

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

**MINUTES OF PLANNING COMMITTEE MEETING OF THE COUNCIL OF THE CITY OF RANDWICK HELD ON TUESDAY, 13 SEPTEMBER 2016 AT 6:03PM**

**Present:**

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

- |              |   |
|--------------|---|
| North Ward   | - Councillors K Neilson, L Shurey & K Smith (arrived 6.26pm)                  |
| South Ward   | - Councillor R Belleli & P Garcia (arrived 7.53pm)                            |
| East Ward    | - Councillors M Matson & B Roberts (Deputy Chairperson)                       |
| West Ward    | - Councillors G Moore, S Nash & H Stavrinou (Chairperson)                     |
| Central Ward | - Councillors A Andrews (arrived 6.11pm), T Seng & Stevenson (arrived 7.29pm) |

**Officers present:**

General Manager	Mr R Brownlee
Director City Services	Mr J Frangoules
Acting Director City Planning	Mr K Kyriacou
Director Governance & Financial Services	Mr J Smith
Acting Manager Development Assessment	Mr R Quinton
Senior Administrative Coordinator	Ms J Hartshorn
Executive Manager	Mr L Fitzgerald

**Apologies/Granting of Leave of Absences**

An apology was received from Cr Bowen.

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

**Confirmation of the Minutes**

**CONFIRMATION OF THE MINUTES OF THE PLANNING COMMITTEE MEETING HELD ON TUESDAY 9 AUGUST 2016**

**RESOLUTION: (Nash/Seng)** that the Minutes of the Planning Committee Meeting

held on Tuesday 9 August 2016 (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 Neilson declared a non-significant non pecuniary interest in Item D68/16 as the objector is known to her as a Council employee.
- b) Cr Neilson declared a non-significant non pecuniary interest in Item M9/16 as supporters and objectors are known to her.
- c) Cr Roberts declared a non-significant non pecuniary interest in Item M9/16 as supporters and objectors are known to her.
- d) Cr Stavrinou declared a non-significant non pecuniary interest in Item M9/16 as lives in close proximity.
- e) Cr Matson declared a non-significant non pecuniary interest in Item D73/16 as he knows the residents.
- f) Cr Shurey declared a non-significant non pecuniary interest in Item D68/16 as the objector is known to her as a Council employee.
- g) Cr Moore declared a non-significant non pecuniary interest in Item D68/16 as the applicant and objector are known to him.
- h) Cr Andrews declared a non-significant non pecuniary interest in Item D69/16 as the applicant is known to him.
- i) Cr Andrews declared a non-significant non pecuniary interest in Item D72/16 as the applicant is known to him.

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

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

D66/16 29 BAIRD AVENUE, MATRAVILLE (DA/142/2016) (DEFERRED)

**Applicant** Mr George Xylas

D67/16 20 MOORE STREET, COOGEE (DA/551/2015) (DEFERRED)

**Objector** Mr Dominic De Giorgio

**Applicant** Mr Paul Dermatis

D68/16 105 ARDEN STREET, COOGEE (DA/301/2016)

**Objector** Ms Lynn Ford

**Applicant** Mr Peter Robinson

D69/16 184-192 MARINE PARADE, MAROUBRA (DA/90/2016)

**Objector** Mr Con Vafeas

D71/16 4 NEPTUNE STREET, COOGEE (DA/107/2016)

**Objector** Ms Rebecca Findlay-Debeck

**Applicant** Mr Jarad Grice (representing the applicant)

D72/16 30 MERMAID AVENUE, MAROUBRA (DA/915/2014/A)

**Objector** Mr George Panos

**Applicant** Mr Scott Lockwood

D73/16 2A-2B SMITHFIELD AVENUE, COOGEE (DA/3/2016)

**Applicant** Mr Warrick Waugh (representing the applicant)

D75/16 19 HOWARD STREET, RANDWICK (DA/177/2016)

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

The Meeting was adjourned at 7.30pm and was resumed at 7.48pm.

**M9/16** INTERIM HERITAGE ORDER ON 48 DUDLEY STREET, COOGEE (DA/455/2016)

**For** Mr Patrick Cunningham

The Meeting was adjourned at 7.52pm and was resumed at 7.53pm.

### Urgent Business

Nil.

### Development Application Reports

#### **D66/16 Development Application Report - 29 Baird Avenue, Matraville (DA/142/2016) (Deferred)**

PL84/16

**RESOLUTION: (Seng/Andrews)** that Council, as the consent authority, grant development consent under the *Environmental Planning and Assessment Act 1979*, as amended, to Development Application No. DA/142/2016 for Ground and first floor alterations and additions to the existing dwelling, construction of a double garage fronting laneway (Heritage item) at No. 29 Baird Avenue, Matraville, subject to the following conditions:

#### **GENERAL CONDITIONS**

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

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

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

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

<b>Plan</b>	<b>Drawn by</b>	<b>Dated</b>
Sheet 1 to Sheet 8	Moshonis Building Designer & Engineers	Feb 2016

<b>BASIX Certificate No.</b>	<b>Dated</b>
A243825	10 March 2016

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

2. The approved plans and documents must be amended in accordance with the following requirements:
  - a. The pitched roof to the rear garage shall be replaced with a flat colorbond roof.
  - b. The depth of the rear first floor balcony shall be reduced from 2,460mm to 300mm.

Details of the proposed amended plans, colours, materials and textures (i.e. elevations 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.

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

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

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

#### **Consent Requirements**

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

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

4. The colours, materials and finishes of the external surfaces to the building are to be compatible with the existing building and surrounding buildings in the heritage conservation area and consistent with the architectural style of the building.

Repointing must be done to match existing original dark (black) colour mortar joints with the timber elements of the front gable and bargeboard are painted in shades of grey (similar to the colour sample currently applied), window frames and painted sections of the façade and the veranda elements painted in off-white or crème colours. The front fence must be repointed to match the mortar colour of the neighbouring house at 31 Baird Avenue.

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

Details of the proposed paint scheme are to be submitted to and approved by Council's Director City Planning, in accordance with Section 80A (2) of the Environmental Planning and Assessment Act 1979 prior to a construction certificate being issued for the development. Unpainted surfaces, eg-brickwork/stonework are to remain unpainted, and no applied finishes are to be used.

5. Missing façade elements must be reinstated to match existing original details. Such as the window awning above the right hand side window of the front façade is to be replaced with a flat rendered hood to match the left hand side window hood (similar to the No. 31 Baird Avenue) with the decorative

rendered detailing around. Existing chimney is to be included on the elevation drawings and noted as to be retained.

6. All restoration and reinstatement works must either be noted on the drawings (plans and elevations) or written as notes on the drawings or as a separate letter.
7. All internal original detailing where no modifications are proposed to be retained and reinstated to match existing.

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

8. In accordance with Council's Section 94A Development Contributions Plan effective from 21 April 2015, based on the development cost of \$200,000 the following applicable monetary levy must be paid to Council: \$1,000.

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

9. 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.*

#### **Sydney Water**

10. 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 the Sydney Water **Tap in™** online service, 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.

*The Sydney Water Tap in™ online service replaces the Quick Check Agents as of 30 November 2015*

The Tap in™ service provides 24/7 access to a range of services, including:

- Building plan approvals
- Connection and disconnection approvals
- Diagrams
- Trade waste approvals
- Pressure information
- Water meter installations
- Pressure boosting and pump approvals
- Change to an existing service or asset, e.g. relocating or moving an asset.

Sydney Water's Tap in™ in online service is available at:

<https://www.sydneywater.com.au/SW/plumbing-building-developing/building/sydney-water-tap-in/index.htm>

The Principal Certifying Authority must ensure that the developer/owner has submitted the approved plans to Sydney Water Tap in online service.

#### **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**

11. 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.

#### **BASIX Requirements**

12. 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.

#### **Design Alignment levels**

13. The design alignment level (the finished level of concrete, paving or the like) at the rear property boundary for the garage, must be 60mm above the bitumen road level in Baird Lane.
14. The above alignment levels and the site inspection by Council's Development

Engineer have been issued at a prescribed fee of \$155.00 (inclusive of GST). This amount is to be paid prior to a construction certificate being issued for the development.

#### **Stormwater Drainage**

15. Surface water/stormwater (from the redeveloped portion of the site), where possible, must be drained and discharged to the street gutter in Baird Ave to the satisfaction of the certifying authority and details of the proposed stormwater drainage system are to be included in the construction certificate details for the development.

#### **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**

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

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

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

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

*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**

17. In accordance with section 80 A (11) of the *Environmental Planning & Assessment Act 1979* and clause 98 of the *Environmental Planning & Assessment Regulation 2000*, the requirements of the *Home Building Act 1989* must be complied with.

Details of the Licensed Building Contractor and a copy of the relevant Certificate of Home Warranty Insurance or a copy of the Owner-Builder Permit (as applicable) must be provided to the Principal Certifying Authority and Council.

#### **Construction Noise & Vibration**

18. 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.

#### **Public Utilities**

19. A *Public Utility Impact Assessment* must be carried out on all public utility services on the site, roadway, nature strip, footpath, public reserve or any public areas associated with and/or adjacent to the development/building works and include relevant information from public utility authorities and exploratory trenching or pot-holing, if necessary, to determine the position and level of service.
20. The applicant must meet the full cost for telecommunication companies, gas providers, Ausgrid, and Sydney Water to adjust/repair/relocate their services as required. The applicant must make the necessary arrangements with the service authority.

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

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

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

#### **Inspections During Construction**

21. 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.

#### **Site Signage**

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

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



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

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

#### **Demolition Work Requirements**

24. The demolition of buildings must be carried out in accordance with Australian Standard 2601 (2001) – Demolition of Structures and the relevant requirements of WorkCover NSW, Randwick City Council's Asbestos Policy and the *Protection of the Environment Operations Act 1997*.

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

25. 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 and 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). 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, in

accordance with the relevant conditions of consent.

*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.*

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

26. 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.

### **Support of Adjoining Land, Excavations & Retaining Walls**

27. Excavations and adjoining land must be adequately supported at all times and the following requirements must be satisfied:

- a) 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.
- b) 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.

- c) 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 demolishing or constructing a wall of a dwelling that is built to a common or shared boundary (e.g. semi-detached or terrace dwelling);
- as otherwise required by the *Principal Certifying Authority*.

The work and provision of support to the adjoining land, must be carried out in accordance with the abovementioned report, to the satisfaction of the *Principal Certifying Authority*.

#### **Building Encroachments**

28. 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**

29. 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**

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

#### **BASIX Requirements**

31. 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, street verge**

32. The applicant must meet the full cost for Council or a Council approved contractor to:
- a. Construct an asphalt vehicle crossing servicing the garage entrance in Baird Lane, if required, to Council's specifications and requirements.
33. The applicant must meet the full cost for Council or a Council approved contractor to repair/replace any damaged sections of Council's footpath, kerb & gutter, nature strip etc which are due to building works being carried out at the above site. This includes the removal of cement slurry from Council's footpath and roadway.
34. All external civil work to be carried out on Council property (including the installation and repair of roads, footpaths, vehicular crossings, kerb and guttering and drainage works), must be carried out in accordance with Council's Policy for "Vehicular Access and Road and Drainage Works" and the following requirements:
- a) All work on Council land must be carried out by Council, unless specific written approval has been obtained from Council to use non-Council contractors.
  - b) Details of the proposed civil works to be carried out on Council land must be submitted to Council in a Pre-paid Works Application Form, prior to an occupation certificate being issued for the development, together with payment of the relevant fees.
  - c) If it is proposed to use non-Council contractors to carry out the civil works on Council land, the work must not commence until the written approval has been obtained from Council and the work must be carried out in accordance with the conditions of consent, Council's design details and payment of a Council design and supervision fee.
  - d) The civil works must be completed in accordance with Council's conditions of consent and approved design and construction documentation, prior to occupation of the development, or as otherwise approved by Council in writing.
35. That part of the naturestrip upon Council's footway which is damaged during the construction of the proposed works shall be excavated to a depth of 150mm, backfilled with topsoil equivalent with 'Organic Garden Mix' as supplied by Australian Native Landscapes, and re-turfed with Kikuyu turf or similar. Such works shall be completed at the applicants expense.

**OPERATIONAL CONDITIONS**

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

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

**Use of Premises**

36. The premises must only be used as a single residential dwelling and must not be used for dual or multi occupancy purposes.

**External Lighting**

37. 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.

**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 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.

- 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 in a public place.

For further information please contact Council on 9399 0944.

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 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.*

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

A11 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.

A12 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.

A13 Underground assets (eg pipes, cables etc) 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 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.

A14 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.

A15 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: (Seng/Andrews) CARRIED – SEE RESOLUTION.**

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

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

**D67/16 Development Application Report - 20 Moore Street, Coogee  
(DA/551/2015) (Deferred)**

PL85/16

**RESOLUTION: (Andrews/Roberts) –**

- 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 Clauses 4.3 and 4.4 of Randwick Local Environmental Plan 2012, relating to Height of Buildings and Floor Space Ratios respectively, on the grounds that the proposed development complies with the objectives of the above clauses, and will not adversely affect the amenity of the locality, and that the Department of Planning & Infrastructure be advised accordingly.
- B. That Council, as the consent authority, grants development consent under Sections 80 and 80A of the Environmental Planning and Assessment Act 1979, as amended, to Development Application No. 551/2015 for the demolition of all structures on site and construction of a new part two part three residential flat building comprising 3 x 2 bedroom and 1 x 3 bedroom dwellings and basement

parking for 7 vehicles, associated site and landscaping works (variation to height of buildings and floor space ration control), at No. 20 Moore Street, Coogee, subject to the following conditions:

#### **GENERAL CONDITIONS**

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

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

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

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>
DA-101 (Revision B)	Sgammotta Architects	26 February 2016
DA-102 (Revision D)	Sgammotta Architects	9 March 2016
DA-200 (Revision B)	Sgammotta Architects	26 February 2016
DA-201 (Revision B)	Sgammotta Architects	26 February 2016

#### **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*:
  - a. The openings within the timber panelling of the proposed front fence shall be a minimum of 30% open when viewed from the street to maintain the amenity to the adjoining residential development and the streetscape.
  - b. Consent is not granted for the construction of the dividing boundary fences on the eastern and western boundaries unless the boundary fences meet the relevant requirements under the Dividing Fences Act 1991 or the [State Environmental Planning Policy \(Exempt and Complying Development Codes\) 2008](#).
  - c. A new window opening must be installed along the ground floor eastern external wall of bedroom no. 1 to apartment no.2 that extends between the door frame and the dividing fence between apartment nos. 1 and 2. The window shall have a sill height of 1.6 metres above the finished floor level.
  - d. The rear first floor balcony including associated balustrading shall be deleted. The sliding door on the northern elevation shall be replaced with a suitably sized window. The bottom sill of the window shall be a minimum 1 metre above the finished first floor level to provide for equitable sharing of views. The BASIX certificate shall be amended to reflect the above changes.
  - e. The first floor north-facing bedroom no. 1 shall be setback an additional 1 metre from the rear boundary and maintain a similar building alignment as the adjoining bedroom no. 2 in apartment no. 4 to ensure an equitable sharing of views from the western neighbour.



- f. The first floor south-facing balcony and any associated balustrading must be setback an additional 900mm from the south-eastern edge of the balcony.
- g. The rear second floor balcony and any associated balustrading must be setback an additional 700mm from the rear boundary and maintain a similar alignment as the balcony at no. 22 Moore Street.
- h. 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:
  - First floor, east facing bedroom no. 1 window (apartment no. 3)
  - First floor, east facing study room window (apartment no. 4)
  - Second floor, east facing dining room windows (measured 2.4 metres from the eastern boundary) (apartment no. 4)
  - First floor, west facing foyer room window (foyer room)
- i. The 'Gordonia Axillaris' (Fried Egg Plant) as shown located along the north-western corner and northern boundary of the subject site shall be deleted as part of this consent.
- j. The 'Pandorea Jasminoides' (Bower of Beauty) and 'Bambus Textilis var. Gracilis' (Slender Weavers Bamboo) along the side boundaries shall be deleted as part of this consent.
- k. This consent does not grant approval for the use of climber planters along the side boundary walls/fence.

#### **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.

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

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.

5. In accordance with Section 80A (11) of the Environmental Planning and Assessment Act 1979 and Clause 97A of the Environmental Planning and Assessment Regulation 2000, it is a prescribed condition that all of the

required commitments listed in the relevant BASIX Certificate for this development are fulfilled.

An amended BASIX certificate must be consistent with the plans referenced in Condition 1 of this determination and a copy shall be submitted to Council and the Principal Certifying Authority prior to an occupation certificate being issued 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 \$1,500,000 the following applicable monetary levy must be paid to Council: \$15,000.

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

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

### **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*:

- \$3000.00 - 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.

### **New Street Tree**

10. The applicant must submit a payment of **\$107.25** (including GST) to cover the cost for Council to supply, plant and maintain 1 x 25 litre street tree, *Banksia serrata* (Saw Toothed Banksia) on the Moore Street verge, an equal distance between the western edge of the new vehicle crossing and western site boundary, upon the completion of all site works.

This fee must be paid into **Tree Amenity Income** at the Cashier on the Ground Floor of the Administrative Centre **prior to a Construction Certificate being issued for the development.**

**The applicant must contact Council's Landscape Development Officer on 9399-0613 (quoting the receipt number), and giving at least four working weeks notice (allow longer for public holidays or extended periods of rain) to arrange for planting of the new tree.**

### **Landscape Plan**

11. 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 Taylor Brammer, dwg no LA01, revision A, dated 28<sup>th</sup> July 2015.

### **Protection of neighbours tree**

12. In order to ensure retention of the *Olea europaea subsp. 'Africana'* (Wild Olive) located on the adjoining private property site to the west, no.16-18,

adjacent the northeast corner of this neighbouring dwelling, hard up 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 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. Any excavations associated with the installation of new services, pipes, stormwater systems or similar in the western side setback of the subject site must be located as close as practically possible to the western wall of the new building.
- c. The Construction Certificate plans must show that the western wall of the basement level will be setback off the western site boundary, in accordance with the offsets that are shown on the Basement & Ground Floor Plan, dwg DA-101, revision C, dated 07.03.16
- d. All initial excavations for the western wall of the basement level, within a radius of 3 metres (measured off the outside edge of its trunk at ground level), must be performed by hand, to a minimum depth of 600mm.
- e. Where roots are encountered in this area which are in direct conflict with the approved works, they may be cut cleanly by hand (using only hand held tools, not machinery), with the affected area to be backfilled with clean site soil as soon as practically possible.
- f. Any new common boundary fencing within a radius of 3 metres of its trunk can only be a system which is supported on localised pad footings, not strip footings, with notations confirming compliance to be shown on the Construction Certificate plans.
- g. Other than the approved works/footprint, there must be no other structures within the western side setback, for a radius of 3 metres of its trunk, such as continuous strip footings, planter boxes or similar, and must remain as undisturbed, deep soil.
- h. 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 in this 3 metre radius throughout the course of works, with all Site Management Plans needing to acknowledge these requirements.
- i. The PCA must ensure compliance with all of these requirements, both on the plans as well as 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 & Relevant Standards**

13. 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).
14. 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**

15. 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**

16. A report must be obtained from a suitably qualified and experienced *professional engineer*, which includes the following details, to the satisfaction of the Certifying Authority for the development:-
  - 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**

17. 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.

18. The vehicular access driveways, internal circulation ramps and the carpark areas, (including, but not limited to, the ramp grades, carpark layout and height clearances) are to be in accordance with the requirements of AS2890.1:2004. The Construction Certificate plans must demonstrate compliance with these requirements.

**Design Alignment levels**

19. The design alignment level (the finished level of concrete, paving or the like) at the property boundary for driveways, access ramps and pathways or the like, **must match the back of the existing footpath** along the full site frontage.

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.

20. The above alignment levels and the site inspection by Council's Development Engineering Section have been issued at a prescribed fee of \$634 calculated at \$52.00 (inclusive of GST) per metre of site frontage. This amount is to be paid prior to a construction certificate being issued for the development.

**Stormwater Drainage**

21. 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.
22. 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 or drainage system in front of the subject site in Moore Street; or
    - ii. Directly to Council's underground drainage system located in the adjacent reserve (Kildare Lane) via a new pit located in front of the site within the lane and length of 375mm diameter pipe to connect onto the existing pit in front of 2A Major Street.
  - c. The maximum discharge to Council's kerb and gutter or underground drainage system shall not exceed a maximum of 25L/S for all storms up to the 1 in 20yr storm event. An on-site stormwater detention system may be required to ensure this amount is not exceeded.

An overland escape route or overflow system (to Council's street drainage system) must be provided for storms having an average recurrence interval of 100 years (1 in 100 year storm), or, alternatively the stormwater detention system is to be provided to accommodate the 1 in 100 year storm.
  - d. Determination of the required cumulative storage (in the on-site detention and/or infiltration system) must be calculated by the mass curve technique as detailed in Technical Note 1, Chapter 14 of the Australian Rainfall and Run-off Volume 1, 1987 Edition.

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

- 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 area.
- 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 systems shall be located in areas accessible by residents of all units.
- p. Should a charged system be required to drain any portion of the site, the charged system must be designed with suitable clear-outs/inspection points at pipe bends and junctions.

**Site seepage**

23. The proposed development shall comply with the following requirements to ensure the adequate management of any seepage waters:
- a) Seepage 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 carpark (to ensure the basement will not dam or slow the movement of the seepage waters through the development site).
- c) The walls of the basement level 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**

24. 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.*

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

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

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

These conditions have been applied to satisfy the relevant requirements of the *Environmental Planning & Assessment Act 1979, Environmental Planning &*

*Assessment Regulation 2000* and to provide reasonable levels of public health, safety and environmental amenity.

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

26. 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**

27. 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**

28. 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**

29. 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**

30. 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**

31. 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.

### **Construction Traffic Management**

32. 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 Moore 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.

33. 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.*

34. 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**

35. 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.
36. 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**

37. 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**

38. 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**

39. 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**

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

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

Details of proposed retaining walls, shoring, piling or other measures are to be submitted to and approved by the Principal Certifying Authority.

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

41. In accordance with section 80 A (11) of the *Environmental Planning & Assessment Act 1979* and clause 98 E of the *Environmental Planning & Assessment Regulation 2000*, it is a prescribed condition that the adjoining land and buildings located upon the adjoining land must be adequately supported at all times.

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

42. 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**

43. 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**

44. 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**

45. 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**

46. 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**

47. 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**

48. 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**

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

### **Site Seepage & Stormwater**

50. Details of the proposed connection and or disposal of any site seepage, groundwater or construction site stormwater to Council’s stormwater drainage

system must be submitted to and approved by Council's Development Engineering Coordinator, prior to commencing these works, in accordance with section 138 of the *Roads Act 1993*.

Details must include the following information:

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

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

51. 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.

#### **Traffic Management**

- 52. 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.
- 53. 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.
- 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.

#### **Tree Removal from Moore Street**

- 56. The applicant must remove and dispose of (wholly at their own cost) the existing *Grevillea* shrub from the Moore Street verge, centrally across the width of the site, so as to accommodate the new vehicle crossing/basement entry ramp along the eastern site boundary as shown, as well as to facilitate the planting of a new street tree, and must satisfy themselves as to the location of all site services, prior to the commencement of any works on public property.

#### **Tree Removal with site**

- 57. Due to their small size and insignificance, no objections are raised to removing any existing vegetation throughout the subject site where necessary so as to accommodate the proposed works as shown, subject to full implementation of the approved landscaping.

#### **Pruning of Neighbours Tree**

- 58. Permission is granted for the minimal and selective pruning of only those

branches from the eastern aspect of the *Olea europaea subsp. 'Africana'* (Wild Olive) that is located within the adjoining site to the west, no.16-18, adjacent the northeast corner of this neighbouring dwelling, hard up against the common boundary, only where they overhang the common boundary, into the subject site, and need to be pruned in order to avoid damage to the tree; or; interference with the works.

59. 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.
60. All pruning must be undertaken by an Arborist who holds a minimum of AQF Level III in Arboriculture, and to the requirements of Australian Standard AS 4373-2007 'Pruning of Amenity Trees,' and NSW Work Cover Code of Practice for the Amenity Tree Industry (1998).

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

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

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

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

#### **Occupation Certificate Requirements**

61. 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**

62. 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**

63. 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.

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

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 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**

65. 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.

66. 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.

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

67. 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) 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.
68. 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.
69. 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**

70. 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 Site Power**

71. As a mains power distribution pole is located on the same side of the street and within 15m of the development site, the applicant/developer must meet the full cost for Ausgrid to relocate the existing overhead power feed between the mains distribution pole in Moore Street and the development site to an underground (UGOH) connection.

#### **Stormwater Drainage**

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

Notes:

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



submitted to Council prior to the "restriction on the use of land" and "positive covenant" being executed by Council.

73. 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).

74. 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.

75. 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**

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.

77. 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 Taylor Brammer, dwg no LA01, revision A, dated 28<sup>th</sup> July 2015, and any other relevant conditions of consent.

78. 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.

#### **Waste Management**

79. 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.

80. The waste storage areas shall be clearly signposted.

**OPERATIONAL CONDITIONS**

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

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

**Use of parking spaces**

81. The car spaces within the development are for the exclusive use of the occupants of the building. The car spaces must not be leased to any person/company that is not an occupant of the building.

**Fire Safety Statements**

82. 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**

83. 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.
84. 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**

85. Any provided detention areas/infiltration system must be regularly cleaned and maintained to ensure they function as required by the design.

**Residential Parking Permits**

86. 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.
87. 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.

**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 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.

A11 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.

A12 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.

A13 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.

- A14 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.
- A15 Further information and details on Council's requirements for trees on development sites can be obtained from the recently adopted Tree Technical Manual, which can be downloaded from Council's website at the following link, <http://www.randwick.nsw.gov.au> - Looking after our environment – Trees – Tree Management Technical Manual; which aims to achieve consistency of approach and compliance with appropriate standards and best practice guidelines.

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

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

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

**D68/16 Development Application Report - 105 Arden Street, Coogee (DA/301/2016)**

PL86/16

**RESOLUTION: (Matson/Roberts)** 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/301/2016 for alterations and rear additions to the existing dwelling house including new rear decks and pool fence, subject to the following non standard conditions and the standard conditions contained in the development application compliance report.

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

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

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

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

**Total (2)**

**D69/16 Development Application Report - 184-192 Marine Parade, Maroubra (DA/90/2016)**

PL87/16

**RESOLUTION: (Matson/Shurey)** that Council, as the consent authority, refuses development consent under Sections 80 and 80A of the Environmental Planning and Assessment Act 1979, as amended, to Development Application No. DA/90/2016 for use of the southern opening, at No. 184-192 Marine Parade, Maroubra, for the following reasons:

1. the proposed development does not satisfy the B1 Neighbourhood Centre Zone objectives, in that it does not enable residential development that is well-integrated with the business functions of the zone.
2. the proposed development does not satisfy the B1 Neighbourhood Centre Zone objectives, in that it does not minimise the impact of development or protect the amenity of residents in the zone and in the adjoining and nearby residential zones.

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

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

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

**D70/16 Development Application Report - 5 Shirley Crescent, Matraville (DA/458/2016)**

PL88/16

**RESOLUTION: (Andrews/Shurey) -**

- 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 4.4 of Randwick Local Environmental Plan 2012, relating to FSR, on the grounds that the proposed development complies with the objectives of the above clause, and will not adversely affect the amenity of the locality, and that the Department of Planning & Infrastructure be advised accordingly.
- B. That Council, as the consent authority, grants development consent under Sections 80 and 80A of the Environmental Planning and Assessment Act 1979, as amended, to Development Application No. 458/2016 for demolition of existing structures, construction of 2 storey attached dual occupancy with

garages and associated works at No. 5 Shirley Crescent, Matraville, 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 ground floor slab is to be raised by 250mm to achieve an RL of 13.30. Amended plans will be required to increase the ground floor slab and associated building height prior to the approval of a Construction Certificate.

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

**D71/16 Development Application Report - 4 Neptune Street, Coogee  
(DA/107/2016)**

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PL89/16

**RESOLUTION: (Matson/Roberts)** that the application be deferred for mediation and clarification of the proposed non-standard conditions.

**MOTION: (Andrews/Nash) –**

- 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 of Randwick Local Environmental Plan 2012, relating to Building Height, 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, grants development consent under Sections 80 and 80A of the Environmental Planning and Assessment Act 1979, as amended, to Development Application No. 107/2016 for Demolition of existing dwelling, construction of new 3 storey dwelling with garage to front and associated works, at No. 4 Neptune 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**

**Amendment of Plans & Documentation**

2. The approved plans and documents must be amended in accordance with the following requirements:
  - a. The rear setback of the ground floor level and first floor level (including blade walls) shall be increased by 850mm. This condition will require removal of blade walls and reduction of internal depth of rooms and void area. This condition has been included in order to ensure a greater retention of views from the ground level living room window of No. 2-2A Neptune Street.
  - b. The lower level east facing living room window shall be treated with obscured glazing up to a minimum height of 1m above the internal floor level.
  - c. The sill height for the ground level east facing day room window shall be

increased to 1.6m above the internal floor level, or alternatively, the windows are to be fixed and be provided with translucent, obscured, frosted or sandblasted glazing below this specified height:

- d. A 1 metre wide planter shall be installed along the eastern side of the first floor day room balcony adjacent to the day room at ground floor level. Only low lying shrub planting shall be planted within this planter area in order to ensure no appreciable impact on views from the living room window of No. 2-2A Neptune Street.
- e. Air conditioning equipment shall be located at lower ground level or within the garage and subject to compliance with associated acoustic privacy operational conditions.
- f. The rear first floor level balcony shall be deleted from the development.
- g. The Hibiscus tiliaceous 'Rubra' located on the garage roof shall be replaced with a species that doesn't attain a height greater than 2-3m at maturity.
- h. The Howea forsteriana 'Kentia Palm's' shall be replaced with a species that does not attain a height of more than 7-9.5m at maturity
- i. The Livistona australis 'Cabbage Tree Palm' shall be replaced with a species that does not attain a height of more than 7-9.5m at maturity.

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

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

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

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

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

<b>FOR</b>	<b>AGAINST</b>
Councillor Belleli	Councillor Andrews
Councillor D'Souza	Councillor Moore
Councillor Garcia	Councillor Stavrinou
Councillor Matson	
Councillor Nash	
Councillor Neilson	
Councillor Roberts	
Councillor Seng	
Councillor Shurey	
Councillor Smith	
Councillor Stevenson	



**Total (11)****Total (3)****D72/16 Development Application Report - 30 Mermaid Avenue, Maroubra (DA/915/2014/A)**

PL90/16

**RESOLUTION: (Andrews/Seng)** that the application be deferred for mediation.

**MOTION: (Andrews/Seng)** that Council, as the consent authority, grants development consent under Section 96 of the Environmental Planning and Assessment Act 1979, as amended, to modify Development Application No. DA/915/2014/A by amending condition No.4 relating to the colours, materials and finishes, at 30 Mermaid Avenue, Maroubra. **LOST.**

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

<b>FOR</b>	<b>AGAINST</b>
Councillor Andrews	Councillor Belleli
Councillor Nash	Councillor D'Souza
Councillor Roberts	Councillor Garcia
Councillor Seng	Councillor Matson
Councillor Stavrinou	Councillor Moore
Councillor Stevenson	Councillor Neilson
	Councillor Shurey
	Councillor Smith
<b>Total (6)</b>	<b>Total (8)</b>

**AMENDMENT: (Belleli/-)** that the application be deferred to enable the applicant to amend the proposed colour and put forward the colour in between (as referred to by the applicant in his address). **LAPSED FOR THE WANT OF A SECONDER.**

**MOTION: (Matson/Neilson)** that Council, as the consent authority, refuses its development consent under Section 96 of the Environmental Planning and Assessment Act 1979, as amended, to modify Development Application No. DA/915/2014/A by amending condition No.4 relating to the colours, materials and finishes, at 30 Mermaid Avenue, Maroubra for the following reasons:

1. The proposal fails to satisfy the relevant objectives of R2 – Low Density zone under Randwick Local Environmental Plan 2012 as the darker colour for the external cladding will not be compatible with the desirable future character of the area and will also affect the amenity of the adjoining neighbours.
2. The proposal fails to satisfy the relevant objectives of Clause 6.7 Foreshore Scenic Protection Area under Randwick Local Environmental Plan 2012 in that the proposed colour schedule will adversely affect the aesthetic values of the foreshore area.
3. The proposal fails to satisfy the relevant objectives and controls of the Foreshore Scenic Protection Area under Part B10 of the Randwick Comprehensive Development Control Plan 2013 in that the colour schedule will not be compatible with the predominant colour palette of the foreshore area.

**AMENDMENT: (Andrews/Seng) CARRIED AND BECAME THE MOTION.**

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

<b>FOR</b>	<b>AGAINST</b>
Councillor Andrews	Councillor D'Souza

Councillor Belleli	Councillor Garcia
Councillor Nash	Councillor Matson
Councillor Roberts	Councillor Moore
Councillor Seng	Councillor Neilson
Councillor Stavrinou + casting vote	Councillor Shurey
Councillor Stevenson	Councillor Smith
<b>Total (8)</b>	<b>Total (7)</b>

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

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

<b>FOR</b>	<b>AGAINST</b>
Councillor Andrews	Councillor D'Souza
Councillor Belleli	Councillor Garcia
Councillor Nash	Councillor Matson
Councillor Roberts	Councillor Moore
Councillor Seng	Councillor Neilson
Councillor Smith	Councillor Shurey
Councillor Stavrinou	
Councillor Stevenson	
<b>Total (8)</b>	<b>Total (6)</b>

**D73/16 Development Application Report - 2A-2B Smithfield Avenue, Coogee (DA/3/2016)**

PL91/16

**RESOLUTION: (Neilson/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/3/2016 for alterations and additions to the existing dual occupancy including new first floor balcony and hardstand car spaces, re-subdivision of existing two allotments to provide for two new lots and construction of a new part two part three storey dwelling house on the new lot including basement storage, in-ground swimming pool associated site and landscape works at 2A-2B Smithfield Avenue, 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. A privacy screen having a height of 1.6 m above floor level must be provided to the eastern and northern external sides of the first floor level "kids terrace". The privacy screen must be constructed of metal or timber and the total area of any openings within the privacy screen must not exceed 30% of the area of the screen. Alternatively, the privacy screen may be constructed with translucent, obscured, frosted or sandblasted glazing in a suitable frame.
  - b. The following windows must have a minimum sill height of 1.6m above floor level, or alternatively, the window is to be fixed and be provided with translucent, obscured, frosted or sandblasted glazing below this specified height:
    - The south facing windows to the some of the upper-level bedrooms

(windows W2.19, W2.20, W2.21)

- c. The total area of any openings, below 1.6m above floor level, within all external timber batten screens to the new dwelling must not exceed 30% of the area of the screen.
- d. Each of the two hard stand car spaces to the front and side of the dual occupancy are to be made up of two 600mm paved wheel strips only. Landscaped permeable surface is to be provided between the wheel strips.

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

**D74/16 Development Application Report - 27-27a Norton St, Kingsford  
(DA/424/2016)**

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PL92/16

**RESOLUTION: (Moore/Smith) -**

- A. That Council does not support the exceptions to development standards under Clause 4.6 of Randwick Local Environmental Plan 2012 in respect to non-compliance with Clause 4.1(4) of Randwick Local Environmental Plan 2012, relating to minimum subdivision lot size for strata plan schemes in Zone R2, on the grounds that the proposed development does not comply with the objectives of the above clause, and will adversely affect the amenity of the locality, and that the Department of Planning & Infrastructure be advised accordingly.
- B. That Council, as the consent authority, refuses development consent under Section 80 of the Environmental Planning and Assessment Act 1979 to Development Application No. DA/424/2016 for the strata subdivision of existing dual occupancy into 2 lots (variation to lot size control) at 27-27A Norton Street, Kingsford for the following reasons:
  1. The proposed development is inconsistent with aims of the Randwick Local Environmental Plan 2012 in that it discourages the provision of affordable housing options.
  2. The proposed subdivision does not comply with Clause 4.1(A) minimum allotment size standard under Randwick Local Environmental Plan 2012 in that the proposed Lot 1 and Lot 2 will fragment the land by subdivision that would create additional dwelling entitlements. Therefore, the Clause 4.6 variation to the development standard is not well founded.
  3. The proposed development is inconsistent with the objectives of the R2 zone under RLEP 2012 in that it will not encourage housing affordable or protect the amenity of residents.
  4. The proposed subdivision is inconsistent with the objective under Section 2.1 of the Randwick Comprehensive Development Control Plan 2013 in that the proposed strata subdivision does not respect the predominant subdivision pattern of the locality.
  5. The proposal is not in the public interest as it does not satisfy Section 79C(i)(e) of the Environmental Planning and Assessment Act 1979.

**MOTION: (Andrews/Roberts)** that the application be deferred in accordance with the applicant's request and to allow the applicant the opportunity to address the exceptions to development standards under Clause 4.6 of RLEP 2012.

**AMENDMENT: (Moore/Smith) CARRIED AND BECAME THE MOTION.**

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

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

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

**D75/16 Development Application Report - 19 Howard Street, Randwick  
(DA/177/2016)**

**RESOLUTION: (Andrews/Smith)** that Council, as the consent authority, grants development consent under Section 80 of the Environmental Planning and Assessment Act 1979 to Development Application No. DA/177/2016 for permission to undertake alterations and additions to the partially constructed building to create a secondary dwelling at lower ground floor and dwelling at ground floor and new proposed first floor (variation to secondary dwelling size control) at 19 Howard Street, Randwick subject to the following conditions:

**GENERAL CONDITIONS**

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

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

**Approved Plans & Supporting Documentation**

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

<b>Plan</b>	<b>Drawn by</b>	<b>Dated</b>
A1.01 Rev. D	Building Design & Technology Pty Ltd	1 July 2016
A1.02 Rev. C	Building Design & Technology Pty Ltd	25 February 2016
A1.03 Rev. D	Building Design & Technology Pty Ltd	1 July 2016
A1.04 Rev. D	Building Design & Technology Pty Ltd	1 July 2016
A1.05 Rev. D	Building Design & Technology Pty Ltd	1 July 2016
A1.06 Rev. B	Building Design & Technology Pty	1 July 2016

	Ltd	
A1.07 Rev. D	Building Design & Technology Pty Ltd	1 July 2016

<b>BASIX Certificate No.</b>	<b>Dated</b>
A242895	4 March 2016

### 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

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

#### External Colours, Materials & Finishes

3. 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

4. In accordance with Council's Section 94A Development Contributions Plan effective from 21 April 2015, based on the development cost of \$247,000 the following applicable monetary levy must be paid to Council: \$2,470.

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

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

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

Where:

**IDC** = the indexed development cost

**ODC** = the original development cost determined by the Council

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

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

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

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

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

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

#### **Sydney Water**

6. 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.

#### **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**

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

#### **Structural Adequacy**

8. Certificate of Adequacy supplied by a *professional engineer* shall be submitted to the *certifying authority (and the Council, if the Council is not the certifying authority)*, certifying the structural adequacy of the existing structure to support the upper floor addition.

**BASIX Requirements**

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

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

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

**Stormwater Drainage**

10. A surface water/stormwater drainage system must be provided in accordance with the following requirements, to the satisfaction of the Certifying Authority and details are to be included in the construction certificate:-

- a) Surface water/stormwater drainage systems must be provided in accordance with the relevant requirements of the Building Code of Australia (Volume 2);
- b) The surface water/stormwater must be drained and discharged to the street gutter or, subject to site suitability, the stormwater may be drained to a suitably designed absorption pit;
- c) Any absorption pits or soaker wells should be located not less than 3m from any adjoining premises and the stormwater must not be directed to any adjoining premises or cause a nuisance;
- d) External paths and ground surfaces are to be constructed at appropriate levels and be graded and drained away from the building and adjoining premises, so as not to result in the entry of water into the building, or cause a nuisance or damage to the adjoining premises;
- e) Details of any proposed drainage systems or works to be carried out in the road, footpath or nature strip must be submitted to and approved by Council before commencing these works.

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

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

11. 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**

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*, 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**

13. 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**

14. 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.

### **Construction Site Management Plan**

15. 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.*

### **Public Utilities**

16. A *Public Utility Impact Assessment* must be carried out to identify all public utility services located on the site, roadway, nature strip, footpath, public reserve or any public areas associated with and/or adjacent to the building works.

Documentary evidence from the relevant public utility authorities confirming that their requirements have been or are able to be satisfied, must be submitted to the Principal Certifying Authority prior to the commencement of any works.

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

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

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

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

**Inspections during Construction**

17. 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**

18. 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**

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

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

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

**Demolition Work Requirements**

20. 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**

21. 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**

22. 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**

23. 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**

- 24. 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.
- 25. 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.*

- 26. 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**

27. 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**

28. 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**

29. 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**

30. 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**

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

### **OPERATIONAL CONDITIONS**

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

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

#### **Use of Premises**

32. The premises must only be used as one primary residential dwelling and one secondary dwelling and must not be used for other multi-occupancy purposes.

#### **External Lighting**

33. 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**

34. 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.

**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.

A16 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.

A17 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.

A18 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.

A19 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.

A20 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.

A21 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.

A22 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.

A23 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).

A24 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.

A25 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.*

A26 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.

A27 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.

[Reasons - the proposal complies with the FSR standard, the proposal complies with the statutory height limit, the majority of the proposal complies with the wall height, there are no shadow impacts, there are no privacy impacts, there are no view loss impacts, there is no visual aspect of the proposed addition from the only adjoining residential neighbour, there are no streetscape impacts as the proposed attic level is setback from the street frontage and presents as 2-storeys to Howard Street, the side setback variation is limited to 9% of the site length and is opposite a blank wall, the proposal complies with landscaping and car parking, size of dormers can be addressed by conditions of consent, no objections were raised]

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



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

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

### **D76/16 Development Application Report - 15 Cairo Street, South Coogee (DA/393/2016)**

PL93/16

**RESOLUTION: (Andrews/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/393/2016 for demolition of all structures, construction of 2 x 3 storey dwelling houses with garages to front, swimming pools to rear with associated works, at No. 15 Cairo Street, South 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 installation of any new rainwater tanks must fully comply with the exempt development provisions of the State Environmental Planning Policy (Exempt and Complying Development Codes) 2008.
  - b. The east facing ground floor central courtyard and the eastern side passageway adjoining no. 17 Cairo Street, Coogee be lowered to the ground level (existing) and any associated steps shall be deleted. Suitably sized stairs shall be constructed to provide access from the eastern side passageway to the gallery at the ground floor level of House B.
  - c. The ground floor east facing sliding doors adjoining the dining and living rooms of House B shall be replaced with a suitably sized window opening.
  - d. The following windows must have a minimum sill height of 1.6m above floor level, or alternatively, the windows are to be fixed and be provided with translucent, obscured, frosted or sandblasted glazing below this specified height:
    - Second floor, east facing bedroom no. 1 window (House B)
    - Second floor, east facing bedroom no. 2 window (House B)
    - Second floor, east facing bedroom no. 1 window (House A)

#### **Base Plan of Survey**

3. A 'Plan of Redefinition' shall be prepared for the site to re-define the boundaries of Lots 12 & 13, Section 5 in DP 1055. Such plan shall be registered at NSW Land Property Information (LPI) prior to the commencement of any construction works.

Note: The construction certificate plans must reflect any changes in boundary dimensions/position as indicated in the 'Plan of Redefinition'. A copy of the registered copy of the 'Plan of Redefinition' shall be forwarded to Council's Development Engineering section.

#### **Heritage Conservation**

4. The concrete surface of the relocated stairs is to match the colour and finish of the existing stairs, in order to ensure that the relocated stairways do not disrupt the continuity of the Cairo Street stairs which extend for the length of the street.
5. Any new retaining walls adjacent to the public stairways should include a 20cm high sandstone capping to match original retaining walls.
6. New handrails to the relocated public stairways are to match existing handrails. The new handrails are to be constructed of white painted timber to match the height and timber dimensions of existing handrails.
7. The new low sandstone retaining wall adjacent to the driveway should match the detailing of existing low sandstone walls.
8. The proposed black handrails on top of the front boundary retaining walls are to be deleted. The front boundary walls can be increased in height to the minimum required to achieve safety requirements.

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

#### **Miscellaneous Reports**

**M6/16 Miscellaneous Report - Report for Variation to Development Standard under State Environmental Planning Policy No. 1 (SEPP 1) and Clause 4.6 between 1 to 31 August, 2016 (F2008/00122)**

PL94/16 **RESOLUTION: (Smith/Moore)** that the report be received and noted.

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

**M9/16 Miscellaneous Report - Interim Heritage Order on 48 Dudley Street, Coogee (DA/455/2016)**

PL95/16 **RESOLUTION: (Smith/Matson)** that the report be received and noted.

**AMENDMENT: (Andrews/Stavrinos)** that Council remove the Interim Heritage Order placed on this building and a report be brought back to Council setting out the reasons for the heritage significance of this property. **WITHDRAWN.**

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

**M10/16 Miscellaneous Report - Randwick Council's nominated delegates for Sydney East JRPP. (F2009/00256)**

PL96/16 **RESOLUTION: (Smith/Neilson)** that the following delegates and alternates be nominated to the Sydney East JRPP to the period up to 20 November 2016:

- Delegates; Crs Nash and Andrews
- Alternate delegates; Crs Matson, Moore and Bowen.

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

### **Confidential reports (closed session)**

That the meeting move into closed session in order to consider confidential items.

#### **Closed Session**

#### **M7/16 Confidential - Short Term Extension of Current Waste Collection Contract (F2014/00486)**

*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.*

PL97/16

**RESOLUTION: (Andrews/Nash)** that Council:

- a) under section 55(3)(i) of the *Local Government Act 1993* (NSW) resolves, due to extenuating circumstances and the unavailability of competitive or reliable tenderers for the short term waste collection services contract, that Council not invite tenders for the short term waste collection services contract for the reason that there is a need to provide waste collection services for a flexible short term period only and that only one supplier is likely to be in a position to provide these waste collection services to Council in a reliable fashion; and
- b) delegate to the General Manager the authority to negotiate an irrevocable offer with SITA in relation to a new waste collection services contract for a short term period of up to two years commencing 30 June 2017, exercisable only by Council.

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

#### **M8/16 Confidential - SSROC Tender for the Supply and Delivery of Industrial Footwear (F2016/00264)**

*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.*

PL98/16

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

- a) under Regulation 178(1)(a) of the Local Government (General) Regulation 2005, J. Blackwood & Son Pty Ltd be accepted as the successful tenderer for the Supply and Delivery of Industrial Footwear;
- b) entering into this contractual arrangement is in accordance with the "Guidelines for Council Decision making During Merger Proposal Periods" under Section 23A of the Local Government Act, in that the contract is being entered into as a result of a decision made and a procurement process commenced prior to the start of the merger proposal period. In addition, entry into the contract is necessary for the purposes of meeting Council's ongoing service delivery commitments to our community; and

- c) the General Manager, or delegated representative, be authorised to enter into a preferred supplier agreement for a period of 3 years, with 2 optional 1 year extensions.

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

**Open Session**

That the meeting move back into open session.

**Notice of Rescission Motions**

Nil.

The meeting closed at 9.55pm.

**The minutes of this meeting were confirmed at the Planning Committee Meeting of the Council of the City of Randwick held on Tuesday, 11 October 2016.**

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**CHAIRPERSON**