

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

**MINUTES OF ORDINARY COUNCIL MEETING OF THE  
COUNCIL OF THE CITY OF RANDWICK HELD ON  
TUESDAY, 8 DECEMBER 2015 AT 6:00PM**

**Present:**

The Mayor, Councillor N D'Souza (Chairperson) (South Ward)

Councillor G Moore (Deputy Mayor) (West Ward)

North Ward	- Councillors K Neilson, L Shurey & K Smith
South Ward	- Councillors R Belleli & P Garcia
East Ward	- Councillors T Bowen, M Matson & B Roberts
West Ward	- Councillors S Nash & H Stavrinou
Central Ward	- Councillors A Andrews, T Seng & G Stevenson

**Officers Present:**

General Manager	Mr R Brownlee
Director City Services	Mr J Frangoples
Director City Planning	Ms S Truuvert
Director Governance & Financial Services	Mr J Smith
Manager Administrative Services	Mr D Kelly
Manager Development Assessment	Mr K Kyriacou
Communications Manager	Mr J Hay

**Prayer & Acknowledgement of Local Indigenous People**

The Council Prayer was read by Cr Garcia. The Acknowledgement of Local Indigenous People was read by Cr Belleli.

**Apologies/Granting of Leave of Absences**

Nil.

**Confirmation of the Minutes**

**CONFIRMATION OF THE MINUTES OF THE ORDINARY COUNCIL MEETING  
HELD ON TUESDAY 24 NOVEMBER 2015**

345/15

**RESOLUTION: (Shurey/Matson)** that the Minutes of the Ordinary Council Meeting held on Tuesday 24 November 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 Stavrinou declared a significant non pecuniary interest in Item CP71/15 as he lives in close proximity to the development. Cr Stavrinou will not be taking part in the debate or voting on this matter.
- b) Cr Andrews declared a significant non pecuniary interest in Item CP77/15 as he is an objector to this development application. Cr Andrews will not be taking part in the debate or voting on this matter.
- c) Cr Neilson declared a non-significant non pecuniary interest in Item CP70/15 as she knows people who made submissions on this matter.
- d) Cr Neilson declared a non-significant non pecuniary interest in Item CP71/15 as she knows people who made submissions on this matter.
- e) Cr Neilson declared a non-significant non pecuniary interest in Item CP72/15 as she knows people who made submissions on this matter.
- f) Cr Neilson declared a non-significant non pecuniary interest in Item CP74/15 as she knows people who made submissions on this matter.
- g) All councillors declared a non-significant non pecuniary interest in Item CP77/15 as they know one of the objectors who is a councillor.
- h) Cr Neilson declared a non-significant non pecuniary interest in Item NR11/15 as she knows one of the speakers on this matter.
- i) Cr Neilson declared a non-significant non pecuniary interest in Item NR13/15 as she knows one of the speakers on this matter.
- j) Cr Andrews declared a non-significant non pecuniary interest in Item CP71/15 as he knows the applicant on this matter.
- k) Cr Seng declared a non-significant non pecuniary interest in Item CP70/15 as the applicant is a relative of a State Government Minister who he knows.
- l) Cr Seng declared a non-significant non pecuniary interest in Item CP71/15 as he knows the applicant.
- m) Cr Garcia declared a significant non pecuniary interest in Item CP71/15 as he lives in close proximity to the development. Cr Garcia will not be taking part in the debate or voting on this matter.

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

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

CP70/15 65 HOWARD STREET, RANDWICK (DA/886/2014) - DEFERRED

**Applicant** Thomas Cox on behalf of applicant

CP71/15 131 MOUNT STREET, COOGEE (DA/266/2015) - DEFERRED

**Objector** Ben Wright

**Applicant** Stuart McDonald on behalf of applicant

CP72/15 9 GLENWOOD AVENUE, COOGEE (DA/203/2015)

**Objector** Caroline Farah

**Applicant** Andrew Darroch on behalf of applicant

CP74/15 70 DUDLEY STREET, COOGEE (DA/803/2014)

**Objector** George Lloyd on behalf of objectors

**Applicant** Debra Allen on behalf of applicant

CP75/15 223-225 COOGEE BAY ROAD, COOGEE (DA/565/2015)

**Applicant** George Lewkovitz

CS18/15 PROPOSED REMOVAL OF WEEPING FIG - 75-77 ARDEN STREET, COOGEE

**Against** Wayn Chew

NR11/15 NOTICE OF RESCISSION MOTION SUBMITTED BY COUNCILLORS BELLELI, BOWEN AND STEVENSON - FIT FOR THE FUTURE UPDATE AND TRANSITION PLANNING

**For** Margaret Hogg

NR13/15 NOTICE OF RESCISSION MOTION SUBMITTED BY COUNCILLORS ANDREWS, NASH, ROBERTS AND STAVRINOS - PROTECTION OF TREES - LIGHT RAIL

**Against** Margaret Hogg

**For** William Crowe

The Meeting was adjourned at 7.37pm and was resumed at 7.51pm.

### Mayoral Minutes

Nil.

### Urgent Business

Nil.

### Director City Planning Reports

**CP70/15 Director City Planning Report - 65 Howard Street, Randwick (DA/886/2014) - Deferred**

346/15

#### **RESOLUTION: (Stavrinou/Matson) –**

- 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 4.3(2) of Randwick Local Environmental Plan 2012, relating to Height of Buildings, on the grounds that the proposed development complies with the objectives of the above clauses, and will not adversely affect the amenity of the locality, and that the Department of Planning & Environment be advised accordingly.
- B. That Council, as the consent authority, grant development consent under Section 80 and 80A of the Environmental Planning and Assessment Act 1979 (as amended) to Development Application No. DA/886/2014 for demolition of an existing dwelling house and construction of a 4 storey residential flat building comprising 3x3 bedroom dwellings, and 4 car spaces at 65 Howard Street, Randwick subject to the schedule of conditions outlined in 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:

<b>Plan</b>	<b>Drawn by</b>	<b>Dated</b>
Site Analysis – DA03 Ver. B	Habitat Architects	20 November 2015
Site Plan/Roof Plan – DA04A Ver. B	Habitat Architects	20 November 2015
Level 1 – DA05	Habitat Architects	No Date
Level 2 – DA06A Ver. A	Habitat Architects	20 November 2015
Level 3 – DA07B Ver. B	Habitat Architects	20 November 2015
Level 4 – DA08B Ver. B	Habitat Architects	20 November 2015
East Elevation South East– DA09C Ver. C	Habitat Architects	20 November 2015
Elevation - South– DA10B Ver. B	Habitat Architects	20 November 2015
Elevation – North East– DA11C Ver. C	Habitat Architects	20 November 2015
Elevation North West – DA12C Ver. C	Habitat Architects	20 November 2015
Section – Cross – DA13A Ver. A	Habitat Architects	20 November 2015
Section – Long Folded – DA14b Ver. B	Habitat Architects	20 November 2015
Strata Title Subdivision– DA17A Ver. A	Habitat Architects	20 November 2015

<b>BASIX Certificate</b>	<b>No.</b>	<b>Dated</b>
	572246M_02	31 October, 2014

**Amendment of Plans & Documentation**

2. The approved plans and documents must be amended in accordance with the following requirements and details are to be included in the *Construction Certificate*:

The following privacy measures are to be implemented:

- a. The bathroom windows to Apartments 2 and 3 on the north western elevation shall be of obscure glazing.
- b. The windows directly adjacent to the stair case to Apartment 2 (1 window) & apartment 3 (2 windows) shall be of obscure glazing. The awning window shall open outward only sufficiently to allow airflow, and not to intrude on privacy.
- c. Horizontal fixed louvres shall be provided within the opening of the north western side of the terrace balcony to Apartment 2. The privacy louvres shall be overlapped and angled to prevent overlooking of neighbouring dwelling. The privacy louvres must be constructed of metal or timber and the total area of any openings within the privacy louvre must not exceed 25% of the area of the louvre. The privacy louvres must be

implemented prior to the issue of an occupation 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 an Accredited Certifier or Randwick City Council. All necessary information to demonstrate compliance with the following conditions of consent must be included in the documentation for the construction certificate.

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

#### **Consent Requirements**

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

Details of the proposed colours, materials and textures (i.e. a schedule and brochure/s or sample board) are to be submitted to and approved by Council's 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 21 April 2015, based on the development cost of \$1,700,334 the following applicable monetary levy must be paid to Council: \$17,003,34.

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:

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

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](http://www.randwick.nsw.gov.au).

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

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

Service Levy Corporation or the Council, in accordance with Section 109F of the *Environmental Planning & Assessment Act 1979*.

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

### **Security Deposits**

7. The following security deposits requirement must be complied with prior to a construction certificate being issued for the development, as security for making good any damage caused to Council's assets and infrastructure; and as security for completing any public work; and for remedying any defect on such public works, in accordance with section 80A(6) of the *Environmental Planning and Assessment Act 1979*:

- \$4,000.00 - Damage / Civil Works Security Deposit

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

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

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

### **Sydney Water Requirements**

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

The approved plans must be submitted to a Sydney Water Quick Check agent, to determine whether the development will affect Sydney Water's waste water and water mains, stormwater drains and/or easements, and if any further requirements need to be met.

If suitable, the plans will be appropriately stamped. For details please refer to the Sydney Water web site at [www.sydneywater.com.au](http://www.sydneywater.com.au) for:

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

The Principal Certifying Authority must ensure that a Sydney Water Quick Check Agent has appropriately stamped the plans prior to issuing the construction certificate.

### **Tree Protection Measures**

9. In order to ensure retention of the large and mature *Araucaria heterophylla* (Norfolk Island Pine, Tree 1) located in the front setback of the site, adjacent the northwest corner of the existing dwelling in good health, the following measures are to be undertaken:

- a. All documentation submitted for the Construction Certificate application must show its retention, with the position and diameter of both its trunk and canopy to be clearly and accurately shown on all plans in relation to the proposed works.
- b. Prior to the commencement of any site works, the Certifying Authority/PCA must ensure that an AQF Level 5 Arborist (must be a registered member of a nationally recognized organization/association) has been engaged as *'the site Arborist'* for the duration of works, and must be present on-site at the relevant stages of works, and will be responsible for both implementing and monitoring the conditions of development consent and any recommendations of the Development Impact Assessment Report by Earthscape Horticultural Services, version 3, dated November 2014 (*'the Arborist Report'*).
- c. The recommendations contained in Section 10 of the Arborists Report must be complied with at all times.
- d. The site Arborist must be present on-site at all relevant stages of works, and must keep a log of the dates of attendance and the works performed, which is to be presented as a Final Compliance Report, for the approval of the PCA, prior to the issue of any Occupation Certificate.
- e. In the event of any discrepancy between the Arborists Report and the conditions of consent, the site Arborist must contact Council's Landscape Development Officer on 9399-0613 to reach agreement on the outcome before proceeding further with any site works.
- f. The Construction Certificate plans must confirm that the new building will be constructed at the offsets that are described in Appendix 4 – Impact Assessment Schedule, of the Arborists Report, being a minimum distance of 4.8m to the southwest of its trunk, and a distance of 5.3m to its southeast.
- g. All demolition works performed within the 7.8m Tree Protection Zone (TPZ) radius as listed in Appendix 4 of the Arborists Report must be undertaken in accordance with Section 10.5 of the Arborists Report.
- h. All excavations within the 7.8m TPZ radius must be undertaken in accordance with Section 10.6 of the Arborists Report.
- i. Any excavations within the 7.8m TPZ radius associated with the installation of new services, pipes, stormwater systems or similar, must be performed in accordance with Section 10.7 of the Arborists Report.
- j. Any root pruning can only be performed by, or, under the direct supervision of, the site Arborist, and in accordance with Section 10.2 of the Arborists Report.
- k. A flexible system such as localized pad footings must be used for the proposed timber deck that is shown off Apartment 1, and are to be located away from any roots encountered, with this structure also needing to be elevated above existing ground levels.
- l. In order to avoid/minimize root damage, and where recommended by the site Arborist, suspended or cantilevered footings such as pier and beam must be used in place of more traditional deep edge beams or continuous strip footings.
- m. Where scaffolding is required within the 7.8m TPZ, it must be restricted to 900m in width, and comply with Section 10.13, and Figure 5 of the

**Arborists Report.**

- n. The 7.8m TPZ radius of this tree must be physically protected by the installation of 1.8 metre high steel mesh/chainwire fencing, as detailed at Section 10.3 of the Arborists Report, and must completely exclude the tree for the duration of works.
- o. This fencing shall be installed prior to the commencement of demolition and construction works and shall remain in place until all works are completed, to which, signage that complies with Section 10.4 of the Arborists Report must be clearly displayed and permanently attached.
- p. In order to prevent soil/sediment being washed over its root system, erosion control measures must also be provided at ground level around the perimeter of the fenced off protection area.
- q. Where additional trunk or branch protection is required, this shall comprise layers of wrapped geo-textile, underfelt or Hessian, to which, lengths of hardwood timber battens shall be placed around their circumference, which are to be secured by 8 gauge wires or steel strapping at 300mm spacing. NO nailing to the trunk.
- r. Any changes to existing ground levels must comply with Section 10.9 of the Arborists Report, with the area surrounding the tree, fronting St Pauls Street, to remain as undisturbed, deep soil.
- s. Where ground protection is required it shall comprise strapped together rumble boards, plywood or similar, over a 50mm layer of woodchip mulch, and must remain in place for the duration of works, until such time as the approved landscaping is being installed. Refer also to point 4.5.3 & Figure 4 of AS 4970 – 2009: Protection of trees on development sites.
- t. Within the TPZ, there is to be no storage of materials, machinery or site office/sheds, nor is cement to be mixed or chemicals spilt/disposed of and no stockpiling of soil or rubble, with all Site Management Plans needing to acknowledge these requirements.
- u. The PCA must ensure that all of these measures are complied with, both on the plans as well as on-site during the course of construction, and prior to issuing any type of Occupation Certificate.

**Protection of neighbours trees**

- 10. In order to also ensure retention of the two *Acmena smithii* (Lilly Pillies, T5 & T7), and *Eleaocarpus reticulatus* (Blueberry Ash) located wholly on the adjoining property to the west, 14E Dudley Street, against the common boundary in good health, the following measures are to be undertaken:
  - a. All documentation submitted for the Construction Certificate application must show the retention of these neighbouring trees, with the position and diameter of both their trunks and canopies to be clearly and accurately shown on all plans in relation to the proposed works.
  - b. Prior to the commencement of any site works, the Certifying Authority/PCA must ensure that an AQF Level 5 Arborist (must be a registered member of a nationally recognized organization/association) has been engaged as 'the site Arborist' for the duration of works, and must be present on-site at the relevant stages of works, and will be responsible for both implementing and monitoring the conditions of development consent and any recommendations of the Development



Impact Assessment Report by Earthscape Horticultural Services, version 3, dated November 2014 (*the Arborist Report*).

- c. The recommendations contained in Section 10 of the Arborists Report must be complied with at all times.
- d. The site Arborist must be present on-site at all relevant stages of works, and must keep a log of the dates of attendance and the works performed, which is to be presented as a Final Compliance Report, for the approval of the PCA, prior to the issue of any Occupation Certificate.
- e. In the event of any discrepancy between the Arborists Report and the conditions of consent, the site Arborist must contact Council's Landscape Development Officer on 9399-0613 to reach agreement on the outcome before proceeding further with any site works.
- f. All demolition works performed within the 2m Tree Protection Zone (TPZ) radius as listed in Appendix 4 of the Arborists Report must be undertaken in accordance with Section 10.5 of the Arborists Report.
- g. All excavations within the 2m TPZ radius must be undertaken in accordance with Section 10.6 of the Arborists Report.
- h. Any root pruning can only be performed by, or, under the direct supervision of, the site Arborist, and in accordance with Section 10.2 of the Arborists Report.
- i. In order to avoid/minimize root damage, and where recommended by the site Arborist, suspended or cantilevered footings such as pier and beam must be used in place of more traditional deep edge beams or continuous strip footings.
- j. Where additional trunk or branch protection is required, this shall comprise layers of wrapped geo-textile, underfelt or Hessian, to which, lengths of hardwood timber battens shall be placed around their circumference, which are to be secured by 8 gauge wires or steel strapping at 300mm spacing. NO nailing to the trunk.
- k. Where ground protection is required it shall comprise strapped together rumble boards, plywood or similar, over a 50mm layer of woodchip mulch, and must remain in place for the duration of works, until such time as the approved landscaping is being installed. Refer also to point 4.5.3 & Figure 4 of AS 4970 – 2009: Protection of trees on development sites.
- l. Within the 2m TPZ radius, there is to be no storage of materials, machinery or site office/sheds, nor is cement to be mixed or chemicals spilt/disposed of and no stockpiling of soil or rubble, with all Site Management Plans needing to acknowledge these requirements.
- m. The PCA must ensure that all of these measures are complied with, both on the plans as well as on-site during the course of construction, and prior to issuing any type of Occupation Certificate.

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

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

These conditions have been applied to satisfy the relevant requirements of the

*Environmental Planning & Assessment Act 1979, Environmental Planning & Assessment Regulation 2000, Councils development consent conditions and to achieve reasonable levels of environmental amenity.*

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

11. In accordance with section 80A (11) of the *Environmental Planning & Assessment Act 1979* and clause 98 of the *Environmental Planning & Assessment Regulation 2000*, it is a *prescribed condition* that all building work must be carried out in accordance with the provisions of the Building Code of Australia (BCA).
12. Access and facilities for people with disabilities must be provided in accordance with the relevant requirements of the Building Code of Australia, Disability (Access to Premises – Buildings) Standards 2010, relevant Australian Standards and conditions of consent, to the satisfaction of the Certifying Authority.

**BASIX Requirements**

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

The required commitments listed and identified in the BASIX Certificate must be included on the construction certificate plans, specifications and associated documentation, to the satisfaction of the Certifying Authority.

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

**Site stability, Excavation and Construction work**

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

**Traffic conditions**

15. Adequate provisions are to be made to provide pedestrian visibility and safety. All new walls (and/or landscaping) adjacent to vehicular crossings should not exceed a height of 600mm above the internal driveway level for a distance of 1.5m within the site or new walls (including landscaping) should splayed 1.5 metres by 1.5 metres. Details of compliance, to the satisfaction of the certifying authority, are to be included in the construction certificate documentation.
16. The vehicular access driveway (including grades), aisle widths, carspace dimensions (including carstacker) and overhead clearances are to be in accordance with the requirements of Australian Standard S2890.1:2004. The Construction Certificate plans must demonstrate compliance with these requirements.

**Design Alignment levels**

17. 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;

**Howard Street Frontage**

- **Match the back of the existing footpath.**

**Howard Place Frontage**

- **Match the existing bitumen roadway.**

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

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

18. The above alignment levels and the site inspection by Council's Development Engineering Section have been issued at a prescribed fee of \$1178 calculated at \$50.00 (inclusive of GST) per metre of Howard Street site frontage. This amount is to be paid prior to a construction certificate being issued for the development.
19. The gradient of the internal access driveway must be designed and constructed in accordance with AS 2890.1 (2004) – Off Street Car Parking and the levels of the driveway must match the alignment levels at the property boundary (as specified by Council). Details of compliance are to be included in the construction certificate.

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

20. **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.
21. With the exception of the site discharge pipe, all new pipelines constructed within council's road reserve shall be minimum 375 mm diameter, spigot and socket rubber ringed jointed, steel reinforced concrete pipeline (RRRCP). Prior to backfilling, all pipelines in council's road reserve shall be inspected and approved by the Hydraulic Engineer certifying the works and Council.
22. The written approval of Council is required to be obtained in relation to all drainage and infrastructure works which are located externally from the site within the road reserve/public place, in accordance with the requirements of the *Roads Act 1993*. Detailed plans and specifications of the proposed works are to be submitted to and approved by the Director of City Services prior to commencing any works within the road reserve/public place.
- All works within the road reserve/public place must be carried out to the satisfaction of Council and certification from a professional engineer is to be provided to Council upon completion of the works.
- Relevant Council Assessment and Inspection fees, as specified in Council's adopted Pricing Policy, are required to be paid to Council prior to commencement of the works.
23. The site stormwater drainage system is to be provided in accordance with the following requirements;
- a. The stormwater drainage system must be provided in accordance with the relevant requirements of Building Code of Australia and the conditions of this consent, to the satisfaction of the *Certifying Authority* and details are to be included in the construction certificate.

- b. The stormwater must be discharged (by gravity) either:
  - i. Directly to the kerb and gutter in front of the subject site in Howard Street; or
  - ii. Directly into Council's underground drainage system located in Dudley Street via a new kerb inlet and/or junction pit.
- c. 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. Determination of the required cumulative storage (in the on-site detention and) must be calculated by the mass curve technique as detailed in Technical Note 1, Chapter 14 of the Australian Rainfall and Run-off Volume 1, 1987 Edition.

Where possible any detention tanks should have an open base to infiltrate stormwater into the ground. Infiltration should not be used if ground water and/or any rock stratum is within 2.0 metres of the base of the tank.

- e. Should a pump system be required to drain any portion of the site the system must be designed with a minimum of two pumps being installed, connected in parallel (with each pump capable of discharging at the permissible discharge rate) and connected to a control board so that each pump will operate alternatively. The pump wet well shall be sized for the 1 in 100 year, 2 hour storm assuming both pumps are not working.

The pump system must also be designed and installed strictly in accordance with Randwick City Council's Private Stormwater Code.

- 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 arrestor pit shall be regularly inspected and cleaned".

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

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

*(In this regard, it must be noted that this condition must not result in any increase in the heights or levels of the building. Any variations to the heights or levels of the building will require a new or amended development consent from the Council prior to a construction certificate being issued for the development).*

- k. The maximum depth of ponding in any above ground detention areas and/or infiltration systems with above ground storage shall be as follows (as applicable):
- i. 150mm in uncovered open car parking areas (with an isolated maximum depth of 200mm permissible at the low point pit within the detention area)
  - ii. 300mm in landscaped areas (where child proof fencing is not provided around the outside of the detention area and sides slopes are steeper than 1 in 10)
  - iii. 600mm in landscaped areas where the side slopes of the detention area have a maximum grade of 1 in 10
  - iv. 1200mm in landscaped areas where a safety fence is provided around the outside of the detention area
  - v. Above ground stormwater detention areas must be suitably signposted where required, warning people of the maximum flood level.

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

- l. A childproof and corrosion resistant fastening system shall be installed on access grates over pits/trenches where water is permitted to be temporarily stored.
- m. A 'V' drain (or equally effective provisions) are to be provided to the perimeter of the property, where necessary, to direct all stormwater to the detention/infiltration area.
- n. Mulch or bark is not to be used in on-site detention areas.
- o. Site discharge pipelines shall cross the verge at an angle no less than 45 degrees to the kerb line and must not encroach across a neighbouring property's frontage unless approved in writing by Council's Development Engineering Coordinator.
- p. Any onsite detention systems shall be located in areas accessible by residents of all units.

#### **Site seepage**

24. Site seepage and sub-soil drainage (from planter boxes etc) must comply with the following requirements:
- a. Seepage/ground water and subsoil drainage (from planter boxes etc) must not be collected & discharged directly or indirectly to Council's street gutter or underground drainage system
  - b. Adequate provision is to be made for the seepage water to drain around the basement level (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 the basement levels and any sub-soil drainage systems (as applicable) must be prepared or approved by a suitably qualified and experienced Professional Engineer to the satisfaction of the Certifying Authority and details are to be included in the construction certificate. **A copy of the proposed method for tanking the basement levels must be forwarded to Council if Council is not the Certifying Authority.**

#### **Waste Management**

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

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.*

26. The waste storage areas are to be provided with a tap and hose and the floor is to be graded and drained to the sewer to the requirements of Sydney Water.

#### **Landscape Plan**

27. The Certifying Authority/PCA must ensure that the Landscape Plan submitted as part of the approved Construction Certificate is substantially consistent with the Landscape Plan by Michael Zinn, dwg 965-01, dated November 2014.

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

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

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

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

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

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

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

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



**Home Building Act 1989**

29. 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 relevant 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**

30. A dilapidation report prepared by a *professional engineer* or suitably qualified and experienced building surveyor shall be submitted to the *certifying authority* prior to the commencement of demolition, excavation or building works detailing the current condition and status of all buildings and ancillary structures located upon all of the premises adjoining the subject site (e.g. dwellings, residential flat buildings, commercial/industrial building, garages, carports, verandah's, fences, retaining walls, swimming pools and driveways etc).

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

**Construction Site Management Plan**

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

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

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

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

**Demolition Work Plan**

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

environmental/occupational health and safety requirements.

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

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

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

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

#### **Notes**

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

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

33. A *Construction Noise & Vibration Management Plan*, prepared in accordance with the Environment Protection Authority (EPA) Guidelines for Construction Noise and Assessing Vibration, by a suitably qualified person, is to be developed and implemented prior to commencing site work and throughout the course of construction.

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

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

- b) The *Construction Noise & Vibration Management Plan* must include details of measurements, analysis and relevant criteria and demonstrate that the noise and vibration emissions from the work satisfy the relevant provisions of the *Protection of the Environment Operations Act 1997*, current EPA Guidelines for Construction Noise and Assessing Vibration and Councils conditions of consent.

- c) A further report/correspondence must be obtained from the consultant as soon as practicable upon the commencement of works, which reviews

and confirms the implementation and suitability of the noise and vibration strategies in the *Construction Noise & Vibration Management Plan* and which demonstrates compliance with relevant criteria.

- d) Any recommendations and requirements contained in the *Construction Noise & Vibration Management Plan* and associated reports are to be implemented accordingly and should noise and vibration emissions not comply with the terms and conditions of consent, work must cease forthwith and is not to recommence until details of compliance are submitted to Council and the PCA.

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

#### **Public Liability**

34. The owner/builder is required to hold Public Liability Insurance, with a minimum liability of \$10 million and a copy of the Insurance cover is to be provided to the Principal Certifying Authority and Council.

#### **Construction Traffic Management**

35. 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 Howard Street 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.

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

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

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

- Provision for loading and unloading of goods and materials
- Impacts of the work and vehicular movements on the road network, traffic and pedestrians
- Proposed hours of construction related activities and vehicular movements to and from the site
- Current/proposed approvals from other Agencies and Authorities (including NSW Roads & Maritime Services, 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

*The approved Construction Site Traffic Management Plan must be complied with at all times, and any proposed amendments to the approved Construction Site Traffic Management Plan must be submitted to and be approved by Council in writing, prior to the implementation of any variations to the Plan.*

#### **Public Utilities**

37. 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.
38. 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.

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**

39. 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.

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

40. All work and activities must be carried out in accordance with the relevant regulatory requirements and Randwick City Council policies, including:

- Work Health and Safety Act 2011 & Regulations
- Occupational Health and Safety (Hazardous Substances) Regulation 2001
- Occupational Health and Safety (Asbestos Removal Work) Regulation 2001
- WorkCover NSW Code of Practice for the Safe Removal of Asbestos
- Australian Standard 2601 (2001) – Demolition of Structures
- The Protection of the Environment Operations Act 1997
- Protection of the Environment Operations (Waste) Regulation 2005
- Relevant Office of Environment & Heritage / Environment Protection Authority (EPA) and WorkCover NSW Guidelines.
- Randwick City Council Asbestos Policy (adopted 13 September 2005)

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

#### **Removal of Asbestos Materials**

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

- Occupational Health & Safety legislation and WorkCover NSW requirements
- Randwick City Council's Asbestos Policy
- A WorkCover licensed demolition or asbestos removal contractor must undertake removal of more than 10m<sup>2</sup> of bonded asbestos (or as otherwise specified by WorkCover or relevant legislation). Removal of friable asbestos material must only be undertaken by contractor that holds a current friable asbestos removal licence. A copy of the relevant licence must be provided to the Principal Certifying Authority.
- On sites involving the removal of asbestos, a sign must be clearly displayed in a prominent visible position at the front of the site, containing the words 'DANGER ASBESTOS REMOVAL IN PROGRESS' and include details of the licensed contractor.
- Asbestos waste must be stored, transported and disposed of in compliance with the *Protection of the Environment Operations Act 1997* and the *Protection of the Environment Operations (Waste) Regulation 2005*. Details of the landfill site (which must be lawfully able to receive asbestos materials) must be provided to the Principal Certifying Authority.
- A Clearance Certificate or Statement, prepared by a suitably qualified person (i.e. an occupational hygienist, licensed asbestos removal contractor, building consultant, architect or experienced licensed building contractor), must be provided to Council and the Principal certifying authority upon completion of the asbestos related works which confirms that the asbestos material have been removed appropriately and the relevant conditions of consent have been satisfied.

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

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

42. All excavations and backfilling associated with the erection or demolition of a

building must be executed safely in accordance with appropriate professional standards and excavations 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.

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

43. 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.

#### **Sediment & Erosion Control**

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

Details must be shown in a *Sediment and Erosion Control Plan*, including; a site plan; indicating the slope of land, access points & access control measures, location and type of sediment & erosion controls, location of existing vegetation to be retained, location of material stockpiles and storage areas, location of building operations and equipment, methods of sediment control, details of drainage systems and details of existing and proposed vegetation.

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

#### **Dust Control**

45. During demolition excavation and construction works, dust emissions must be minimised, so as not to result in a nuisance to nearby residents or result in a potential pollution incident.

Adequate dust control measures must be provided to the site prior to the works commencing and the measures and practices must be maintained throughout the demolition, excavation and construction process, to the satisfaction of Council.

*Dust control measures and practices may include: -*

- *Provision of geotextile fabric to all perimeter site fencing (attached on the prevailing wind side of the site fencing).*
- *Covering of stockpiles of sand, soil and excavated material with adequately secured tarpaulins or plastic sheeting.*
- *Installation of a water sprinkling system or provision hoses or the like.*
- *Regular watering-down of all loose materials and stockpiles of sand, soil and excavated material.*
- *Minimisation/relocation of stockpiles of materials, to minimise potential for disturbance by prevailing winds.*
- *Landscaping and revegetation of disturbed areas.*

**Temporary Site Fencing**

46. Temporary site safety fencing or site hoarding must be provided to the perimeter of the site throughout demolition, excavation and construction works, to the satisfaction of Council, in accordance with the following requirements:
- a) Temporary site fences or hoardings must have a height of 1.8 metres and be a cyclone wire fence (with geotextile fabric attached to the inside of the fence to provide dust control), or heavy-duty plywood sheeting (painted white), or other material approved by Council.
  - b) Hoardings and site fencing must be designed to prevent any substance from, or in connection with, the work from falling into the public place or adjoining premises and if necessary, be provided with artificial lighting.
  - c) All site fencing and hoardings must be structurally adequate, safe and be constructed in a professional manner and the use of poor quality materials or steel reinforcement mesh as fencing is not permissible.
  - d) An overhead ('B' Class) type hoarding is required is be provided to protect the public (unless otherwise approved by Council) if:
    - materials are to be hoisted (i.e. via a crane or hoist) over a public footway;
    - building or demolition works are to be carried out on buildings which are over 7.5m in height and located within 3.6m of the street alignment;
    - it is necessary to prevent articles or materials from falling and causing a potential danger or hazard to the public or occupants upon adjoining land;
    - as may otherwise be required by WorkCover, Council or the PCA.

*Notes:*

- *Temporary site fencing may not be necessary if there is an existing adequate fence in place having a minimum height of 1.5m.*
- *If it is proposed to locate any site fencing, hoardings, amenities or articles upon any part of the footpath, nature strip or public place at any time, a separate Local Approval application must be submitted to and approved by Council's Health, Building & Regulatory Services before placing any fencing, hoarding or other article on the road, footpath or nature strip.*

**Public Safety & Site Management**

47. Public safety and convenience must be maintained at all times during demolition, excavation and construction works and the following requirements must be complied with to the satisfaction of Council:
- a) 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.
  - b) 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.

- c) Building operations such as brick cutting, washing tools or equipment and mixing mortar are not permitted on public footpaths, roadways, nature strips, in any public place or any location which may lead to the discharge of materials into the stormwater drainage system.
- d) Access gates and doorways within site fencing, hoardings and temporary site buildings or amenities must not open outwards into the road or footway.
- e) Bulk bins/waste containers must not be located upon the footpath, roadway or nature strip at any time without the prior written approval of the Council. Applications to place a waste container in a public place can be made to Council's Health, Building and Regulatory Services department.
- f) Adequate provisions must be made to ensure pedestrian safety and traffic flow during the site works and traffic control measures are to be implemented in accordance with the relevant provisions of the Roads and Traffic Manual "Traffic Control at Work Sites" (Version 4), to the satisfaction of Council.

#### Site Signage

48. 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

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

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

*An application to vary the abovementioned hours may be submitted to Council's Manager Health, Building & Regulatory Services for consideration and approval to vary the specified hours may be granted in exceptional circumstances and for limited occasions (e.g. for public safety, traffic management or road safety reasons). Any applications are to be made on the standard application form and include payment of the relevant fees and*



*supporting information. Applications must be made at least 10 days prior to the date of the proposed work and the prior written approval of Council must be obtained to vary the standard permitted working hours.*

#### **Survey Requirements**

50. A Registered Surveyor's check survey certificate or other suitable documentation must be obtained at the following stage/s of construction to demonstrate compliance with the approved setbacks, levels, layout and height of the building to the satisfaction of the Principal Certifying Authority (PCA):

- prior to construction (pouring of concrete) of footings and boundary retaining structures,
- prior to construction (pouring of concrete) of each floor slab,
- upon completion of the building, prior to issuing an *Occupation Certificate*,
- as otherwise may be required by the PCA.

The survey documentation must be forwarded to the Principal Certifying Authority and a copy is to be forwarded to the Council, if the Council is not the Principal Certifying Authority for the development.

#### **Building Encroachments**

51. 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**

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

- a) A *Road / Asset Opening Permit* must be obtained from Council prior to carrying out any works within or upon a road, footpath, nature strip or in any public place, in accordance with section 138 of the *Roads Act 1993* and all of the conditions and requirements contained in the *Road / Asset Opening Permit* must be complied with.
- b) Council's Road / Asset Opening Officer must be notified at least 48 hours in advance of commencing any excavation works and also immediately upon completing the works (on 9399 0691 or 0409 033 921 during business hours), to enable any necessary inspections or works to be carried out.
- c) Relevant *Road / Asset Opening Permit* fees, construction fees, inspection fees and security deposits, must be paid to Council prior to commencing any works within or upon the road, footpath, nature strip or other public place,
- d) The owner/developer must ensure that all works within or upon the road reserve, footpath, nature strip or other public place are completed to the satisfaction of Council, prior to the issuing of a *final occupation certificate* or occupation of the development (whichever is sooner).
- e) Excavations and trenches must be back-filled and compacted in accordance with AUSPEC standards 306U.
- f) Excavations or trenches located upon a road or footpath are required to be provided with 50mm depth of cold-mix bitumen finish, level with the existing road/ground surface, to enable Council to readily complete the finishing works at a future date.

- g) Excavations or trenches located upon turfed areas are required to be back-filled, compacted, top-soiled and re-turfed with Kikuyu turf.
- h) The work and area must be maintained in a clean, safe and tidy condition at all times and the area must be thoroughly cleaned at the end of each day's activities and upon completion.
- i) The work can only be carried out in accordance with approved hours of building work as specified in the development consent, unless the express written approval of Council has been obtained beforehand.
- j) Sediment control measures must be implemented in accordance with the conditions of development consent and soil, sand or any other material must not be allowed to enter the stormwater drainage system or cause a pollution incident.
- k) The owner/developer must have a Public Liability Insurance Policy in force, with a minimum cover of \$10 million and a copy of the insurance policy must be provided to Council prior to carrying out any works within or upon the road, footpath, nature strip or in any public place.

#### **Traffic Management**

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

#### **Stormwater Drainage**

- 55. 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.

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

#### **Tree Management**

- 57. Approval is granted for removal of the *Brachychiton acerifolius* (Illawarra Flame Tree, Tree 8) located in the southern side setback, about halfway along the length of the Howard Street frontage, as it is already exempt from Council's DCP due to its location within 2 metres of the existing building, and will also be in direct conflict with the proposed works and landscape treatment in this same area as shown.

#### **Pruning**

- 58. Permission is granted for the minimal and selective pruning of only those lower growing branches from the southwest and southeast aspects of the large *Araucaria heterophylla* (Norfolk Island Pine) that is located in the front yard of the subject site, near the northwest corner of the existing dwelling, only where needed in order to avoid damage to the tree; or; interference with the temporary scaffolding or approved works.

59. Permission is also granted for the minimal and selective pruning of only those lower order branches from the eastern aspects of the two *Acmena smithii* (Lilly Pillies, T5 & T7), as well as the *Elaeocarpus reticulatus* (Blueberry Ash, T6) which are all located wholly within the adjoining private property to the west, 14E Dudley Street, against the common boundary, only where needed in order to avoid damage to the trees; or; interference with the temporary scaffolding or works.
60. 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 neighbours/tree owners for access to perform this work.
61. All pruning can only be undertaken by, or directly under the supervision of the site Arborist, to the requirements of 10.10 of the Arborist Report, as well as Australian Standard AS 4373-2007 'Pruning of Amenity Trees,' and NSW Work Cover Code of Practice for the Amenity Tree Industry (1998).
62. **Prior to commencing any pruning of the Norfolk Island Pine**, the site Arborist must firstly contact Council's Landscape Development Officer on 9399-0613 (giving at least 2 working days' notice) to arrange a joint site meeting, to determine the exact location and extent of pruning that is permissible, with the Arborist required to comply with any instructions issued by Council's Officer.

#### **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**

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

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

#### **Fire Safety Certificates**

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

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

#### **Structural Certification**

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

#### **Sydney Water Certification**

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

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

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

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

67. In accordance with Clause 154B of the *Environmental Planning & Assessment Regulation 2000*, a Certifying Authority must not issue an Occupation Certificate for this development, unless it is satisfied that any relevant BASIX commitments and requirements have been satisfied.

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

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

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

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

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

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

#### **Swimming & Spa Pools**

70. Swimming pools are to be designed and installed in accordance with the relevant requirements of the *Building Code of Australia* and be provided with childproof fences and self-locking gates, in accordance with the *Swimming Pools Act 1992* and the *Swimming Pools Regulation 2008*.

The swimming pool is to be surrounded by a child-resistant barrier (e.g. fence), that separates the pool from any *residential building* (as defined in the *Swimming Pools Act 1992*) that is situated on the premises and from any place (whether public or private) adjoining the premises; and that is designed, constructed and installed in accordance with Australian Standard AS 1926.1 – 2012 (Swimming Pool Safety Part 1 - Safety Barriers for Swimming Pools).

Gates to pool area must be self-closing and latching at all times and, the gate is required to open outwards from the pool area and prevent a small child opening the gate or door when the gate or door is closed.

Temporary pool safety fencing is to be provided 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.

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

*Note: This development consent does not approve the design and location of swimming pool fencing and other swimming pool safety barriers. Swimming pool fencing and other safety barriers are required to comply with the Swimming Pools Act 1992, Swimming Pools Regulation 2008 and relevant Standards. Details of compliance are required to be incorporated into the plans and specifications for a Construction Certificate, to the satisfaction of the Certifying Authority.*

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

**Notification of Swimming Pools & Spa Pools**

72. The owner of the premises must 'register' the swimming pool [or spa pool] on the NSW Swimming Pool Register, in accordance with the *Swimming Pools Amendment Act 2012*.

The Swimming Pool Register is administered by the NSW Government, Department of Premier & Cabinet, Division of Local Government and

registration on the Swimming Pool Register may be made on-line via their website [www.swimmingpoolregister.nsw.gov.au](http://www.swimmingpoolregister.nsw.gov.au).

Registration must be made **prior to the issue of an Occupation Certificate** for the pool and a copy of the NSW Swimming Pool Certificate of Registration must be forwarded to the Principal Certifying Authority and Council accordingly.

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

73. The owner/developer must meet the full cost for a Council approved contractor to:
- a) Construct a full width concrete vehicular crossing and layback at kerb opposite the vehicular entrance to the site, to Council's specifications and requirements.
  - b) Remove any redundant concrete vehicular crossing and layback and to reinstate the area with concrete footpath, turf and integral kerb and gutter to Council's specification.
  - c) Re-construct kerb and gutter for the full site frontage except opposite the vehicular entrance and exit points, to Council's specifications and requirements.
  - d) Carry out a full depth minimum 1 metre wide, road construction in front of the kerb and gutter along the full site frontage, to Council's specifications and requirements.
  - e) Re/construct a 1.3m wide concrete footpath along the full site frontage. Any unpaved areas on the nature strip must be turfed and landscaped to Council's specification.
74. 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.
75. All external civil work to be carried out on Council property (including the installation and repair of roads, footpaths, vehicular crossings, kerb and guttering and drainage works), must be carried out in accordance with Council's Policy for "Vehicular Access and Road and Drainage Works" and the following requirements:
- a. All work on Council land must be carried out by Council, unless specific written approval has been obtained from Council to use non-Council contractors.
  - b. Details of the proposed civil works to be carried out on Council land must be submitted to Council in a *Civil Works Application Form*, prior to an occupation certificate being issued for the development, together with payment of the relevant fees.
  - c. If it is proposed to use non-Council contractors to carry out the civil works on Council land, the work must not commence until the written approval has been obtained from Council and the work must be carried out in accordance with the conditions of consent, Council's design details and payment of a Council design and supervision fee.
  - d. The civil works must be completed in accordance with Council's conditions of consent and approved design and construction documentation, prior to occupation of the development, or as otherwise approved by Council in writing.

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

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

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

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

**Undergrounding of Power**

77. The applicant must meet the full cost for Ausgrid to relocate the existing overhead power feed between the mains distribution pole in Howard Place and the development site to an underground UGOH connection. Suitable easements shall be created as required.

**Stormwater Drainage**

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

Notes:

- a. The "restriction on the use of land" and "positive covenant" are to be to the satisfaction of Council. A copy of Council's standard wording/layout for the restriction and positive covenant may be obtained from Council's Development Engineer on 9399-0881.
  - b. The works as executed drainage plan and hydraulic certification must be submitted to Council prior to the "restriction on the use of land" and "positive covenant" being executed by Council.
79. 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).
80. 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.

81. 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..

**Easement for Parking/Right of Way**

82. The terms of the existing 'Easement for Parking' shall be modified or the easement is to be converted to a Right of Way to allow for the proposed development on the land owned by 96-98 St Pauls Street (SP 79691). Such modification shall be registered on the title of the subject properties prior to the issuing of an occupation certificate.

**Landscaping**

83. 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 was inspected, and that it has been installed substantially in accordance with the Landscape Plan by Michael Zinn, dwg 965-01, dated November 2014;
84. Suitable strategies must also be implemented to ensure that the landscaping is maintained in a healthy and vigorous state until maturity, for the life of the development.
85. The nature-strip upon the Howard Street verge must be excavated to a depth of 150mm, backfilled with topsoil equivalent with 'Organic Garden Mix' as supplied by Australian Native Landscapes, and re-turfed with Kikuyu Turf or similar. Such works shall be installed prior to the issue of a final Occupation Certificate.

**Final Compliance Report - Site Arborist Certification**

86. Prior to the issue of any Occupation Certificate, the site Arborist must submit to, and have approved by, the PCA, written certification which confirms compliance with the conditions of consent and Arborists Report Recommendations; the dates of attendance on-site and the works performed/supervised, relating to retention of the Norfolk Island Pine (T1) located within the subject site, as well as the neighbours Lilly Pillies (T5 & T7) and Blueberry Ash (T6) which are located wholly on the adjoining private property at 14E Dudley Street.

**Waste Management**

87. 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.
88. The waste storage areas 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.

89. A formal application for a strata certificate is required to be submitted to and approved by Council or an accredited certifier and all relevant conditions of this development consent are required to be satisfied.
90. All floors, external walls and ceilings depicted in the proposed strata plan must be constructed.
91. 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.
92. 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.
93. 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 City Services Department.
94. 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.
95. 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.

#### **Fire Safety Statements**

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

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

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

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

#### **Environmental Amenity**

97. 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.
98. Street numbering must be provided to the front of the premises in a prominent position, in accordance with the Australia Post guidelines and AS/NZS 4819 (2003) to the satisfaction of Council.

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

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

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

#### **Residential Parking Permits**

100. All prospective owners and tenants of the building must be notified that Council will not issue any residential parking permits to occupants/tenants of this development.

### **GENERAL ADVISORY NOTES**

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

- A1 The 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.

- 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 This determination does not include an assessment of the proposed works under the Building Code of Australia (BCA), Disability (Access to Premises – Buildings) Standards 2010 and other relevant Standards. All new building work (including alterations and additions) must comply with the BCA and relevant Standards. You are advised to liaise with your architect, engineer and building consultant prior to lodgement of your construction certificate.

A5 Any proposed amendments to the design and construction of the building may require a new development application or a section 96 amendment to the existing consent to be obtained from Council, before carrying out such works

A6 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.

A7 Specific details of the location of the building/s should be provided in the Construction Certificate to demonstrate that the proposed building work will not encroach onto the adjoining properties, Council's road reserve or any public place.

A8 This consent does not authorise any trespass or encroachment upon any adjoining or supported land or building whether private or public. Where any underpinning, shoring, soil anchoring (temporary or permanent) or the like is proposed to be carried out upon any adjoining or supported land, the land owner or principal contractor must obtain:

- the consent of the owners of such adjoining or supported land to trespass or encroach, or
- an access order under the *Access to Neighbouring Land Act 2000*, or
- an easement under section 88K of the *Conveyancing Act 1919*, or
- an easement under section 40 of the *Land & Environment Court Act 1979*, as appropriate.

Section 177 of the *Conveyancing Act 1919* creates a statutory duty of care in relation to support of land. Accordingly, a person has a duty of care not to do anything on or in relation to land being developed (the supporting land) that removes the support provided by the supporting land to any other adjoining land (the supported land).

A9 External paths and ground surfaces are to be constructed at appropriate levels and be graded and drained away from the building and adjoining premises, so as not to result in the entry of water into the building, or cause a nuisance or damage to any adjoining land.

Finished ground levels external to the building are to be consistent with the development consent and are not to be raised, other than for the provision of

approved paving or the like on the ground.

A10 Prior to commencing any works, the owner/builder should contact *Dial Before You Dig* on 1100 or [www.dialbeforeyoudig.com.au](http://www.dialbeforeyoudig.com.au) and relevant Service Authorities, for information on potential underground pipes and cables within the vicinity of the development site.

A11 The necessary development consent and a construction certificate or a complying development certificate (as applicable) must be obtained for proposed external plant and equipment, if not included in this consent.

A12 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.

A13 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](http://www.health.nsw.gov.au/childsafety) or pick-up a brochure from Council's Customer Service Centre.

A14 An application must be submitted to an approved by Council prior to the installation and operation of any proposed greywater or wastewater treatment systems, in accordance with the *Local Government Act 1993*.

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

A15 Swimming/spa pool plant and equipment shall not be operated during the following hours if the noise emitted can be heard within a habitable room in any other residential premises, or, as otherwise specified in relevant Noise Control Regulations:

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

A16 Air conditioning plant and equipment shall not be operated during the following hours if the noise emitted can be heard within a habitable room in any other residential premises, or, as otherwise specified in relevant Noise Control Regulations:

- before 8.00am or after 10.00pm on any Saturday, Sunday or public holiday; or
- before 7.00am or after 10.00pm on any other day.

A17 Council's assessment of this application does not include an assessment of compliance with the *Swimming Pool Act 1992*. All pool barriers, fences and structures within properties containing a swimming pool must comply with the requirements of the *Swimming Pool Act 1992*, BCA and relevant Australian Standards.

Details of compliance with the *Swimming Pool Act 1992*, Building Code of Australia and relevant Standards must be included in the Construction Certificate to the satisfaction of the Building Certifier.

- A18 Underground assets may exist in the area that is subject to your application. In the interests of health and safety and in order to protect damage to third party assets please contact Dial before you dig at [www.1100.com.au](http://www.1100.com.au) or telephone on 1100 before excavating or erecting structures (This is the law in NSW). If alterations are required to the configuration, size, form or design of the development upon contacting the Dial before You Dig service, an amendment to the development consent (or a new development application) may be necessary. Individuals owe asset owners a duty of care that must be observed when working in the vicinity of plant or assets. It is the individual's responsibility to anticipate and request the nominal location of plant or assets on the relevant property via contacting the Dial before you dig service in advance of any construction or planning activities.
- A19 The applicant is to advise Council in writing and/or photographs of any signs of existing damage to the Council roadway, footway, or verge prior to the commencement of any building/demolition works.
- A20 Further information and details on Council's requirements for trees on development sites can be obtained from the recently adopted Tree Technical Manual, which can be downloaded from Council's website at the following link, <http://www.randwick.nsw.gov.au> - Looking after our environment – Trees – Tree Management Technical Manual; which aims to achieve consistency of approach and compliance with appropriate standards and best practice guidelines.

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

**CP71/15 Director City Planning Report - 131 Mount Street, Coogee  
(DA/266/2015) - Deferred**

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

347/15

**RESOLUTION: (Matson/Shurey)** 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/266/2015 for Demolition of the existing dwelling house and construction of a four storey residential flat building comprising of six dwellings and basement car park for 7 vehicles, associated site and landscape works, at No. 131 Mount Street, Coogee, subject to the following conditions of consent:

**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:

<b><i>Plan</i></b>	<b><i>Drawn by</i></b>	<b><i>Dated</i></b>	<b><i>Received by Council</i></b>
DA-100 Revision B	Bureau SRH	02.07.15	23 July 2015
DA-101 Revision B	Bureau SRH	02.07.15	23 July 2015
DA-102 Revision B	Bureau SRH	02.07.15	23 July 2015
DA-103 Revision B	Bureau SRH	02.07.15	23 July 2015
DA-104 Revision B	Bureau SRH	02.07.15	23 July 2015
DA-105 Revision B	Bureau SRH	02.07.15	23 July 2015
DA-106 Revision B	Bureau SRH	02.07.15	23 July 2015
DA-107 Revision B	Bureau SRH	02.07.15	23 July 2015
DA-201 Revision B	Bureau SRH	02.07.15	23 July 2015
DA-202 Revision B	Bureau SRH	02.07.15	23 July 2015
DA-301 Revision B	Bureau SRH	02.07.15	23 July 2015

<b><i>BASIX Certificate No.</i></b>	<b><i>Dated</i></b>	<b><i>Received by Council</i></b>
623680M	22 April 2015	27 October 2015

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

2. The approved plans and documents must be amended in accordance with the following requirements:
  - a) The rear car parking area including the driveway is to be enclosed along the southern edge by a solid wall extending the full height from floor-to-ceiling and the full length to the eastern end of the car parking area. Details of the design and materials to be used for the wall are to be submitted for approval prior to the issue of a Construction Certificate.
  - b) Bin enclosures / rooms must be ventilated, fire protected, drained to the sewerage system and have lighting and water supply.
  - c) A mailbox must clearly mark the street number of the dwelling that it serves.
  - d) Provide adequate lighting for personal safety in common and access areas of the development.
  - e) Provide illumination for all building entries, pedestrian paths and communal open space within the development.
  - f) Storage facilities may be provided in basement or sub floor areas, or attached to garages. Where basement storage is provided, it should not compromise any natural ventilation in the car park, reduce sight lines or obstruct pedestrian access to the parked vehicles.
  - g) Provide a retractable or demountable clothes line in the courtyard of each dwelling unit.
  - h) The proposed third floor containing the bedroom to Unit 5 shall be amended in accordance with Plan No. DA001 dated 7 December 2015.
  - i) A car stacker shall be provided in the basement in accordance with Plan No. DA001 dated 7 December 2015.
  - j) The side fence to the southern boundary must be stepped to follow the topography and must not exceed 2000mm at any point as measured from the finished ground level.
  - k) The side fence to the south must be a rendered solid brick wall instead

of a timber paling fence (full depth of the property) and must not encroach onto the boundary of No. 133 Mount Street.

- l) Landscape screen planting must be added to the rear southern boundary to soften the impact and provide privacy to the open space & rear yard of 133 Mount Street. All screens planting must be of a species that has a maximum height at maturity of no more 2.5m.
- m) The stairs to the southern side that allow access to the communal open space at the rear must be deleted.
- n) A soft close acoustically treated door must be provided to access rear yard from the basement.
- o) The security intercom must be relocated to street frontage away from the bedrooms of 133 Mount Street.
- p) Angled louvered privacy blades designed to prevent overlooking must be provided to replace the vertical, timber screening to common areas to avoid light spill and overlooking the neighbour's bathrooms, bedrooms and living spaces.
- q) Any lighting of pedestrian access paths and the building entrance door on the southern side must be illuminated and directed to the ground to avoid light spill to bedrooms of 133 Mount Street.
- r) The proposed screen planting along the pedestrian access path on the south must not be bamboo and be of a species that has a maximum height at maturity of 2.5m
- s) Screen planting having a maximum height of 2.5m shall be continued to be in front of the entrance door on southern boundary to reduce acoustic impacts.
- t) The two windows in the living area and entrance hall to unit 6 must be deleted. Skylights may be added to this apartment instead.
- u) A 1.6m high vertical louvered privacy screen designed to prevent overlooking of No. 133 Mount Street must be added to southern & eastern side of the outdoor east facing balcony on the third floor

Details required to satisfy the above conditions must be submitted to Council's Manager Development Assessment for approval prior to 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.

#### **Security Intercom System**

4. Acoustic details of the proposed security intercom system must be provided to the satisfaction of council prior to the issue of a construction certificate.

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

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

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

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

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

6. In accordance with Council's Section 94A Development Contributions Plan effective from 21 April 2015, based on the development cost of \$1,694,554 the following applicable monetary levy must be paid to Council: \$16,945.54.

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:

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

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](http://www.randwick.nsw.gov.au).

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

7. 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**

8. 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*:

- \$4000.00 - Damage / Civil Works Security Deposit

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

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

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

**Sydney Water**

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](http://www.sydneywater.com.au) for:

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

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

**Street Tree Protection Measures**

10. In order to ensure retention of the *Banksia integrifolia* (Coastal Banksia, Tree 7) located on the Mount Street verge, to the south of the existing/proposed vehicle crossing in good health, the following measures are to be undertaken:

- a. All documentation submitted for the Construction Certificate application must show its retention, with the position and diameter of both its trunk and canopy to be clearly and accurately shown on all plans in relation to the proposed works, including its Tree Number from the Arboricultural Impact Assessment by Redgum Horticultural Consultants, ref 1246, dated 7 April 2015 ('the Arborist Report').
- b. Any excavations associated with the installation of new services, pipes, stormwater systems or similar over public property can only be located along either of the sites side boundaries; or, against either side of the new crossing.

- c. The recommendations contained in part 7.0 of the Arborist Report must be complied with.
- d. Prior to the commencement of any site works, the Certifying Authority/PCA must ensure that an AQF Level 5 Arborist (must be a registered member of a nationally recognized organization/association) has been engaged as 'the site Arborist' for the duration of works, to be present on-site at the relevant stages of works, and will be responsible for both implementing and monitoring the conditions of development consent and any recommendations of the Arborist Report.
- e. The site Arborist must keep a log of the dates of attendance and the works performed, which is to be presented as a Final Compliance Report, for the approval of the PCA, prior to the issue of any Occupation Certificate.
- f. In the event of any discrepancy between the Arborists Report and the conditions of consent, the site Arborist must contact Council's Landscape Development Officer on 9399-0613 to reach agreement on the outcome before proceeding further with any works.
- g. The Construction Certificate plans must show that the southern edge of the new vehicle crossing/basement entry ramp will be offset a minimum distance of 5.8m (as is shown on Ground Floor Plan DA-103) measured off the outside edge of its trunk at ground level, with the PCA to ensure that that this requirement is complied with on-site.
- h. This tree is to be physically protected by the installation of 1.8 metre high steel mesh/chainwire fencing, which shall be located a minimum distance of **2.6 metres** to its north and south (measured off the outside edge of its trunk at ground level), matching up with the back of the kerb to its west, and pedestrian footpath to its east, in order to completely enclose this tree for the duration of works.
- i. This fencing shall be installed prior to the commencement of demolition and construction works and shall remain in place until all works are completed, to which, signage containing the following words shall be clearly displayed and permanently attached: "TREE PROTECTION ZONE (TPZ), DO NOT REMOVE/ENTER".
- j. Within the TPZ, there is to be no storage of materials, machinery or site office/sheds, nor is cement to be mixed or chemicals spilt/disposed of and no stockpiling of soil or rubble, with all Site Management Plans needing to acknowledge these requirements.
- k. The applicant is not authorised to perform any works to this tree, and shall contact Council's Landscape Development Officer on 9399-0613 should pruning or any similar such work appear necessary. If approval is given, it can only be performed by Council, wholly at the applicants cost, with payment to be received prior to the issue of an Occupation Certificate.
- l. The PCA must ensure compliance with these requirements on-site during the course of construction, and prior to issuing any type of Occupation Certificate.
- m. A refundable deposit in the form of cash, credit card or cheque for an amount of **\$1,000.00** must be paid at the Cashier on the Ground Floor of the Administrative Centre, **prior to a Construction Certificate**

**being issued for the development**, in order to ensure compliance with the conditions listed in this consent, and ultimately, preservation of the tree.

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

Any contravention of Council's conditions relating to the tree at any time during the course of the works, or prior to the issue of any Occupation Certificate, may result in Council claiming all or part of the lodged security in order to perform any rectification works necessary, as per the requirements of 80A (6) of the Environmental Planning and Assessment Act 1979.

#### **Protection Measures for neighbours trees**

11. In order to ensure retention of the *Celtis occidentalis* (Nettle Tree, T3), as well as the two large *Corymbia citriodora* (Lemon Scented Gums, T4-5) all located in the rear yard of the adjoining private property to the south, 133 Brook Street, close to the common boundary in good health, the following measures are to be undertaken:
  - a. All documentation submitted for the Construction Certificate application must show the retention of these trees, with the position and diameter of both their trunks and canopies to be clearly and accurately shown on all plans in relation to the proposed works, including their Tree Numbers taken from the Arborist Report.
  - b. Any excavations associated with the installation of new services, pipes, stormwater systems or similar must not extend beyond the southern wall of the new building, as is shown on the Concept Stormwater Plan Basement by AJK Design, ref 1509/1.2-A, issue A, dated 17.04.15.
  - c. The recommendations contained in part 7.0 of the Arborist Report must be complied with.
  - d. The site Arborist (referred to 'Street Tree Protection' condition above) must be present on-site at the relevant stages of works, and must keep a log of the dates of attendance and the works performed, which is to be presented as a Final Compliance Report, for the approval of the PCA, prior to the issue of any Occupation Certificate.
  - e. In the event of any discrepancy between the Arborists Report and the conditions of consent, the Arborist must contact Council's Landscape Development Officer on 9399-0613 to reach agreement on the outcome.
  - f. All Construction Certificate plans must show that the southern wall of both the basement and ground levels, at the eastern end of the building, adjacent these trees, will be offset a minimum distance of **2600mm** from the southern site boundary, as is shown on Proposed Basement Floor Plan, dwg DA-102, and Proposed Ground Floor Plan, dwg DA-103 respectively, with the window projections to be offset a minimum distance of **2100mm**.
  - g. All Construction Certificate plans must show that the southern wall of the basement will be constructed using a system such as contiguous bored piers, sheet piling or similar that will not involve any bulk

- earthworks and excavations beyond the finished location of these walls, with the PCA to ensure that this requirement is complied with on-site as part of construction.
- h. All Construction Certificate plans must show that any works associated with that part of the Ground Level which will encroach within any of their TPZ's, as identified in Table 2.0 of the Arborist Report, will be constructed using a pier and beam/cantilevered type footing and suspended slab, with suitable details confirming compliance to be provided, to the satisfaction of the Certifying Authority/PCA.
  - i. Prior to commencing any works associated with construction of footings or similar for the southern wall of the ground level, an initial trench must firstly be dug by hand, only by the site Arborist, within the radius of each of their TPZ's, to a minimum depth of 600mm, without damaging any roots in the process. No motorized machinery can be used for this component.
  - j. Where major roots with a diameter of more than 75mm are encountered in this area, the site Arborist must ensure they are retained in-situ, with any footings to be located around/away from them to allow their preservation.
  - k. Where roots with a diameter of less than 75mm are found which are in direct conflict with the works, they may be pruned cleanly by hand, only by the site Arborist, with the affected area to be backfilled with clean site soil as soon as practically possible. Roots are not to be left exposed to the atmosphere.
  - l. The area between the southern site boundary and southern wall of the building, within the extent of their TPZ's, must be retained as a porous/permeable treatment, as is shown on the Landscape Plan, dwg 15710 LS-03, issue C, dated 13/04/15.
  - m. Ground levels within the TPZ must not be altered by more than 200mm, with no other structures such as continuous strip footings, planters boxes or similar to be located in this area, and must remain as undisturbed, deep soil.
  - n. Any new common boundary fencing within their TPZ's can be supported on localized pad footings only, with excavations to be initially dug by hand, by the site Arborist, with footings to be positioned around any roots encountered.
  - o. Ground protection comprising a minimum 50mm layer of mulch, over which, strapped together rumble boards, plywood or similar shall be placed, for the extent of each of their TPZ's, during the course of works.
  - p. These trees are also to be physically protected by the installation of 1.8 metre high steel mesh/chainwire fencing, which shall be located in accordance with **Appendix F – Site Plan B** of the Arborists Report, in order to completely exclude them for the duration of works.
  - q. This fencing shall be installed prior to the commencement of demolition and construction works and shall remain in place until all works are completed, to which, signage containing the following words shall be clearly displayed and permanently attached: "TREE PROTECTION ZONE (TPZ), DO NOT REMOVE/ENTER".
  - r. In order to prevent soil/sediment being washed over their root systems,

erosion control measures shall be provided at ground level around the perimeter of the TPZ's.

- s. Within the fenced off zones, there is to be no storage of materials, machinery or site office/sheds, nor is cement to be mixed or chemicals spilt/disposed of and no stockpiling of soil or rubble, with all Site Management Plans needing to acknowledge these requirements.
- t. 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.

#### **Traffic conditions**

- 13. Adequate provisions are to be made to provide pedestrian visibility and safety. All new walls (and/or landscaping) adjacent to vehicular crossings should not exceed a height of 600mm above the internal driveway level for a distance of 1.5m within the site or new walls (including landscaping) should splayed 1.5 metres by 1.5 metres. Details of compliance, to the satisfaction of the certifying authority, are to be included in the construction certificate documentation.
- 14. The vehicular access driveways, internal circulation ramps and the carpark areas, (including, but not limited to, the ramp grades, carpark layout and height clearances) are to be in accordance with the requirements of Australian Standard 2890.1:2004 except when varied by the approved plans. The Construction Certificate plans must demonstrate compliance with these requirements.

#### **Design Alignment levels**

- 15. 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:
  - **Match the back of the existing footpath, along the full site frontage.**

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

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

16. The above alignment levels and the site inspection by Council's Development Engineering Section have been issued at a prescribed fee of \$674 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.
17. The gradient of the internal access driveway must be designed and constructed in accordance with the approved plans and the levels of the driveway must match the alignment levels at the property boundary (as specified by Council). Details of compliance are to be included in the construction certificate.

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

18. Windows, vents and other openings into the basement carpark (excluding the driveway opening) are to be located at least 300 mm above the natural ground level. Details demonstrating compliance with this condition are to be included in the construction certificate documentation.

NOTE: This includes the openings at the rear of the basement which may be passage for overland flow to enter the basement in the event of an extreme storm and must be suitably protected.

19. The building, including any footings, are to be designed to ensure that they will not be adversely affected by stormwater, floodwater and/or the water table.

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, and invert levels, etc., dimensions and types of all drainage pipes and the connection into Council's stormwater system.
- c) The separate catchment areas within the site, draining to each collection point or surface pit are to be classified into the following categories:
  - i. Roof areas
  - ii. Paved areas
  - iii. Grassed areas
  - iv. Garden areas
- e) Where buildings abut higher buildings and their roofs are "flushed in" to the higher wall, the area contributing must be taken as: the projected roof area of the lower building, plus one half of the area of the vertical wall abutting, for the purpose of determining the discharge from the lower roof.

- f) Proposed finished surface levels and grades of car parks, internal driveways and access aisles which are to be related to Council's design alignment levels.
  - g) The details of any special features that will affect the drainage design eg. the nature of the soil in the site and/or the presence of rock etc.
20. The site stormwater drainage system is to be provided in accordance with the following requirements;
- a) The stormwater drainage system must be provided in accordance with the relevant requirements of Building Code of Australia and the conditions of this consent, to the satisfaction of the *Certifying Authority* and details are to be included in the construction certificate.
  - b) The stormwater must be discharged either:
    - i. By gravity to the kerb and gutter in Mount Street
    - ii. By gravity to Council's street drainage system located in Bay street via a private drainage easement through adjoining land/premises; or
    - iii. To a suitably designed infiltration system (subject to confirmation in a geotechnical investigation that the ground conditions at the location of the proposed infiltration pit are suitable for a infiltration system),
    - iv. To the kerb and gutter in Mount Street via a pump-out system.
  - c) Should stormwater be discharged to Council's street drainage system by gravity, 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 10** year storm of one hour duration for existing site conditions. All other stormwater run-off from the site for all storms up to the 1 in 20 year storm is to be retained on the site for gradual release to the street drainage system, to the satisfaction of the certifying authority.

An overland escape route or overflow system (to Council's street drainage system) must be provided for storms having an average recurrence interval of 100 years (1 in 100 year storm), or, alternatively the stormwater detention system is to be provided to accommodate the 1 in 100 year storm.
  - d) Should stormwater be discharged to an infiltration system, the infiltration area shall be sized for all storm events up to the 1 in 20 year storm event with provision for a formal overland flow path to Council's Street drainage system.

Should no formal overland escape route be provided for storms greater than the 1 in 20 design storm, the infiltration system shall be sized for the 1 in 100 year storm event.
  - e) Determination of the required cumulative storage (in the on-site detention and/or infiltration system) must be calculated by the mass curve technique as detailed in Technical Note 1, Chapter 14 of the Australian Rainfall and Run-off Volume 1, 1987 Edition.

Where possible any detention tanks should have an open base to infiltrate stormwater into the ground. Infiltration should not be used if ground water and/or any rock stratum is within 2.0 metres of the base of

the tank.

- f) Should a pump-out system be required to drain any portion of the site the system must be designed with a minimum of two pumps being installed, connected in parallel (with each pump capable of discharging at the permissible discharge rate) and connected to a control board so that each pump will operate alternatively. The pump wet well shall be sized for the 1 in 100 year, 2 hour storm assuming both pumps are not working.

The pump system must also be designed and installed strictly in accordance with Randwick City Council's Private Stormwater Code.

- g) Generally all internal pipelines must be capable of discharging a 1 in 20 year storm flow. However the minimum pipe size for pipes that accept stormwater from a surface inlet pit must be 150mm diameter. The site must be graded to direct any surplus run-off (i.e. above the 1 in 20 year storm) to the proposed drainage (detention/infiltration) system.
- h) A sediment/silt arrestor pit must be provided within the site near the street boundary prior to discharge 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 arrestor pit shall be regularly inspected and cleaned".

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

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

*(In this regard, it must be noted that this condition must not result in any increase in the heights or levels of the building. Any variations to the heights or levels of the building will require a new or amended development consent from the Council prior to a construction certificate being issued for the development).*

- j) The maximum depth of ponding in any above ground detention areas and/or infiltration systems with above ground storage shall be as follows



(as applicable):

- i. 150mm in uncovered open car parking areas (with an isolated maximum depth of 200mm permissible at the low point pit within the detention area)
- ii. 300mm in landscaped areas (where child proof fencing is not provided around the outside of the detention area and sides slopes are steeper than 1 in 10)
- iii. 600mm in landscaped areas where the side slopes of the detention area have a maximum grade of 1 in 10
- iv. 1200mm in landscaped areas where a safety fence is provided around the outside of the detention area
- v. Above ground stormwater detention areas must be suitably signposted where required, warning people of the maximum flood level.

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

- k) A childproof and corrosion resistant fastening system shall be installed on access grates over pits/trenches where water is permitted to be temporarily stored.
- l) 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/pump-out system.
- m) Mulch or bark is not to be used in on-site detention areas.
- n) Site discharge pipelines shall cross the verge at an angle no less than 45 degrees to the kerb line and must not encroach across a neighbouring property's frontage unless approved in writing by Council's Development Engineering Coordinator.
- o) Any onsite detention/infiltration/pump-out systems shall be located in areas accessible by residents of all units.

#### **Site seepage and Ground Water**

21. The proposed development must comply with following requirements to adequately manage site seepage and sub-soil drainage:

- a) Seepage/ground water and subsoil drainage (from planter boxes etc) must not be collected & discharged directly or indirectly to Council's street gutter or underground drainage system
- b) Adequate provision is to be made for the seepage/ground water to drain around the basement carpark (to ensure the basement will not dam or slow the movement of the seepage/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 the basement levels and any sub-soil drainage systems (as applicable) must be prepared or approved by a suitably qualified and experienced Professional Engineer to the satisfaction of the Certifying Authority and details are to be included in the construction certificate. A copy of the proposed method for tanking the basement levels must be forwarded to Council if Council is not the Certifying Authority.

22. Details of the proposed connection and or disposal of any site seepage, groundwater or construction site stormwater to Council's stormwater drainage system must be submitted to and approved by Council's Development Engineering Coordinator, prior to commencing these works, in accordance with section 138 of the *Roads Act 1993*.

Details must include the following information:

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

#### **Waste Management**

23. Waste Management provisions must be implemented in accordance with the Waste Management Plan submitted with the development application (Prepared by Bureau SRH Architects dated 20-05-2014), subject to the following additional information and/or amendments which is required to be submitted to and approved by Council's Director of City Planning.

- Full details of demolition and construction waste, including materials to be re-used or recycled.
- Full details of the proposed recycling and waste disposal contractors.
- Waste storage facilities and equipment.
- Access and traffic arrangements.

24. The waste storage areas are to be provided with a tap and hose and the floor is to be graded and drained to the sewer to the requirements of Sydney Water.

#### **Driveway Design**

25. The gradient of the internal access driveway must be designed and constructed in accordance with AS 2890.1 (2004) – Off Street Car Parking and the levels of the driveway must match the alignment levels at the property boundary (as specified by Council). Details of compliance are to be included in the construction certificate.

**BASIX Requirements**

26. 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.

**Landscape Plan**

27. The Certifying Authority/PCA must ensure that the Landscape Plans submitted as part of the approved Construction Certificate are substantially consistent with the Landscape Plans by Greenplan, LS-01 – 02, issue A; LS-03, issue C; and LS-04, issue B, all dated 13/4/15.

**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**

28. 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**

29. 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**

30. 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**

31. 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**

32. 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**

33. 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.*

**Site consolidation**

34. The subject site comprising of Lots 1 & 2 in DP 1096453 shall be consolidated via a new Plan of Survey. The Plan of Consolidation shall be registered at NSW Land Property Information prior to the commencement of basement construction.

**Construction Traffic Management**

35. 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 Mount Street 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.

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

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

- A description of the demolition, excavation and construction works
- A site plan/s showing the site, roads, footpaths, site access points and vehicular movements
- Any proposed road and/or footpath closures
- Proposed site access locations for personnel, deliveries and materials
- Size, type and estimated number of vehicular movements (including removal of excavated materials, delivery of materials and concrete to the site)
- Provision for loading and unloading of goods and materials
- Impacts of the work and vehicular movements on the road network, traffic and pedestrians
- Proposed hours of construction related activities and vehicular movements to and from the site
- Current/proposed approvals from other Agencies and Authorities (including NSW Roads & Maritime Services, 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

*The approved Construction Site Traffic Management Plan must be complied with at all times, and any proposed amendments to the approved Construction Site Traffic Management Plan must be submitted to and be approved by Council in writing, prior to the implementation of any variations to the Plan.*

37. 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**

38. A public utility impact assessment must be carried out on all public utility services located on the site, roadway, nature strip, footpath, public reserve or any public areas associated with and/or adjacent to the building works. The assessment should include relevant information from public utility authorities and exploratory trenching or pot-holing, if necessary, to determine the position and level of services.
39. 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.

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.

#### **Landscape Plan**

40. Prior to the commencement of any site works, the Certifying Authority/PCA must ensure that the Landscape Plans by Greenplan, LS-01 – 02, issue A; LS-03, issue C; and LS-04, issue B, all dated 13/4/15, have been amended to include the following requirements:
- a) Despite being shown for retention on the plans, the *Pittosporum undulatum* (Native Daphne, T2), located in the rear yard, halfway across the width of the rear/eastern site boundary must be removed as part of the works as this species is listed as a naturalized weed in Appendix B5-1 of Council's DCP, so is not associated with high quality residential developments;
  - b) As the site and development would benefit more from new, more desirable and long-lived replacement planting, the Landscape Plan must be amended to show at least 2 x 100 litre (pot/bag size at the time of planting) trees (not palms) spaced evenly across the rear boundary, selecting feature species that will achieve a minimum height of 6 metres at maturity.

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

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

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

**Road/Asset Opening Permit**

41. 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 days 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.

**Roadway**

42. If it is necessary to excavate below the level of the base of the footings of the



adjoining roadways, the person acting on the consent shall ensure that the owner/s of the roadway is/are given at least seven (7) days notice of the intention to excavate below the base of the footings. The notice is to include complete details of the work.

#### **Traffic Management**

43. Adequate provisions must be made to ensure pedestrian safety and traffic flow during the site works and traffic control measures are to be implemented in accordance with the relevant provisions of the Roads and Traffic Manual "Traffic Control at Work Sites" (Version 4), to the satisfaction of Council.
44. All work, including the provision of barricades, fencing, lighting, signage and traffic control, must be carried out in accordance with the NSW Roads and Traffic Authority publication - 'Traffic Control at Work Sites' and Australian Standard AS 1742.3 – Traffic Control Devices for Works on Roads, at all times.
45. All conditions and requirements of the NSW Police, Roads & Maritime Services, Transport and Council must be complied with at all times.

#### **Stormwater Drainage**

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

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

#### **Tree Removal**

47. Approval is granted for removal of the following trees from within the subject site:
  - a) The mature *Frangipani* (T6) in the front yard, adjacent the northwest corner of the existing dwelling, as it is not significant in anyway, so as to accommodate the proposed works and replacement planting in this same area as shown;
  - b) In the rear yard, along the northern site boundary, the *Cinnamomum camphora* (Camphor Laurel, T1), as despite being the most established tree at this site, is recognized as an environmental weed; has a major, open wound from a past failure on the northern side of its central leader; and is also in direct conflict with all levels of the proposal, with a re-design not possible as this would only impact on other trees on neighbouring sites that must be protected;
  - c) Further to its east, about halfway across the width of the rear/eastern site boundary, the *Pittosporum undulatum* (Native Daphne, T2), as despite being shown for retention as an existing site feature, is actually recognized as an undesirable, naturalised weed (listed in Appendix B5-1 of Council's DCP), so is not associated with high quality residential developments.
  - d) The already dead tree in the rear yard, along the southern site boundary, closest to the southeast corner of the existing dwelling.

*NOTE: Refer to the 'Landscape Plan' condition earlier in this report for replacement tree planting requirements.*

#### **Pruning of neighbours trees**

48. Permission is granted for minimal and selective pruning from the northern aspects of the following trees, which are growing wholly in the rear yard of the

adjoining private property at no.133, close to the common boundary, only where they overhang the common boundary, above the subject site, and need to be pruned in order to avoid damage to the trees; or; interference with the approved works:

- a) The 2<sup>nd</sup> order leader growing to the northwest from the northern aspect of the *Celtis occidentalis* (Nettle Tree, T3);
  - b) Only those lower order branches in the upper crowns of the two *Corymbia citriodora* (Lemon Scented Gum, T4-5), only where needed so as to avoid conflict with the basement piling rig, scaffolding, southern side of the approved building or similar.
49. 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 this tree, the applicant must negotiate with the neighbour/tree owner for access to perform this work.
50. 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).

#### **Inspections During Construction**

51. 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**

52. 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**

53. 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)	<ul style="list-style-type: none"> <li>• Monday to Friday - 7.00am to 5.00pm</li> <li>• Saturday - 8.00am to 5.00pm</li> <li>• Sunday &amp; public holidays - No work</li> </ul>

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

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

#### **Demolition Work Requirements**

54. 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](http://www.randwick.nsw.gov.au) in the Building & Development section or a copy can be obtained from Council's Customer Service Centre.*

#### **Removal of Asbestos Materials**

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

- Relevant Occupational Health & Safety legislation and WorkCover NSW requirements
- Randwick City Council's Asbestos Policy
- A WorkCover licensed demolition or asbestos removal contractor must undertake removal of more than 10m<sup>2</sup> of bonded asbestos (or as otherwise specified by WorkCover or relevant legislation). Removal of friable asbestos material must only be undertaken by contractor that holds a current friable asbestos removal licence. A copy of the relevant licence must be provided to the Principal Certifying Authority.
- On sites involving the removal of asbestos, a sign must be clearly displayed in a prominent visible position at the front of the site, containing the words 'DANGER ASBESTOS REMOVAL IN PROGRESS' and include details of the licensed contractor.
- Asbestos waste must be stored, transported and disposed of in compliance with the *Protection of the Environment Operations Act 1997* and the *Protection of the Environment Operations (Waste) Regulation 2005*. Details of the landfill site (which must be lawfully able to receive

asbestos materials) must be provided to the Principal Certifying Authority.

- A Clearance Certificate or Statement, prepared by a suitably qualified person (i.e. an occupational hygienist, licensed asbestos removal contractor, building consultant, architect or experienced licensed building contractor), must be provided to Council and the Principal certifying authority upon completion of the asbestos related works which confirms that the asbestos material have been removed appropriately and the relevant conditions of consent have been satisfied.

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

#### **Sediment & Erosion Control**

56. 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**

57. 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**

58. 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.
59. 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.

60. 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**

61. 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**

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

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

#### **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**

63. 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**

64. 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.

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

65. The owner/developer must meet the full cost for a Council approved contractor to:
- a) Construct a full width concrete vehicular crossing and layback at kerb opposite the vehicular entrance to the site, to Council's specifications and requirements.
  - b) Remove the redundant concrete vehicular crossing and layback and to reinstate the area with concrete footpath, turf and integral kerb and gutter to Council's specification.
  - c) Re/construct a 1.3m wide concrete footpath along the full site frontage. Any unpaved areas on the nature strip must be turfed and landscaped to Council's specification.
66. 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.
67. All external civil work to be carried out on Council property (including the

installation and repair of roads, footpaths, vehicular crossings, kerb and guttering and drainage works), must be carried out in accordance with Council's Policy for "Vehicular Access and Road and Drainage Works" and the following requirements:

- a) All work on Council land must be carried out by Council, unless specific written approval has been obtained from Council to use non-Council contractors.
- b) Details of the proposed civil works to be carried out on Council land must be submitted to Council in a *Civil Works Application Form*, prior to an occupation certificate being issued for the development, together with payment of the relevant fees.
- c) If it is proposed to use non-Council contractors to carry out the civil works on Council land, the work must not commence until the written approval has been obtained from Council and the work must be carried out in accordance with the conditions of consent, Council's design details and payment of a Council design and supervision fee.
- d) The civil works must be completed in accordance with Council's conditions of consent and approved design and construction documentation, prior to occupation of the development, or as otherwise approved by Council in writing.

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

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

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

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

#### **Undergrounding of Power**

69. The owner/developer shall meet the full cost for Ausgrid to relocate the existing overhead power feed between the nearest mains distribution pole in Mount street and the development site to an underground (UGOH) connection.

#### **Stormwater Drainage**

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

Notes:

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

- b) The works as executed drainage plan and hydraulic certification must be submitted to Council prior to the "restriction on the use of land" and "positive covenant" being executed by Council.
71. 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).
72. 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.
73. 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..
- Landscaping**
74. Prior to the issue of any 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 was inspected, and that it has been installed substantially in accordance with the Landscape Plans by Greenplan, LS-01 – 02, issue A; LS-03, issue C; and LS-04, issue B, all dated 13/4/15, and any relevant conditions of consent.
75. 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.
76. The nature-strip upon Council's footway shall be excavated to a depth of 150mm, backfilled with topsoil equivalent with 'Organic Garden Mix' as supplied by Australian Native Landscapes, and re-turfed with Kikuyu Turf or similar. Such works shall be installed prior to the issue of a final Occupation Certificate.
- Tree Protection Certification**
77. Prior to the issue of any Occupation Certificate, written certification from the site Arborist must be submitted to, and be approved by, the PCA, confirming that the Tree Protection Measures specified in this development consent, as well as the recommendations from the Arborists Report, and any other instructions issued on-site, were complied with throughout the course of works.



**Waste Management**

78. 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.
79. The waste storage areas shall be clearly signposted.

**Parking**

80. All parking spaces including motorbike spaces and bicycle racks must be fully provided in accordance with the approved documentation and relevant requirements.

**Lighting**

81. The internal common circulation areas and central lobby are to have a motion sensitive lighting system(s) installed in order that the internal common area lighting will operate only when in use after daylight hours and will automatically switch-off when not in use. The required lighting system(s) are to be in operation prior to the issue of an Occupation Certificate.

**Signage**

82. Permanent signage is to be erected (i) inside the property near the pedestrian entrance at Mount Street and (ii) at the exit from the building lobby requiring residents and visitors to minimise noise when entering and leaving the building. The signage is to be erected prior to the issue of any Occupation Certificate and is to be permanently affixed thereafter.

**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.

**Stormwater Detention/Infiltration System**

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

**Residential Parking Permits**

84. All prospective owners and tenants of the building must be notified that Council will not issue any residential parking permits to occupants/tenants of this development.
85. A notice shall be placed in the foyer/common areas of the building advising tenants/occupiers that they are in a building which does not qualify for on-street resident parking permits.

**External Lighting**

86. 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**

87. 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**

88. 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.

#### **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.

A2 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.

A3 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.

A4 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.

A5 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.

A6 Specific details of the location of the building/s should be provided in the Construction Certificate to demonstrate that the proposed building work will not encroach onto the adjoining properties, Council's road reserve or any public place.

A7 Prior to commencing any works, the owner/builder should contact *Dial Before You Dig* on 1100 or [www.dialbeforeyoudig.com.au](http://www.dialbeforeyoudig.com.au) and relevant Service Authorities, for information on potential underground pipes and cables within the vicinity of the development site.

A8 This consent does not authorise any trespass or encroachment upon any adjoining or supported land or building whether private or public. Where any underpinning, shoring, soil anchoring (temporary or permanent) or the like is proposed to be carried out upon any adjoining or supported land, the land owner or principal contractor must obtain:

- the consent of the owners of such adjoining or supported land to trespass or encroach, or
- an access order under the *Access to Neighbouring Land Act 2000*, or
- an easement under section 88K of the *Conveyancing Act 1919*, or
- an easement under section 40 of the *Land & Environment Court Act 1979*, as appropriate.

Section 177 of the *Conveyancing Act 1919* creates a statutory duty of care in relation to support of land. Accordingly, a person has a duty of care not to do anything on or in relation to land being developed (the supporting land) that removes the support provided by the supporting land to any other adjoining land (the supported land).

A9 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.

A10 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](http://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.*

A11 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. The applicant is to advise Council in writing and/or photographs of any signs of existing damage to the Council roadway, footway, or verge prior to the commencement of any building/demolition works.

A12 Further information and details on Council's requirements for trees on development sites can be obtained from the recently adopted Tree Technical Manual, which can be downloaded from Council's website at the following link, <http://www.randwick.nsw.gov.au> - Looking after our environment – Trees

– Tree Management Technical Manual; which aims to achieve consistency of approach and compliance with appropriate standards and best practice guidelines.

- A13 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](http://www.health.nsw.gov.au/childsafety) or pick-up a brochure from Council's Customer Service Centre.

**MOTION: (Matson/Shurey)** that this matter be delegated to a sub-committee of East Ward Councillors, the Mayor and Deputy Mayor to assist in the mediation process for the development application during the Council recess period, with the application to be then determined in accordance with Councils 'Council in Recess Procedure.'  
**LOST.**

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

<b>FOR</b>	<b>AGAINST</b>
Councillor Bowen	Councillor Andrews
Councillor Matson	Councillor Belleli
Councillor Neilson	Councillor D'Souza
Councillor Roberts	Councillor Moore
Councillor Shurey	Councillor Nash
	Councillor Seng
	Councillor Smith
	Councillor Stevenson
<b>Total (5)</b>	<b>Total (8)</b>

**MOTION: (Andrews/Nil)** that Council adopt the recommendation on the business paper, subject to the addition of the amendments proposed by the applicant on pages 46 and 47 of the Council report. **LAPSED FOR WANT OF A SECONDER.**

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

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

<b>FOR</b>	<b>AGAINST</b>
Councillor Belleli	Councillor Andrews
Councillor Bowen	Councillor Stevenson
Councillor D'Souza	
Councillor Matson	
Councillor Moore	
Councillor Nash	
Councillor Neilson	
Councillor Roberts	
Councillor Seng	
Councillor Shurey	
Councillor Smith	
<b>Total (11)</b>	<b>Total (2)</b>

**CP72/15 Director City Planning Report - 9 Glenwood Avenue, Coogee  
(DA/203/2015)**

348/15

**RESOLUTION: (Matson/Bowen)** that Council, as the consent authority, refuses development consent under Sections 80 of the Environmental Planning and Assessment Act 1979, as amended, to Development Application No. 203/2015 for Alterations and additions to the existing residential flat building including demolition of existing garage, construction of new upper level and rear two storey additions comprising 7 units and basement parking for 6 vehicles, associated site and landscape works, at No. 9 Glenwood Avenue, for the following reasons:

1. the proposal is deficient in the provision of parking on the site and will adversely impact on the parking capacity of the locality.
2. the proposal is out of character with the streetscape and will adversely impact on the amenity of adjoining and neighbouring properties.
3. the proposal is a the overdevelopment of the site.

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

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

FOR	AGAINST
Councillor Bowen	Councillor Andrews
Councillor D'Souza	Councillor Belleli
Councillor Garcia	Councillor Moore
Councillor Matson	Councillor Nash
Councillor Neilson	Councillor Smith
Councillor Roberts	Councillor Stavrinou
Councillor Seng	Councillor Stevenson
Councillor Shurey	
<b>Total (8)</b>	<b>Total (7)</b>

**CP73/15 Director City Planning Report - 36 Mirrabooka Crescent, Little Bay  
(DA/376/2015/A)**

349/15

**RESOLUTION: (Andrews/Matson)** that Council's Coordinator/Manager Development Assessment under delegated authority from the General Manager, as the consent authority, grant its consent under Section 96 of the Environmental Planning and Assessment Act 1979 as amended to modify Development Consent No 376/2015/A for permission to modify the previously approved design for 36 Mirrabooka Crescent, Little Bay in the following manner:

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

The development must be implemented substantially in accordance with the plans numbered DA02 Revision C , dated 21.8.2015 and received by Council on 21.8.2015, the application form and on any supporting information received with the application, as amended by the ***Section 96 plans dated 25.11.2015 and received by Council on 25.11.2015, only in so far as they relate to the modifications highlighted on the Section 96 plans and detailed in the Section 96 application***, except as may be amended by the following conditions and as may be shown in red on the attached plans:

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

**CP74/15 Director City Planning Report - 70 Dudley Street, Coogee  
(DA/803/2014)**

Note: A rescission motion on this matter was submitted by Councillors Matson, Shurey and Andrews and will be considered at the Planning Committee meeting to be held on 9<sup>th</sup> February, 2016.

350/15

**RESOLUTION: (Matson/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. DA/803/2014 for demolition of the existing dwelling house and construction of a new 3 storey residential flat building containing 3 dwellings and basement parking for 7 vehicles including associated site and landscape works at No. 70 Dudley Street, Coogee, 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**

2. The approved plans and documents must be amended in accordance with the following requirements and details are to be included in the Construction Certificate:
  - a. The planter box to the front balcony of unit 03 shall be deleted from the consent.
  - b. The front balcony to unit 03 shall be reduced in depth by 1m from the north eastern and north western most points in a parallel line to the proposed north edge of the balcony.
  - c. The maximum height of plant species used within the front building line on the ground floor plan shall be 1m above finished ground level and the type of species shall be included in the landscape plan.
  - d. The depth of the rear balconies to units 02 and 03 shall be reduced in depth to a maximum of 1.5m and the planter boxes adjacent to the balconies shall be retained in the reduction. The roof over and privacy screens to the rear balcony of Unit 3 shall be deleted.
  - e. All privacy screens indicated within the development 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 proposed privacy louvers shall be spaced appropriately and fixed at an angle to prevent overlooking into neighbouring properties or the privacy screens may be provided with translucent, obscured, frosted or sandblasted glazing in a suitable frame.
  - f. The following windows must have a minimum sill height 1.6m above floor level, or alternatively, the window/s are to be fixed and be provided with translucent, obscured, frosted or sandblasted glazing below this specified height:
    - The kitchen windows to units 02 and 03 on the western elevation.
  - g. The eastern boundary masonry wall shall be reduced in height to a maximum of 2.2m at any one point.
  - h. The concrete entry stairs at the front shall be replaced with alternate stairs that satisfy the definition of deep soil planting area as contained within the Randwick Comprehensive Development Control Plan 2013.

- i. As many of the existing sandstone blocks as possible shall be reused in the reconstructed front garage boundary wall. Other sandstone blocks not suitable for the boundary wall shall be either reused for the proposed retaining walls within the site or stored on site for future use.
- j. The reconstructed boundary wall is to match as closely as possible the appearance and detail of the existing stonework including colour and pattern of stone, range of size and shape of blocks, and thickness and profile of capping in order to maintain continuity of the entire northern wall.
- k. The internal staircase shall be enclosed with a predominantly glazed and screened façade.

Amended plans demonstrating compliance with the requirements of conditions 2a –2k above are to be submitted to Council's Manager of Development Assessment for approval prior to issuing of the construction certificate.

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

**CP75/15 Director City Planning Report - 223-225 Coogee Bay Road, Coogee (DA/565/2015)**

351/15

**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. DA/565/2015 for the demolition of all structures on site and construction of a two storey mixed use development comprising commercial/retail floor spaces at ground floor level and 8 studio dwellings at first and mezzanine floor levels, associated site and landscape works at 223-225 Coogee Bay Road, Coogee, 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. The east facing bay windows on the first and second floor levels of studio no. 7 shall not encroach onto the road reserve by more than 200mm. Details to be submitted to Council's Manager Development Assessment for approval prior to issuing a construction certificate for the development.
  - b. The bicycle racks immediately adjacent the commercial garbage room shall be relocated to the northern side of the surfboard racks within the communal courtyard area to provide for an appropriate pedestrian clearance.
3. Application shall be made under the Road Transport (Safety and Traffic Management) Act 1999 for approval of a car share parking pod on the eastern side of no. 223-225 Coogee Bay Road, Coogee, prior to the issue of any construction certificate and, if approved, the Applicant shall provide evidence to Council of a membership entitlement providing that eight (8) occupants of the said property may use car share vehicles provided by GoGet Car Share or another relevant provider for a minimum period of (5) years prior to the issue of an Occupation Certificate for the said property under this development application.

**MOTION: (Matson/Shurey)** that this matter be refused due to the inadequate supply of parking. **LOST.**

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

<b>FOR</b>	<b>AGAINST</b>
Councillor Matson	Councillor Andrews
Councillor Seng	Councillor Belleli
Councillor Shurey	Councillor Bowen
Councillor Stevenson	Councillor D'Souza
	Councillor Garcia
	Councillor Moore
	Councillor Nash
	Councillor Neilson
	Councillor Roberts
	Councillor Smith
	Councillor Stavrinou
<b>Total (4)</b>	<b>Total (11)</b>

**MOTION: (Smith/Andrews) CARRIED – SEE RESOLUTION.**

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

<b>FOR</b>	<b>AGAINST</b>
Councillor Andrews	Councillor Matson
Councillor Belleli	Councillor Seng
Councillor Bowen	Councillor Shurey
Councillor D'Souza	Councillor Stevenson
Councillor Garcia	
Councillor Moore	
Councillor Nash	
Councillor Neilson	
Councillor Roberts	
Councillor Smith	
Councillor Stavrinou	
<b>Total (11)</b>	<b>Total (4)</b>

**CP76/15 Director City Planning Report - 123-129 Dolphin Street, Coogee (DA/169/2011/B)**

352/15

**RESOLUTION: (Andrews/Matson)** that Council, as the consent authority, grants development consent under Sections 96 of the Environmental Planning and Assessment Act 1979, as amended, to Development Application No. DA/169/2011 for Section 96 modification of approved development to add planters to unit 3, relocate balcony of unit 204, and demolish unauthorised wall at rear, at No. 123-129 Dolphin Street, Coogee, subject to the following non standard conditions and the standard conditions contained in the development application compliance report attached to this report:

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

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



<b>Plan</b>	<b>Revision</b>	<b>Drawn by</b>	<b>Stamped</b>
DA01	G	Julie Cracknell & Peter Lonergan Architects	14 November 2011
DA02	G		
DA03	G		
DA04	G		
DA05	G		
DA06	G		
DA07	G		
DA08	G		
DA09	G		
DA12	G		

<b>Landscape Plan</b>	<b>Revision</b>	<b>Drawn by</b>	<b>Stamped</b>
LP 01/B	B	Narelle Sonter Botanica	14 March 2011

<b>Basix Certificate</b>	<b>Number</b>	<b>Date</b>
123 Dolphin Street	348606M	13 December 2010

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

<b>Plan</b>	<b>Revision</b>	<b>Drawn by</b>	<b>Stamped</b>
S96 202		Arkivis	16 July 2013
S96 203			
S96 204			
S96 205			
S96 206			
S96 301			
S96 302			
S96 303			
S96 304			
S96 401			

only in so far as they relate to the modifications highlighted on the Section 96 "A" plans and detailed in the Section 96 "A" application, and except as may be amended by the Section 96 "A" conditions and as may be shown in red on the Section 96 "A" plans;

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

<b>Plan</b>	<b>Revision</b>	<b>Drawn by</b>	<b>Stamped</b>
Sheet 01	C	Arkivis	6 October 2015
Sheet 02	C		
Sheet 03	C		
Sheet 04	C		
Sheet 05	C		
Sheet 06	C		
Sheet 07	C		
Sheet 08	C		
Sheet 09	C		
Sheet 10	C		
Sheet 11	C		
Sheet 12	C		

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

#### **Non-standard conditions**

**Amend condition 2b to read:****Amendment of Plans & Documentation**

2. The approved plans and documents must be amended in accordance with the following requirements and details are to be included in the *Construction Certificate*:

- b. The screen located along the western side of the rear terrace to unit 204 (shown on the Section 96 "B" plans) shall be reduced to a maximum height of 1.8m above the terrace level. The 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.

A privacy screen having a height of 1.6 m above the terrace level must be provided to eastern side of the rear terrace to unit 204 (shown on the Section 96 "B" plans). 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.

**Add condition 2e:**

- e. The western wall above the planter at the north-western end of the site shall be reduced in height to a maximum RL11.305 allowing for a 200mm hob above the planter level. This area including the pebbled area to the south shall be non-trafficable. No balustrades or barriers shall be installed along the western side boundary with only anchor points permitted for the purposes of safe maintenance only.

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

**CP77/15 Director City Planning Report - 10 Nagle Avenue, Maroubra  
(DA/162/2014/B)**

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

353/15

**RESOLUTION: (Smith/Roberts)** that Council, as the consent authority, grant its consent under Section 96 of the Environmental Planning and Assessment Act 1979 as amended to modify Development Consent No. DA/162/2014/A for permission to Section 96 modification of the approved development by increasing the size of the first floor addition at No. 10 Nagle Avenue, Maroubra. Original consent: Alterations and additions to the existing semi-detached dwelling house including new first floor addition and front hardstand car space for 10 Nagle Avenue, MAROUBRA NSW 2035 in the following manner: -

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

**A. 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</i>
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			<b>Council</b>
8/14	Peter Banfield	11 March 2014	27 March 2014

<b>BASIX Certificate No.</b>	<b>Dated</b>	<b>Received by Council</b>
A182822_02	20 March 2014	27 March 2014

Except as amended by the **Section 96 'A' plans and supporting documentation listed below:**

<b>Plan</b>	<b>Drawn by</b>	<b>Dated</b>	<b>Received by Council</b>
8/14A	Peter Banfield	31 July 2014	8 August 2014

<b>BASIX Certificate No.</b>	<b>Dated</b>	<b>Received by Council</b>
A182822_03	31 July 2014	8 August 2014

And as amended by the **Section 96 'B' plans and supporting documentation listed below:**

<b>Plan</b>	<b>Drawn by</b>	<b>Dated</b>	<b>Received by Council</b>
8/14A	Peter Banfield	1 October 2015	16 October 2015

<b>BASIX Certificate No.</b>	<b>Dated</b>	<b>Received by Council</b>
A182822_06	13 October 2015	16 October 2015

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

- **Amend Condition No. 2 to read:**

2.c. Windows 4 & 8 are to comprise:

- Fixed and translucent glazing up to a minimum of 1600mm above the finished floor level, or
- Fixed privacy screens outside the windows, or
- Window sills set at a minimum of 1600mm above finished floor level.

in order to preserve and maintain the privacy of the neighbours.

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

### **General Manager's Reports**

#### **GM23/15 General Manager's Report - Continuation of Community Partnership with Eastern Suburbs District Rugby League Football Club (F2014/00414)**

354/15

**RESOLUTION: (Andrews/Seng) that:**

- a) Council continues with the "Community Partnership" with the Eastern Suburbs District Rugby League Football Club with the \$30,000.00 plus GST contribution to come from Council's Community Development budget;

- b) the General Manager be delegated authority to enter into a Memorandum of Understanding with Eastern Suburbs District Rugby League Football Club; and
- c) a report on the success of the 2016 Community Partnership to come back before Council.

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

### **Director City Services Reports**

#### **CS18/15 Director City Services Report - Proposed Removal of Weeping Fig - 75-77 Arden Street, Coogee (F2015/07359)**

355/15 **RESOLUTION: (Smith/Matson)** that Council:

- a) notify the representative of 75 Arden Street, Coogee that it will not be proceeding with the Development Application.
- b) inform the resident of the list of mitigation works recommended by the Planning Consultant.

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

#### **CS19/15 Director City Services Report - Light Rail Support Program – Parking Supply and Management (F2015/00045)**

356/15 **RESOLUTION: (Moore/Stavrinis)** that Council

- (a) notes that consultation will commence on the proposals for angle parking close to the Light Rail alignment;
- (b) notes the need to address the loss of parking resulting from the implementation of the CBD and South East Light Rail (CSELR) includes a range of approaches proposed by Council as well as maintaining available spaces where possible;
- (c) notes the proposed use of the Market Site as a 'Construction Compound' and long term materials storage adds to the loss of parking available to service the Kingsford Town Centre, The Juniors, commuters and other users;
- (d) considers the Market Site as a premium parking asset strategically important to support for the commercial, social and public amenity of Kingsford;
- (e) should be doing all in its power to retain the site for public parking and access throughout the CSELR construction period;
- (f) confirms an alternative location already identified south of Sturt Street and within the medium on Anzac Parade is in close proximity to the Market Site allowing the retention of car spaces to support the businesses and other carpark users; and
- (g) calls for an urgent meeting with the Minister for Transport to commence working with Council to source an alternate site(s) to the Market Site for the CSELR project for the 'Construction Compound' and materials storage needs.

**MOTION: (Moore/Stavrinis) CARRIED – SEE RESOLUTION.**

### **Director Governance & Financial Services Reports**

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**GF57/15 Director Governance & Financial Services Report - Internal Reporting Policy - Public Interest Disclosures Act (F2005/00303)**

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357/15 **RESOLUTION: (Andrews/Matson)** that the amended Internal Reporting Policy – Public Interest Disclosures Act, be endorsed.

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

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**GF58/15 Director Governance & Financial Services Report - Mixed Use Development Conference 2016 (F2005/00646)**

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358/15 **RESOLUTION: (Stavrinou/Andrews)** that Councillors interested in attending the Mixed Use Development Conference being held in Melbourne on 16 and 17 March 2016 advise the General Manager's office of their interest.

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

**Petitions**

Nil.

**Motion Pursuant to Notice**

Nil.

**Confidential Reports**

The meeting moved into closed session in order to consider confidential items.

**Closed Session****CS20/15 Confidential - Tender for Supply and Delivery of Plants - T2016-05 (F2015/00336)**

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

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359/15 **RESOLUTION: (Smith/Andrews)** that Council:

- a) under Regulation 178(1)(a) of the Local Government (General) Regulation 2005, Alpine Nurseries; Andreasens Green (NSW) Pty Ltd; Plant Mark Pty Ltd; Downes Wholesale Nursery; Bushland Management Solutions Pty Ltd; and Ramm Botanicals, be accepted as the successful tenderer(s) at their tendered rates.
- b) authorises the General Manager, or delegated representative, to enter into a preferred supplier agreement with the above suppliers for a period of 3 years, with 2 optional 1 year extension(s).
- c) notifies unsuccessful tenderers.

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

**CS21/15 Confidential - Tender for Supply of Kiosk Goods and General Merchandise - T2016-06 (F2015/00179)**

*This matter is considered to be confidential under Section 10A(2) (d) Of the Local Government Act, as it deals with commercial information of a confidential nature that would, if disclosed (i) prejudice the commercial position of the person who supplied it;*

*or (ii) confer a commercial advantage on a competitor of the Council; or (iii) reveal a trade secret.*

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360/15 **RESOLUTION: (Smith/Andrews)** that Council:

1. under Regulation 178(1)(a) of the Local Government (General) Regulation 2005, and subject to contractual negotiations being finalised to the reasonable satisfaction of the General Manager, accept Boss Hogs Hot Dogs, Eycline Australia Pty Ltd, For Baby and Up, Garlo's Pies Pty Ltd, Jesage Pty Ltd, Montalto Distribution Group, Peters Ice Cream, Schweppes Australia, Vorgee Pty Ltd and Zoggs Australia Pty Ltd as the successful tenderers for T2016-06 kiosk goods and general merchandise at the proposed rates over the term of the agreement;
2. authorises the General Manager, or delegated representative, to sign the contract documents on behalf of Council for a three (3) year term with an option to extend for two (2) further terms of twelve (12) months each;
3. notifies the unsuccessful tenderers; and
4. authorises the General Manager, or delegated representative, to immediately conduct negotiation with known suppliers to procure those categories which have not been addressed or only partially addressed in this tender process, refer to "Table A" in the T2016-06 Tender Evaluation Report.

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

**CS22/15 Confidential - Tender for Line Marking Services - T2016-10 (F2015/00393)**

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

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361/15 **RESOLUTION: (Smith/Andrews)** that Council:

- a) under Regulation 178(1)(a) of the Local Government (General) Regulation 2005, accept Complete Linemarking Services Pty Ltd, Guidance Road Management and Workforce Road Services Pty Ltd as the successful Tenderers for T2016-10 Line marking Services;
- b) authorises the General Manager, or delegated representative, to sign the contract documents on behalf of Council for a three (3) year term with an option to extend for two (2) further terms of twelve (12) months each; and
- c) notify all the unsuccessful tenderers.

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

**CS23/15 Confidential - Tender for Pool Chemicals and Pool Testing Tablets - T2016-15 (F2015/00476)**

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

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362/15 **RESOLUTION: (Smith/Andrews)** that Council:

- a) under Regulation 178(1)(a) of the Local Government (General) Regulation 2005, and subject to contractual negotiations being finalised to the reasonable satisfaction of the General Manager, accept Price Chemicals Pty Ltd as the successful Tenderer for T2016-15 Pool Chemicals and Pool Testing Tablets at the proposed rates over the term of the agreement.
- b) authorises the General Manager, or delegated representative, to sign the contract documents on behalf of Council for a three (3) year term with an option to extend for two (2) further terms of twelve (12) months each.
- c) notifies the unsuccessful tenderers.

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

**CS24/15 Confidential - Tender for Facility Cleaning Services - T2016-16 (F2015/00477)**

*This matter is considered to be confidential under Section 10A(2) (d) Of the Local Government Act, as it deals with commercial information of a confidential nature that would, if disclosed (i) prejudice the commercial position of the person who supplied it; or (ii) confer a commercial advantage on a competitor of the Council; or (iii) reveal a trade secret.*

363/15 **RESOLUTION: (Smith/Andrews) that:**

1. under Regulation 178(1)(a) of the Local Government (General) Regulation 2005, Direct Maintenance be accepted as the successful tenderer for a lump sum price of \$140,449.92 (ex GST);
2. the General Manager, or delegated representative, be authorised to enter into a contract on behalf of Council; and
3. unsuccessful tenderers are notified.

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

**Open Session**

The meeting moved back into open session.

**Notice of Rescission Motions**

**NR11/15 Notice of Rescission Motion - Notice of Rescission Motion Submitted by Councillors Belleli, Bowen and Stevenson - Fit for the Future Update and Transition Planning (F2014/00635)**

364/15 **RESOLUTION: (Bowen/Stevenson)** that the resolution passed at the Ordinary Council meeting held on Tuesday 24 November 2015 in relation to Item GM22/15 (General Manager's Report - Fit for the Future Update and Transition Planning) reading as follows:

“(Smith/Stavrinos) that:

1. Council notes IPART's assessment of Randwick City and Waverley Councils' joint merger proposal as fit for the future.
2. Council write to its merger partner, Waverley Council, seeking endorsement that:

- a. membership of the proposed Local Transition Committee comprise:
    - the Mayor of each merging council;
    - four additional Councillors from each merging council; and
    - the General Manager of each merging council.
  - b. noting the NSW Government will provide a Local Transition Committee membership allowance of \$5,000.00 per month to the Mayor and one Councillor, Council will fund the allowance of three additional Councillor committee members.
3. Council formally appoints the Mayor, Cr D'Souza and Councillors Matson, Andrews, Seng and Nash as Randwick City Council's elected members on the proposed Local Transition Committee.
  4. A Randwick Transition Working Group be established, consisting of the Randwick Council members of the proposed Local Transition Committee."

BE AND IS HEREBY RESCINDED.

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

365/15

**RESOLUTION: (Nash/Stavrinos) that:**

1. Council notes IPART's assessment of Randwick City and Waverley Councils' joint merger proposal as fit for the future.
2. Council write to its merger partner, Waverley Council, seeking endorsement that:
  - a. membership of the proposed Local Transition Committee comprise:
    - the Mayor of each merging council;
    - five additional Councillors from each merging council; and
    - the General Manager of each merging council.
  - b. noting the NSW Government will provide a Local Transition Committee membership allowance of \$5,000.00 per month to the Mayor and one Councillor, Council will fund an appropriate allowance for four additional Councillor committee members, to be determined by the GM, should the meetings be held during business hours.
3. Council formally appoints the Mayor, Cr D'Souza, Deputy Mayor Cr Greg Moore, and Councillors Matson, Andrews, Seng and Nash as Randwick City Council's elected members on the proposed Local Transition Committee.
4. a Randwick Transition Working Group be established, consisting of the Randwick Council members of the proposed Local Transition Committee.
5. in the interest of transparency, the General Manager bring back to Council the job description and pay conditions of the Transition Committee members.

**MOTION: (Bowen/Stevenson) that:**

- a) all Councillors of Randwick City Council be on the proposed Local Transition Committee; and
- b) all positions on the proposed Local Transition Committee be unpaid.

**AMENDMENT: (Nash/Stavrinos) CARRIED AND BECAME THE MOTION**



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

<b>FOR</b>	<b>AGAINST</b>
Councillor Andrews	Councillor Belleli
Councillor D'Souza	Councillor Bowen
Councillor Garcia	Councillor Neilson
Councillor Matson	Councillor Stevenson
Councillor Moore	
Councillor Nash	
Councillor Roberts	
Councillor Seng	
Councillor Shurey	
Councillor Smith	
Councillor Stavrinis	
<b>Total (11)</b>	<b>Total (4)</b>

**MOTION: (Nash/Stavrinis) CARRIED – SEE RESOLUTION.**

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

<b>FOR</b>	<b>AGAINST</b>
Councillor Andrews	Councillor Belleli
Councillor D'Souza	Councillor Bowen
Councillor Garcia	Councillor Neilson
Councillor Matson	Councillor Stevenson
Councillor Moore	
Councillor Nash	
Councillor Roberts	
Councillor Seng	
Councillor Shurey	
Councillor Smith	
Councillor Stavrinis	
<b>Total (11)</b>	<b>Total (4)</b>

**AMENDMENT: (Belleli/Bowen)** that the Transition Committee meets after hours and not during working days. **LOST.**

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

<b>FOR</b>	<b>AGAINST</b>
Councillor Belleli	Councillor Andrews
Councillor Bowen	Councillor D'Souza
Councillor Moore	Councillor Garcia
Councillor Stevenson	Councillor Matson
	Councillor Nash
	Councillor Neilson
	Councillor Roberts
	Councillor Seng
	Councillor Shurey
	Councillor Smith
	Councillor Stavrinis
<b>Total (4)</b>	<b>Total (11)</b>

**PROCEDURAL MOTION: (Matson/Neilson)** that item NR12/15 be dealt with in closed session. **LOST.**

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

<b>FOR</b>	<b>AGAINST</b>
Councillor Belleli	Councillor Andrews
Councillor Bowen	Councillor D'Souza
Councillor Moore	Councillor Garcia
Councillor Neilson	Councillor Matson
Councillor Shurey	Councillor Nash
Councillor Stevenson	Councillor Roberts
	Councillor Seng
	Councillor Smith
	Councillor Stavrinis
<b>Total (6)</b>	<b>Total (9)</b>

**NR12/15 Notice of Rescission Motion - Notice of Rescission Motion  
Submitted by Councillors Belleli, Bowen and Moore - Further  
Election of Delegates to Various Committees (F2005/00775)**

**MOTION: (Stevenson/Bowen)** that the resolution passed at the Ordinary Council meeting held on Tuesday 24 November 2015 in relation to Item GF56/15 (Further election of delegates to various Committees) reading as follows:

“(Andrews/Garcia) that:

- Council appoint Councillor Stavrinis as the delegate for representation on the Eastern Suburbs Business Enterprise Centre Committee and Councillor Moore as the delegate for representation on the Sydney Coastal Councils Committee, as resolved at the Extraordinary meeting of 29 September 2015;
- the La Perouse Museum & Headland Trust and the Memorial for Fallen Lifesavers Trust be included on the official Committee Membership list adopted each year by Council; and
- Cr Seng be replaced as a JRPP alternate delegate by Cr Andrews.”

BE AND IS HEREBY RESCINDED. **LOST.**

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

<b>FOR</b>	<b>AGAINST</b>
Councillor Belleli	Councillor Andrews
Councillor Bowen	Councillor D'Souza
Councillor Moore	Councillor Matson
Councillor Neilson	Councillor Nash
Councillor Stevenson	Councillor Roberts
	Councillor Seng
	Councillor Shurey
	Councillor Smith
	Councillor Stavrinis
<b>Total (5)</b>	<b>Total (9)</b>

**NR13/15 Notice of Rescission Motion - Notice of Rescission Motion  
Submitted by Councillors Andrews, Nash, Roberts and Stavrinou -  
Protection of Trees - Light Rail (F2004/08175)**

**MOTION: (Nash/Roberts)** that the resolution passed at the Ordinary Council meeting held on Tuesday 24 November 2015 in relation to Item NM60/15 (Notice of Motion from Crs Bowen, Moore & Neilson - Protection of Trees - Light Rail) reading as follows:

“(Bowen/Moore) that in noting that Light Rail construction work will commence in January 2016 and will result in the destruction and loss of a significant number of established trees through Randwick, including along Alison Road, Wansey Road, High Street and Anzac Parade; this Council: -

1. acknowledges that the established trees in Randwick threatened by Light Rail construction are a precious part of Randwick’s living environment, synonymous with the Randwick Local area;
2. calls on the state government to urgently review the design for Light Rail to ensure the trees of Randwick are protected;
3. expands the current campaign to include identifying each tree threatened by the CSELR, while abiding by the signed development agreement;
4. delegates authority to the General Manager to fund this campaign from savings identified in the budget; and
5. notes the tabled submission tonight from the community member who addressed Council on the matter and obtains an urgent legal opinion, prior to the next Council meeting, on the substance of her request that we explore, in addition to our other previous resolution for legal advice, the possibility of a judicial review into the consent granted for the CSELR relating to the protection of trees.”

BE AND IS HEREBY RESCINDED. **LOST.**

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

<b>FOR</b>	<b>AGAINST</b>
Councillor Andrews	Councillor Belleli
Councillor Nash	Councillor Bowen
Councillor Roberts	Councillor D'Souza
Councillor Seng	Councillor Garcia
Councillor Smith	Councillor Matson
Councillor Stavrinou	Councillor Moore
	Councillor Neilson
	Councillor Shurey
	Councillor Stevenson
<b>Total (6)</b>	<b>Total (9)</b>

There being no further business, His Worship the Mayor, Cr D' Souza, declared the meeting closed at 11.06pm.

**The minutes of this meeting were confirmed at the Ordinary Meeting of the Council of the City of Randwick held on Tuesday, 23 February 2016.**

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**CHAIRPERSON**