Development Consent Conditions

Folder /DA No: DA/644/2019

Property: 18 Kurrawa Avenue, Coogee

Proposal: Alterations and additions to existing residential flat building including balconies and courtyards (variation to Floor Space Ratio and Height).

Recommendation: Approval

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:

<table>
<thead>
<tr>
<th>Plan</th>
<th>Drawn by</th>
<th>Dated</th>
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</thead>
<tbody>
<tr>
<td>Drawing No. 002 (Site Plan), Revision B</td>
<td>Building Design and Drafting Services</td>
<td>05 September 2019</td>
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<tr>
<td>Drawing No. 004 (Proposed Ground Floor Plan), Revision B</td>
<td>Building Design and Drafting Services</td>
<td>05 September 2019</td>
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<td>Drawing No. 005 (Proposed First Floor Plan), Revision B</td>
<td>Building Design and Drafting Services</td>
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<td>Drawing No. 006 (Proposed Second Floor Plan), Revision B</td>
<td>Building Design and Drafting Services</td>
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<td>Drawing No. 007 (Proposed Third Floor Plan), Revision B</td>
<td>Building Design and Drafting Services</td>
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<tr>
<td>Drawing No. 008 (East Elevation - Front), Revision B</td>
<td>Building Design and Drafting Services</td>
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<tr>
<td>Drawing No. 009 (North Elevation - Side), Revision B</td>
<td>Building Design and Drafting Services</td>
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<td>Drawing No. 010 (West Elevation - Rear), Revision B</td>
<td>Building Design and Drafting Services</td>
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<td>Drawing No. 011 (South Elevation - Side), Revision B</td>
<td>Building Design and Drafting Services</td>
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<td>Drawing No. 012 (Section 1), Revision B</td>
<td>Building Design and Drafting Services</td>
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<td>Drawing No. 013</td>
<td>Building Design and Drafting</td>
<td>05 September 2019</td>
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Amendment of Plans & Documentation

2. The approved plans and documents must be amended in accordance with the following requirements:

   a) The front fencing to the terrace areas on the ground floor level, fronting Kurrawa Avenue, shall be deleted. Screen planting having a minimum height of 1m shall be provide within the planter boxes surrounding the terrace areas and a 1m high balustrade shall be provided around the perimeter of the terrace, on the internal face of the planter box.

REQUIREMENTS BEFORE A CONSTRUCTION CERTIFICATE CAN BE ISSUED

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

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

Consent Requirements

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

External Colours, Materials & Finishes

4. The colours, materials and surface finishes to the development must be consistent with the relevant plans, documentation and colour schedules provided with the development application.

Section 7.12 Development Contributions

5. In accordance with Council’s Development Contributions Plan effective from 21 April 2015, based on the development cost of $333,300 the following applicable monetary levy must be paid to Council: $3,333.00.

The levy must be paid in cash, bank cheque or by credit card prior to a construction certificate being issued for the proposed development. The
development is subject to an index to reflect quarterly variations in the Consumer Price Index (CPI) from the date of Council’s determination to the date of payment. Please contact Council on telephone 9093 6999 or 1300 722 542 for the indexed contribution amount prior to payment.

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

\[
\text{IDC} = \text{ODC} \times \frac{\text{CP}2}{\text{CP}1}
\]

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 Development Contributions Plans may be inspected at the Customer Service Centre, Administrative Centre, 30 Frances Street, Randwick or at www.randwick.nsw.gov.au.

**Compliance Fee**

6. A development compliance and enforcement fee of $333.30 shall be paid to Council in accordance with Council’s adopted Fees & Charges Pricing Policy, prior to the issue of a Construction Certificate for development.

**Long Service Levy Payments**

7. The required Long Service Levy payment, under the Building and Construction Industry Long Service Payments Act 1986, must be forwarded to the Long Service Levy Corporation or the Council, in accordance with Section 6.8 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.

**Splayed Corner (Southeast Corner)**

8. Plans submitted for the construction certificate are to show that any portion of the wall and screen planting, at the southeast corner of the site (Kurrawa Ave / Paul Lane intersection), which is greater than 600mm above the Council footpath level at this location is to be constructed with a 1.00m x 1.00m splay. Details of compliance are to be included in the construction certificate documentation and be to the satisfaction of the Certifying Authority.

**Sydney Water Requirements**

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

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

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

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

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

REQUIREMENTS TO BE INCLUDED IN THE CONSTRUCTION CERTIFICATE

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

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

Compliance with the Building Code of Australia

10. In accordance with section 4.17 (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.

11. The applicant must ensure that there is adequate provision for vertical separation in the west facing external walls, adjoining the enclosed balconies, as required under the provisions of Clause C2.6 of the Building Code of Australia (BCA)/National Construction Code (NCC).

Structural Adequacy

12. Certificate of Adequacy supplied by a professional engineer shall be submitted to the certifying authority (and the Council, if the Council is not the certifying authority), certifying the structural adequacy of the existing structure to support the proposed balconies.

BASIX Requirements

13. In accordance with section 4.17(11) of the Environmental Planning & Assessment Act 1979 and clause 97A of the Environmental Planning & Assessment Regulation 2000, the requirements and commitments contained in the relevant BASIX Certificate must be complied with.

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

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

REQUIREMENTS PRIOR TO THE COMMENCEMENT OF ANY WORKS

The following conditions of consent must be complied with prior to the commencement of any works on the site. The necessary documentation and information must be provided to the Council or the ‘Principal Certifying Authority’ (PCA), as applicable.
These conditions have been applied to satisfy the relevant requirements of the 
*Environmental Planning & Assessment Act 1979*, *Environmental Planning & Assessment 
Regulation 2000* and to provide reasonable levels of public health, safety and 
environmental amenity.

**Certification, PCA & Other Requirements**

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

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

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

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

c) a *principal contractor* must be appointed for the building work, or in relation 
to residential building work, an *owner-builder* permit may be obtained in 
accordance with the requirements of the *Home Building Act 1989*, and the 
PCA and Council are to be notified accordingly; and

d) the *principal contractor* must be advised of the required *critical stage 
inspections* and other inspections to be carried out, as specified by the 
*Principal Certifying Authority*; and

e) at least two days notice must be given to the Council, in writing, prior to 
commencing any works.

**Home Building Act 1989**

16. In accordance with section 4.17 (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**

17. A dilapidation report must be obtained from a Professional Engineer, Building 
Surveyor or other suitably qualified independent person, in the following cases:

- excavations for new dwellings, additions to dwellings, swimming pools or 
other substantial structures 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 
other substantial structures 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*. 

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The dilapidation report shall include details of the current condition and status of any dwelling, associated garage or other substantial structure located upon the adjoining premises and shall include relevant photographs of the structures, to the satisfaction of the Principal Certifying Authority.

The dilapidation report must be submitted to the Council, the Principal Certifying Authority and the owners of the adjoining/nearby premises encompassed in the report, prior to commencing any site works (including any demolition work, excavation work or building work).

**Construction Noise & Vibration Management Plan**

**18.** Noise and vibration emissions during the construction of the building and associated site works must not 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**

**19.** 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.

**Demolition Work Plan**

**20.** Demolition work must be carried out in accordance with Australian Standard AS2601-2001, Demolition of Structures and relevant environmental/work health and safety requirements.

A *Demolition Work Plan* must be prepared for the demolition works which shall 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.

**Public Utilities**

21. A Public Utility Impact Assessment must be carried out on all public utility services on the site, roadway, nature strip, footpath, public reserve or any public areas associated with and/or adjacent to the development/building works and include relevant information from public utility authorities and exploratory trenching or pot-holing, if necessary, to determine the position and level of service.

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

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**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.

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**Inspections during Construction**

23. Building works are required to be inspected by the Principal Certifying Authority, in accordance with 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**

24. 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**

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

<table>
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<tr>
<th>Activity</th>
<th>Permitted working hours</th>
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| All building, demolition and site work, including site deliveries (except as detailed below) | Monday to Friday - 7.00am to 5.00pm  
Saturday - 8.00am to 5.00pm  
Sunday & public holidays - No work permitted |
| Excavating or sawing of rock, use of jack-hammers, pile-drivers, | Monday to Friday - 8.00am to 1.00pm  
Saturday - 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.

Building & Demolition Work Requirements

26. The demolition, removal, storage, handling and disposal of products and materials containing asbestos must be carried out in accordance with Randwick City Council’s Asbestos Policy and the relevant requirements of SafeWork NSW and the NSW Environment Protection Authority (EPA), including:

- Work Health and Safety Act 2011;
- Work Health and Safety Regulation 2017;
- SafeWork NSW Code of Practice for the Safe Removal of Asbestos;
- The Protection of the Environment Operations Act 1997;
- Protection of Environment Operations (Waste) Regulation 2014;
- Randwick City Council Asbestos Policy.

A copy of Council’s Asbestos Policy is available on Council’s web site or a copy can be obtained from Council’s Customer Service Centre.

Removal of Asbestos Materials

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

- Work Health & Safety legislation and SafeWork NSW requirements
- Preparation and implementation of a demolition work plan, in accordance with AS 2601 (2001) – Demolition of structures; NSW Work Health and Safety Regulation 2017 and Randwick City Council’s Asbestos Policy. A copy of the demolition work plan must be provided to Principal Certifying Authority and a copy must be kept on site and be made available for Council Officer upon request.
- A SafeWork NSW licensed demolition or asbestos removal contractor must undertake removal of more than 10m² of bonded asbestos (or as otherwise specified by SafeWork NSW 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.
Details of the disposal of materials containing asbestos (including receipts) must be provided to the Principal Certifying Authority and Council.

- A Clearance Certificate or Statement, prepared by a suitably qualified person (i.e. an occupational hygienist, licensed asbestos assessor or other competent person), must be provided to Council and the Principal Certifying Authority as soon as practicable after 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.

**Temporary Site Fencing**

28. Temporary site safety fencing or site hoarding must be provided to the perimeter of the site throughout demolition, excavation and construction works, to the satisfaction of Council, in accordance with the following requirements:

a) Temporary site fences or hoardings must have a height of 1.8 metres and be a cyclone wire fence (with geotextile fabric attached to the inside of the fence to provide dust control), or heavy-duty plywood sheeting (painted white), or other material approved by Council.

b) Hoardings and site fencing must be designed to prevent any substance from, or in connection with, the work from falling into the public place or adjoining premises and if necessary, be provided with artificial lighting.

c) All site fencing and hoardings must be structurally adequate, safe and be constructed in a professional manner and the use of poor quality materials or steel reinforcement mesh as fencing is not permissible.

d) An overhead (‘B’ Class) type hoarding is required is be provided to protect the public (unless otherwise approved by Council) if:

- materials are to be hoisted (i.e. via a crane or hoist) over a public footway;
- building or demolition works are to be carried out on buildings which are over 7.5m in height and located within 3.6m of the street alignment;
- it is necessary to prevent articles or materials from falling and causing a potential danger or hazard to the public or occupants upon adjoining land;
- as may otherwise be required by WorkCover, Council or the PCA.

**Notes:**

- Temporary site fencing may not be necessary if there is an existing adequate fence in place having a minimum height of 1.5m.

- If it is proposed to locate any site fencing, hoardings, amenities or articles upon any part of the footpath, nature strip or public place at any time, a separate Local Approval application must be submitted to and approved by Council’s Health, Building & Regulatory Services before placing any fencing, hoarding or other article on the road, footpath or nature strip.

**Public Safety & Site Management**

29. 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, and details are to be included in the Construction site Management Plan.

f) Site fencing, building materials, bulk bins/waste containers and other articles must not be located upon the footpath, roadway or nature strip at any time without the prior written approval of the Council. Applications to place a waste container in a public place can be made to Council’s Health, Building and Regulatory Services department.

g) Adequate provisions must be made to ensure pedestrian safety and traffic flow during the site works and traffic control measures are to be implemented in accordance with the relevant provisions of the Roads and Traffic Manual “Traffic Control at Work Sites” (Version 4), to the satisfaction of Council.

Construction Site Management, Public Health & Safety

30. Public health, safety and convenience must be maintained at all times during demolition and building works and the following requirements must be complied with at all times (as applicable):

a) Demolition work must be carried out in accordance with Australian Standard, AS2601 (2001) - The Demolition of Structures and a Demolition Work Plan is required to developed and implemented to the satisfaction of the Principal Certifying Authority prior to commencing any demolition works.

b) The demolition, removal, storage and disposal of any materials containing asbestos must be carried out in accordance with the relevant requirements of WorkCover NSW, Council’s Asbestos Policy and the following requirements:
A licence must be obtained from WorkCover NSW for the removal of friable asbestos and or more than 10m² of bonded asbestos (i.e. fibro).

Asbestos waste must be disposed of in accordance with the Protection of the Environment Operations Act 1997 & relevant Regulations.

A sign must be provided to the site/building stating “Danger Asbestos Removal In Progress”.

A Clearance Certificate or Statement must be obtained from a suitably qualified person (i.e. Occupational Hygienist) upon completion of the asbestos removal works, which is to be submitted to the Principal Certifying Authority and Council prior to issuing an Occupation Certificate.

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

c) A sign must be provided and maintained in a prominent position throughout the works, which contains the following details:

- name, address, contractor licence number and telephone number of the principal contractor, including a telephone number at which the person may be contacted outside working hours, or owner-builder permit details (as applicable)
- name, address and telephone number of the Principal Certifying Authority,
- a statement stating that “unauthorised entry to the work site is prohibited”.

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

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

f) Building materials, sand, soil, waste materials, construction equipment or other materials or articles must not be placed upon the footpath, roadway or nature strip at any time and the footpath, nature strip and road must be maintained in a clean condition and free from any obstructions, soil and debris at all times.

g) Bulk bins, waste containers or other articles must not be located upon the footpath, roadway or nature strip at any time without the prior written approval of the Council. Applications to place a waste container or other articles in a public place can be made to Council’s Health, Building & Regulatory Services department.

h) During demolition and construction, sediment laden stormwater run-off shall be controlled using the sediment control measures outlined in the manual for Managing Urban Stormwater – Soils and Construction, published by Landcom.

i) Public safety must be maintained at all times and public access to any demolition and building works, materials and equipment on the site is to be
restricted. If necessary, a temporary safety fence or hoarding is to be provided to protect the public. Temporary site fences are to be structurally adequate, safe and be constructed in a professional manner and the use of poor quality materials or steel reinforcement mesh as fencing is not permissible.

If it is proposed to locate any site fencing, hoardings or items upon any part of the footpath, nature strip or any public place, a Local Approval application must be submitted to and approved by Council’s Health, Building & Regulatory Services department beforehand. Details and plans are to be submitted with the application, together with payment of the weekly charge in accordance with Council’s adopted Pricing Policy.

j) 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.

The requirements and practices contained in the Protection of the Environment Operations Act 1997 and relevant DECC Construction Noise and Vibration Guidelines are to be satisfied and a Construction Noise and Vibration Management Plan is to be developed and implemented throughout the works to the satisfaction of Council.

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

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

BASIX Requirements
33. 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.

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

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

**Waste Management**

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

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

**Council's Infrastructure, Vehicular Crossings, street verge**

37. The applicant must meet the full cost for Council or a Council approved contractor to repair/replace any damaged sections of Council's footpath, kerb & gutter, nature strip etc which are due to building works being carried out at the above site. This includes the removal of cement slurry from Council's footpath and roadway.

38. 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.

   b) 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.

   c) 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.

39. That part of the naturestrip upon Council’s footway which is damaged during the construction of the proposed works shall be excavated to a depth of 150mm, backfilled with topsoil equivalent with 'Organic Garden Mix' as supplied by Australian Native Landscapes, and re-turfed with Kikuyu turf or similar. Such works shall be completed at the applicant’s expense.
**Strata Plans**

40. New strata plans are to be prepared for the site to incorporate the new balconies within the existing strata lots. The strata plans shall be registered at NSW Land Registry Services prior to the issuing of a final occupation certificate.

**REQUIREMENTS PRIOR TO THE ISSUE OF A SUBDIVISION/STRATA CERTIFICATE**

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

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

**Strata Certificate**

41. A formal application for a strata certificate is required to be submitted to and approved by Council or an accredited certifier and all strata conditions of this development consent are required to be satisfied.

42. All balconies, external walls and ceilings depicted in the strata plans must be constructed.

43. All balconies, external walls and ceilings depicted in the strata plans must correspond to those depicted in this development consent and construction certificate for the building.

44. The applicant shall create any suitable easements as required, however generally all services lines (including stormwater) over any strata lot serving another strata lot are to be common property.

**OPERATIONAL CONDITIONS**

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

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

**External Lighting**

45. 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.

**Noise Emissions**

46. The operation of the premises and all plant and equipment must not give rise to an environmental health or public nuisance or, result in an ‘offensive noise’ as defined in the Protection of the Environment Operations Act 1997 and Regulations.

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

The following information is provided for your assistance to ensure compliance with the Environmental Planning & Assessment Act 1979, Environmental Planning & Assessment Regulation 2000, or other relevant legislation and Council’s policies. This information does not form part of the conditions of development consent pursuant to Section 4.17 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 can issue your Construction Certificate and be your Principal Certifying Authority for the development, to undertake inspections and ensure compliance with the development consent and relevant building regulations. 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 6971.

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.
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.

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

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

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

Undergrounding assets (eg pipes, cables etc) may exist in the area that is subject to your application. In the interests of health and safety and in order to protect damage to third party assets please contact Dial before you dig at www.1100.com.au or telephone on 1100 before excavating or erecting structures (This is the law in NSW). If alterations are required to the configuration, size, form or design of the development upon contacting the Dial before You Dig service, an amendment to the development consent (or a new development application) may be necessary. Individuals owe asset owners a duty of care that must be observed when working in the vicinity of plant or assets. It is the individual's responsibility to anticipate and request the nominal location of plant or assets on the relevant property via contacting the Dial before you dig service in advance of any construction or planning activities.

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.

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.

All new building work (including alterations, additions and building renovations) must comply with the Building Code of Australia (BCA) and relevant Australian Standards and details of compliance must be provided in the Construction Certificate application.

The assessment of this development application does not include an assessment of the proposed building work under the Building Code of Australia and Disability (Access to Premises – Buildings) Standards 2010 and you are advised to liaise with your architect or building certifier regarding these requirements prior to applying for a Construction Certificate.