

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, 10 MARCH 2015 AT 6:03PM

Present:

The Mayor, Councillor T Seng (Central Ward)

North Ward	- Councillors L Shurey & K Smith
South Ward	- Councillors R Belleli & P Garcia (Chairperson)
East Ward	- Councillors T Bowen, M Matson & B Roberts
West Ward	- Councillors G Moore & H Stavrinou
Central Ward	- Councillors A Andrews & G Stevenson (arrived 8.31pm)

Officers present:

General Manager	Mr R Brownlee
Director City Services	Mr J Frangoules
Director City Planning	Ms S Truuvert
Director Governance & Financial Services	Mr J Smith
Manager Development Assessment	Mr K Kyriacou
Senior Administrative Coordinator	Ms J Hartshorn
Communications Manager	Mr J Hay

The meeting was adjourned at 6.03pm and was resumed at 6.05pm.

Apologies/Granting of Leave of Absences

Apologies were received from Crs D'Souza, Nash, Neilson and Stevenson (for late arrival).

RESOLVED: (Moore/Shurey) that the apologies received from Crs D'Souza, Nash, Neilson and Stevenson (for late arrival) be accepted and leave of absences from the meeting be granted.

Confirmation of the Minutes

CONFIRMATION OF THE MINUTES OF THE PLANNING COMMITTEE MEETING HELD ON TUESDAY 10 FEBRUARY 2015

PL13/15

RESOLUTION: (Moore/Shurey) that the Minutes of the Planning Committee Meeting held on Tuesday 10 February 2015 (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 Andrews declared a non-significant non pecuniary interest in Item D15/15 as he knows one of the objectors.
- b) Cr Andrews declared a non-significant non pecuniary interest in Item D13/15 as he is aware of a number of the objectors.
- c) Cr Moore declared a non-significant non pecuniary interest in Item D14/15 as the applicant is known to him.
- d) Cr Garcia declared a non-significant non pecuniary interest in Item M1/15 as some of the objectors are known to him.

Later in the meeting:

- e) Cr Bowen declared a non-significant non pecuniary interest in Item UB1/15 as a member of the Labor Party he has previously has worked on Paul Pearce's election campaign.
- f) Cr Shurey declared a non-significant non pecuniary interest in UB1/15 as she is The Greens candidate for the State seat of Coogee in the upcoming State election. Cr Shurey subsequently changed her declaration to a significant non pecuniary interest and left the meeting.
- g) Cr Roberts declared a non-significant non pecuniary interest in UB1/15 as he is the Liberal candidate for the State seat of Maroubra in the upcoming State election.

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:

D13/15 5 COBHAM STREET, MAROUBRA (DA/593/2014)

Objector Michael Ross

Applicant Tarun Chadha (Archidome) - on behalf of the applicant

D15/15 59-65 CHESTER AVENUE, MAROUBRA (DA/280/2014/A)

Applicant Anthony Betros (ABC Planning) - on behalf of the applicant

D18/15 29/36 MCKEON STREET, MAROUBRA (DA/370/2014)

Applicant Andrea D'Cruz

M1/15 34 MILFORD STREET, RANDWICK (DA/505/2014) DEFERRED

Objector Terry Fletcher

Applicant George Karavanas (GSA Planning) - on behalf of the applicant

Urgent Business

The CHAIRPERSON (Cr Garcia) RULED that the motion from Cr Matson seeking "clarification of Labor Candidate's support for Council's alternative light rail interchange site" be considered as a matter of urgency and, given the wording of the motion, the

Labor candidate for Coogee, Mr Paul Pearce, be allowed to address the Committee on the matter.

At this point in the meeting Crs Bowen, Shurey, Roberts and Matson declared non-significant non pecuniary interests in Item UB1/15 (see page 2 of these Minutes).

Prior to consideration of urgent Business Item UB1/15, a deputation was received in respect of the matter:

UB1/15 CR MURRAY MATSON - CLARIFICATION OF LABOR CANDIDATE'S SUPPORT FOR COUNCIL'S ALTERNATIVE LIGHT RAIL INTERCHANGE SITE

For/Against Mr Paul Pearce

The Meeting was adjourned at 7.18pm and was resumed at 7.40pm.

RESOLVED: (PROCEDURAL MOTION) (Smith/Bowen) that the development application and miscellaneous reports be considered prior to the Urgent Business Item.

UB1/15 Cr Murray Matson - Clarification of Labor Candidate's support for Council's alternative light rail interchange site (F2014/00380)

Cr Stevenson arrived at the meeting at this point (8.31pm).

PL14/15

RESOLUTION: (Matson/Smith) that Council notes last week's local media reports suggesting that the Labor candidate for Coogee is ambivalent about supporting Council's efforts to find a feasible alternative site for the planned High Cross Park light rail interchange and delegates the General Manager to make representations to all identified candidates for the State seat of Coogee, seeking the candidates' unequivocal support prior to the state election and report back to Council in seven (7) days.

AMENDMENT: (Bowen/Moore) that all candidates for the State seat of Coogee commit to saving High Cross Park. **LOST.**

At this point in the meeting, Cr Shurey, as a candidate for the State seat of Coogee, changed her declaration of interest to a significant non pecuniary interest and left the meeting (8.45pm). Cr Shurey did not take part in the vote on the above amendment or on the motion.

MOTION: (Matson/Smith) – CARRIED – SEE RESOLUTION.

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

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

FOR	AGAINST
Councillor Andrews	Councillor Belleli
Councillor Bowen	
Councillor Garcia	
Councillor Matson	
Councillor Moore	
Councillor Roberts	
Councillor Seng	
Councillor Smith	
Councillor Stavrinou	
Councillor Stevenson	
Total (10)	Total (1)

Development Application Reports**D12/15 Development Application Report - 22 Canberra Street, Randwick
(DA/870/2014)**

PL15/15

RESOLUTION: (Smith/Andrews) -

- A. That Council supports the application to vary a development standard under clause 4.6 of Randwick Local Environmental Plan 2012 in respect to non-compliance with Clause 4.4 (2a) of Randwick Local Environmental Plan 2012, relating to maximum floor space ratio, on the grounds that the proposed development complies with the objectives of the above clause and will not adversely affect the amenity of the locality and that the Department of Planning and Infrastructure be advised accordingly.
- B. That Council, as the consent authority, grants development consent under Sections 80 and 80A of the Environmental Planning and Assessment Act 1979, as amended, to Development Application No. DA/870/2014 for alterations and additions to the existing mixed use building including a new shop front, rear ground and first floor alterations and additions and a new rear carport, at No. 22 Canberra Street, Randwick, subject to the following non standard conditions and the standard conditions contained in the development application compliance report attached to this report:

Non standard conditions**Amendment of Plans & Documentation**

2. The approved plans and documents must be amended in accordance with the following requirements, as indicated in red on the approved plans. The amendments shall be made to the satisfaction of Council's Manager of Development Assessment, prior to the issue of a construction certificate:
 - a. The carport shall be setback 300mm from the rear boundary, the internal length of the carport shall be reduced to 5450mm as a result.

MOTION: (Smith/Andrews) CARRIED UNANIMOUSLY - SEE RESOLUTION.**D13/15 Development Application Report - 5 Cobham Street, Maroubra
(DA/593/2014)**

PL16/15

RESOLUTION: (Andrews/Roberts) that Council, as the consent authority, refuses development consent under Sections 80 and 80A of the Environmental Planning and Assessment Act 1979, as amended, to Development Application No. DA/593/2014 for alterations and additions to the existing dwelling to change the use to a childcare centre for 20 children including new front hardstand car spaces, 2.4m high fence on side and rear boundaries, shade structures over outdoor play areas and associated landscaping at No. 5 Cobham Street, Maroubra, for the following reasons:

1. The site is unsuitable for a child care centre.
2. The proposal does not comply with the parking requirements of the RDCP 2013 in terms of onsite car parking for staff and there is a lack of available parking in the street for the dropping off and picking up of children.
3. The proposal will adversely impact on the acoustic amenity of adjoining residents.
4. The proposal is not in the public interest having regard to the issues raised in submissions.

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

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

FOR	AGAINST
Councillor Andrews	Councillor Moore
Councillor Belleli	Councillor Smith
Councillor Bowen	
Councillor Garcia	
Councillor Matson	
Councillor Roberts	
Councillor Seng	
Councillor Shurey	
Councillor Stavrinos	
Total (9)	Total (2)

D14/15 Development Application Report - 135-139 Belmore Road, Randwick (DA/917/2014)

PL17/15 **RESOLUTION: (Smith/Andrews)** 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. 917/2014 for fit out and use of existing premise as a pharmacy with consulting rooms and new signage within the Heritage Conservation Area, at No. 135-139 Belmore Road, Randwick, subject to the standard conditions contained in the development application compliance report.

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

D15/15 Development Application Report - 59-65 Chester Avenue, Maroubra (DA/280/2014/A)

PL18/15 **RESOLUTION: (Smith/Shurey)** that Council as the consent authority refuses its consent under Section 96 of the *Environmental Planning and Assessment Act 1979* as amended to modify Development Consent No. DA/160/2011/A for residential flat building at at 59 – 65 Chester Avenue, Maroubra, for the following reasons:

1. The proposal does not satisfy the objectives of the R3 zone specified in the Randwick Local Environmental Plan 2012 as it does not contribute to the desired future character of the of area or protect the amenity of residents.
2. The proposal further exceeds the maximum building height of 9.5m specified in Clause 4.3 of Randwick Local Environmental Plan 2012 and the resultant built form will be of a size and scale that is incompatible with the desired future character of the locality.
3. The proposal exceeds the maximum FSR of 0.75:1 specified in Clause 4.4 of Randwick Local Environmental Plan 2012 and the resultant built form will be of a size and scale that is incompatible with the desired future character of the locality.
4. The proposal further exceeds the maximum wall height control of 8m specified in Clause 3.2 of RDCP 2013 resulting in significant overshadowing and excessive bulk and scale.
5. The proposed development by virtue of the combined effect of the above non compliances would have a height, bulk and scale that adversely impacts on the

solar access and visual amenity of neighbouring residents.

6. The proposal does not comply with the on-site carparking requirements of RDCP 2013.

MOTION: (Stavrinos/Roberts) that Council as the consent authority grants its consent under Section 96 of the *Environmental Planning and Assessment Act 1979* as amended to modify Development Consent No. DA/160/2011/A for residential flat building at at 59 – 65 Chester Avenue, Maroubra, subject to standard conditions, for the following reasons:

- Although the amendments do not comply with the FSR and height restrictions they will have very little impact on the neighbouring properties.
- The increased height limit will make very little difference to the overall outlook of the development as it is 23m from the neighbours in Chicago Avenue and 21m from the front streetscape and the visual impact is reduced by substantial trees.
- The shadow diagrams indicated no additional shadowing at 8am or 12noon and only slight shadowing on the roof of the southern neighbour at 4pm.
- The parking deficiency is considered acceptable.]. **LOST.**

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

FOR	AGAINST
Councillor Belleli	Councillor Andrews
Councillor Roberts	Councillor Bowen
Councillor Stavrinos	Councillor Garcia
	Councillor Matson
	Councillor Moore
	Councillor Seng
	Councillor Shurey
	Councillor Smith
Total (3)	Total (8)

MOTION: (Smith/Shurey) CARRIED – SEE RESOLUTION.

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

FOR	AGAINST
Councillor Andrews	Councillor Belleli
Councillor Bowen	Councillor Stavrinos
Councillor Garcia	
Councillor Matson	
Councillor Moore	
Councillor Roberts	
Councillor Seng	
Councillor Shurey	
Councillor Smith	
Total (9)	Total (2)

D16/15 Development Application Report - 5-7 Adams Avenue, Malabar (DA/750/2014)

PL19/15

RESOLUTION: (Smith/Andrews) 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. 0750/2014 for demolition of an existing garage, alterations and additions to the existing residential

flat building including new bathroom to Unit 6 and new balconies to Units 1, 3 and 5, construction of a new detached 4 car garage with an additional 2 bedroom unit above fronting Rubie Lane at No. 5-7 Adams Avenue, Malabar, subject to the following non standard conditions and the standard conditions contained in the development application compliance report attached to this report:

Non standard conditions

Amendment of Plans & Documentation

2. The approved plans and documents must be amended in accordance with the following requirements:
 - a) No car parking spaces are to be provided within the eastern side setback to the existing residential flat building;
 - b) The window to the kitchen of Unit 1 shall be infilled with glass blocks to ensure acoustic and visual privacy between the kitchen of Unit 1 and the private courtyard of Unit 6.
 - c) The new gates to be installed at the boundary to Adams Avenue are to be open form security gates and shall open inwards to the site.
 - d) Open form gates and fencing is to be installed across the southern side of the parking area to control pedestrian access to the eastern side of the parking area only to improve security whilst maintaining natural air flow and opportunities for surveillance between Rubie Lane and the communal open space area.
 - e) Internal laundry facilities are to be provided within each unit and indicated on the plans submitted with the Construction Certificate.
 - f) The communal courtyard space is to have a north-south dimension of 5.0m in order to provide appropriate space for passive outdoor recreation including seating and a BBQ facility, rainwater tanks, canopy tree planting and a common clothes drying area.

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

D17/15 Development Application Report - 103-105 Donovan Avenue, Maroubra (DA/19/2015)

PL20/15

RESOLUTION: (Smith/Andrews) -

- A. That Council supports the exceptions to development standards under Clause 4.6 of Randwick Local Environmental Plan 2012 in respect to non-compliance with Clause 4.1(3) of Randwick Local Environmental Plan 2012, relating to Minimum subdivision lot size, on the grounds that the proposed development complies with the objectives of the above clause and the zone, and will not adversely affect the amenity of the locality, and that the Department of Planning & Infrastructure be advised accordingly.
- B. That Council, as the consent authority, grants development consent under Sections 80 and 80A of the Environmental Planning and Assessment Act 1979, as amended, to Development Application No. 19/2015 to subdivide the land into two Torrens Title lots, at No. 103-105 Donovan Avenue Maroubra, subject to the standard conditions contained in the development application compliance report.

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

D18/15 Development Application Report - 29/36 McKeon Street, Maroubra (DA/370/2014)

PL21/15

RESOLUTION: (Stavrinos/Shurey) that Council, as the consent authority under S82A of the Environmental Planning and Assessment Act 1979, as amended, change its original determination of Development Application No. DA/370/2014 for Section 82A review of the determination in relation to the size of the addition to the bedroom of Unit 29 at 29/36 McKeon Street, Maroubra, in the following manner:

Amendment of Plans & Documentation

2. The approved plans and documents must be amended in accordance with the following requirements:
 - a) The proposed extension of the southern glass line of unit 29 at level 3 shall match that of the adjoining unit (lot 25) to the east.

MOTION: (Roberts/Andrews) that Council, as the consent authority under S82A of the Environmental Planning and Assessment Act 1979, as amended, change its original determination of Development Application No. DA/370/to allow the increase in the size of the bedrooms of Unit 29 at 29/36 McKeon Street, Maroubra, for the following reasons:

- The balcony is 3m deep and faces the South and is, therefore, shaded and not very usable.
- The proposal is to retain a significant balcony of 1.2m which is considered a reasonable outcome for the building. **LOST.**

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

FOR	AGAINST
Councillor Andrews	Councillor Garcia
Councillor Belleli	Councillor Matson
Councillor Bowen	Councillor Moore
Councillor Roberts	Councillor Seng
	Councillor Shurey
	Councillor Smith
	Councillor Stavrinos
Total (4)	Total (7)

MOTION: (Stavrinos/Shurey) CARRIED – SEE RESOLUTION.

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

FOR	AGAINST
Councillor Garcia	Councillor Andrews
Councillor Matson	Councillor Belleli
Councillor Moore	Councillor Bowen
Councillor Seng	Councillor Roberts
Councillor Shurey	
Councillor Smith	
Councillor Stavrinos	
Total (7)	Total (4)

Miscellaneous Reports

M1/15 Miscellaneous Report - 34 Milford Street, Randwick (DA/505/2014) Deferred

PL22/15

RESOLUTION: (Matson/Bowen) 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. 505/2014 for the demolition of an existing dwelling and construction of a new three storey residential flat building containing 5 units and basement parking for seven vehicles, strata subdivision, associated site and landscaping works at No. 34 Milford Street, Randwick, subject to the standard conditions contained in the development application compliance report with the following amendments:

Amendment of Plans & Documentation

- 2(h). The covered walkway indicated in Sketch plan DA05 received by Council on 26 February 2015 must only be enclosed on the western side, be limited in width to 2m, be no higher than the floor level of the verandah of No 32 Milford St Randwick, and situated adjacent to the western wall of the proposed building. Details to be submitted for approval by Council's Manager Development Assessment prior to the issuing of a construction certificate.

Landscape Plan

10. The Landscape Plan by Zenith Landscape Designs, dwg 14-2828 L01, dated 27.5.14 shall be amended so that any plant species along the western boundary do not grow higher than the floor level of the verandah of No. [32 Milford St](#) Randwick. The Certifying Authority/PCA must ensure that the Landscape Plan submitted as part of the approved Construction Certificate is implemented in accordance with the above plan.

MOTION: (Moore/Stavrinos) 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. 505/2014 for the demolition of an existing dwelling and construction of a new three storey residential flat building containing 5 units and basement parking for seven vehicles, strata subdivision, associated site and landscaping works at No. 34 Milford Street, Randwick, subject to the following non standard conditions and the standard conditions contained in the development application compliance report attached to this report:

GENERAL CONDITIONS

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

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

Approved Plans & Supporting Documentation

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

<i>Plan</i>	<i>Drawn by</i>	<i>Dated</i>	<i>Received by Council</i>
DA03 C	MHN Design Union	08.09.2014	08.09.2014
DA04 C	MHN Design Union	08.09.2014	08.09.2014

DA05 C	MHN Design Union	08.09.2014	08.09.2014
DA06 C	MHN Design Union	08.09.2014	08.09.2014
DA07 C	MHN Design Union	08.09.2014	08.09.2014
DA08 C	MHN Design Union	08.09.2014	08.09.2014
DA09 C	MHN Design Union	05.09.2014	05.09.2014
DA10 C	MHN Design Union	05.09.2014	08.09.2014
DA11 C	MHN Design Union	05.09.2014	08.09.2014
DA12 C	MHN Design Union	05.09.2014	08.09.2014
DA018A	MHN Design Union	08.09.2014	08.09.2014
Draft Strata Plan Sheets 1 of 5 to 5 of 5 Issue A	Eric Scerri	Undated	30 July, 2014

<i>BASIX Certificate No.</i>	<i>Dated</i>	<i>Received by Council</i>
551063M_03	24 July, 2014	30 July, 2014

Amendment of Plans & Documentation

2. The approved plans and documents must be amended in accordance with the following requirements:
 - a. A privacy screen having a height of 1.6m above floor level must be provided to the western and northern edges of the balcony at the rear of unit 201 on the second floor. On the northern edge the screen is to extend east to screen the first sliding door window as shown on the western elevation (drawing DA11 C). The privacy screen must be constructed of metal or timber and the total area of any openings within the privacy screen must not exceed 25% of the area of the screen. Alternatively, the privacy screen may be constructed with translucent, obscured, frosted or sandblasted glazing in a suitable frame.
 - b. The privacy screen provided to the northern edge of the first floor rear unit 102 is to extend east to screen the first of the sliding doors shown on the western elevation (drawing DA11C). The screen is to be semi-operable to preclude opening beyond a 45 degree angle to from right to left. The privacy screen must be constructed of metal or timber and the total area of any openings within the privacy screen must not exceed 25% of the area of the screen. Alternatively, the privacy screen may be constructed with translucent, obscured, frosted or sandblasted glazing in a suitable frame.
 - c. Section detail of the amendments required in 2 a. and 2 b. and all privacy screens within the development to a scale of 1:50 is to be submitted to and approved by Councils Manager of Development Assessment prior to issue of a construction certificate.
 - d. The air conditioning units on the western boundary as shown on the ground floor plan (drawing DA04 C) must be relocated to the eastern (Judges St) side of the site. Details are to be included in the construction certificate.
 - e. The washing line area shown at the front of unit 001 on the ground floor (drawing DA04C) is to be removed. Details are to be included in the construction certificate.
 - f. The stormwater pipes shown on the western elevation (drawing DA12 C) shall be relocated to run straight down the stair wall north of the louvre screen. Details are to be included in the construction certificate.
 - f. The courtyard shown as allocated to Part lot 1 (ground floor front unit) on

the draft Strata plan is to be allocated as common property. An amended draft Strata Plan is to be submitted to and approved by Council's Manager of Development Assessment prior to issue of the construction certificate.

- g. The proposed amendments indicated in Sketch plan DA05 received by Council on 26 February 2015 must be incorporated into a detailed set of amended plans to be submitted for approval by Council's Manager Development Assessment prior to the issuing of a construction certificate.
- h. The covered walkway indicated in Sketch plan DA05 received by Council on 26 February 2015 must only be enclosed on the western side, be limited in width to 2m and situated adjacent to the western wall of the proposed building. Details to be submitted for approval by Council's Manager Development Assessment prior to the issuing of a construction certificate

REQUIREMENTS BEFORE A CONSTRUCTION CERTIFICATE CAN BE ISSUED

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

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

Consent Requirements

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

External Colours, Materials & Finishes

- 4. a) Details of the proposed colours, materials and textures (i.e. a schedule and brochure/s or sample board) are to be submitted to and approved by Council's Manager Development Assessments prior to issuing a construction certificate for the development.

Section 94A Development Contributions

- 5. In accordance with Council's Section 94A Development Contributions Plan effective from 12 July 2012, based on the development cost of \$1,272,850.00 the following applicable monetary levy must be paid to Council: \$12,728.50.

The levy must be paid in **cash, bank cheque** or by **credit card** prior to a construction certificate being issued for the proposed development. The development is subject to an index to reflect quarterly variations in the Consumer Price Index (CPI) from the date of Council's determination to the date of payment. Please contact Council on telephone 9399 0999 or 1300 722 542 for the indexed contribution amount prior to payment.

To calculate the indexed levy, the following formula must be used:

$$\text{IDC} = \text{ODC} \times \text{CP2/CP1}$$

Where:

IDC = the indexed development cost

ODC = the original development cost determined by the Council

CP2 = the Consumer Price Index, All Groups, Sydney, as published by the ABS in respect of the quarter ending immediately prior to the date of payment

CP1 = the Consumer Price Index, All Groups, Sydney as published by the ABS in respect of the quarter ending immediately prior to the date of imposition of the condition requiring payment of the levy.

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

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

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

Security Deposit

7. 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*:

- \$8000.00 - Damage / Civil Works Security Deposit

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

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

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

Electricity Substation

8. The applicant must liaise with Ausgrid prior to obtaining a construction certificate (for any above ground works), to determine whether or not an electricity substation is required for the development. Any electricity substation required for the site as a consequence of this development shall be located within the site and shall be screened from view. The proposed location and elevation shall be shown on relevant construction certificate and landscape plans.

Sydney Water

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.

Landscape Plan

10. The Certifying Authority/PCA must ensure that the Landscape Plan submitted as part of the approved Construction Certificate is substantially in accordance with the Landscape Plan by Zenith Landscape Designs, dwg 14-2828 L01, dated 27.5.14.

Protection of neighbouring trees

11. In order to ensure retention of the two *Banksia integrifolia* (Coastal Banksia's, T12-13) which are located wholly on the adjoining private property to the west, no.32, against the common boundary, as well as the three *Banksia serrata* (Saw Toothed Banksia's, T9-11) located beyond the northern site boundary, in the adjoining public walkway (33R Pitt Street) in good health, the following measures are to be undertaken:
 - a. All documentation submitted for the Construction Certificate application must show their retention, with the position and diameter of both of their trunks and canopy to be clearly shown on all drawings.
 - b. The Construction Certificate plans must show that the western wall of the proposed basement level will finish at a minimum offset of 2900mm from the western site boundary, as shown on DA03B.
 - c. That part of the basement level within a radius of 4 metres, measured off the respective common boundaries, adjacent the centreline of any of their trunks, must be constructed using contiguous bored piers, sheet piling or a similar method that will not require bulk excavations and earthworks.
 - d. All initial excavations associated with demolition of the existing masonry fences/walls, along either the western site boundary, adjacent T12-13, as well as along the northern site boundary, adjacent T9-11; or; for footings for the basement in these areas, within a radius of 3 metres of their trunks, must be performed by hand, to a minimum depth of 600mm.
 - e. Any roots encountered which are in direct conflict with the approved works that need to be pruned, may be cut cleanly by hand, with the affected area to be backfilled with clean site soil as soon as practically possible.
 - f. To prevent collapse of the soil profile and failure of these trees, in the time between when existing walls are demolished and any new walls are constructed, temporary shoring must be provided adjacent the tree, with a suitable system to be approved by the PCA, prior to demolition.
 - g. Where the trunks or branches of any of these trees require physical protection, this may be achieved by rapping geo-textile, underfelt or layers of Hessian, to a height of approximately 2m above ground level (for trunks), to which, 2m lengths of 50mm x 100mm hardwood timbers, spaced at 150mm centres shall be placed around its circumference, and

are to be secured by 8 gauge wires or steel strapping at 300mm spacing. NO nailing to the trunk.

- h. The applicant is not authorised to perform any other works to these trees, and shall contact Council's Landscape Development Officer on 9399-0613 should any other work appear necessary, with the applicant required to cover all costs associated with such work, to Council's satisfaction, prior to the issue of a Final Occupation Certificate.
- i. The PCA must ensure compliance with these requirements on-site during the course of construction, and prior to issuing any type of Occupation Certificate.

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

12. 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.

Design Alignment levels

13. 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 as follows:

Milford Street Frontage – Match the existing Council footpath level along the full site frontage.

Judge Street Frontage

- Basement Garage Entrance – RL 39.35 AHD
- Pedestrian Entrance (Northeast Corner of site) RL 39.70 AHD

The design alignment levels at the property boundaries as issued by Council must be indicated on the building plans for the construction certificate, a Construction Note on the plans 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 0923.

14. The above alignment levels and the site inspection by Council's Development Engineering Section have been issued at a prescribed fee of \$1527.00 calculated at \$50.00 (inclusive of GST) per metre of site frontage. This amount is to be paid prior to a construction certificate being issued for the development.

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

Council at the Planning Committee held on 2 December 2014 resolved that;

- a) The stormwater drainage system must be provided in accordance with the relevant requirements of Building Code of Australia and the conditions of this consent, to the satisfaction of the *Certifying Authority* and details are to be included in the construction certificate.
- b) The stormwater must be discharged (by gravity) either:
 - i. Directly to the kerb and gutter or drainage system in front of the subject site in either Milford St or Judge St; or
 - i. Directly into Council's underground drainage system located in Milford Street via the existing kerb inlet pit; or
 - 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 street drainage system, an on-site stormwater detention system must be provided to ensure that the maximum discharge from the site does not exceed that which would occur during a **1 in 5** year storm of one hour duration for existing site conditions. All other stormwater run-off from the site for all storms up to the 1 in 20 year storm is to be retained on the site for gradual release to the street drainage system, to the satisfaction of the certifying authority.

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

- d) 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) If connecting to Council's underground drainage system, a reflux valve shall be provided (within the site) over the pipeline discharging from the site to ensure that stormwater from Council drainage system does not surcharge back into the site stormwater system.
- g) Any new kerb inlet pits (constructed within Council's road reserve) are to be constructed generally in accordance with Council's standard detail for the design of kerb inlet pits (drawing number SD6 which is available from Council).
- h) Generally all internal pipelines must be capable of discharging a 1 in 20 year storm flow. However the minimum pipe size for pipes that accept stormwater from a surface inlet pit must be 150mm diameter. The site must be graded to direct any surplus run-off (i.e. above the 1 in 20 year storm) to the proposed drainage (detention/infiltration) system.
- i) A sediment/silt arrestor pit must be provided within the site near the street boundary prior to discharge of the stormwater to Council's drainage system and prior to discharging the stormwater to any absorption/infiltration system.

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

- The base of the pit being located a minimum 300mm under the invert level of the outlet pipe.
 - The pit being constructed from cast in-situ concrete, precast concrete or double brick.
 - A minimum of 4 x 90 mm diameter weep holes (or equivalent) located in the walls of the pit at the floor level with a suitable geotextile material with a high filtration rating located over the weep holes.
 - A galvanised heavy-duty screen being provided over the outlet pipe/s (Mascot GMS multipurpose filter screen or equivalent).
 - The grate being a galvanised heavy-duty grate that has a provision for a child proof fastening system.
 - A child proof and corrosion resistant fastening system being provided for the access grate (e.g. spring loaded j-bolts or similar).
 - Provision of a sign adjacent to the pit stating, "This sediment/silt arrester pit shall be regularly inspected and cleaned".
- j) The floor level of all habitable, retail, commercial and storage areas located adjacent to any detention and/or infiltration systems with above ground storage must be a minimum of 300mm above the maximum water level for the design storm or alternately a permanent 300mm high water proof barrier is to be provided.
- k) Infiltration systems/Absorption Trenches must be designed and constructed generally in accordance with Randwick City Council's Private Stormwater Code.
- l) 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)
 - i. 300mm in landscaped areas (where child proof fencing is not provided around the outside of the detention area and sides slopes are steeper than 1 in 10)
 - ii. 600mm in landscaped areas where the side slopes of the detention area have a maximum grade of 1 in 10
 - iii. 1200mm in landscaped areas where a safety fence is provided around the outside of the detention area
 - iv. Above ground stormwater detention areas must be suitably signposted where required, warning people of the maximum flood level.
- Note: Above ground storage of stormwater is not permitted within basement car parks or store rooms.*
- m) A childproof and corrosion resistant fastening system shall be installed on access grates over pits/trenches where water is permitted to be temporarily stored.
- n) A 'V' drain (or equally effective provisions) are to be provided to the perimeter of the property, where necessary, to direct all stormwater to the detention/infiltration area.

- o) Mulch or bark is not to be used in on-site detention areas.
- p) Site discharge pipelines shall cross the verge at an angle no less than 45 degrees to the kerb line and must not encroach across a neighbouring property's frontage unless approved in writing by Council's Development Engineering Coordinator.
- q) Any onsite detention/infiltration systems shall be located in areas to be dedicated as common property.
- r) Should a charged system be required to drain any portion of the site, the charged system must be designed with suitable clear-outs/inspection points at pipe bends and junctions.

Site seepage & Dewatering

17. Site seepage and sub-soil drainage (from planter boxes etc) must comply with the following requirements:
- a) Seepage/ground water and subsoil drainage (including from planter boxes etc) **must not** be collected & discharged directly or indirectly to Council's street gutter or underground drainage system. This includes **no** discharging of seepage/ground water into an on-site detention system.
 - b) Adequate provision is to be made for the ground water to drain around the basement car park (to ensure the basement will not dam or slow the movement of the ground water through the development site).
 - c) The walls of the basement level/s of the building are to be waterproofed/tanked to restrict the entry of any seepage water and subsoil drainage into the basement level/s of the building and the stormwater drainage system for the development.
 - d) Sub-soil drainage systems may discharge via infiltration subject to the hydraulic consultant/engineer being satisfied that the site and soil conditions are suitable and the seepage is able to be fully managed within the site, without causing a nuisance to any premises and ensuring that it does not drain or discharge (directly or indirectly) to the street gutter.
 - e) Details of the proposed stormwater drainage system including methods of tanking/waterproofing the basement level/s and any sub-soil drainage systems (as applicable) must be prepared or approved by a suitably qualified and experienced *Professional Engineer* to the satisfaction of the Certifying Authority and details are to be included in the construction certificate documentation.

Waste Management

18. A Waste Management Plan detailing the waste and recycling storage and removal strategy for all of the development, is required.

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.

19. The garbage room shall be sized to contain a minimum of 6 x 240 litre bins (comprising 3 garbage bins & 3 recycle bins) and with adequate provisions for access to all bins. Details showing compliance are to be included in the construction certificate.

BASIX Requirements

20. 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

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

- a) a *Construction Certificate* must be obtained from the Council or an accredited certifier, in accordance with the provisions of the *Environmental Planning & Assessment Act 1979*.

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

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

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

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

Home Building Act 1989

22. 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

23. A dilapidation report prepared by a professional engineer, building surveyor or other suitably qualified independent person must be submitted to the satisfaction of the Principal Certifying Authority prior to commencement of any demolition, excavation or building works, in the following cases:
 - excavations for new dwellings, additions to dwellings, swimming pools or the like which are proposed to be located within the *zone of influence* of the footings of any dwelling, associated garage or other substantial structure located upon an adjoining premises,
 - new dwellings or additions to dwellings sited up to shared property boundaries (e.g. additions to a semi-detached dwelling or terraced dwellings),
 - excavations for new dwellings, additions to dwellings, swimming pools or the like which are within rock and may result in vibration and or potential damage to any dwelling, associated garage or other substantial structure located upon an adjoining premises,
 - as otherwise may be required by the Principal Certifying Authority.

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

Construction Noise & Vibration Management Plan

24. 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 EPA 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 EPA Construction Noise Guideline by a suitably qualified person, is to be implemented throughout the works. A copy of the strategy must be provided to the Principal Certifying Authority and Council prior to the commencement of works on site.

Construction Site Management Plan

25. 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

26. 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.*

Construction Traffic Management

27. An application for a 'Works Zone' and Construction Traffic Management Plan must be submitted to Councils Integrated Transport Department, and approved by the Randwick Traffic Committee, for a 'Works Zone' to be provided in either Milford St or Judge St for the duration of the demolition & construction works.

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

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

28. A detailed *Construction Site Traffic Management Plan* must be submitted to and approved by Council's Intergrated Transport Section, prior to:

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

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

- A description of the demolition, excavation and construction works
- A site plan/s showing the site, roads, footpaths, site access points and vehicular movements
- Any proposed road and/or footpath closures
- Proposed site access locations for personnel, deliveries and materials
- Size, type and estimated number of vehicular movements (including removal of excavated materials, delivery of materials and concrete to the site)
- Provision for loading and unloading of goods and materials
- Impacts of the work and vehicular movements on the road network, traffic

- and pedestrians
 - Proposed hours of construction related activities and vehicular movements to and from the site
 - Current/proposed approvals from other Agencies and Authorities (including NSW Roads & Traffic Authority, Police and State Transit Authority)
 - Any activities proposed to be located or impact upon Council's road, footways or any public place
 - Measures to maintain public safety and convenience
29. Any necessary approvals must be obtained from NSW Police, Roads & Maritime Services, Transport, and relevant Service Authorities, prior to commencing work upon or within the road, footway or nature strip.

Public Utilities

30. 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.

Sydney Water

31. Prior to the commencement of building works the applicant is to liaise with Sydney Water (A Water Servicing Coordinator) in regards to the relocation/removal of the Sewer Vent Shaft located on the Judge Street frontage as the Council footpath at this location will have to be lowered to meet the new driveway levels for the basement garage.
32. Documentary evidence from the relevant public utility authorities confirming they have agreed to the proposed works and that their requirements have been or are able to be satisfied, must be submitted to the Principal Certifying Authority prior to the commencement of any demolition, excavation or building works.

Note: The above evidence shall include details regarding the Sewer Vent Shaft and the Aerial Bundling of Cables along the Council passageway at the northern boundary.

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

REQUIREMENTS DURING CONSTRUCTION & SITE WORK

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

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

Inspections During Construction

33. 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

34. 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

35. 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

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

- Work Health & Safety Act 2011 and Regulations
- WorkCover NSW Code of Practice for the Safe Removal of Asbestos
- WorkCover NSW Guidelines and Codes of Practice
- Australian Standard 2601 (2001) – Demolition of Structures
- The Protection of the Environment Operations Act 1997 and Regulations
- Relevant 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

37. 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

38. 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

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

- a) Public access to the building site and materials must be restricted by existing boundary fencing or temporary site fencing having a minimum height of 1.5m, to Council's satisfaction.

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

- b) Building materials, sand, soil, waste materials, construction equipment or other articles must not be placed upon the footpath, roadway or nature strip at any time.
- c) The road, footpath, vehicular crossing and nature strip must be maintained in a good, safe, clean condition and free from any excavations, obstructions, trip hazards, goods, materials, soils or debris at all times. Any damage caused to the road, footway, vehicular crossing, nature strip or any public place must be repaired immediately, to the satisfaction of Council.
- d) Building operations such as brick cutting, washing tools or equipment and mixing mortar are not permitted on public footpaths, roadways, nature strips, in any public place or any location which may lead to the discharge of materials into the stormwater drainage system.
- e) Sediment and erosion control measures, must be implemented throughout the site works in accordance with the manual for Managing Urban Stormwater – Soils and Construction, published by Landcom, to Council's satisfaction.
- f) Site fencing, building materials, bulk bins/waste containers and other articles must not be located upon the footpath, roadway or nature strip at any time without the prior written approval of the Council. Applications to place a waste container in a public place can be made to Council's Health, Building and Regulatory Services department.
- g) Temporary safety fencing is to be provided to any swimming pools under construction, pending the completion of all building work and the pool must not be filled until a fencing inspection has been carried out and approved by the principal certifying authority.

Support of Adjoining Land, Excavations & Retaining Walls

40. 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.

41. 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.

42. 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;
- as may be required by the *Principal Certifying Authority*.

The demolition, excavation and building work and the provision of support to the dwelling or associated structure on the adjoining land, must also be carried out in accordance with the abovementioned report, to the satisfaction of the *Principal Certifying Authority*.

Building Encroachments

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

Road/Asset Opening Permit

44. Any openings within or upon the road, footpath, nature strip or in any public place (i.e. for proposed drainage works or installation of services), must be carried out in accordance with the following requirements, to the satisfaction of Council:
- a) A *Road / Asset Opening Permit* must be obtained from Council prior to carrying out any works within or upon a road, footpath, nature strip or in any public place, in accordance with section 138 of the *Roads Act 1993* and all of the conditions and requirements contained in the *Road / Asset Opening Permit* must be complied with.
 - b) Council's *Road / Asset Opening Officer* must be notified at least 48 hours in advance of commencing any excavation works and also immediately upon completing the works (on 9399 0691 or 0409 033 921 during business hours), to enable any necessary inspections or works to be carried out.
 - c) Relevant *Road / Asset Opening Permit* fees, construction fees, inspection fees and security deposits, must be paid to Council prior to commencing any works within or upon the road, footpath, nature strip or other public place,
 - d) The owner/developer must ensure that all works within or upon the road reserve, footpath, nature strip or other public place are completed to the satisfaction of Council, prior to the issuing of a *final occupation certificate* or occupation of the development (whichever is sooner).
 - e) Excavations and trenches must be back-filled and compacted in accordance with AUSPEC standards 306U.
 - f) Excavations or trenches located upon a road or footpath are required to be provided with 50mm depth of cold-mix bitumen finish, level with the existing road/ground surface, to enable Council to readily complete the finishing works at a future date.
 - g) Excavations or trenches located upon turfed areas are required to be back-filled, compacted, top-soiled and re-turfed with Kikuyu turf.
 - h) The work and area must be maintained in a clean, safe and tidy condition at all times and the area must be thoroughly cleaned at the end of each day's activities and upon completion.
 - i) The work can only be carried out in accordance with approved hours of

- building work as specified in the development consent, unless the express written approval of Council has been obtained beforehand.
- j) Sediment control measures must be implemented in accordance with the conditions of development consent and soil, sand or any other material must not be allowed to enter the stormwater drainage system or cause a pollution incident.
 - k) The owner/developer must have a Public Liability Insurance Policy in force, with a minimum cover of \$10 million and a copy of the insurance policy must be provided to Council prior to carrying out any works within or upon the road, footpath, nature strip or in any public place.

Stormwater Drainage

45. 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.

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

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

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

Basement Garage

48. The internal access driveway must be constructed to match the alignment levels at the property boundary (as specified by Council) as well as to the 1:20 grade as shown on the submitted Basement Plan (*Drwg No DA03B dated 28/7/14*)

Tree Removal

49. Due to their small size and insignificance, no objections are raised to removing any existing vegetation throughout the site where necessary so as to accommodate the proposed works as shown, including the Privet and Cotoneaster in the front setback, in the southeast corner, as both are weed species, with this approval subject to full implementation of the approved landscaping.

Pruning of neighbouring trees

50. Permission is granted for the minimal and selective pruning of only those lower growing, lower order branches from the eastern aspects of the two *Banksia integrifolia* (Coastal Banksia's, T12-13) which are located wholly on the adjoining property to the west, at no.32, as well as from the southern aspects of the two *Banksia serrata* (Saw Toothed Banksia's, T9-11) located beyond the northern site boundary, growing within the adjoining public walkway (33R Pitt Street), only where they overhang the common boundaries, into the subject site, and need to be pruned in order to avoid damage to the trees; or; interference with the works.

51. This approval does not imply any right of entry onto a neighbouring property nor does it allow pruning beyond a common boundary; however, where such measures are desirable in the best interests of correct pruning procedures, and ultimately, the ongoing health of these trees, the applicant must negotiate with the neighbour/tree owner for access to perform this work.
52. All pruning must be undertaken by an Arborist who holds a minimum of AQF Level III in Arboriculture, and to the requirements of Australian Standard AS 4373-2007 'Pruning of Amenity Trees,' and NSW Work Cover Code of Practice for the Amenity Tree Industry (1998).

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

53. 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

54. 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.

55. A report or correspondence prepared by a suitably qualified and experienced person shall be obtained prior to an occupation certificate being issued for the development, which demonstrates that noise and vibration from the air conditioning plant and equipment will satisfy the relevant provisions of the Protection of the Environment Operations Act 1997 and relevant regulations, guidelines and conditions of approval. A copy of the report or correspondence is to be included in the occupation certificate documentation.

Council's Infrastructure, Vehicular Crossings & Road Openings

56. The owner/developer must meet the full cost for a Council approved contractor to:
 - a) Construct a full width concrete heavy duty vehicular crossing and layback at kerb opposite the vehicular entrance to the premises to Council's specifications and requirements.

- a) Remove the redundant concrete vehicular crossing and layback and to reinstate the area with concrete footpath, turf and integral kerb and gutter to Council's specification.
 - b) Reconstruct and regrade the Council footpath along the full Judge Street site frontage to meet the new Council driveway levels. Any unpaved areas on the nature strip must be turfed and landscaped to Council's specification.
57. Prior to issuing a final occupation certificate or occupation of the development (whichever is sooner), the owner/developer must meet the full cost for Council or a Council approved contractor to repair/replace any damaged sections of Council's footpath, kerb & gutter, nature strip etc which are due to building works being carried out at the above site. This includes the removal of cement slurry from Council's footpath and roadway.
58. 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.
 - a) 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.
 - b) 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.
 - c) The civil works must be completed in accordance with Council's conditions of consent and approved design and construction documentation, prior to occupation of the development, or as otherwise approved by Council in writing.

Service Authorities

Sydney Water Requirements

59. 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 Co-ordinator, as building of water/sewer extensions may take some time and may impact on other services and building, driveway or landscape design.

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

Ausgrid

60. The applicant shall meet the full cost for the overhead power lines located along the northern site frontage, on the Council passageway and over/across Judge St to its eastern side, to be aerial bundled. The applicant shall liaise

directly with the relevant service utility authorities to organise for the cables to be bundled. All cables must be aerial bundled to the satisfaction of the relevant service utility authority prior to the issuing of an occupation certificate for the development.

61. Should the overhead power feed for the development site come from a mains power distribution pole located on the Council passageway, opposite the northern rear boundary, then the applicant must meet the full cost for Ausgrid to provide the power feed from the distribution pole in the street to the development site via an underground UGOH connection.

Stormwater Drainage

62. 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).

63. 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.

64. 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/s and that any required sub-soil drainage systems have been provided in accordance with the conditions of this consent..

Street Tree Planting

65. As part of the external civil works that will be performed along the length of the Judge Street frontage, as described in the '*Council Infrastructure, Vehicular Crossings & Road Opening*' condition above, the applicant must also cover Council's costs to supply, install and maintain new street trees in this area.
66. **The applicant must contact Council's Landscape Development Officer on 9399-0613 to obtain the cost for this work, with the specified fee needing to be paid into Tree Amenity Income**, at the Cashier on the Ground Floor of the Administrative Centre, prior to the issue of an Occupation Certificate.
67. **Once payment has been made, Council's officer must be notified of the receipt number, and giving at least four working weeks' notice (allow longer for public holidays or extended periods of rain) to arrange for their planting.**

Public Walkway trees

68. Should it be necessary to remove and replace any of the three *Banksia serrata* (Saw Toothed Banksia's, T9-11) located in the public walkway adjacent the northern site boundary (33R Pitt Street) for any reason as part of the proposed works, the applicant must cover all costs for this, with the specified fee needing to be paid into **Tree Amenity Income**, at the Cashier on the Ground Floor of the Administrative Centre, prior to the issue of an Occupation Certificate.

Landscaping

69. Prior to issuing any type of Occupation Certificate, certification from a qualified professional in the landscape/horticultural industry must be submitted to, and be approved by, the PCA, confirming the date that the completed landscaping within the site was inspected, and that it has been installed substantially in accordance with the Landscape Plan by Zenith Landscape Designs, dwg 14-2828 L01, dated 27.5.14.
70. Suitable strategies must be implemented to ensure that the landscaping is maintained in a healthy and vigorous state, until maturity, for the life of the development.
71. The nature-strip upon Council's footways shall be excavated to a depth of 150mm, backfilled with topsoil equivalent with 'Organic Garden Mix' as supplied by Australian Native Landscapes, and re-turfed with Kikuyu Turf or similar. It must be completed wholly at the applicant's cost, to Council's satisfaction, and prior to issuing any Occupation Certificate.

Waste Management

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

REQUIREMENTS PRIOR TO THE ISSUE OF A SUBDIVISION/STRATA CERTIFICATE

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

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

74. A formal strata subdivision application is required to be submitted to and approved by the Council or an accredited certifier and all relevant conditions of this development consent are required to be satisfied.
75. All floors, external walls and ceilings depicted in the proposed strata plan must be constructed.
76. All floors, external walls and ceilings depicted in the proposed strata plan must correspond to those depicted in this development consent and construction certificate for the building.
77. Details of critical stage inspections carried out by the principal certifying authority, together with any other certification relied upon, must be provided to Council or the accredited certifier.
78. A "restriction on the use of land" and "positive covenant" (under section 88B of

the Conveyancing Act 1919) shall be placed on the title of the subject property (in conjunction with registration of the plan of subdivision) to ensure that the onsite detention system and/or infiltration system is maintained and that no works which could affect the design function of the infiltration/detention system are undertaken without the prior consent (in writing) from Council. The restriction and positive covenant shall not be released, varied or modified without the consent of the Council.

The "restriction on the use of land" and "positive covenant" are to be prepared and specified 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 Engineers on 9399 0881.

Note: 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.

79. The applicant shall create suitable right of carriageway, easements for services and internal stormwater lines, as required. The applicant shall be advised that the minimum easement width for any internal stormwater line is 0.9 metres.
80. The conditions of development consent must be satisfied and all public roads and reserves must be satisfactorily restored prior to endorsement of the strata subdivision plans.

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.

External Lighting

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

Plant & Equipment

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

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

Air Conditioners

83. 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

84. 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.

Stormwater Detention/Infiltration System

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

ADVISORY NOTES

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

A1 The requirements and provisions of the *Environmental Planning & Assessment Act 1979* and *Environmental Planning & Assessment Regulation 2000*, must be fully complied with at all times.

Failure to comply with these requirements is an offence, which renders the responsible person liable to a maximum penalty of \$1.1 million. Alternatively, Council may issue a penalty infringement notice (for up to \$3,000) 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.

A1 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.

A2 In accordance with the requirements of the *Environmental Planning & Assessment Act 1979*, building works, including associated demolition and excavation works (as applicable) must not be commenced until:

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

A3 Council's Building Certification & Fire Safety team can issue your *Construction Certificate* 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 on 9399 0944.

A4 A Local Approval application must be submitted to and be approved by Council 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 on 9399 0944.

A5 Specific details of the location of the building/s should be provided in the Construction Certificate to demonstrate that the proposed building work will not encroach onto the adjoining properties, Council's road reserve or any public place.

A6 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.

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 Smoke alarms are required to be installed in all residential dwellings, in accordance with the relevant provisions of the *Environmental Planning & Assessment Act 1979* and the Building Code of Australia. Details should be included in the construction certificate application.

A9 Demolition work and removal of asbestos materials:

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

A10 Any external lighting to the premises should be designed and located so as to minimise light-spill beyond the property boundary or cause a public nuisance.

A11 Building owners and occupiers should consider implementing appropriate measures to prevent children from falling from high-level window openings and balconies (e.g. by installing window locking devices; installing heavy-duty screens to window openings; limiting the dimensions of any openings to 125mm; ensuring balustrades to balconies are at least 1m high and; locating fixtures, fittings and furniture away from high-level windows and balconies).

For further information about preventing falls from windows and balconies refer

to www.health.nsw.gov.au/childsafety or pick-up a brochure from Council's Customer Service Centre.

AMENDMENT: (Matson/Bowen) CARRIED AND BECAME THE MOTION.

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

FOR	AGAINST
Councillor Belleli	Councillor Andrews
Councillor Bowen	Councillor Moore
Councillor Garcia	Councillor Seng
Councillor Matson	Councillor Stavrinou
Councillor Roberts	
Councillor Shurey	
Councillor Smith	
Total (7)	Total (4)

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

M2/15 Miscellaneous Report - Affordable Housing Dwelling at Lot 3 Strata Plan (SP) 89004, 495 Bunnerong Road, Matraville, Classification of Land under the Local Government Act 1993. (F2004/07991)

PL23/15

RESOLUTION: (Smith/Andrews) that Council resolve to classify the affordable housing unit Lot 3 Strata Plan (SP) 89004, 495 Bunnerong Road, Matraville as 'operational' land in accordance with the provisions of the Local Government Act 1993.

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

Notice of Rescission Motions

Nil.

The meeting closed at 9.02pm.

The minutes of this meeting were confirmed at the Planning Committee Meeting of the Council of the City of Randwick held on Tuesday, 14 April 2015.

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CHAIRPERSON