilet facilities are to be provided, at or in the vicinity of the work site throughout the course of demolition and construction, to the satisfaction of WorkCover NSW and the toilet facilities must be connected to a public sewer or other sewage management facility approved by Council.

Road/Asset Opening Permit

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

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

46. 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

47. 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

48. 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 issue of an *occupation certificate*.

Swimming Pool Safety

49. Swimming pools are to be provided with childproof fences and self-locking gates, in accordance with the *Swimming Pools Act 1992* and regulations.

The swimming pool is to be surrounded by a fence having a minimum height of 1.2m, that separates the pool from any residential building situated on the premises and from any place (whether public or private) adjoining the premises; and that is designed, constructed and installed in accordance with AS 1926.1 - 2007.

Gates to pool area shall be a maximum width of 1 metre, and be self-closing and latching; the gate is required to open outwards from the pool area and prevent a small child opening the gate or door when the gate or door is closed.

A 'warning notice' must be erected in a prominent position in the immediate vicinity of the swimming pool, in accordance with the provisions of the *Swimming Pools Regulation 2008*, detailing pool safety requirements, resuscitation techniques and the importance of the supervision of children at all times.

Spa Pool Safety

50. Spa pools are to be provided with a child resistant barrier, in accordance with the provisions of the *Swimming Pools Act 1992* and regulations.

A 'warning notice' must be erected in a prominent position in the immediate vicinity of the swimming pool, in accordance with the provisions of the *Swimming Pools Regulation 2008*, detailing pool safety requirements, resuscitation techniques and the importance of the supervision of children at all times.

Swimming Pool & Spa Pool Requirements

51. Swimming pools (and spa pools) are to be designed, installed and operated in accordance with the following general requirements:
- a) Backwash of the pool filter and other discharge of water is to be drained to the sewer in accordance with the requirements of the Sydney Water Corporation; and
 - b) All pool overflow water is to be drained away from the building and adjoining premises, so as not to result in a nuisance or damage to premises; and
 - c) Water recirculation and filtrations systems are required to comply with AS 1926.3 – 2010: Swimming Pool Safety – Water Recirculation and Filtration Systems; and
 - d) Pool plant and equipment is to be enclosed in a sound absorbing enclosure or installed within a building, to minimise noise emissions and possible nuisance to nearby residents.

Notification of Swimming Pools & Spa Pools

52. Written notification must be provided to Council advising of the installation and completion of the Swimming Pool (or Spa Pool), to satisfy the requirements of the *Swimming Pools Act 1992*.

Council's "Notification & Registration of a Swimming Pool" (which can be found

on Council's website under 'Find a Form') form must be completed and forwarded to Council prior to any Occupation Certificate being issued for the pool.

Council's Infrastructure, Vehicular Crossings & Road Openings

53. The owner/developer must meet the full cost for Council or a Council approved contractor to:
- a) Construct concrete vehicular crossing and layback at kerb opposite the vehicular entrance to the site.
 - b) Remove any redundant concrete vehicular crossing and layback and to reinstate the area with concrete footpath, turf and integral kerb and gutter to Council's specification.
54. 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.
55. 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.

Stormwater Drainage

56. 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.
57. 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).
58. 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.

59. If basement tanking/waterproofing is required the applicant shall submit to the Principal Certifying Authority (PCA) and Council certification from a suitably qualified and experienced professional engineer, confirming that the walls of the basement have been fully tanked and waterproofed to prevent the entry of all groundwater in the basement level.

Landscaping

60. Further to the landscaping requirements of Condition No. 4, the PCA must ensure that landscaping at this site is installed substantially in accordance with the Landscape Plan by Emmanuel Realty, dwg DA2-01, dated September 2012, prior to the issue of a Final Occupation Certificate, with the owners to ensure it is maintained in a healthy and vigorous state until maturity.
61. The nature strip upon Council's footway shall be excavated to a depth of 150mm, backfilled with topsoil equivalent with 'Organic Garden Mix' as supplied by Australian Native Landscapes, and re-turfed with Kikuyu Turf or similar. Such works shall be installed prior to the issue of a final Occupation Certificate.

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

62. Each premises is to be used as a single residential dwelling only at all times and must not be used for dual or multi-occupancy purposes.

External Lighting

63. 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.

Street Numbering

64. 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.

Waste Management

65. Adequate provisions are to be made within the premises for the storage and removal of waste and recyclable materials, to the satisfaction of Council.

Plant & Equipment

66. The operation of all plant and equipment on 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.

Swimming/Spa Pools

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

- 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.

Air Conditioners

68. 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

69. 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

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 The finished ground levels external to the building must 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.
- A9 Prior to commencing any works, the owner/builder should contact *Dial Before You Dig* on 1100 or www.dialbeforeyoudig.com.au and relevant Service Authorities, for information on potential underground pipes and cables within the vicinity of the development site.
- A10 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.
- A11 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/Garcia) CARRIED UNANIMOUSLY - SEE RESOLUTION.

D48/13 Development Application Report - 417-439R Bunnerong Road, Maroubra (DA/256/2013) (DA/256/2013)

PL59/13

RESOLUTION: (Andrews/Garcia)

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/256/2013 for installation of new light poles ranging from 15m to 35m on soccer fields, tennis and netball courts with flood lights, upgrade of existing lights and light poles, associated excavations and trenching for the light poles at Heffron Park at No. 417-439R Bunnerong Road, Maroubra, subject to the following conditions:

Prior to the commencement of any building, subdivision or associated construction works, a construction certificate must be obtained from the Council or an accredited certifier, in accordance with Section 81A (2) (a) of the Environmental Planning and Assessment Act 1979.

Conditions of Consent:

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

1. The development must be implemented substantially in accordance with the plans numbered ESK01, revision P3, ESK02, revision P4 ESK03, revision P4 and stamped as received by Council on 1 May 2013, the application form and supporting information received with the application.
2. A certificate from a suitably qualified person in outdoor lighting systems shall be submitted to the Director City Planning which certifies that the proposed lighting complies with Australian Standards AS/NZS 4282 Control of Obtrusive Lighting and AS/NZS 2560 Sports Lighting Series prior to the commencement of the use of the lights. No light spill is to protrude beyond the boundaries of the Park.

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

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

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.

4. All new work must be carried out in accordance with the provisions of the **Building Code of Australia (BCA)**, in accordance with Clause 98 of the Environmental Planning and Assessment Regulation 2000.
5. **Prior to the commencement of any 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.
6. **Prior to the commencement of any works**, the person having the benefit of the development consent must: -
 - i) appoint a Principal Certifying Authority for the work, and
 - ii) appoint a principal contractor for the work and notify the Principal Certifying Authority and Council accordingly in writing, and
 - iii) notify the principal contractor of the required critical stage inspections and other inspections to be carried out, as specified by the Principal Certifying Authority, and
 - iv) give at least two days notice to the Council, in writing, of the person's intention to commence works.
7. The works must be inspected by the Principal Certifying Authority (or another certifying authority if the Principal Certifying Authority agrees), in accordance with sections 109 E (3) of the Environmental Planning & Assessment Act 1979 and clause 162A of the Environmental Planning & Assessment Regulation 2000, to monitor compliance with the relevant standards of construction, Council's development consent and the construction certificate.

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

(as applicable).

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

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

8. A sign must be erected and maintained in a prominent position on the site, 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".

9. An **Occupation Certificate** must be obtained from the Principal Certifying Authority encompassed in this development consent, in accordance with the relevant provisions of the Environmental Planning & Assessment Act 1979.

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

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

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

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

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

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

12. 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 contractors for assessment.
13. A construction environmental management plan (CEMP) is to be submitted to Council for approval prior to the commencement of construction and implemented during construction to address potential impacts as described in conditions of this consent and generally in relation to soil and sedimentation control, noise, dust and other potential omissions, traffic and pedestrian safety, tree protection and the like.
14. All excavations and backfilling associated with the erection of the light towers 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.
15. Except with the written approval of Council's Manager of Health, Building & Regulatory Services, all site works (including site deliveries) must only be carried out between the hours of 7.00am to 5.00pm on Monday to Friday inclusive and (except as detailed below) between 8.00am to 5.00pm on Saturdays.

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

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

16. Noise and vibration emissions during the construction of the light towers and associated site works must not result in damage to nearby premises or result in an unreasonable loss of amenity to nearby residents and the relevant provisions of the Protection of the Environment Operations Act 1997 must be satisfied at all times.
17. Public safety and convenience must be maintained at all times during demolition, excavation and construction works.

The roadway, footpath and nature strip must be maintained in a good, safe condition and free from any obstructions, materials, soils or debris at all times. Any damage caused to the road, footway or nature strip must be repaired immediately, to the satisfaction of Council.

A Road Opening Permit must be obtained from the Council and other relevant Authorities prior to excavating or opening-up the road or footway for services or the like.

18. 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.

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, unless the waste container is located upon the road in accordance with the Roads & Traffic Authority Guidelines and Requirements, and the container is exempt from an approval under Development Control Plan for Exempt & Complying Development and Council's Local Approvals Policy. Applications to place a waste container in a public place can be made to Council's Building Services section.

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

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

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

The public safety provisions and temporary fences must be in place **prior to the commencement of any site 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.

20. A local approval application must be submitted to and be approved by Council's Building Services section prior to commencing any of the following activities on a footpath, road or nature strip or in any public place: -
- Install or erect any site fencing, hoardings or site structures
 - Operate a crane or hoist goods or materials over a footpath or road
 - Placement of a waste skip (greater than 3m in length) or any container or other article.

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

21. 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 the issuing of occupation certificate**, which certifies the structural adequacy of the light towers and that the works complies with the relevant structural design requirements of the Building Code of Australia.

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

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

quotation from Council's nominated contractor will be required to be paid prior to the commencement of any works.

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

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

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

25. Any damage sustained to either Council's nature strip or reserve as a result of the proposed works shall be repaired by excavating to a depth of 150mm, backfilling with topsoil equivalent with 'Organic Garden Mix' as supplied by Australian Native Landscapes, and re-turfed with Kikuyu turf or similar. Such works shall be completed at the applicant's expense prior to the issue of a final Occupation Certificate.

Tree Protection Measures

26. In order to ensure the retention of existing mature trees within the Park, the following measures are to be undertaken:
- a. Prior to the cutting of any roots, construction of footings or laying of cables within 5 metres of any tree, the applicant will be required to contact Council's Landscape Development Officer on 9399-0613, giving at least two working days notice, to arrange for a joint site inspection of these trenches for the purpose of identifying any significant roots.
 - b. The applicant will be required to comply with the verbal instructions issued by Council's Landscape Development Officer relating to any roots encountered, with generally any roots having a diameter of 50mm or less to be cut cleanly by hand, and those having a diameter greater than 50mm to be preserved by re-directing the proposed trenches and or footings around them, with these affected areas to be backfilled as soon as practically possible.
 - c. There is to be no storage of materials or machinery or site office/sheds, nor is cement to be mixed or chemicals spilt/disposed of and no stockpiling of soil or rubble within the driplines of any of these trees, with all documentation submitted for the construction certificate to demonstrate compliance with this requirement.

Advisory Conditions

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

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

Note: Council's Director City Planning was absent from the Chamber during the debate and voting on the following matter.

D49/13 Development Application Report - 385 Maroubra Road, Maroubra (DA/243/2013) (DA/243/2013)

PL60/13

RESOLUTION: (Andrews/Matson) that this matter be deferred for mediation between the applicant and objectors to discuss issues such as the reduction in height

of the roof and the reduction in the height of the slab between the ground and first floors.

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

**D50/13 Development Application Report - 11-27 Jennifer Street, Little Bay
(DA/547/2012) (DA/547/2012)**

PL61/13

RESOLUTION: (Andrews/Matson)

A. That Council as the consent authority refuse development consent under Section 80 of the Environmental Planning and Assessment Act 1979 to DA/547/2012 for Torrens title subdivision into three (3) lots and Stage 1 construction of a multi-unit housing development containing 24 townhouse dwellings and basement parking for 54 vehicles at 11- 27 Jennifer Street, Little Bay, for the following reasons:

1. The applicant has failed to submit a Species Impact Statement, necessary under Section 78A of the Environmental Planning and Assessment Act 1979, to enable Council to assess the impact of the development in the presence of an identified threatened ecological community, as defined by the Threatened Species Conservation Management Act, 1995.
2. The application is accompanied by insufficient information for Council to proceed with assessment against Section 79B of the Environmental Planning and Assessment Act 1979, requiring Council to obtain concurrence from the Director-General of the Office of Environment and Heritage.
3. The application is accompanied by insufficient information for Council to make an Assessment against Section 79C of the Environmental Planning and Assessment Act, as it relates to the natural environment, site suitability and the public interest.
4. The application is accompanied by insufficient information for Council to make an assessment pursuant Section 111(4) of the EPA Act 1979, requiring Council to consider the proposal and any effect on a threatened ecological community.

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

**D51/13 Development Application Report - 11 Lurine Street, Maroubra
(DA/161/2009/C) (DA/161/2009/C)**

PL62/13

RESOLUTION: (Andrews/Garcia)

That Council, as the consent authority, grants development consent under Section 96 of the Environmental Planning and Assessment Act 1979, as amended, to modify approved Development Application No. DA/161/2009 by altering the internal layout of the dwelling, extension of Bedroom 1 at the first floor level, redesign of the roof terrace including changes to the stair location and new bathroom, changes to openings on elevations, additional external screens to north east and north west elevations, at No. 11 Lurline Street, Maroubra, subject to the following conditions:

Amend Condition No. 1 to read:

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>Revision</i>	<i>Dated</i>	<i>Received</i>
DA 01	Architectural projects	Issue E	22/07/2009	3 June 2009
DA 03		Issue D	5/06/2009	
DA 04		Issue C	5/06/2009	
DA 05		Issue C	5/06/2009	
DA 06		Issue C	22/07/2009	
DA 07		Issue E	22/07/2009	

Except as amended by the Section 96 "B" plans and supporting documentation listed below:

<i>Plan</i>	<i>Drawn by</i>	<i>Revision</i>	<i>Dated</i>	<i>Received</i>
DA 01	Architectural projects	Issue J	29/03/2010	29 March 2010
DA 03		Issue H	29/03/2010	29 March 2010
DA 04		Issue G	29/03/2010	29 March 2010
DA 05		Issue H	29/03/2010	29 March 2010
DA 06		Issue G	29/03/2010	29 March 2010
DA 07		Issue J	29/03/2010	29 March 2010

A

and as amended by the Section 96 "C" plans and supporting documentation listed below:

<i>Plan</i>	<i>Drawn by</i>	<i>Revision</i>	<i>Dated</i>	<i>Received</i>
DA 01	Architectural projects	Issue L	21/12/2012	21 January 2013
DA 03		Issue J	21/12/2012	21 January 2013
DA 04		Issue J	21/12/2012	21 January 2013
DA 05		Issue J	21/12/2012	21 January 2013
DA 06		Issue J	21/12/2012	21 January 2013
DA 07		Issue L	21/12/2012	21 January 2013
DA 09		Issue J	21/12/2012	21 January 2013

<i>BASIX Certificate No.</i>	<i>Dated</i>	<i>Received</i>
A154453	17 January 2013	21 January 2013

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.

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

**D52/13 Development Application Report - 146-150 Coogee Bay Road,
Coogee (DA/159/2013) (DA/159/2013)**

Recommendation: (Matson/Shurey)

- A. That Council, as the consent authority, grants development consent under Sections 80 and 80A of the Environmental Planning and Assessment Act 1979, as amended, to Development Application No. 159/2013 for alterations and additions to existing service station (including the provision of a new canopy, new bowsers, an extension to the existing shop, new service yards, a new car park layout, wider vehicular entry along Coogee Bay Road, an internal shop refurbishment, relocated plant and equipment, new service station signs, associated landscaping and site works), at No. 146-150 Coogee Bay Road, 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

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:

Plan Number / Title	Dated	Received	Prepared By
22399 - A100 Rev D: Proposed Site Plan	10.05.13 (Rev D)	20 May 2013	Caltex Australia Petroleum Pty Ltd
22399 - A102 Rev A: Proposed Site Elevation (Sheet 1 of 2)	10.05.13 (Rev A)	20 May 2013	
22399 - A103 Rev A: Proposed Site Elevation (Sheet 2 of 2)	10.05.13 (Rev A)	20 May 2013	
22399 - A198 Rev D: Proposed Basement Plan	21.01.13 (Rev D)	19 March 2013	
22399 - A200 Rev D: Proposed Floor Plan	12.02.13 (Rev D)	19 March 2013	
22399 - A201 Rev C: Elevations (Sheet 1 of 2)	12.03.13 (Rev C)	19 March 2013	
22399 - A202 Rev C: Elevations (Sheet 2 of 2)	12.03.13 (Rev C)	19 March 2013	
22399 - A212 Rev C: Key Plan	13.02.13 (Rev C)	19 March 2013	
22399 - A300 Rev C: Under Canopy Plan	13.05.13 (Rev C)	20 May 2013	
22399 - A301 Rev B: Canopy Elevations	21.01.13 (Rev B)	19 March 2013	
22399 - S100 Rev C: Site Signage Plan	12.03.13 (Rev C)	19 March 2013	
22399 - S110 Rev D: Signage Details (Sheet 1 of 2)	12.02.13 (Rev D)	19 March 2013	
22399 - S111 Rev B: Signage Details (Sheet 2 of 2)	21.01.14 (Rev B)	19 March 2013	

22399 – L100 Rev A: Landscaping Site Plan	21.08.12 (Rev A)	19 March 2013	
22399 – L101 Rev A: Landscaping Area No. 1	21/0812 (Rev A)	19 March 2013	
22399 – H130 Rev B: Site Stormwater Plan	30.04.13 (Rev B)	7 May 2013	
22399 – B150 Rev A: Site Management Plan	21.08.12 (Rev A)	19 March 2013	
22399 – B151 Rev A: Site Management Details	21.08.12 (Rev A)	19 March 2013	

Construction Certification for Mechanical Plant

- The approved mechanical plant work must not be undertaken post development consent and prior to the issue of a Construction Certificate. They must be subject to a Construction Certificate. This does not preclude obtaining an interim Construction Certificate for that part of the development.

Vent Height

- The mechanical plant vent must not exceed the height of any wall of the service yard to the east. Details of compliance are to be included on approved construction certificate plans.

Parking and Maneuverability:

- All Off-street parking shall be designed and constructed in accordance with AS 2890.1-2004 and AS 2890.2-2002. The swept path of a tanker entering and existing the site, as well as maneuverability through the site shall be in accordance with AUSTROADS. Details shall be indicated on the approved Construction Certificate plans. Prior to the issue of an occupation certificate a compliance certificate shall be obtained and submitted to indicate the above measures have been provided.

Air Compressor Location

- An air compressor is not to be located within a service yard but within the lower level. Details shall be indicated on the approved Construction Certificate plans.

Residential Amenity

- A sign shall be erected on the site advising patrons of the proximity of neighbouring residential uses and to minimise noise. The sign shall not exceed A3 in size. Details of the sign (including location) shall be indicated on the Construction Certificate plans to the satisfaction of Council or the Principal Certifying Authority.

Height of Pylon (ID) Sign

- A condition is recommended to ensure the height of the Pylon (ID) sign does not exceed the maximum RL of 37.5. Details shall be indicated on the approved Construction Certificate plans.

Compliance with Recommendations of the Acoustic Report

- The following measures shall be provided as specified in the Acoustic Assessment Report (TG114-01F02 REV 3), dated 12 March 2013, prepared by Renzo Tonin & Associates, and as received by Council on 19 March 2013:

- Provision of a 5m long (minimum), 50mm thick, acoustically lined ductwork and a 2D circular podded silencer to the discharge side of the exhaust fan.
- Direction of the roof discharge to the south, where a bend is required.
- Lining with acoustic insulation (such as Martini Polymax HD Absorb 50 or

- equivalent) of the internal walls and ceiling of the intake side of the plant room (inclusive of the proposed acoustic walls).
- Installation of a 300mm deep acoustic louvre, equivalent to fantech SBL1, across the intake opening of the plantroom.
 - Upgrade of the northern wall of the plantroom to include a separate leaf partition, consisting of one layer of 16mm thick fire-rated plasterboard or 9mm thick fibre-cement sheeting, with insulation in the cavity and minimum airspace of 100mm in between the two leaves.
 - Mounting of fans on vibration isolators and balances in accordance with Australian Standard 2625 'Rotating Reciprocating Machinery – Mechanical Vibration'.
 - Erection of acoustic walls along the western and northern boundaries, as indicated in Figure 3 of the acoustic report. The walls shall have minimum height of 1.8m (preferably 2m for the wall along the western boundary), be of solid construction (i.e. continuous with no gaps between or underneath panels). The barriers can be constructed of common building materials but need to be from a durable material with sufficient mass (in this case, a minimum 10kg/m²) to prevent direct noise transmission e.g. masonry, fibrous-cement, aerated concrete such as Hebel, polycarbonate, or any combination of such materials, provided they withstand the weather elements.

Details shall be indicated on Construction Certificate plans to the satisfaction of Council or the Principal Certifying Authority. Prior to the issue of an Occupation Certificate a compliance certificate shall be obtained from an accredited certifier, verifying that the above measures have been provided.

Safety and Security

9. The Caltex manuals entitled 'Operational Excellence Procedure Documentation Security Requirements-Retails Sites', 'Incident Management', 'Emergency Response Procedures', 'Forecourt Management' and 'Training' are to be adopted and implemented in the operation of the service station. All staff is to be provided with a copy of the manuals.
10. A procedure with respect to dealing with complaints shall be implemented. The procedure shall include documentation of the complaints and actions taken to resolve matters. The procedure must be prepared by a suitably qualified person and endorsed by Council prior to the issue of the Occupation Certificate.
11. CCTV is to capture the area to the east side of the building, as well as areas of concealment within the shop such as the air lock adjacent to the toilet facilities unless they are subject to other measures for surveillance outlined in the 'Operational Excellence Procedure Documentation Security Requirements-Retails Sites' manual. Details shall be indicated on Construction Certificate plans to the satisfaction of Council or the Principal Certifying Authority.
12. Parts 3.2.1 and 3.2.2 of the 'Operational Excellence Procedure Documentation Security Requirements-Retails Sites' manual are to be complied with. Appropriate physical barriers as listed in Part 3.3.3 of the manual are to be adopted. Details shall be indicated on Construction Certificate plans to the satisfaction of Council or the Principal Certifying Authority.
13. The zones restricted in public access should be secured to avoid inadvertent access. As such appropriate locking systems are to be provided to the access ways to the 'store' at the western side and service counter/employee facilities at the eastern side of the building, unless subject to other 'physical security' measures that will restrict access, (such as those outlined in Part 3.3 of the 'Operational Excellence Procedure Documentation Security Requirements-Retails Sites'). Details shall be indicated on Construction Certificate plans to

the satisfaction of Council or the Principal Certifying Authority.

Light Impact:

14. The lighting on the site (inclusive of the location, lighting types / fixtures) shall be as per that discussed in the 'Report of Compliance with Requirements of Australian Standard AS 4282-1997' dated 27 May 2013 and prepared Light Harmony.

Upon occupation, a compliance certificate is to be submitted to Council to verify that the resultant impacts comply with Australian Standard AS 4282-1997 - 'The Control of the Obtrusive Effects of Outdoor Lighting', as outlined in the 'Report of Compliance with Requirements of Australian Standard AS 4282-1997'

15. A should any of the illuminated signs cause a nuisance to surrounding residential properties, the level of intensity be varied at the request of Council.
16. Any new pole lights are to achieve compliance with AS4282 'The Control of the Obtrusive Effects of Outdoor Lighting'. Canopy lighting is to consist of downward facing 'Generation 3 Canopy Lighting'. Details shall be indicated on the Construction Certificate plans to the satisfaction of Council or the Principal Certifying Authority.
17. No signage shall be erected on the site that consists of flashing lights, animated display, moving parts or simulated movements.

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

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

Long Service Levy

19. 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.

Sydney Water

20. 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 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.

Section 94A Development Contributions

21. In accordance with Council's Section 94A Development Contributions Plan effective from 2 July 2007, based on the development cost of \$1,234,409.00, the following applicable monetary levy must be paid to Council: \$12,344.09.00

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

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

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

Security Deposit

22. 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:

- \$2000.00 - 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.

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.

Building Code of Australia & Fire Safety

23. 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.
24. All new building work (including alterations, additions, fit-out work and fire safety works) are to be carried out in accordance with the relevant provisions of the Building Code of Australia (BCA) and details are to be included in the Construction Certificate, to the satisfaction of the Certifying Authority.
25. The building and fire safety upgrading works must be included in the Construction Certificate for the development and must be carried out prior to issuing of a final Occupation Certificate for the development. Written correspondence must be provided to Council which confirms that all of the upgrading works have been carried out in accordance with the conditions of consent.

Access & Facilities

26. Access and/or facilities for people with disabilities must be provided to all new building work in accordance with any relevant provisions of the Building Code of Australia Disability (Access to Premises – Buildings) Standards 2010, to the satisfaction of the Certifying Authority.

Carspaces

27. Carspaces and parking layout must be designed and constructed in accordance with AS 2890.1 (2004) – Off Street Car Parking. Details of compliance are to be included in plans submitted for the construction certificate.

Stormwater Drainage

28. The site stormwater drainage system is to be provided in general accordance with the site stormwater plan by RJ Sinclair Pty Ltd Drawing No 22399-H130 and stamped by Council 7th May 2013 and the following requirements;
29. 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.
30. The stormwater drainage system must be provided, to the satisfaction of Council and the PCA, to ensure that all paved areas on which a spillage of polluting materials may occur be designed to prevent the entry of pollutants into Council's stormwater system external to the site.
31. Generally all stormwater must be discharged (by gravity) to the kerb and gutter or underground drainage system located at the front of the subject site in Coogee Bay Road or Mount Street.
32. 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.

Waste Management

33. A Waste Management Plan detailing the waste and recycling storage and removal strategy for all of the development is required to be submitted to and approved by Council's Director of City Services.

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

- The use of the premises and the number and size of occupancies.
- The type and quantity of waste to be generated by the development.
- Demolition and construction waste, including materials to be re-used or recycled.
- Details of the proposed recycling and waste disposal contractors.
- Waste storage facilities and equipment.
- Access and traffic arrangements.
- The procedures and arrangements for on-going waste management including collection, storage and removal of waste and recycling of materials.

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

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, PCA & other Regulatory Requirements

34. 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.
 - b. 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.
 - c. a Principal Certifying Authority (PCA) must be appointed to carry out the necessary building inspections and to issue an occupation certificate; 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; and

- f. the relevant requirements of the Home Building Act 1989 (as applicable) must be complied with and details provided to the Principal Certifying Authority and Council.

Construction Noise & Vibration

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

Noise and vibration from any rock excavation machinery, 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 and Vibration Management Plan, prepared in accordance with the DECC Construction Noise Guideline, by a suitably qualified person is to be developed and implemented throughout the works, to the satisfaction of the Council. A copy of the plan must be provided to the Council and Principal Certifying Authority prior to the commencement of site works.

Demolition Work & Removal of Asbestos Materials

36. Demolition work must be carried out in accordance with the following requirements:

- a. 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 be developed and implemented to the satisfaction of the Principal Certifying Authority prior to commencing any demolition works.
- b. 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 10m² 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 in the Building & Development section or a copy can be obtained from Council's Customer Service Centre.

Construction Traffic Management

37. A detailed Construction Site Traffic Management Plan must be submitted to and approved by Council, prior to commencement of any site work.

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

38. 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.
39. 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.

Building Inspection Requirements

40. 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.

Excavations & Support of Adjoining Land

41. 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.

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

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

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

Permitted Working Hours

43. 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"> Monday to Friday - 7.00am to 5.00pm Saturday - 8.00am to 5.00pm Sunday & public holidays - No work permitted
Excavating of rock, use of jack-hammers, pile-drivers or the like	<ul style="list-style-type: none"> Monday to Friday - 8.00am to 5.00pm Saturday - No work permitted Sunday & public holidays - No work permitted
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"> Monday to Saturday - No time limits (subject to column 1) Sunday & public holidays - No work permitted
Additional requirements for all development (except for single residential dwellings)	<ul style="list-style-type: none"> Saturdays and Sundays where the preceding Friday and/or the following Monday is a public holiday - No work permitted

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.

Construction Site Management

44. 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:

- (a) A sign must be provided and maintained in a prominent position throughout 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".
- (b) 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.
- (c) 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.
- (d) 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.
- (e) 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.

Details of the proposed sediment control measures are to be detailed in the site management plan which must be submitted to the Principal Certifying Authority and Council 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 plan is to be maintained on-site and be made available to Council officers upon request.

- (f) 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 (having a minimum height of 1.5m) 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 necessary, an overhead (B Class type) hoarding may be required to protect the public or occupants of the adjoining premises from falling articles or materials.

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.

- (g) 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.
- (h) 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.

All works within or upon the road reserve, footpath, nature strip or other public place are to be 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.

Road/Asset Opening Permit

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

Stormwater Drainage

46. 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.

Tree Removal

47. No objections are raised to the removal of any existing vegetation within the site where necessary in order to accommodate the proposed works as shown, subject to full implementation of the approved landscaping.

Food Safety

48. The premises is to be designed, constructed and operated in accordance with the Food Act 2003, Food Regulation 2010, Australia & New Zealand Food Standards Code and Australian Standard AS 4674-2004, Design, construction and fit-out of food premises.
49. Food safety practices and operation of the food premises must be in accordance with the Food Act 2003, Food Regulation 2010, Food Standards Code and Food Safety Standards at all times, including the requirements and provisions relating to:
- Food handling – skills, knowledge and controls.
 - Health and hygiene requirements.
 - Requirements for food handlers and businesses.
 - Cleaning, sanitising and maintenance.
 - Design and construction of food premises, fixtures, fitting and equipment.
50. A failure to comply with the relevant food safety requirements is an offence and may result in legal proceedings, service of notices and/or the issuing of on-the-spot penalty infringement notices.
51. Upon completion of the work, the premises must be inspected by Council's Environmental Health Officer to ascertain compliance with relevant Food Safety Standards and the written approval of Council (being the relevant Food Authority for this food business) must be obtained, prior to the issuing of an occupation certificate.
52. The food premises must be registered with Council's Health, Building & Regulatory Services department and the NSW Food Authority in accordance with the Food Safety Standards, prior to commencement of any food business operations.
53. A Food Safety Supervisor must be appointed for the business and the NSW Food Authority and Council must be notified of the appointment, in accordance with the Food Act 2003, prior to commencing business operations. A copy of the Certificate of Appointment must be maintained on site and be provided to Council officers upon request.
54. The Proprietor of the food business and all staff carrying out food handling and food storage activities must have appropriate skills and knowledge in food safety and food hygiene matters, as required by the Food Safety Standards.
55. The food premises must be kept in a clean and sanitary condition at all times, including all walls, floors, ceilings, fixtures, fittings, appliances, equipment, fridges, freezers, cool rooms, shelving, cupboards, furniture, crockery, utensils, storage containers, waste bins, light fittings, mechanical ventilation & exhaust systems & ducting, storage areas, toilet facilities, basins and sinks.
56. The design and construction of food premises must comply with the following requirements, as applicable: -
- The floors of kitchens, food preparation areas and the like are to be constructed of materials which are impervious, non slip and non abrasive. The floor is to be finished to a smooth even surface, graded and drained to a floor waste connected to the sewer.

- The intersection of walls with floor and plinths is to be coved, to facilitate cleaning.
 - Walls of the kitchen preparation areas and the like are to be of suitable construction finished in a light colour with glazed tiles, stainless steel, laminated plastics or similar approved material adhered directly to the wall adjacent to cooking and food preparation facilities or areas, to provide a smooth even surface.
The glazed tiling or other approved material is to extend up to the underside of any mechanical exhaust ventilation hoods and a minimum of 450mm above bench tops or other facilities and equipment.
 - Walls where not tiled are to be cement rendered or be of rigid smooth faced non-absorbent material (i.e. fibrous cement sheeting, plasterboard or other approved material) and finished to a smooth even surface, painted with a washable paint of a light colour or sealed with other approved materials.
 - The ceilings of kitchens, food preparation areas, storerooms and the like are to be of rigid smooth-faced, non absorbent material i.e., fibrous plaster, plasterboard, fibre cement sheet, cement render or other approved material.
 - All stoves, refrigerators, bain-maries, stock pots, washing machines, hot water heaters, large scales, food mixers, food warmers, cupboards, counters, bars etc to be supported on wheels, concrete plinths a minimum 75mm in height, metal legs minimum 150mm in height, brackets or approved metal framework of the like.
 - Cupboards, cabinets, benches and shelving may be glass, metal, plastic, timber sheeting or other approved material. The use of particleboard or similar material is not permitted unless laminated on all surfaces.
 - Adequate fly screens and doors with self-closing devices, (where applicable), are to be provided to all external door and window openings. An electronic insect control device must also be provided within the food premises.
 - Garbage storage enclosures are to be fitted with a hose cock and the floor is to be graded and drained to an approved floor waste connected to the sewer.
 - Wash hand basins must be provided in convenient positions, with hot and cold water, together with a sufficient supply of soap and clean towels. Such hot and cold water shall be supplied to the wash hand basins through an approved mixing device.
 - Ceramic tiles being provided to a height of 450mm above bench tops, wash hand basins and similar fittings.
57. All food preparation, cooking, display and storage activities must only be carried out within the approved food premises.

Storage shall be within appropriate shelves, off the floor and in approved storage containers. External areas or structures must not be used for the storage, preparation or cooking of food, unless otherwise approved by Council

in writing and subject to any necessary further approvals.

58. A wash hand basin (soap & towel dispenser) must be provided within the food preparation area and is to be provided with hot and cold water via a suitable mixing device.
59. A numerically scaled indicating thermometer or recording thermometer, accurate to the nearest degree Celsius being provided to refrigerators, cool rooms, other cooling appliances and bain-maries or other heated food storage/display appliances. The thermometer is to be located so as to be read easily from the outside of the appliance.
60. All food that is to be kept hot should be heated within one (1) hour from the time when it was prepared or was last kept cold, to a temperature of not less than 60°C and keep this food hot at or above the temperature. Food that is to be kept cold should be cooled, within four (4) hours from the time when it was prepared or was last kept hot, to a temperature of not more than 5°C and keep this food cold at or below that temperature.
61. A comprehensive cleaning and maintenance program must be implemented for the operation of the mechanical ventilation exhaust system, to ensure that the system (including emission control devices and filters) are maintained and operate efficiently and effectively in an environmentally satisfactory manner at all times and the emissions do not cause a nuisance to nearby residents.
62. The program shall include a cleaning and maintenance schedule, prepared by the designing engineer/manufacture or other suitably qualified person. This schedule is to detail the inspections and maintenance works to be undertaken and their timeframes, so as to ensure the mechanical ventilation system (including emission control device and filters) operates efficiently, effectively and in an environmentally satisfactory manner at all times.

A copy of the schedule is to be kept onsite at all times and a copy provided to Council **prior to an occupation certificate** being issued for the premises.

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.

Land Contamination

63. Prior to any occupation certificate being issued for the site or commencing the use of the land as provided in this consent, a Validation Report prepared by a suitably qualified Environmental Consultant must be submitted to the satisfaction of Council. The report must demonstrate that the relevant land contamination conditions in this consent have been satisfied and that the site is suitable for the proposed development.

Occupation Certificate Requirements

64. 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.

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

Fire Safety Certificate Requirements

65. Prior to issuing an interim or final Occupation Certificate, a single and complete Fire Safety Certificate, encompassing 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 copy of the Fire Safety Certificate must be displayed in the building entrance/foyer at all times and a copy of the Fire Safety Certificate and Fire Safety Schedule must also be forwarded to Fire & Rescue NSW.

Noise Emissions - Certification

66. Where plant and equipment is installed in the premises (e.g. air-conditioners, mechanical ventilation/exhaust systems or refrigeration motors etc), a written report or statement must be obtained from a suitably qualified and experienced consultant in Acoustics.

The report/statement must demonstrate and confirm that noise and vibration from the development satisfies the relevant provisions of the Protection of the Environment Operations Act 1997, NSW Office of Environment & Heritage/Environment Protection Authority 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/statement must be provided to Council prior to the issue of an Occupation Certificate.

Council's Infrastructure, Vehicular Crossings & Road Openings

67. 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, street trees 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.
68. 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.

Landscaping

69. The PCA must ensure that landscaping at this site is installed substantially in accordance with the Landscape Plans by R.J Sinclair, dwg 22319-L100 – 102, revision A, dated 07.08.12, prior to issuing a Final (or any other type of Interim) Occupation Certificate/s, with the owners to ensure it is maintained in a healthy and vigorous state until maturity.

Service Authorities

70. The applicant shall meet the full cost for the overhead power lines and telecommunication cables located along the Coogee Bay Road frontage to be aerially bundled. The applicant shall liaise directly with the relevant service utility authorities to organise for the cables to be bundled. All cables/wires must be bundled to the satisfaction of the relevant service utility authority prior to the issuing of an occupation certificate for the development.

Stormwater Drainage

71. 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.

Environmental Amenity

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

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

73. A report, prepared by a suitably qualified and experienced consultant in acoustics, shall be submitted to the Council prior to an occupation certificate being issued for the development, which demonstrates and certifies that noise and vibration from the development satisfies the relevant provisions of the Protection of the Environment Operations Act 1997, NSW EPA/DECC Noise Control Manual & Industrial Noise Policy, Council's conditions of consent (including any relevant approved acoustic report and recommendations), to the satisfaction of Council. The assessment and report must include all relevant fixed and operational noise sources including the air compressor and all

- equipment relocated to the basement area.
74. The proposed light design for the premises must comply with the Australian standard 4282-1997 Control of the obstructive effects of outdoor lighting.
75. 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 Regulations.
76. The location and height of the discharge of mechanical ventilation and exhaust systems are required to satisfy the relevant provisions of the Building Code of Australia and AS 1668 and details are to be provided in the relevant plans / specifications for the construction certificate.
77. Environmental sampling and laboratory analysis of the Oil/water separator located in the forecourt area is to be undertaken by a suitably qualified environmental consultant to confirm compliance with the Protection of the Environment Operations Act 1997 some three months after the operation of the facility. Details of the testing are to be forwarded and approved by Council prior to the issuing of an occupational 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.

Operational Requirements

78. The storage of boxes, cartons, pallets, goods or any other material relating to the operation of the business other than a commercial garbage bin must be wholly contained within the premises.
79. All loading and unloading associated with the use or operation of the premises shall be carried out within the site.
80. No goods, or machinery or advertising signs are to be placed on Council's footway at any time, unless the prior written approval has been obtained from Council.
81. 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, or any other environmental health or public nuisance.
82. The proposed use of the premises and the operation of all plant and equipment shall not give rise to an 'offensive noise' as defined in the Protection of the Environment Operations Act 1997 and Regulations.

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

83. 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 Regulations.

84. Environmental water sampling and laboratory analysis of the Oil/water separator located in the forecourt area is to be undertaken annually by a suitably qualified environmental consultant to confirm compliance with the Protection of the Environment Operations Act 1997 and any other relevant regulations and guidelines. Details of the sampling and results are to be kept on site for inspection by Council officers at all times.
85. Delivery tankers shall be parked within the site during unloading. Tankers shall enter and exit the site in a forward direction. All tanker deliveries may only be made between 7am to 7pm Mondays to Saturdays and 9am to 9pm on Sundays.
86. All non-fuel deliveries to the site are to be restricted between 7am and 9pm Mondays to Saturdays and 9am to 9pm on Sundays.
87. All waste collection are to be restricted between 7am and 7pm Mondays to Sundays.
88. The site is to be regularly maintained in a clean and tidy state. Any repairs are to be undertaken promptly.
89. All vehicles must exit the site in a forward direction.
90. Advertising on the approved signs must be related to the use of the premises, i.e. they must only advertised the CALTEX business, services and /or products available on the site.
91. The installation of roller shutters or security grilles to the shopfront is not permitted, unless a specific development consent has been obtained from Council.
92. All loading and unloading must be carried out on site

Stormwater Pollution

93. The proposed stormwater drainage Purceptor unit must be maintained in accordance with the manufacturer's specifications at all times.

Fire Safety Statements

94. A single and complete Fire Safety Statement (encompassing all of the fire safety measures upon the premises) must be provided to the Council in accordance with the requirements of the Environmental Planning & Assessment Regulation 2000.

The Fire Safety Statement must be provided on an annual basis, each year following the issue of the Fire Safety Certificate and other period if any of the fire safety measures are identified as a critical fire safety measure in the Fire Safety Schedule.

The Fire Safety Statement is required to confirm that all the fire safety measures have been assessed by a properly qualified person and are operating in accordance with the standards of performance specified in the Fire Safety Schedule.

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

Environmental Amenity

95. The use and operation of the premises shall not give rise to an environmental health or public nuisance, cause a vibration nuisance or, result in an offence under the Protection of the Environment Operations Act 1997 and Regulations.
96. The proposed use and operation of the premises (including all plant and equipment) must 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 Office of Environment & Heritage/Environment Protection Authority Industrial Noise Policy 2000 and Environmental Noise Control Manual (sleep disturbance).

Waste Management

97. Adequate provisions are to be made within the premises for the storage, collection and disposal of trade/commercial waste and recyclable materials, to the satisfaction of Council.

Any trade/commercial waste materials must not be disposed in or through Council's domestic garbage service. All trade/commercial waste materials must be collected by Council's Trade Waste Service or a waste contractor authorised by the Waste Service of New South Wales and details of the proposed waste collection and disposal service are to be submitted to the Principal Certifying Authority and Council prior to commencing operation of the business.

The operator of the business must also arrange for the recycling of appropriate materials and make the necessary arrangements with an authorised waste services contractor accordingly.

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 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.

- A2. The assessment of this development application does not include an assessment of the proposed building work under the Building Code of Australia (BCA) and Disability (Access to Premises – Buildings) Standards 2010.

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.

- A3. 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 liaise with the appointed Certifying Authority prior to lodgement of the Construction Certificate.

A4 A separate development application and construction certificate or a complying development certificate (as applicable) must be obtained if the premises is to be used for any of the purposes detailed below (unless specifically included in this consent):

- All food businesses (including premises used for the sale, storage, preparation and distribution of food and drinks)
- Hairdressing salons, Beauty salons, Businesses involving Skin Penetration & Piercing, Massage businesses
- Licensed premises, places of public entertainment and hotels
- Places of Shared Accommodation (including Boarding / Lodging Houses, Bed & Breakfast businesses, Backpackers, Residential Hotels or the like)
- Cooling Towers or Warm Water Systems
- Business providing any form of sexual service (i.e. brothel or the like).

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

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

A6 The applicant is to advise Council in writing and/or photographs of any signs of existing damage to the Council roadway, footway, or verge prior to the commencement of any building/demolition works.

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

AMENDMENT: (Andrews/Stavrinos) that condition 86 be amended to read "All non-fuel deliveries to the site are to be restricted between 6am and 9pm Mondays to Saturdays and 7am to 9pm on Sundays." **LOST.**

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

FOR	AGAINST
Councillor Andrews	Councillor Belleli
Councillor Moore	Councillor Bowen
Councillor Roberts	Councillor D'Souza
Councillor Seng	Councillor Garcia
Councillor Stavrinos	Councillor Matson
Councillor Stevenson	Councillor Nash
	Councillor Shurey
Total (6)	Total (7)

**D53/13 Development Application Report - 40 Earl Street, Randwick
(DA/544/2011/C) (DA/544/2011/C)**

PL63/13

RESOLUTION: (Andrews/Stavrinos) that Council, as the consent authority, refuse its consent under Section 96 of the Environmental Planning and Assessment Act 1979 as amended to modify Development Consent No DA/544/2011/C for permission to delete pergola, relocate the stairs externally and change the size of openings on the eastern elevations for 40 Earl Street, RANDWICK NSW 2031 for the following reasons: -

- (a) the proposal will result in the loss of privacy & amenity for the adjoining properties;
- (b) the proposal is not in the public interest; and
- (c) the concerns raised by the objectors.

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

FOR	AGAINST
Councillor Andrews	Councillor Bowen
Councillor Belleli	Councillor D'Souza
Councillor Matson	Councillor Garcia
Councillor Nash	Councillor Moore
Councillor Seng	Councillor Roberts
Councillor Shurey	
Councillor Stavrinos	
Councillor Stevenson	
Total (8)	Total (5)

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

D54/13 Development Application Report - 285 Rainbow Street, South Coogee (DA/144/2013) (DA/144/2013)

Note: Having previously declared an interest, Cr Garcia left the chamber and took no part in the debate or voting on this matter.

PL64/13

RESOLUTION: (Roberts/Nash)

- A. That Council, as the consent authority, grants development consent under Section 80 and 80A of the Environmental Planning and Assessment Act 1979, as amended, to Development Application DA/144/2013 for Torrens title subdivision of the existing site into two (2) lots, demolition of existing garage fronting Marian Street and provide a hardstand car space (variation to minimum lot size development standard), at No. 285 Rainbow Street, South Coogee, 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:

<i>Plan</i>	<i>Drawn by</i>	<i>Dated</i>	<i>Received by Council</i>
2069/12 – 'Plan of proposed subdivision'	Eric Scerri & Associates	19 November 2012	12 March 2013
SD1.11 – Site plan	Hill Thallis	5 March 2013	

No approval for indicative structures

- The structures shown on the approved 'Site Plan' (SD1.11) of Condition 1 are indicative only and are not approved as part of this consent.

Provision of a hard stand car space

- A hard-stand car space shall be provided on the proposed Lot 1, in the location indicated on the approved 'Site Plan' (SD1.11) and according to the below conditions. The hard stand shall accommodate a single vehicle and be accessed from Marian Street,

The indicative carport structure labelled above the hard stand on the approved plans is not approved as part of this consent.

REQUIREMENTS PRIOR TO THE ISSUE OF A CONSTRUCTION CERTIFICATE

The following conditions of consent must be complied with prior to the issue of a 'Construction Certificate' by either Randwick City Council or an Accredited Certifier. All necessary information to demonstrate compliance with the following conditions of consent must be submitted with the construction certificate application.

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.

Security Deposit

- 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*:

- \$600.00 - 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.

Design Alignment levels

5. The design alignment level (the finished level of concrete, paving or the like) at the property boundary for the vehicle access in Marian Street, must match the top of the existing kerb.

The design alignment level/s 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 (a construction note is considered satisfactory). 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.

6. 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.

Car space Design

7. The internal carspace must be designed and constructed in accordance with AS 2890.1 (2004) – Off Street Car Parking and the levels of the driveway/carspace 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.
8. Stormwater runoff (from the proposed carport) must be drained and discharged to the street gutter or suitably designed absorption pit, to the satisfaction of the Certifying Authority and details are to be included in the construction certificate application for the development.

Absorption pits or soaker wells should be located not less than 3m from any adjoining premises and the stormwater must not be directed to any adjoining premises or cause a nuisance.

Sydney Water

9. 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 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.

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.

Public Utilities

10. 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.
11. 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.

Demolition Work Plan

12. 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.

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

13. 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

14. 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

15. 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"> • Monday to Friday - 7.00am to 5.00pm • Saturday - 8.00am to 5.00pm • Sunday & public holidays - No work permitted
Excavating of rock, use of jack-hammers, pile-drivers, vibratory rollers/compactors or the like	<ul style="list-style-type: none"> • Monday to Friday - 8.00am to 5.00pm • Saturday - No work permitted • Sunday & public holidays - No work permitted

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

16. 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:

- Occupational Health & Safety Act 2000 & 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 Protection of the Environment Operations (Waste) Regulation 2005
- 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 in the Building & Development section or a copy can be obtained from Council's Customer Service Centre.

Removal of Asbestos Materials

17. 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 10m² of bonded asbestos (or as otherwise specified by WorkCover or relevant legislation). Removal of friable asbestos material must only be undertaken by contractor that holds a current friable asbestos removal licence. 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 in the Building & Development Section or a copy can be obtained from Council's Customer Service Centre.

Sediment & Erosion Control

18. 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

19. 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.
- 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.

Road / Asset Opening Permit

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

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

For further information, please contact Council's Road / Asset Opening Officer

on 9399 0691 or 9399 0999.

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, street verge

21. The applicant must meet the full cost for Council or a Council approved contractor to:
 - i) Construct a concrete vehicular crossing and layback at kerb opposite the vehicular entrance to the site.
22. The applicant must meet the full cost for Council or a Council approved contractor to repair/replace any damaged sections of Council's footpath, kerb & gutter, nature strip etc which are due to building works being carried out at the above site. This includes the removal of cement slurry from Council's footpath and roadway.
23. 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 Civil 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.

REQUIREMENTS PRIOR TO THE ISSUE OF A SUBDIVISION CERTIFICATE

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.

24. 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 > Building and developing > Developing your Land > Water Servicing Coordinator or telephone 13 20 92.

Please make early contact with the Water Servicing Coordinator, 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*.

25. 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.
26. A "restriction as to user" shall be placed on the title of the proposed southern lot in conjunction with the registration of the proposed plan of subdivision for this property. This restriction as to user shall indicate that onsite stormwater detention is required in conjunction with any future development approval for the southern lot (This is to ensure that no works which could affect the provision of onsite detention on the subject lots shall be permitted to be carried out without the prior consent in writing of the Council). This restriction will also ensure that all prospective purchasers of the subject lot are aware that onsite stormwater detention will be required as a condition of any future development consent.
27. A formal subdivision application is required to be submitted to and approved by the Council and all relevant conditions of this development consent are required to be satisfied prior to the release of the subdivision plans.

Street numbering

28. 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 a subdivision 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 a subdivision certificate**.

29. An occupation certificate for the hardstand carspace must be issued and provided to Council prior to the issuing of a subdivision certificate.

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

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 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.

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

**D55/13 Development Application Report - 96 Maroubra Road, Maroubra
(DA/926/2010/A) (DA/926/2010/A)**

PL65/13

RESOLUTION: (Andrews/Garcia)

That Council, as the consent authority, grants development consent under Section 96 of the Environmental Planning and Assessment Act 1979, as amended, to modify approved Development Application No. DA/926/2010/A by increase in size of ground level office, alterations to car park entry and car stacker to provide for 16 car spaces, internal changes with resulting changes to windows, deletion of access to outdoor area from Hannan Street, increase in height of outdoor area and path on eastern side, reduction in residential floor to ceiling height and increase in basement ceiling height by 300mm, at No. 96 Maroubra Road, Maroubra, subject to the following conditions:

Amend Condition No.'s 1, 16, 23, 70 & 77 to read:

1. The development must be implemented substantially in accordance with the plans and supporting documentation listed below, except where amended by Council in red and/or by other conditions of this consent:

Plan	Drawn by	Dated
DA02G - Basement and Ground floor/Level 1 Plan	The Architecture Company Pty Ltd	April 2011, revised 22.08.12
DA03G - Level 2/Level 3 Plan	The Architecture Company Pty Ltd	April 2011, revised 22.08.12
DA04G - Level 4/Level 5 Plan	The Architecture Company Pty Ltd	April 2011, revised 22.08.12
DA05G - Level 6/Roof Plan	The Architecture Company Pty Ltd	April 2011, revised 22.08.12
DA06G - North and South Elevation	The Architecture Company Pty Ltd	April 2011, revised 22.08.12
DA07G - West Elevation	The Architecture Company Pty Ltd	April 2011, revised 22.08.12
DA08G - East Elevation	The Architecture Company Pty Ltd	April 2011, revised 22.08.12
DA09G - SectionAA	The Architecture Company	April 2011,

	Pty Ltd	revised 22.08.12
Basement detail, 96 Maroubra Road	The Architecture Company Pty Ltd	
Landscape plan Sheet 1 of 1, Issue D	Narelle Sonter, Botanica	May 2012, revised 23.08.12

<i>BASIX Certificate</i>	<i>No.</i>	<i>Dated</i>
Prepared by Gradwell Consulting	444663M	31 August 2012

as amended by the Section 96 "A" plans and supporting documentation listed below:

<i>Plan</i>	<i>Drawn by</i>	<i>Dated</i>	<i>Received</i>
A-02/B: Basement and Ground floor/Level 1 Plan	Architect: SWA Group	02/05/2013	9 May 2013
A-03B: Level 2/Level 3 Plan	Architect: SWA Group	02/05/2013	9 May 2013
A-04/B: Level 4 to Level 6 Plan	Architect: SWA Group	02/05/2013	9 May 2013
A-06/B - North and South Elevation	Architect: SWA Group	02/05/2013	9 May 2013
A-07/B - East Elevation	Architect: SWA Group	02/05/2013	9 May 2013
A-08/B: West Elevation	Architect: SWA Group	02/05/2013	9 May 2013
A-09/B: Section A & Section B	Architect: SWA Group	02/05/2013	9 May 2013
A-20/A	Architect: SWA Group	02/05/2013	9 May 2013
L01/1-K17906: Landscape Plant plan	Michael Siu Landscape Architects	11 March 2013	9 May 2013

<i>BASIX Certificate</i>	<i>No.</i>	<i>Dated</i>	<i>Received</i>
Prepared by Greenworld Architectural Drafting	474662M	3 June 2013	25 June 2013

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 16 of the LEC Approved Consent is to be amended to read as follows:

16. 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, must be as follows:

Hannan Street Garage Entrance

RL 26.500 AHD

Maroubra Road Lobby Entrance - Match the back of the existing Council footpath levels in Maroubra Rd.

The design alignment level/s at the property boundary as issued by Council 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.

Condition No 23 (a to e) of the LEC Approved Consent is to be amended to read as follows:

Landscaping & Environmental amenity:

23. Landscaping at this site must be installed substantially in accordance with the Landscape Planting Plan by Michael Siu Landscape Architects, dwg L01/1-K17906, revA, dated 14 March 2013, with the owner/s to implement suitable strategies to ensure it is maintained in a health and vigorous state until maturity.

Condition No 70 (a) of the LEC Approved Consent is to be amended to read as follows:

70. Prior to issuing a final occupation certificate for the development, the owner/developer must meet the full cost for Council or a Council approved contractor to:
- a) Construct new full width concrete vehicular crossing and layback at kerb opposite the vehicular entrance to the site in Hannan Street as in accordance with the levels shown on the approved plan by SWA Group (*Refer - Job No 1218, Drwg A-02B, Dated 02/05/13*).

Condition No 77 of the LEC Approved Consent is to be amended to read as follows:

77. The gradient/levels of the Council driveway as well as the internal access driveway must be constructed in accordance with those show on the submitted plans by SWA Group Architects *Job No 1218, Drwg No A-02 Issue B, dated 02/05/2013*.

Condition No.'s 91 & 92 are added:

91. The proposed planting on the Hannan Street frontage, between the new retaining wall and kerb, must be deleted due to concerns over issues associated with future access, maintenance and liability for Council.
92. Development consent is required to be obtained in relation to the specific 'use and operation' of commercial tenancies/occupancies and 'shop fit out works', in accordance with the relevant requirements of the *Environmental Planning & Assessment Act 1979*, unless exempted under the SEPP Exempt and Comply Development Codes 2008.

Condition No 36 of the LEC Approved Consent is deleted.

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

Miscellaneous Reports

M11/13 Miscellaneous Report - NSW Government Planning Reforms: White Paper Submission (F2011/00542)

PL66/13 **RESOLUTION: (Roberts/Matson) that: -**

- (a) Council endorse the attached submission on the NSW Government's White Paper- A New Planning System for NSW.

- (b) Council note the White Paper Community Consultation Workshop Consultants Report, which forms part of the submission;
- (c) an additional dot point be added under the section entitled "Community Participation Framework" which reads "that the existing rights in relation to applicants & objectors to DA's be maintained;"
- (d) as part of our submission, Council note the ICAC submission concerning the greater risk for corruption with any of the proposed reforms and urge the state government to take on board this submission to address the potential for corruption;
- (e) the dot point regarding Voluntary Planning Agreements under the section entitled "Infrastructure" be amended to read "The proposed limitation on councils utilising Voluntary Planning Agreements should be clarified." and
- (f) that a sentence be added to the second dot point under the section entitled "Development Assessment" which reads "Code based development should have the opportunity to be assessed at local government level if required by local government Councillors."

MOTION: (Nash/Andrews) that:-

- (a) Council endorse the attached submission on the NSW Government's White Paper- A New Planning System for NSW.
- (b) Council note the White Paper Community Consultation Workshop Consultants Report, which forms part of the submission;
- (c) an additional dot point be added under the section entitled "Community Participation Framework" which reads "that the existing rights in relation to applicants & objectors to DA's be maintained;"
- (d) as part of our submission, Council note the ICAC submission concerning the greater risk for corruption with any of the proposed reforms and urge the state government to take on board this submission to address the potential for corruption; and
- (e) the dot point regarding Voluntary Planning Agreements under the section entitled "Infrastructure" be amended to read "The proposed limitation on councils utilising Voluntary Planning Agreements should be clarified."

AMENDMENT: (Roberts/Matson) that a sentence be added to the second dot point under the section entitled "Development Assessment" which reads "Code based development should have the opportunity to be assessed at local government level if required by local government Councillors." **CARRIED AND BECAME THE MOTION.**

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

FOR

Councillor Andrews
Councillor Bellei
Councillor Bowen
Councillor D'Souza
Councillor Matson
Councillor Moore
Councillor Nash
Councillor Roberts

AGAINST

Councillor Garcia

Councillor Seng
 Councillor Shurey
 Councillor Stavrinou
 Councillor Stevenson

Total (12)

Total (1)

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

M12/13 Miscellaneous Report - Draft Metropolitan Strategy for Sydney to 2031 (F2006/00065)

PL67/13

RESOLUTION: (Mayor, Cr T Bowen/Stavrinou) that the Council endorse the attached submission on the Draft Metropolitan Strategy for Sydney to 2031; subject to: -

- (a) noting that while Council supports the principles of providing integrated land use and transport planning, housing affordability, better public transport, and more walking and cycling, it objects to the Urban Activation Precinct program as current proposed and articulated by the NSW Government; and
- (b) that the DCP and LEP densities, zonings and measurements put in place by Randwick Council are maintained.

MOTION: (Matson/Shurey) that the Council endorse the attached submission on the Draft Metropolitan Strategy for Sydney to 2031; subject to:-

- (a) the deletion of the reference to proactively plan for a second Sydney Airport; and
- (b) noting that Council does not support the current presentation of the UAP program as currently presented by the State Government to date, but recognises the need to plan for greater use of public transport, more walking and cycling, better integration of transport and land use and that in addition to housing and jobs growth, community focused benefits (eg improved public domain, cycling walking links, open space and other social infrastructure) should also be recognised and highlighted as a key strategic objective.

AMENDMENT: (Bowen/Stavrinou) that the Council endorse the attached submission on the Draft Metropolitan Strategy for Sydney to 2031; subject to:-

- (a) noting that while Council supports the principles of providing integrated land use and transport planning, housing affordability, better public transport, and more walking and cycling, it objects to the Urban Activation Precinct program as current proposed and articulated by the NSW Government; and
- (b) that the DCP and LEP densities, zonings and measurements put in place by Randwick Council are maintained. **CARRIED AND BECAME THE MOTION.**

Note: Councillors Matson and Shurey requested that their names be recorded as opposed to the decision to support the proactive planning for a second airport.

MOTION: (Bowen/Stavrinou) CARRIED - SEE RESOLUTION.

Notice of Rescission Motions

Nil.

The meeting closed at 8.42pm.

The minutes of this meeting were confirmed at the Planning Committee Meeting of the Council of the City of Randwick held on Tuesday, 13 August 2013.

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CHAIRPERSON