



**Randwick City
Council**
a sense of community

DA COMPLIANCE REPORTS

**PLANNING COMMITTEE MEETING
TUESDAY 11 JULY, 2017**

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Development Application Compliance Report



D54/17

Folder /DA No:	DA/4/2017
PROPERTY:	353-355 Anzac Parade, KINGSFORD NSW 2032
Proposal:	Integrated development for demolition of the existing structures, construction of shop top housing integrated development comprising a part 7 storey, part 4 storey development in 2 building forms retails fronting Anzac Parade, with 5 residential levels above, 1 retail level with 3 residential levels fronting Houston Lane, comprising 18 dwellings, basement parking for 28 vehicles (variation to height control). Consent is also required from Water NSW.
Recommendation:	Approval

Relevant Environment Planning Instruments:

1. SEPPs

SEPP No. 55 aims to promote the remediation of contaminated land for the purposes of reducing risk of harm to human health or any other aspect of the environment. To assist in considering these matters, the SEPP requires consideration of a report on a preliminary investigation where a rezoning/development allows a change of use that may increase the risk to health or the environment from contamination.

The development application outlines that SEPP No.55 – Remediation of Land has been considered and that after a review of the history of the site and inspection of the site there is no evidence to suggest that the site is contaminated or otherwise unsuitable for the proposed used.

A review of Council’s approved development applications and property file for this premises has been undertaken and does not give reason to believe that the site could be possibly contaminated, therefore no further investigation is considered necessary at this time.

1.1 State Environmental Planning Policy No. 65 – Design Quality of Residential Flat Development

2. Randwick LEP 2012

The subject site is zoned B2 Local Centre under Randwick LEP 2012. The proposal development is classified as a shop top housing and is permissible in the zone.

The following Clauses of RLEP 2012 apply to the proposal:

Description	Council Standard	Proposed	Compliance (Yes/No/NA)
Floor Space Ratio (Maximum)	3:1	2.78:1	Yes
Height of Building	24m	24.7	No

(Maximum)			
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Clause 6.1 – Acid Sulphate Soils

Clause 6.1 contains provisions for remediation of contaminated land to ensure that such land will be suitable for the purpose for which development is proposed. A Preliminary Acid Sulphates soil is not required given the classification for the site.

Clause 6.2 – Earthworks

Clause 6.2 of the RLEP contains provisions for undertaking of excavation and filling of land. The proposal will require earthworks to be undertaken to construct the basement carpark of the proposed development and foundations for the building.

The applicant has submitted a geotechnical report with their application addressing the relevant matters for consideration. Certain conditions are included in the recommendation section of the report relating to excavation.

Clause 6.3 Flood Planning

Refer to Council’s Engineers assessment.

Clause 6.4 Stormwater Management

Refer to Council’s Engineers assessment.

Clause 6.8 Airspace operations

Clause 6.8 of Randwick LEP aims to provide for the effective and ongoing operation of the Sydney (Kingsford Smith) Airport by ensuring that such operation is not compromised by proposed development that penetrates the Limitation or Operations Surface for that airport.

The proposed development has been referred to Sydney Airports Corporation for comment. Relevant conditions are included in the recommendation section of this report.

Clause 6.11 Design Excellence

The proposal satisfy the provisions of Clause 6.11 of Randwick Local Environmental Plan 2012 as it generally demonstrates design excellence in so far as it has generally addressed the relevant comments raised by the Design Excellence Panel (Refer to the Design Excellence Panel comments section of this report).

3. Randwick Comprehensive DCP

Randwick Development Control Plan

The DCP provisions are structured into two components, Objectives and Controls. The Objectives provide the framework for assessment under each requirement and outline key outcomes that a development is expected to achieve. The controls contain both numerical standards and qualitative provisions. Any proposed variations from the controls may be considered only where the applicant successfully demonstrates that an alternative solution could result in a more desirable planning and urban design outcome.

The relevant provisions of the DCP are addressed in the table below. (Note: a number of control provisions that are not related to the proposal have been deliberately omitted.)

Clause / Control	Requirements	Proposal	Compliance
Part B7 -			
3.2 Vehicle Parking rates	i) Development must comply with the vehicle parking rates as detailed In Table 1 Vehicle Parking Rates. Any excess provisions over and above the parking rates will be included in GFA calculations. (Table 1 Indicates 1 space per 2 studio, 1 space per 1 bedroom, 1.2 spaces per 2 bedroom, 1.5 spaces per 3 bedroom, 1 visitor space per 4 dwellings, and 1 space per 40m2 of commercial space. The motorcycle parking requirement is 5% of the total parking requirement)	<p>Equates to a total parking requirement of 35 spaces comprising 20 spaces for dwellings, 5 spaces for visitors, 10 spaces for commercial component.</p> <p>The proposal provides for 28 spaces and is therefore non-compliant. A traffic and parking assessment has been prepared to address this aspect of non-compliance.</p> <p>Based on a total requirement of 35 vehicle spaces, 2 motorcycle spaces are to be provided. Three spaces are provided in the basement therefore the proposal complies with this aspect of the DCP.</p>	See Development Engineer's comments. The proposed parking complies with the lesser requirements under SEPP 65 of the ADG.
	ii) Parking for service/delivery vehicles, bicycles and people with a disability need to be considered for the relevant land use and In accordance with this DCP.	Bicycle parking is provided In accordance with the DCP.	Complies.
	iii) Minimise the use of mechanical parking devices (car stackers or turntables) particularly on difficult (e.g. constrained access) sites and where queuing may result or safety is jeopardised.	Mechanical parking devices are unavoidable given site constraints including narrow site width. There is sufficient space to allow a car to wait while the car lift is In use. The entry is via a rear lane where vehicular movements are minimal and conditions force slower speeds. Therefore safety will not be compromised by this arrangement.	Complies.
	vi) For mixed use development the allocation of car spaces among the uses is to be	Allocation annotated on plans.	Complies subject to conditions.

Clause / Control	Requirements	Proposal	Compliance
	indicated on the DA plans.		
4.2. Bike parking rates and controls	i) All new development is to provide on-site bike parking additional to other parking requirements, in accordance with the minimums set out in Table 3 below. (Table 3 Indicates 1 space per 2 apartments for residents and employees and 1 space per 10 apartments for visitors).	A total of 12 bicycle spaces are required. 18 spaces are provided within the basement.	Complies.
Part C3 - Adaptable and universal housing			
3 Adaptable Housing	i) In addition to the requirements of clause 2(1) controls, a minimum 20% of dwellings in new multi dwelling housing, shop top housing and residential flat buildings containing 10 or more dwellings must be adaptable dwellings and designed and constructed to a minimum Class C Certification under AS 4299 Adaptable Housing.	Units 2.05, 3.02, (2 of 18 dwellings) are nominated as adaptable dwellings	No, a suitable condition is included requiring two other dwellings to be nominated as adaptable
	iii) The design of adaptable dwellings must be integrated into the development with the use of consistent materials and finishes.	Materials and finishes proposed for adaptable dwellings are consistent with those proposed for non-adaptable dwellings.	Complies
	iv) Where proposed, the adaptable dwellings must be clearly Identified on the submitted DA plans.	Adaptable dwellings are identified on plans.	Complies
Part D2 - Kingsford Centre			
2.1 Site consolidation	i) A minimum site area of 800 square metres and a minimum frontage width of 18 metres are required for development seeking the maximum FSR and height allowable under the RLEP. Development on a site that does not comply with these controls should not	The site area is 690m ² and frontage width 13.4m. As such, the site does not satisfy the site area requirements of the DCP and In theory Is limited to a maximum floor space ratio of 1.5: 1. Despite site area and configuration, a high quality design is achievable and therefore	See Executive Summary Report.

Clause / Control	Requirements	Proposal	Compliance
	<p>exceed a maximum FSR of 1.5:1.</p>	<p>development on the site should not be restricted to half the density that would otherwise be permitted. Further discussion is provided at Section 4.2.5.1 of this Statement.</p>	
<p>2.2 Non residential use and ground level activation</p>	<p>ii) New development must provide retail and/or commercial floor space along the Anzac Parade and Gardeners Road ground floor frontages to a minimum depth of 10 metres.</p>	<p>Commercial floor space is provided at ground level.</p>	<p>Complies</p>
	<p>iii) New development should be designed to enable at minimum 1st floor retail or commercial use. The 1st floor retail or commercial use may be directly connected to the ground floor level to create split-level units.</p>	<p>The first floor of the building fronting Anzac Parade has a floor to ceiling height of 2.7m which will inhibit the potential for a change to commercial use.</p>	<p>No, a suitable condition is included requiring the floor to ceiling height of the first floor level to be increase to a minimum 3m</p>
	<p>iii) Any pedestrian access to the 1st floor retail or commercial use must not compromise security for the residential components of the development. For example, provide dedicated access to the 1st floor retail I commercial use which is separate from that of the residential levels.</p>	<p>Residential is proposed on the first floor level.</p>	<p>Complies</p>
<p>2.3 Building envelope</p>	<p>i) Where practicable, development should adopt a two-block approach to site planning by having_ a higher building fronting Anzac Parade or Gardeners Road, and a lower building facing the rear, separated by an open courtyard. A podium may be provided as a base for the two building blocks. Refer to Figure</p>	<p>The two block approach with open courtyard has been adopted for the proposal.</p>	<p>Complies</p>
	<p>ii) Building height for the rear block must not exceed a 45-degree</p>	<p>The rear building is not fully contained within the 45 degree plane</p>	<p>See Executive Summary Report.</p>

Clause / Control	Requirements	Proposal	Compliance
	sloping plane projected from a point 8 metres above ground level (existing) at the rear boundary (Including rear lane boundary) of the site. Refer to Figure	prescribed in the DCP.	
	iii) The central courtyard must: <ul style="list-style-type: none"> • Have a minimum clear depth of 12 metres. • Extend across the full width of the site (except for corner sites). • Not be encroached upon by any balconies or substantial building structures, with the exception of ancillary facilities such as awnings, pergolas, shade canopies and the like. • Contain planter beds with adequate soil depth for trees and large shrubs to improve the privacy and amenity of the residents. The selected plant species must be capable of withstanding partial shade conditions. 	The proposed central courtyard is situated at podium level and will have a depth of 12m, will extend the width of the site and will contain planter beds with adequate soil depth to support planting. The courtyard is encroached upon by private open spaces at ground level however planting and privacy screening will be provided at the edges of these spaces to ensure privacy is not compromised.	Complies
2.4 Building setbacks	i) The setbacks of development to the street and laneway boundaries will be considered on a merit basis. In general, the lowest storeys must be built to the street or laneway boundaries without setbacks (with the exception of any required land dedication or setback for the purposes of widening laneways or creating splayed corners).	The ground level is setback from the Anzac Parade frontage and laneway.	Complies
	ii) The side and rear setbacks of	The development is proposed to be	Complies

Clause / Control	Requirements	Proposal	Compliance
	development will be considered on a merit basis. Where there are habitable rooms oriented towards the common boundaries in any adjoining multi-storey buildings, an adequate level of setbacks must be provided.	constructed to the side boundaries as is anticipated in a shopping strip context. Apartments are oriented to the street or are inward facing and thus avoid overlooking of neighbouring properties.	
2.5 Façade composition and articulation	i) The architectural treatment to street facades must demonstrate clearly defined base, middle and top portions so as to divide the mass of the building ..	The commercial level presents as a clear base to the development, levels above the awning form the middle portion and the additional setback at the uppermost level distinguishes this element as the top of the building. External finishes reinforce these stratum.	Complies
	ii) Articulate building facades by window openings, balconies, balustrades, fins, blade walls, parapets, sun shade devices, louvres, a combination of surface finishes and materials.	Street-facing facades incorporate balconies, appropriately proportioned window openings, external treatments, etc. and are therefore well articulated.	Complies
	iii) Provide habitable room windows facing laneways to enable casual surveillance.	Habitable room windows overlook laneway.	Complies
	iv) Large areas of blank, unrelieved walls visible from the public and private domain must be avoided.	The side elevations will, for a time, be exposed until neighbouring properties are developed in a similar fashion, as anticipated by the planning controls. This is unavoidable in the circumstances.	Complies
	v) New development must match or screen any exposed blank walls of the adjoining buildings that are located at the common boundaries as much as practicable.	Appropriate external treatments will be applied to side elevations to ensure these facades are not aesthetically displeasing,	Complies
	vi) New development must minimise the creation of blank walls at the common boundaries or interface with the	The side elevations will, for a time, be exposed until neighbouring properties are developed In a similar fashion, as	Complies

Clause / Control	Requirements	Proposal	Compliance
	adjoining buildings. Where blank walls are unavoidable, they must be treated and articulated to achieve an appropriate presentation to the public domain.	anticipated by the planning controls. This is unavoidable In the circumstances.	
	vii) Ground floor shopfronts must demonstrate 'fine-grained' articulation by division into discreet bays or sections. Avoid continuous and unbroken glazed shopfronts.	Shopfront has vertical proportions and glazing is interrupted by thicker painted elements.	Complies
2.7 Roof form	i) Relate roofs to the size, scale and three dimensional form of the building.	A flat roof is proposed and is characteristic of roof forms in the locality.	Complies
	ii) Design roofs to create an interesting skyline.	The green roof proposed on the rear building will contribute to a visually interesting roof form.	Complies
	iii) Minimise potential for unreasonable overshadowing from the mass and bulk of roof structures.	The roof is flat and will not contribute to overshadowing or have an unreasonable visual mass.	Complies
	v) Contain lift overruns and service plants entirely within the roof structures or roof lines.	Lift overrun will project above the roof line however is setback from edges so will not be perceived from the street or surrounding areas. A clause 4.6 variation request has been submitted in relation to the lift overrun, which breaches maximum building height.	Complies
	vi) Consider providing landscaping and appropriately shaded areas on flat roofs.	Green roof provided on rear building.	Complies
2.8 Materials and finishes	i) Use a combination of finishing materials to articulate building facades.	A combination of external materials are proposed	Conditioned.
	ii) Designs must not use large expanses of highly reflective materials or glass curtain walling.	Extent of glazing is balanced with alternative cladding materials and is not considered excessive.	Complies
	iii) Large areas of primary	Primary colours i.e. red,	Complies

Clause / Control	Requirements	Proposal	Compliance
	colours must not be used.	yellow and blue, are not proposed.	
	iii) Shopfronts must not use roller shutter doors. Shopfronts may be secured by open style grilles installed behind the glazing.	Roller shutter doors are not proposed	Complies
2.9 Awnings	i) New development must provide a suspended or cantilevered awning to provide continuous pedestrian shelter along Anzac Parade and Gardeners Road.	Cantilevered awning proposed.	Complies
	ii) The alignment of awning fascias must match those of the adjoining properties where possible.	Awning alignment matches those of adjoining properties as indicated on streetscape elevation plan.	Complies
	iii) The design and materials of awnings must complement the building to which they are attached.	The materials and colours proposed for the awning coordinate with external finishes of the building facade and will thus be visually Integrated.	Complies
	iv) Awnings must be setback 600mm from the kerb, and positioned between 3.5 metres and 4.5 metres above the footpath. Awning width must be at least 3 metres unless openings are provided for street tree planting.	The awning is 3.5 above the footpath and setback 600mm from the kerb edge. Awning width is approximately 3m.	Complies
	v) Minimise gaps between awnings.	Awnings are proposed to be constructed to align with side boundary.	Complies
	vi) Glass is not favoured as an awning material due to heat transfer and the Intention of creating a shaded and enclosed edge to the wide streets. Opaque materials, such as ribbed sheet steel, are encouraged.	Glass panels in combination with ribbed sheet steel is proposed. Glass panels will improve solar access within commercial space.	Complies
4. Car parking and access	i) On-site car parking must be provided underground or within the building.	Parking is provided underground.	Complies
	ii) Car park ventilation	No ventilation grilles	Complies

Clause / Control	Requirements	Proposal	Compliance
	grilles must not be provided on main street elevations.	proposed on main street elevation.	

5. 79C Matters for consideration

Section 79C 'Matters for Consideration'	Comments
Environmental Planning Instruments	
Section 79C(1)(a)(i) – Provisions of any environmental planning instrument	Randwick Local Environmental Plan 2012 The site is zoned B2 Local Centre under Randwick Local Environmental Plan 2012 and the proposal is permissible with Council’s consent. The proposal is consistent with the specific objectives of the zone in that the proposed activity and built form will provide for the ongoing viability of the centre whilst integrating residential development in a suitable manner that protects the amenity of the local residents.
Section 79C(1)(a)(ii) – Provisions of any draft environmental planning instrument	NA
Section 79C(1)(a)(iii) – Provisions of any development control plan	The proposal generally satisfies the objectives and controls of the Randwick Comprehensive DCP 2013. See table above. Where non-compliance occurs an assessment is carried out against the relevant objectives of the associated control and provided in the Council executive summary report.
Section 79C(1)(a)(iiia) – Provisions of any Planning Agreement or draft Planning Agreement	NA
Section 79C(1)(a)(iv) – Provisions of the regulations	The relevant clauses of the Regulations have been satisfied.
Section 79C(1)(b) – The likely impacts of the development, including environmental impacts on the natural and built environment and social and economic impacts in the locality	The environmental impacts of the proposed development on the natural and built environment, which are otherwise not addressed in this report, are discussed in the paragraphs below. The proposed development is consistent with the dominant residential character in the locality. The proposal would not considered result in detrimental social or economic impacts on the locality.
Section 79C(1)(c) – The suitability of the site for the development	The site is located in close proximity to local services and public transport. The site has sufficient area to accommodate the proposed land use and associated structures. Therefore, the site is considered suitable for the proposed development.
Section 79C(1)(d) – Any submissions made in accordance with the EP&A Act or EP&A Regulation	No submissions were received.
Section 79C(1)(e) – The public interest	The proposal promotes the objectives of the zone and will not result in any significant adverse environmental, social or

Section 79C 'Matters for Consideration'	Comments
Environmental Planning Instruments	
	economic impacts on the locality. Accordingly, the proposal is considered to be in the public interest.

D54/17

6. Referral Comments

Environmental Health Comments:

Acoustic Amenity

The proposed development includes for 18 apartments to be located over 5 stories and two commercial outlets. The proposed application does not consider noise amenity from the surrounding business environment into the new development or noise emanating from the proposed development impacting the surrounding environment.

Considering the proposed development is located in a business centre district and located on Anzac Parade with high levels of traffic noise and may potentially be affected by noise emanating from the light rail operations, it is recommended that an acoustic assessment is undertaken prior to the construction certificate being issued for the development. Relevant conditions have been included in this referral to address these concerns.

Use of commercial tenancies

The development application proposes a real estate to be located at on ground floor. An additional commercial unit is proposed to be located on ground floor and it is not certain as to what the use of the second commercial unit will be used for.

Specific plans and operational details for the commercial units have not been included.

It is recommended to include a condition to require a separate development application or Complying Development Certificate for the use of the commercial units.

Land Contamination

The development application outlines that SEPP No.55 – Remediation of Land has been considered and that after a review of the history of the site and inspection of the site there is no evidence to suggest that the site is contaminated or otherwise unsuitable for the proposed used.

A review of Council’s approved development applications and property file for this premises has been undertaken and does not give reason to believe that the site could be possibly contaminated, therefore no further investigation is considered necessary at this time.

Engineer Comments

Drainage Comments

The Planning Officer is advised that the submitted drainage plans should not be approved in conjunction with the DA, rather, the Development Engineer has included a number of conditions in this memo that relate to drainage design requirements. The applicant is required to submit detailed drainage plans to the certifying authority for approval prior to the issuing of a construction certificate.

On-site detention must be provided to ensure that the maximum discharge from the above site is not to exceed that which would occur during a **1 in 10** year storm of 1 hour duration for the existing site conditions. All other stormwater run-off from the above site for all storms up to the 1 in 20 year storm is to be retained on the site for gradual release to the kerb and gutter

or drainage system as required by Council. Provision is to be made for satisfactory overland flow should a storm in excess of the above parameters occur.

Stormwater may be discharged to either the Houston Lane or Anzac Parade frontage after passing through the detention system.

The council commissioned flood study for Kensington – Centennial Park includes the subject site. A review of this study does not indicate any flooding for the Anzac Parade or Houston Lane site frontages for the 1%AEP storm event.

Parking Comments

Parking Requirements for the development will be assessed using both the rates specified in Randwick Council's Development Control Plan 2013 Part B7 and using SEPP 65 rates for Regional Centre sites near major public transport networks.

- **DCP 2013 Calculations.**

Vehicle Parking

Vehicle Parking for multi-unit housing is to be provide at the following rates;

1 space per 2 studio units

1 space per 1 bedroom unit

1.2 spaces per 2 bedroom unit

1.5 spaces per 3 bedroom unit

1 visitor space per 4 units (but none where development is less than 4 dwellings)

Retail – 1 space / 40m²

For 7 x 1 bedroom, 11 x 2 bedroom and 418m² of commercial space the parking provision should be 35 spaces, (24.7 residential and 10.5 commercial). The applicant only proposes 21 residential and 7 commercial/retail. The parking therefore does not comply with Council's DCP 2013.

- **SEPP65 Calculations**

The residential component of the development is covered by SEPP 65. In this regard the recent Amendment No. 3 to the SEPP references Clause 30 which in turn references Part 3J of the Apartment Design Code (ADG). Objective 3J-1 of the ADG looks at proximity to public transport – if the light rail project (CSELR) was operational the subject site would be less than 100 metres from a proposed light rail station. At the completion of the light rail project the applicable minimum carparking requirements for the residential component of the development would be the lesser of the RMS Guide or Council's DCP.

Parking Rates For Metropolitan Regional (CBD) Centres

0.4 spaces per 1 bedroom unit

0.7 spaces per 2 bedroom unit

1.2 spaces per 3 bedroom unit

1 space per 7 units (visitor)

Retail – 1 space / 40m²

If assessed as a CBD regional centre

Residential Parking Required = $(7 \times 0.4) + (11 \times 0.7) + 18/7(\text{visitors})$
 = $2.8 + 7.7 + 2.6 = 13.1$ spaces

For the commercial component comprising of 418m² the general rate of 1 space per 40m² as detailed in Sec 5.6 of the RMS guide has been adopted resulting in a requirement of 10.45 spaces.

The applicant proposes 21 residential and 7 commercial/retail. The parking therefore complies with the residential component of the Parking Rates for Metropolitan Regional (CBD) Centres however the commercial spaces are deficient. Council's Development Engineer is of the opinion that the commercial component should be increased to 8 spaces and the residential component set at 20 spaces. A condition to this effect has been included within this report.

Motorbike Parking

Motorbike Parking is to be provided at 5% of the vehicle parking requirement for DCP 2013. The application complies.

Bicycle Parking

For Flats/multi dwelling bicycle parking to be provided at 1 space per 2 units plus 1 visitor space per 10 units. The application complies.

Carpark Layout

The vehicular access driveways, internal circulation ramps and the carpark areas, (including, but not limited to, the ramp grades, carpark layout and height clearances) are to be in accordance with the requirements of Australian Standard 2890.1:2004.

Undergrounding of site feed power lines

At the ordinary Council meeting on the 27th May 2014 it was resolved that;

Should a mains power distribution pole be located on the same side of the street and within 15m of the development site, the applicant must meet the full cost for Ausgrid to relocate the existing overhead power feed from the distribution pole in the street to the development site via an underground UGOH connection.

The subject **is** located within 15m of a power pole on the same side of the street hence the above clause **is** applicable. A suitable condition has been included in this report.

Road Widening Comments

A 1.3m wide footpath will be required by Council in Houston Lane. The applicant will be required to dedicate as road widening the necessary width along this frontage to achieve this amount. This is required given the increased pedestrian activity created by the development site, and the need to provide safe entry and egress to pedestrian users of the site.

Car Elevator Comments

The applicant proposes to use a car elevator to access the basement car park level. The application provides minimal information on design and operation of the carstacker unit. Council has previously approved applications utilising car elevators however the full details of the design and operation of the car elevators has always been provided to Council for approval, and approved prior to the lodgement of any Construction Certificate for the development site. Conditions of consent have been included dealing with the approval of the car elevator.

Car Stacker Comments

The proposed parking spaces rely on car stackers. The car stackers have 3 levels (including a "pit" level. The application provides minimal detail on the operation and design of the proposed carstacker units. The application also fails to identify how the carspaces will be allocated across the various residential units and commercial areas. Conditions of consent have been included in this report requesting the submission of full design/operation details for the carstacker units and the method of allocating the carspaces. These details must be prepared in consultation with Council and approved by Council prior to the lodgement of any Construction Certificate for the development site.

Landscape Comments

Documents relied upon:

- Arboricultural Impact Assessment by Urban Forestry, dated December 2016;
- Architectural plans by MKD Architects, dwg no's A-1.01 – 2.02, rev D, dated 15/06/17.

There are no issues with removing any of the Kentia Palms (T1-4), Cocos Palms + the other shrubs/trees from the rear setback as shown.

However, there is definitely a constraint to the development, being a 9m tall *Ailanthus altissima* (Tree of heaven, T21) beyond the southern site boundary, growing wholly on the adjoining private property at no.357, hard up against the common boundary. It is exempt from the provisions of the DCP due to being an undesirable, invasive weed species, so the neighbour/tree owner could remove this tree at anytime, without consent.

But purely for this application (given its location on another site), Council must ensure it is not affected in anyway, and while it has already been lopped back near the common boundary; further, minor clearance pruning would still be needed to accommodate the works, which would not be a problem given the amount involved.

The major issue is that piling right up to the boundary/trunk would remove the entire northern side of its root plate, which it could not sustain, so cannot be supported. In order to locate all structures/works outside of its SRZ would require a minimum offset of at least 3 metres from the boundary, but as this would still result in a major encroachment of its TPZ, the Arborist would need to perform additional site investigations & reporting to ensure it is not compromised in anyway by such works.

Providing a void/area of deep soil contiguous to its trunk would assist in this regard, with amended plans needing to show how both the basement/car lift and upper floors would be built around the preservation of this neighbouring tree. Conditions of consent addressing this issue have been included within this report.

Water NSW

The application was referred to the Department of Primary Industries Office of Water with respect to the dewatering of the site for the purposes of construction. The construction dewatering proposed for the proposal is deemed to be an aquifer activity in accordance with the definition in Water Management Act 2000. The Department of Water supported the application, subject to conditions.

Local Area Police

The application was referred to NSW Police in relation to Crime Risk Assessment and measures to achieve Crime Prevention through Environmental Design (CPTED). A suitable condition is included to address these matters.

7. DEVELOPMENT CONSENT CONDITIONS

GENERAL CONDITIONS

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

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

Approved Plans & Supporting Documentation

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

Plan	Drawn by	Dated	Received by Council
A-6.02 Rev C - North-East Elevations -	MKD Architects	15/06/2017	15 June, 2017
A-6.01 Rev D - South-West Elevations -	MKD Architects	15/06/2017	15 June, 2017
A-2.04 Rev D - Level 2 Plan -	MKD Architects	15/06/2017	15 June, 2017
A-2.03 Rev D - Level 1 Plan -	MKD Architects	15/06/2017	15 June, 2017
A-8.03B - FSR Calculations 3 -	MKD Architects	12/05/2017	15 May, 2017
A-8.02B - FSR Calculations 2 -	MKD Architects	12/05/2017	15 May, 2017
A-8.01B - FSR Calculations -	MKD Architects	12/05/2017	15 May, 2017
A-7.02B - Sections B-B & C-C	MKD Architects	12/05/2017	15 May, 2017
A-7.01B - Section A-A -	MKD Architects	12/05/2017	15 May, 2017
A-5.01B - Adaption Plans -	MKD Architects	12/05/2017	15 May, 2017
A-3.01B - Streetscape Elevation -	MKD Architects	12/05/2017	15 May, 2017
A-2.08B - Roof Plan - Amended -	MKD Architects	12/05/2017	15 May, 2017
A-2.06B - Levels 4-5 & 6 Plan -	MKD Architects	12/05/2017	15 May, 2017
A-2.05B - DA- Mixed Use Development -	MKD Architects	12/05/2017	15 May, 2017
A-2.02A - Ground Level -	MKD Architects	21/12/2016	15 May, 2017
A-2.01A - Basement Level	MKD Architects	21/12/2016	15 May, 2017
A-1.05A - Demolition Plan -	MKD Architects	21/12/2016	15 May, 2017
A-1.03A - Site Analysis 2 -	MKD Architects	21/12/2016	15 May, 2017
A-1.02A - Site Analysis 1 -	MKD Architects	21/12/2016	15 May, 2017

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BASIX Certificate No.	Dated	Received by Council
785232	15 December, 2016	3 January, 2017

Amendment of Plans & Documentation

2. The approved plans and documents must be amended in accordance with the following requirements:
 - a. The floor to ceiling height at the first floor level of the Anzac Parade Building must be 3.0m.
 - b. Four (4) apartments must be identified on the floor plans pursuant to Condition No. 1 of this consent as "adaptable dwellings" in accordance with Australia Standard 4299 Adaptable Housing.

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.

Water NSW Conditions**General**

4. An authorisation shall be obtained for the take of groundwater as part of the activity. Groundwater shall not be pumped or extracted for any purpose other than temporary construction dewatering at the site identified in the development application. The authorisation shall be subject to a currency period of 12 months from the date of issue and will be limited to the volume of groundwater take identified.
5. The design and construction of the building must prevent any take of groundwater after the authorisation has lapsed by making any below-ground levels that may be impacted by any water table fully watertight for the anticipated life of the building. Waterproofing of below-ground levels must be sufficiently extensive to incorporate adequate provision for unforeseen high water table elevations to prevent potential future inundation.
6. Sufficient permanent drainage shall be provided beneath and around the outside of the watertight structure to ensure that natural groundwater flow is not impeded and:
 - (a) any groundwater mounding at the edge of the structure shall be at a level not greater than 10 % above the level to which the water table might naturally rise in the location immediately prior to the construction of the structure; and
 - (b) any elevated water table is more than 1.0 m below the natural ground surface existent at the location immediately prior to the construction of the structure; and
 - (c) where the habitable part of the structure (not being footings or foundations) is founded in bedrock or impermeable natural soil then the requirement to maintain groundwater flows beneath the structure is not applicable.
7. Construction methods and material used in and for construction shall be designed to account for the likely range of salinity and pollutants which may be dissolved in groundwater, and shall not themselves cause pollution of the groundwater.
8. Documentation (referred to as a 'report') comprising measurements, maps, bore logs, calculations, results, discussion and justification for various matters related to the dewatering process must be provided. Information will be required at several stages: prior to construction commencing (initial report - which will accompany the application for the authorisation), at any time when an authorisation renewal is required or a significant change in activities occurs (intermediate report); and at the completion of dewatering and related operations (completion report). Reports need to be submitted in a format consistent with electronic retrieval without editing restrictions; raw data should be presented in Excel spreadsheets without editing restrictions.

Prior to excavation

9. The following shall be included in the initial report:
 - (a) measurements of groundwater levels beneath the site from a minimum of three relevant monitoring bores, together with details of the bores used in the assessment including bore logs and three-dimensional identification information.
 - (b) a map of the site and its immediate environs depicting the water table (baseline conditions) shown relative to the topography and approved construction footprint from the surface level and below. An assessment of the potential variation in the water table during the life of the proposed building together with a discussion of the methodology and information on which this assessment is based.

- (c) details of the present and potential groundwater flow paths and hydraulic gradients in and around the site; the latter in response to the final volumetric emplacement of the construction.
- (d) a schedule for the ongoing water level monitoring and description of the methodology to be used, from the date of consent until at least two months after the cessation of pumping. [Note that groundwater level measurements should be undertaken on a continuous basis using automatic loggers in monitoring bores.]
10. The Applicant shall assess the likely impacts of the dewatering activities on other groundwater users or structures or public infrastructure; this assessment will include an appropriate bore, spring or groundwater seep census and considerations relevant to potential subsidence or excessive settlement induced in nearby buildings and property, and be documented together with all calculations and information to support the basis of these in the initial report.
11. Groundwater quality testing of samples taken from outside the footprint of the proposed construction, with the intent of ensuring that as far as possible the natural and contaminant hydrochemistry of the potential dewatered groundwater is understood, shall be conducted on a suitable number of samples and tested by a NATA-certified laboratory. Details of the sampling locations and the protocol used, together with the test results accompanied by laboratory test certificates shall be included in the initial report. An assessment of results must be done by suitably qualified persons with the intent of identifying the presence of any contaminants and comparison of the data against accepted water quality objectives or criteria for the intended dewatering purpose. In the event of adverse quality findings, the Applicant must develop a plan to mitigate the impacts of the hydrochemistry on the dewatered groundwater and present the details of all assessments and plans in the initial report.
12. Groundwater quality testing generally in accordance with Clause 8, shall be undertaken on any anniversary or other renewal or alteration of any dewatering authorisation.
13. A reasonable estimate of the total volume of groundwater to be extracted shall be calculated and included in the initial report; together with details and calculation methods for the parameters and supporting information to confirm their development or measurement (e.g. permeability determined by slug-testing, pump-testing or other means).
14. A copy of a valid consent for the development shall be provided in the initial report.
15. The method of disposal of pumped water shall be nominated (i.e. reinjection, drainage to the stormwater system or discharge to sewer) and a copy of the written permission from the relevant controlling authority shall be provided in the initial report. The disposal of any contaminated pumped groundwater (sometimes called "tailwater") must comply with the provisions of the Protection of the Environment Operations Act 1997 and any requirements of the relevant controlling authority.
16. Contaminated groundwater (i.e. above appropriate NEPM 2013 thresholds) shall not be reinjected into any aquifer. The reinjection system design and treatment methods to remove contaminants shall be nominated and included in the initial report and any subsequent intermediate report as necessary. The quality of any pumped water that is to be reinjected must be demonstrated to be compatible with, or improve, the intrinsic or ambient groundwater in the vicinity of the reinjection site.
- During excavation**
17. Engineering measures designed to transfer groundwater around and beneath the basement shall be incorporated into the basement construction to prevent the completed infrastructure from restricting pre-existing groundwater flows.

18. Piping, piling or other structures used in the management of pumped groundwater shall not create a flooding hazard or induce mounding of groundwater. Control of pumped groundwater is to be maintained at all times during dewatering to prevent unregulated off-site discharge.
19. Measurement and monitoring arrangements to the satisfaction of the approval body are to be implemented. Weekly records of the volumes of all groundwater pumped and the quality of any water discharged are to be kept and a completion report provided after dewatering has ceased. Records of groundwater levels are to be kept and a summary showing daily or weekly levels in all monitoring bores provided in the completion report.
20. Pumped groundwater shall not be allowed to discharge off-site (e.g. adjoining roads, stormwater system, sewerage system, etc.) without the controlling authority's approval and/or owner's consent/s. The pH of discharge water shall be managed to be between 6.5 and 8.5. The requirements of any other approval for the discharge of pumped groundwater shall be complied with.
21. Dewatering shall be undertaken in accordance with groundwater-related management plans applicable to the excavation site. The requirements of any management plan (such as acid sulfate soils management plan or remediation action plan) shall not be compromised by the dewatering activity.
22. The location and construction of groundwater extraction works that are decommissioned are to be recorded in the completion report. The method of decommissioning is to be identified in the documentation.
23. Access to groundwater management works used in the activity is to be provided to permit inspection when required by the approval body under appropriate safety procedures.

Following excavation

24. Following cessation of the dewatering operations, the applicant shall submit the completion report which shall include:
 - (a) detail of the volume of water taken, the precise periods and location of water taken, the details of water level monitoring in all of the relevant bores; and
 - (b) a water table map depicting the aquifer's settled groundwater condition and a comparison to the baseline conditions; and
 - (c) a detailed interpreted hydrogeological report identifying all actual resource and third party impacts, including an assessment of altered groundwater flows and an assessment of any subsidence or excessive settlement induced in nearby buildings and property and infrastructure.
25. The completion report is to be assessed by the approval body prior to any certifying agency's approval for occupation or use of the completed construction.

The recommendations in the CPTED received by Council on 22 February 2017 must be implemented into the plans for the construction certificate.

External Colours, Materials & Finishes

26. Details of the proposed colours, materials and textures i.e. a schedule and brochure/s or sample board and detailed sections at a 1:50 scale of the façade must be provided to Council's Manager Development Assessment for approval prior to the issuing of a construction certificate. The certifier must ensure that the design and material quality of the building is constructed in accordance with details approved pursuant to this condition.

Section 94A Development Contributions

27. In accordance with Council’s Section 94A Development Contributions Plan effective from 21 April 2015, based on the development cost of \$5,452,177 the following applicable monetary levy must be paid to Council: \$54,521.77

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:

$$IDC = ODC \times CP2/CP1$$

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.

Long Service Levy Payments

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

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

Security Deposit

29. 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*:

- \$5000.00 - Damage / Civil Works Security Deposit

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

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

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

Electricity Substation

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

Sydney Water

31. 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™ 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.

RMS Requirements

32. The developer is to submit detailed design drawings and geotechnical reports relating to the excavation of the site and support structures to RMS for assessment. The developer is to meet the full cost of the assessment by RMS. This report would need to address the following key issues:
- a. The impact of excavation/rock anchors on the stability of X Street/Road and detailing how the carriageway would be monitored for settlement.
 - b. The impact of the excavation on the structural stability of X Street/Road.

The report and any enquiries should be forwarded to:

Project Engineer, External Works
Sydney Asset Management
Roads and Maritime Services
PO Box 973 Parramatta CBD 2124.

Telephone 8848 2114

Fax 8849 2766

The applicant shall obtain the written approval from the RMS confirming that there are no objections to the proposed method of excavation and support prior to the issue of a construction certificate.

33. Prior to lodging a Construction Certificate the applicant must obtain from the NSW Department of Primary Industries – Water (NSW DPI – Water) their general terms of approval for this project. All documentation for the Construction Certificate must comply with these general terms of approval and the Certifying Authority must be provided with a work method statement and design certificate specifically related to the General terms of Approval. The work method statement and design certificate must be provided by suitably qualified consultants.
34. Prior to lodging a Construction Certificate the applicant must submit to Council for approval, and have approved, full design and operational details for the proposed car elevator. The details shall be prepared in consultation with Council’s Development Engineer and shall include, but not be limited to the following:
- An inspection and maintenance schedule for the car lift shall be prepared in consultation with the car lift manufacturer. A copy of the schedule is to be included in the documentation submitted for the construction certificate.
 - Areas onsite identified for car queuing.
 - The car lift shall be inspected and maintained in accordance with the approved schedule.
 - Any future strata management statement or building management statement shall incorporate the inspection and maintenance schedule for the car lift.
 - Training of all residents in the use of the car lift shall be required as part of any future strata management statement or building management statement.
 - All caretakers shall be trained in the operation of the car lift and a contact number for the caretaker should be provided adjacent to the lift should users require assistance.
 - Manufacturer specifications and instructions for operation of the car lift shall be provided in a clearly visible location adjacent to the car lift.
 - The car lift shall have a manual over-ride system for operation in the event of power/mechanical failure.
35. Prior to lodging a Construction Certificate the applicant must submit to Council for approval, and have approved, full design and operational details for the proposed car stackers. The details shall be prepared in consultation with Council’s Development Engineer and shall include, but not be limited to the following:
- Manufacturer specifications and instructions for operation;
 - Details of manual operation in the event of power/mechanical failure;
 - Maintenance schedules;
 - The waiting and working times for the car stacker; and
 - Safety and training requirements for the use of the car stacker.

The applicant must also provide for approval by Council full details on how the carspaces are to be allocated and how this allocation will be managed, (i.e. how each carspace can be entered and exited if other cars are parked on the stacker). There must be eight (8) spaces allocated for the retail / commercial units and 20 carspaces allocated for residential units (including visitor parking).

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Tree Retention

36. Prior to lodging any Construction Certificate for this development site the applicant must submit to Council for approval, and have approved, amended basement details to facilitate retention of the Tree of Heaven located within 357 Anzac Parade, Kingsford (Tree 21 in the Arboricultural Impact Assessment submitted with the application). The amended details must be prepared in full consultation with Council's Development Engineer Coordinator and the project arborist responsible for preparing the Arboricultural Impact Assessment submitted with the application. No part of the piling for the basement carpark shall be located within 3 metres from the base of the subject tree. The applicant must comply with all recommendations for ensuring the retention of the Tree of Heaven.

ALTERNATIVELY

Prior to lodging any Construction Certificate for this development site the applicant must submit to Council suitable documentation from the owner/s of 357 Anzac Parade giving their consent to the removal of the Tree of Heaven located within 357 Anzac Parade, Kingsford (Tree 21 in the Arboricultural Impact Assessment submitted with the application). Council does not object to removal of the Tree of Heaven subject to receiving the necessary owners consent.

37. A report prepared by a suitably qualified and experienced consultant in acoustics shall be submitted to Council **prior to a construction certificate being issued for the development**, which demonstrates that noise and vibration emissions from the development satisfies the relevant provisions of the *Protection of the Environment Operations Act 1997*, NSW EPA Industrial Noise Policy and relevant conditions of consent. The assessment and report must include all relevant fixed and operational noise sources.

The report is to include details of (but not be limited to);

- Noise emission from the proposed development (mechanical ventilation, plant room noise and noise from air conditioning units etc);
- Noise emission into the proposed development from the surrounding environment;
- Consideration of light rail noise and vibration intrusion;
- Road traffic noise intrusion (in accordance with the NSW Environmental Guidelines, *Environmental Criteria for Road Traffic Noise and AS3671*);

38. The residential units are to achieve the following internal acoustic amenity criteria:

- a) In naturally ventilated residential units; the repeatable maximum $L_{Aeq (1 \text{ hour})}$ shall not exceed:
 - 35 dB(A) between 10pm and 7am in sleeping areas when the windows are closed;
 - 45 dB(A) in sleeping areas when windows are open;
 - 45 dB (A) in living areas (24 hours) when the windows are closed, and
 - 55 dB (A) in living areas when the windows are open.
- b) In residential units provided with mechanical ventilation, air conditioning or other complying means of ventilation, when doors and windows are shut, the repeatable maximum $L_{Aeq (1 \text{ hour})}$ shall not exceed:
 - 38 dB(A) between 10pm and 7am in sleeping areas;
 - 46 dB(A) in living areas (24 hours).

Details of compliance with the relevant criteria is to be included in the construction certificate application and written confirmation of compliance is to be provided to the Council and the Certifying Authority, by the Acoustic consultant, **prior to the construction certificate being issued.**

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REQUIREMENTS TO BE INCLUDED IN THE CONSTRUCTION CERTIFICATE

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

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

Compliance with the Building Code of Australia

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

Traffic conditions

40. 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.
41. 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.

Road Widening

42. A strip of land will be required to be dedicated to Council along the full Houston Lane site frontage. The width of the road dedication shall be wide enough to facilitate the construction of a 1.3m wide concrete footpath. The dedication must be shown on the Construction Certificate plans.

Design Alignment levels

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

ANZAC PARADE FRONTAGE

- **Match back of existing path at all points opposite, along the full site frontage.**

HOUSTON LANE FRONTAGE

- **Graded 2.5% from the top of the existing kerb at all points opposite the kerb, along the full site frontage.**

The design alignment levels at the property boundary as issued by Council and their relationship to the roadway/kerb/footpath must be indicated on the building plans for

the construction certificate. The design alignment level at the street boundary, as issued by the Council, must be strictly adhered to.

Any enquiries regarding this matter should be directed to Council's Development Engineer on 9093-6881/9093-6923.

44. The above alignment levels and the site inspection by Council's Development Engineering Section have been issued at a prescribed fee of \$751.00 calculated at \$56.00 (inclusive of GST) per metre of site frontage to Houston Lane. This amount is to be paid prior to a construction certificate being issued for the development.
45. The gradient of the internal access driveway must be designed and constructed in accordance with AS 2890.1 (2004) – Off Street Car Parking and the levels of the driveway must match the alignment levels at the property boundary (as specified by Council). Details of compliance are to be included in the construction certificate.

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

Street Awnings

46. Plans submitted for the construction certificate shall demonstrate the proposed awnings complying with the following council requirements;
- a) The minimum clear distance from the existing footpath in Anzac Parade to the underside of the proposed awning shall be 3.0 metres.
 - b) All new awnings shall be set back a minimum of 600mm from the face of kerb.

Stormwater Drainage

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

- f) Proposed finished surface levels and grades of car parks, internal driveways and access aisles which are to be related to Council's design alignment levels.
- g) The details of any special features that will affect the drainage design eg. the nature of the soil in the site and/or the presence of rock etc.

Internal Drainage

48. 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) to the kerb and gutter in front of the subject site in Anzac Parade and / or Houston Lane.
- c) Should stormwater be discharged to Council's street drainage system, an on-site stormwater detention system must be provided to ensure that the maximum discharge from the site does not exceed that which would occur during a **10% AEP (1 in 10 year)** storm of one hour duration for existing site conditions. All other stormwater run-off from the site for all storms up to the 5% AEP (1 in 20 year) storm is to be retained on the site for gradual release to the street drainage system, to the satisfaction of the certifying authority.

An overland escape route or overflow system (to Council's street drainage system) must be provided for storms having an annual exceedance probability (AEP) of 1% (1 in 100 year storm), or, alternatively the stormwater detention system is to be provided to accommodate the 1% AEP (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% AEP (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) Should a charged system be required to drain any portion of the site, the charged system must be designed such that;
 - i. There are suitable clear-outs/inspection points at pipe bends and junctions.
 - ii. The maximum depth of the charged line does not exceed 1m below the gutter outlet.

- 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. 300mm in landscaped areas (where child proof fencing is not provided around the outside of the detention area and sides slopes are steeper than 1 in 10)
 - ii. 600mm in landscaped areas where the side slopes of the detention area have a maximum grade of 1 in 10
 - iii. 1200mm in landscaped areas where a safety fence is provided around the outside of the detention area
 - iv. Above ground stormwater detention areas must be suitably signposted where required, warning people of the maximum flood level.

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

- k) A childproof and corrosion resistant fastening system shall be installed on access grates over pits/trenches where water is permitted to be temporarily stored.
- l) 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) 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.
- n) Any onsite detention/infiltration systems shall be located in areas to be dedicated as common property / areas accessible by residents of all units.

Groundwater

49. As the proposed basement level/s may extend into the water table (or be affected by fluctuations of the water table and/or seepage flows), the following requirements must apply:

- a. The design and construction of the basement level/s must preclude the need for dewatering after construction.

That part of the development that may be impacted by the water table or seepage flows must include a water proof retention system (i.e. a fully tanked structure) with adequate provision for future fluctuations of water table levels. (It is recommended that a minimum allowance for a water table variation of at least +/-1.0 metre beyond any expected fluctuation be provided). The actual water table fluctuation and fluctuation safety margin must be determined by a suitably qualified professional.

- b. Groundwater management systems shall be designed to transfer groundwater around, through or under the proposed development without a change in the range of the natural groundwater level fluctuations in the locality.

Where an impediment to the natural flowpaths is created as a result of the nature of the construction methods utilised or the bulk of the below-ground structure, artificial drains such as perimeter drains and through drainage may be utilised. These systems may only be utilised where it can be demonstrated that the natural groundwater flow regime is restored both up-gradient and down-gradient of the site, without any adverse effects on surrounding property or infrastructure.

Groundwater management systems:

- Are to be designed to be easily maintained.
- Should have a design life of 100 years.

- c. The basement level/s of the building must be designed by a structural engineer who is qualified and experienced in the design of structures below a water table. Details of the proposed methods of managing groundwater, tanking and waterproofing must be submitted to and approved by the certifying authority, prior to issuing the **construction certificate**. A copy of the engineer's qualifications and experience must also be submitted to the Certifying Authority.

In the event of the development being modified in a manner that changes building/structural loads or alters the basement design, a suitably qualified and

experienced structural engineer must certify that the design of the basement remains adequate for the site conditions.

50. Prior to the issue of a construction certificate, a report must be submitted to and approved by the Certifying Authority, detailing the proposed methods of excavation (including support), managing groundwater and dewatering the site.

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

- a. Details of compliance with relevant approvals and licences (e.g. Council's conditions of consent and Water Licence from the Office of Water).
- b. The proposed method of excavation, shoring/piling and dewatering.
- c. Assessment of the potential risk of off-site impacts such as damage to surrounding buildings or infrastructure due to differential sediment compaction and surface settlement during and following pumping of groundwater. *Note: The assessment must demonstrate that the proposed method of excavation and dewatering will not pose an unacceptable risk of damage.*
- d. The zone of any possible settlement.
- e. Details of the proposed temporary disposal of groundwater and/or construction site stormwater to Council's drainage system. *Note: Prior to discharging groundwater (or site stormwater) into Council's stormwater drainage system, separate written approval must be obtained from Council in accordance with Section 138 of the Roads Act 1993.*
- f. The location of any proposed re-injection points in relation to the property boundaries (where re-injection equipment is to be located on land other than the subject premises, the written consent of the owner must also be provided to Council).
- g. Details of groundwater quality and proposed disposal of any potentially contaminated groundwater in an environmentally sensitive manner. The details must demonstrate compliance with relevant requirements and approvals of the Office of Environment & Heritage, Council and the Protection of the Environment Operations Act 1997.
- h. The program to monitor fluctuations of the water table during dewatering/construction to ensure that the conditions of consent and other relevant requirements are satisfied.
- i. The location of all proposed monitoring and pumping equipment in relation to the property boundaries (where monitoring or pumping equipment is to be located on land other than the subject premises, the written consent of the owner must also be provided to Council).
- j. Details of any consultation and arrangements made with owners of any potentially affected nearby premises (i.e. in relation to access, monitoring and rectification of possible damage to other premises)
- k. Certification that the proposed methods of dewatering and excavation are:
 - appropriate and in accordance with 'best practice' principles; and
 - should not result in any unacceptable levels of settlement or damage of the adjoining or nearby buildings within the zone of influence.

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

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

Waste Management

51. 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.

52. The residential garbage room shall be sized to contain a total of 18 x 240 litre bins (comprising 9 garbage bins & 9 recycle bins) and with adequate provisions for access to all bins. Details showing compliance are to be included in the construction certificate.
53. The commercial/retail garbage area shall be sized to contain a total of 8 x 240 litre bins (comprising 2 garbage bins & 6 recycle bins) and with adequate provisions for access to all of the bins. Details showing compliance are to be included in the construction certificate. The commercial garbage area must be separated from the residential bin storage areas.
54. 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.

Landscaping & Environmental amenity

55. Landscaping is to be provided to the site in accordance with the following requirements:

Detailed landscape drawings and specifications are to be submitted to and approved by the certifying authority with the construction certificate and the landscaping is required to be implemented in accordance with the approved plans and specifications. The landscape drawings and specifications are to be prepared by a qualified Landscape Architect who is eligible for membership with the Australian Institute of Landscape Architects (AILA). If Council is not the certifying authority for the development, a copy of the approved plans and specifications are to be forwarded to Council with the construction certificate.

The landscaping plans/specifications are required to include the following components:

- a) A site plan at an appropriate scale showing: existing site boundaries; existing trees within the property (clearly identified as being retained or removed);

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existing street trees (clearly identified as being retained or removed); features on adjoining sites within 6 metres of the common property boundary (buildings, trees, other structures etc); council's footway; existing and proposed ground levels shown as spot heights and/or contours over the site, at site boundaries, and at the base of the tree/s to be retained; proposed building envelope; proposed areas of pavement; and proposed landscaped areas.

- b) The position, canopy spread (location of dripline), trunk diameter, height and names of all existing trees upon the site and adjoining sites within 6 metres of the common property boundary which are likely to be affected by the development.
- c) A planting plan at a scale of 1:100 or 1:200 indicating the location of all proposed planting and existing trees to be retained. All plants are to be drawn at their mature size with a dense planting of shrubs, accent plants and ground covers within all garden beds so that a continuous planted cover is achieved. Plant spacings are to be clearly indicated for all accent and groundcovers.
- d) A planting schedule listing all plants by botanic & common names, plant numbers, plant spacings for groundcovers and accent planting, pot sizes, the estimated size of the plant at maturity (height & spread) and proposed staking methods when applicable.
- e) Details of planter boxes, garden beds, soil and mulch, irrigation, landscape lighting, edging, paving, fencing, surface finishes, retaining walls, site composting, vehicle wheel-stops and any other landscape elements in sufficient detail to fully describe the proposed landscape works.

Planter boxes and garden beds constructed on slab must have a minimum soil depth of 600mm and all lawn areas must have a minimum soil depth of 300mm.

- f) Details of Tree Protection measures, including details of compliance with relevant conditions of consent.
- g) Position of existing and proposed site services including water, gas, electricity, sewer, stormwater and any easements etc.

Any required substation shall be suitably screened from view. Details of the proposed location of any substation/s including plans, elevations and proposed screening methods are to be submitted to and approved by Council prior to issuing a construction certificate.

- h) Elevations and sections through the site showing the existing and proposed groundlines, building elevations, and mature height of proposed planting.
- i) An automatic irrigation system throughout all planted areas to ensure satisfactory maintenance of the landscaping. The system shall provide full coverage to all the planted areas with no overspray onto driveways and pathways. The system shall comply with all Sydney Water requirements.

- 56. All detention tanks and stormwater infiltration systems located within the landscaped areas shall have a minimum soil cover of 600mm to ensure sufficient soil depth to permit the establishment of landscaping on top of these services as required by these conditions of development consent. Details are to be included in the relevant construction certificate and landscape plans.
- 57. Landscaped areas must contain a predominance of species that require minimal watering once established or species with water needs that match rainfall and drainage conditions.

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

58. 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

59. 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

60. A dilapidation report prepared by a professional engineer, building surveyor or other suitably qualified independent person must be submitted to the satisfaction of the Principal Certifying Authority prior to commencement of any demolition, excavation or building works, in the following cases:

- excavations for new dwellings, additions to dwellings, swimming pools or the like which are proposed to be located within the *zone of influence* of the footings of any dwelling, associated garage or other substantial structure located upon an adjoining premises,

- new dwellings or additions to dwellings sited up to shared property boundaries (e.g. additions to a semi-detached dwelling or terraced dwellings),
- excavations for new dwellings, additions to dwellings, swimming pools or the like which are within rock and may result in vibration and or potential damage to any dwelling, associated garage or other substantial structure located upon an adjoining premises,
- as otherwise may be required by the Principal Certifying Authority.

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

Construction Noise & Vibration Management Plan

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

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

A *Construction Noise Management Plan*, prepared in accordance with the NSW EPA Construction Noise Guideline by a suitably qualified person, is to be implemented throughout the works. A copy of the strategy must be provided to the Principal Certifying Authority and Council prior to the commencement of works on site.

Construction Site Management Plan

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

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

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

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

Demolition Work Plan

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

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

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

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

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

Notes

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

Construction Traffic Management

64. 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 Anzac Parade and/or Houston Lane 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.
Note: Council will not support the closure of Houston Lane.

65. 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. Note: Council will not support the temporary or extended closure of Houston Lane.

66. 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.

Transport for NSW Conditions

67. The applicant must prepare a Construction Pedestrian and Traffic Management Plan (CPTMP) in consultation with the CBD Coordination Office and Sydney light Rail team within TfNSW. The CPTMP needs to specify, but not be limited to, the following:
- Location of the proposed work zone;
 - Location of the crane;
 - Haulage routes;
 - Construction vehicle access arrangements;
 - Proposed construction hours;
 - Estimated number of construction vehicle movements;
 - Construction program;
 - Consultation strategy for liaison with surrounding stakeholders;
 - Any potential impacts to general traffic, cyclists, pedestrians and bus services within the vicinity of the site from construction vehicles during construction of the proposed works;
 - Cumulative construction impacts of projects including the Sydney Light Rail Project. Existing CPTMPs for developments within or around the development site should be referenced in the CPTMOP to ensure that coordination of work activities are managed to minimise impacts on the road network; and
 - Mitigation measures. Should any impacts be identified, the duration of the impacts and measures proposed to mitigate any associated general traffic, public

transport, pedestrian and cyclist impacts should be clearly identified and included in the CPTMP.

- 68. The applicant must submit a copy of the final CPTMP to the Coordinator General, CBD Coordination Office for endorsement, prior to commencement of ay work.

Public Utilities

- 69. 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.
- 70. 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

- 71. 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

- 72. 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

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

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

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

Demolition Work Requirements

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

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

A copy of Council’s Asbestos Policy is available on Council’s web site at www.randwick.nsw.gov.au in the Building & Development section or a copy can be obtained from Council’s Customer Service Centre.

Removal of Asbestos Materials

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

- Relevant Occupational Health & Safety legislation and WorkCover NSW requirements
- Randwick City Council’s Asbestos Policy
- A WorkCover licensed demolition or asbestos removal contractor must undertake removal of more than 10m² of bonded asbestos (or as otherwise specified by WorkCover or relevant legislation). Removal of friable asbestos material must only be undertaken by contractor that holds a current friable asbestos removal licence. A copy of the relevant licence must be provided to the Principal Certifying Authority.
- On sites involving the removal of asbestos, a sign must be clearly displayed in a prominent visible position at the front of the site, containing the words ‘DANGER ASBESTOS REMOVAL IN PROGRESS’ and include details of the licensed contractor.

- Asbestos waste must be stored, transported and disposed of in compliance with the *Protection of the Environment Operations Act 1997* and the *Protection of the Environment Operations (Waste) Regulation 2005*. Details of the landfill site (which must be lawfully able to receive asbestos materials) must be provided to the Principal Certifying Authority.
- A Clearance Certificate or Statement, prepared by a suitably qualified person (i.e. an occupational hygienist, licensed asbestos removal contractor, building consultant, architect or experienced licensed building contractor), must be provided to Council and the Principal certifying authority upon completion of the asbestos related works which confirms that the asbestos material have been removed appropriately and the relevant conditions of consent have been satisfied.

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

Sediment & Erosion Control

76. 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

77. 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

78. 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.

79. 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.

80. 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

81. 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

82. 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

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- 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

83. 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.

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

Roadway

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

Traffic Management

85. 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.
86. 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.
87. All conditions and requirements of the NSW Police, Roads & Maritime Services, Transport and Council must be complied with at all times.

Stormwater Drainage

88. 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.

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

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

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

Street Awning

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

Tree Removal

92. Approval is granted for the removal of all trees from the development site identified for removal in the Arboricultural Impact Assessment lodged with the development application, (AIA prepared by Urban Forestry Australia and dated December 2016).

- 93. The owner/applicant is required to ensure the retention and long term health of all trees located on adjoining properties adjacent to the proposed development. As a general guide there shall be minimal excavation or root pruning within the dripline/s of the subject tree/s.
- 94. Permission is granted for the selective pruning of overhanging branches from the Tree of Heaven (Tree 21 on the Arboricultural Impact Assessment lodged with the development application) located on the adjoining property. 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, it shall be necessary for the applicant to negotiate with the tree owner. All pruning must be undertaken by a qualified Arborist, with suitable qualifications in Arboriculture and to Australian Standard AS 4373-1996 'Pruning of Amenity Trees.'

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.

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

Occupation Certificate Requirements

- 96. 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

- 97. 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.

Road Widening

98. At no cost to Council, a strip of land will be required to be dedicated to Council along the full Houston Lane site frontage as road widening. The width of the road dedication must be wide enough to facilitate the construction of a 1.3m wide concrete footpath adjacent to the kerb on Council land.

Note: A subdivision certificate in respect to the road widening must be issued by Council and the plan registered at the LPI prior to the issuing of an occupation certificate.

Council's Infrastructure, Vehicular Crossings & Road Openings

99. The owner/developer must meet the full cost for a Council approved contractor to:
- a) Construct a full width concrete heavy duty vehicular crossing and layback at kerb in Houston Lane opposite the vehicular entrance to the premises to Council's specifications and requirements.
 - b) Remove any redundant concrete vehicular crossings and laybacks and to reinstate the area with concrete footpath, turf and integral kerb and gutter to Council's specification.
 - c) Remove the existing kerb and gutter in Houston Lane and to construct new kerb and gutter for the full site frontage except opposite the vehicular entrance and exit points, to Council's specifications and requirements.
 - d) Carry out a full depth, minimum 1.0 metre wide, road construction in front of the kerb and gutter along the full Houston Lane site frontage, to Council's specifications and requirements.
 - e) Construct a new 1.3m wide concrete footpath along the full Houston Lane site frontage. Any unpaved areas on the nature strip must be turfed and landscaped to Council's specification.
100. 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.
101. 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 "Crossings and Entrances – Contributions Policy" and "Residents' Requests for Special Verge Crossings Policy" and the following requirements:
- a) Details of the proposed civil works to be carried out on Council land must be submitted to Council in a Civil Works Application Form. Council will respond, typically within 4 weeks, with a letter of approval outlining conditions for working on Council land, associated fees and workmanship bonds. Council will also provide details of the approved works including specifications and construction details.
 - a) Works on Council land, must not commence until the written letter of approval has been obtained from Council and heavy construction works within the property are complete. The work must be carried out in accordance with the conditions of development consent, Council's conditions for working on Council land, design details and payment of the fees and bonds outlined in the letter of approval.

- b) The civil works must be completed in accordance with the above, prior to the issuing of an occupation certificate for the development, or as otherwise approved by Council in writing.

Service Authorities

Sydney Water Requirements

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

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

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

Undergrounding of Power

103. At no cost to Council, the existing overhead power feed between the nearest mains distribution pole in Anzac Parade and the development site shall be relocated to an underground (UGOH) connection. All work shall be to the requirements and satisfaction of Ausgrid.

Stormwater Drainage

104. 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.
105. 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).

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106. 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.

107. 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. There must be no dry weather seepage/groundwater flows discharging to Council's street gutter.

Landscaping

108. The landscaping shall be installed in accordance with the approved plans and specifications prior to occupation of the development and the landscaping must be maintained in accordance with the approved plans and specifications.

Certification is to be obtained from a suitably qualified Landscape Architect and submitted to the Principal Certifying Authority (PCA) (and Council, if Council is not the PCA) prior to the occupation of the development, which confirms that the landscaping works have been completed in accordance with the approved landscaping plans and relevant conditions of development consent, to the satisfaction of the PCA.

Waste Management

109. 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. 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.

110. The use of the premises and the operation of plant and equipment shall not give rise to the transmission of a vibration nuisance or damage to other premises.
111. There are to be no emissions or discharges from the premises which give rise to a public nuisance or result in an offence under the *Protection of the Environment Operations Act 1997* and *Regulations*.
112. Development consent is required to be obtained in relation to the specific 'use' of commercial tenancies/occupancies and 'shop fit outs', in accordance with the relevant requirements of the *Environmental Planning & Assessment Act 1979*.
113. 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.

External Lighting

114. 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

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

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

Air Conditioners

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

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

Rainwater Tanks

117. The operation of plant and equipment associated with rainwater tanks are to be restricted to the following hours if the noise emitted can be heard within a habitable room in any other residential premises:

- before 8.00am or after 8.00pm on weekends or public holiday; or
- before 7.00am or after 8.00pm on weekdays.

Stormwater Detention/Infiltration System

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

Residential Parking Permits

119. 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.

120. 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.

ADVISORY NOTES

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

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

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

notices and orders to demolish unauthorised or non-complying building work, or to comply with the requirements of Council's development consent.

- A2 This determination does not include an assessment of the proposed works under the Building Code of Australia (BCA) and other relevant Standards. All new building work (including alterations and additions) must comply with the BCA and relevant Standards and you are advised to liaise with your architect, engineer and building consultant prior to lodgement of your construction certificate.
- A3 In accordance with the requirements of the *Environmental Planning & Assessment Act 1979*, building works, including associated demolition and excavation works (as applicable) must not be commenced until:
- A *Construction Certificate* has been obtained from an Accredited Certifier or Council,
 - An Accredited Certifier or Council has been appointed as the *Principal Certifying Authority* for the development,
 - Council and the Principal Certifying Authority have been given at least 2 days notice (in writing) prior to commencing any works.
- A4 Council's Building Certification & Fire Safety team can issue your *Construction Certificate* and be your *Principal Certifying Authority* for the development, to undertake inspections and ensure compliance with the development consent, relevant building regulations and standards of construction. For further details contact Council on 9399 0944.
- A5 A Local Approval application must be submitted to and be approved by Council prior to commencing any of the following activities on a footpath, road, nature strip or in any public place:
- Install or erect any site fencing, hoardings or site structures
 - Operate a crane or hoist goods or materials over a footpath or road
 - Placement of a waste skip or any other container or article.
- For further information please contact Council on 9399 0944.
- A6 Specific details of the location of the building/s should be provided in the Construction Certificate to demonstrate that the proposed building work will not encroach onto the adjoining properties, Council's road reserve or any public place.
- A7 Prior to commencing any works, the owner/builder should contact *Dial Before You Dig* on 1100 or www.dialbeforeyoudig.com.au 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

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relation to land being developed (the supporting land) that removes the support provided by the supporting land to any other adjoining land (the supported land).

- A9 Smoke alarms are required to be installed in all residential dwellings, in accordance with the relevant provisions of the *Environmental Planning & Assessment Act 1979* and the Building Code of Australia. Details should be included in the construction certificate application.
- A10 Demolition work and removal of asbestos materials:
- *A copy of Council's Asbestos Policy is available on Council's web site at www.randwick.nsw.gov.au in the Building & Development section or a copy can be obtained from Council's Customer Service Centre.*
 - *It is the responsibility of the persons undertaking demolition work to obtain the relevant WorkCover licences and permits.*
- A11 Any external lighting to the premises should be designed and located so as to minimise light-spill beyond the property boundary or cause a public nuisance.
- 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 or pick-up a brochure from Council's Customer Service Centre.
- 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 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.

Development Application Compliance Report



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Folder /DA No:	DA/785/2016
PROPERTY:	2 Robey Street, MAROUBRA
Proposal:	Alterations and additions to the existing secondary dwelling (Heritage Item).
Recommendation:	Approval

Relevant Environment Planning Instruments:

1. SEPPs

State Environmental Planning Policy (SEEP) – Affordable Rental Housing 2009.

The application details alterations and additions to an existing secondary dwelling as provided for under the controls of the above SEPP. See discussion in the Key Issues of the Report to Council.

2. Randwick LEP 2012

The subject site is zoned R2 under Randwick LEP 2012. The proposal development is permissible in the zone.

The following Clauses of RLEP 2012 apply to the proposal:

Description	Council Standard	Proposed	Compliance (Yes/No/NA)
Floor Space Ratio (Maximum)	0.75:1	0.39:1	Yes
Height of Building (Maximum)	9.5m	7.1m	Yes, no change to building height
Heritage	Clause 5.10		See Key Issues

3. Randwick Comprehensive DCP

Low Density Residential

Randwick Development Control Plan

The DCP provisions are structured into two components, Objectives and Controls. The Objectives provide the framework for assessment under each requirement and outline key outcomes that a development is expected to achieve. The controls contain both numerical standards and qualitative provisions. Any proposed variations from the controls may be considered only where the applicant successfully demonstrates that an alternative solution could result in a more desirable planning and urban design outcome.

The relevant provisions of the DCP are addressed in the table below. (Note: a number of control provisions that are not related to the proposal have been deliberately omitted.)

DCP Clause	Controls	Proposal	Compliance
	Classification	Zoning = R2	
2	Site planning		
2.3	Site coverage		
	301 to 450 sqm = 55%	Site = 437m ² Proposed = 37%	Yes
2.4	Landscaping and permeable surfaces		
	i) 301 to 450 sqm = 25% ii) Deep soil minimum width 900mm. iii) Maximise permeable surfaces to front iv) Retain existing or replace mature native trees v) Minimum 1 canopy tree (8m mature). Smaller (4m mature) If site restrictions apply. vi) Locating paved areas, underground services away from root zones.	No change to existing landscaping	N/A
2.5	Private open space (POS)		
	Dwelling & Semi-Detached POS		
	301 to 450 sqm = 6m x 6m	The existing area of POS is not reduced	N/A
3	Building envelope		
3.1	Floor space ratio LEP 2012 = 0.75:1	Site area = 437m ² Proposed FSR = 0.39:1	Yes
3.2	Building height		
	Maximum overall height LEP 2012 = 9.5m	Proposed = 7.1m	Yes
	i) Maximum external wall height = 7m (Minimum floor to ceiling height = 2.7m) ii) Sloping sites = 8m iii) Merit assessment if exceeded	Proposed = 5.6m, no change from existing	Yes
3.3	Setbacks		
3.3.1	Front setbacks		
	i) Average setbacks of adjoining (if none then no less than 6m) Transition area then merit assessment. ii) Corner allotments: Secondary street frontage: - 900mm for allotments with primary frontage width of less than 7m - 1500mm for all other sites iii) do not locate swimming pools, above-ground rainwater tanks and outbuildings in front	No change to existing front setback	
3.3.2	Side setbacks: Dwellings:	Minimum = 900mm Proposed = 3.6m	Yes

DCP Clause	Controls	Proposal	Compliance
	<ul style="list-style-type: none"> • Frontage less than 9m = 900mm • Frontage b/w 9m and 12m = 900mm (Gnd & 1st floor) 1500mm above • Frontage over 12m = 1200mm (Gnd & 1st floor), 1500mm above. <p>Refer to 6.3 and 7.4 for parking facilities and outbuildings</p>		
3.3.3	<p>Rear setbacks</p> <ul style="list-style-type: none"> i) Minimum 25% of allotment depth or 8m, whichever lesser. Note: control does not apply to corner allotments. ii) Provide greater than aforementioned or demonstrate not required, having regard to: <ul style="list-style-type: none"> - Existing predominant rear setback line - reasonable view sharing (public and private) - protect the privacy and solar access 	No change to existing rear setback	N/A
4	Building design		
4.5	Colours, Materials and Finishes		
	<ul style="list-style-type: none"> i) Schedule of materials and finishes ii) Finishing is durable and non-reflective. iii) Minimise expanses of rendered masonry at street frontages (except due to heritage consideration) iv) Articulate and create visual interest by using combination of materials and finishes. v) Suitable for the local climatic to withstand natural weathering, ageing and deterioration. vi) recycled and re-use sandstone (See also section 8.3 foreshore area.) 	To be conditioned	
4.6	Earthworks		
	<ul style="list-style-type: none"> i) excavation and backfilling limited to 1m, unless gradient too steep ii) minimum 900mm side and rear setback iii) Step retaining walls iv) site conditions allow for side or rear setback less than 900mm (max 2.2m) v) sloping sites down to street level must minimise blank retaining walls (use combination of materials, and landscaping) vi) cut and fill for POS is terraced where site has significant slope: vii) adopt a split-level design viii) Minimise height and extent of any exposed under-croft areas. 	Minimal earthworks are proposed	

DCP Clause	Controls	Proposal	Compliance
5	Amenity		
5.2	Energy Efficiency and Natural Ventilation		
	i) Provide day light to internalised areas within the dwelling (for example, hallway, stairwell, walk-in-wardrobe and the like) and any poorly lit habitable rooms via measures such as: <ul style="list-style-type: none"> • Skylights (ventilated) • Clerestory windows • Fanlights above doorways • Highlight windows in internal partition walls • living rooms contain windows and doors opening to outdoor areas Note: The sole reliance on skylight or clerestory window for natural lighting and ventilation is not acceptable	The proposed addition will maintain light and ventilation throughout the dwelling	Yes
5.3	Visual Privacy		
	Windows		
	i) minimise any direct viewing habitable of proposed and neighbours habitable room windows by one or more of the following measures: <ul style="list-style-type: none"> - windows are offset or staggered - minimum 1600mm window sills - Install fixed and translucent glazing up 1600mm minimum effective sill. - Install fixed privacy screens to windows. - Creating a recessed courtyard (minimum 3m x 2m). ii) orientate living and dining windows away from similar opposite (that is front or rear or side courtyard)	There are no additional privacy impacts as privacy will be maintained by the existing dividing fence between the subject and adjoining property	Yes

4. 79C Matters for consideration

Section 79C 'Matters for Consideration'	Comments
Environmental Planning Instruments	
Section 79C(1)(a)(i) – Provisions of any environmental planning instrument	The site is zoned Residential R2 Low Density under Randwick Local Environmental Plan 2012 and the proposal is permissible with Council’s consent. See table below for compliance with development standards. The subject property is a heritage item listed under Part 1 of Schedule 5 of the RLEP and therefore as required by Clause 5.10 of the LEP consideration must be given to the likely impact that the development may have upon the significance of the item. See Key Issues The proposal is consistent with the specific objectives of the zone in that the proposed activity and built form will provide the housing needs of the community whilst enhancing the

Section 79C 'Matters for Consideration'	Comments
Environmental Planning Instruments	
	aesthetic character and protecting the amenity of the local residents.
Section 79C(1)(a)(iii) – Provisions of any development control plan	The proposal generally satisfies the objectives and controls of the Randwick Comprehensive DCP 2013. See table below.
Section 79C(1)(a)(iv) – Provisions of the regulations	The relevant clauses of the Regulations have been satisfied.
Section 79C(1)(b) – The likely impacts of the development, including environmental impacts on the natural and built environment and social and economic impacts in the locality	<p>The environmental impacts of the proposed development on the natural and built environment, which are otherwise not addressed in this report, are discussed in the paragraphs below.</p> <p>The proposed development is consistent with the dominant residential character in the locality. The proposal would not considered result in detrimental social or economic impacts on the locality.</p>
Section 79C(1)(c) – The suitability of the site for the development	The site is located in close proximity to local services and public transport. The site has sufficient area to accommodate the proposed land use and associated structures. Therefore, the site is considered suitable for the proposed development.
Section 79C(1)(d) – Any submissions made in accordance with the EP&A Act or EP&A Regulation	No submissions have been received.
Section 79C(1)(e) – The public interest	The proposal promotes the objectives of the zone and will not result in any significant adverse environmental, social or economic impacts on the locality. Accordingly, the proposal is considered to be in the public interest.

5. Referral Comments

The application has been referred to Council’s Consultant Heritage Planner for comment and advice has been provided that the proposed works are acceptable from a heritage perspective and a condition is provided for inclusion with any development consent in relation to the colours, materials and finishes of the external surfaces.

6. DEVELOPMENT CONSENT CONDITIONS

GENERAL CONDITIONS

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

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

Approved Plans & Supporting Documentation

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

Plan	Drawn by	Dated
DA1.00	FK	2/11/16
DA1.02	FK	2/11/16
DA1.03	FK	2/11/16
DA1.04	FK	2/11/16
DA1.05	FK	2/11/16

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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

- 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

- The colours, materials and finishes of the external surfaces to the new addition are to be compatible with the existing building. 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.

Long Service Levy Payments

- 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.

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

- 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.

Stormwater Drainage

6. 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

7. 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 licensed *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.

Construction Site Management Plan

8. 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.

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

9. 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

10. 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

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

Activity	Permitted working hours
All building, demolition and site work, including site deliveries (except as detailed below)	<ul style="list-style-type: none"> • Monday to Friday - 7.00am to 5.00pm • Saturday - 8.00am to 5.00pm • Sunday & public holidays - No work permitted

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.

Public Safety & Site Management

12. 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) All building and site activities (including storage or placement of materials or waste and concrete mixing/pouring/pumping activities) must not cause or be likely to cause 'pollution' of any waters, including any stormwater drainage systems, street gutters or roadways.

Note: It is an offence under the Protection of the Environment Operations Act 1997 to cause or be likely to cause 'pollution of waters', which may result in significant penalties and fines.

- 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. Details are to be provided in the Construction Site Management Plan and a copy is to be provided to the Principal Certifying Authority and Council.

- 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) 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. Please contact Council's Road/Asset Openings officer on 9093 6691 for further details.

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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

13. 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*.

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 \$6,000) 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 9093 6944.
- A5 A Local Approval application must be submitted to and be approved by Council prior to commencing any of the following activities on a footpath, road, nature strip or in any public place:
- Install or erect any site fencing, hoardings or site structures
 - Operate a crane or hoist goods or materials over a footpath or road
 - Placement of a waste skip or any other container or article.
- For further information please contact Council on 9093 6944.
- A6 Prior to commencing any works, the owner/builder should contact *Dial Before You Dig* on 1100 or www.dialbeforeyoudig.com.au and relevant Service Authorities, for information on potential underground pipes and cables within the vicinity of the development site.