Development Consent Conditions
(Boarding House)

Folder /DA No: DA/56/2019
Property: 236 Alison Road, RANDWICK NSW 2031
Proposal: Alterations and additions to ground and first floor level of existing 7 room boarding house, including bicycle parking, 2 new single boarding rooms and associated works.

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/Document</th>
<th>Drawn/Prepared by</th>
<th>Dated</th>
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<tbody>
<tr>
<td>A-01</td>
<td>John Spiteri Design and Drafting</td>
<td>02/12/2017</td>
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<td>A-02</td>
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<td>A-03</td>
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<td>A-04</td>
<td>02/12/2017</td>
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<tr>
<td>Noise Impact Assessment (Revision O)</td>
<td>Acoustic Logic</td>
<td>15/01/2016</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 proposed works within the front setback inclusive of motorcycle space and landscaping treatment shall be deleted from the development.
b. The following windows must have a minimum sill height of 1.6m above floor level, or alternatively, the window/s are to be fixed and be provided with translucent, obscured, frosted or sandblasted glazing below this specified height:

- The new 1st floor, east-facing windows; and
- All new 1st floor, north-facing boarding room windows.

**Residential Parking Permits**

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

4. 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 any additional on-street resident parking permits.

**Boarding House Management Plan**

5. The Boarding House Plan of Management shall be amended to include the following aspects to the satisfaction of Council’s Manager Development Assessment:

- All new occupants of this development must be informed of evacuation procedures.
- The minimum length of stay for lodgers shall be three (3) months with the same room being let out to the same lodger for no less than three (3) months, and no maximum length of stay.
- No more than 13 lodgers permitted to occupy the boarding house at any one time, with no more than 1 lodger permitted in the single boarding rooms, and 2 lodgers in the double rooms.
- Apply a management policy that restricts use of communal open space as follows:
  - prohibits access to from between 10:00pm and 7:00am each day.
  - no live or amplified music.
- At all times there is to be one resident nominated as the person responsible for administration and enforcement of all provisions of the Plan of Management relating to the responsible behaviour of residents and to set out the means by which any community concerns may be efficiently and promptly conveyed to that person.
- Incorporates any measures recommended by the acoustic report as amended in accordance with condition 6 of this development consent.
- Internal signage prominently displayed in each boarding room and/or communal living areas informing maximum number of lodgers per room, house rules, emergency contact numbers for essential services, annual fire safety statement and current fire safety schedule and emergency egress routes and evacuation plan.
- The individual rooms, common areas, shared facilities and yard are to be maintained in a clean and tidy state and individual’s rubbish is to be placed in the appropriate receptacles.
- Ensure any rubbish such as furniture and household items of a bulk nature are removed from the site in timely manner.
- Provision of 9 x bicycle spaces.

6. The internal communal room windows shall remain closed between 6pm and 7am.
**Signage**
7. Contact details for the boarding house operator shall be clearly displayed adjacent to the building entries on both.

**Lighting**
8. Adequate lighting for personal safety shall be provided in common and access areas including building entries and communal open space areas. Lighting is to be low level directional so as not to cause any nuisance to neighbouring development.

### REQUIREMENTS BEFORE A CONSTRUCTION CERTIFICATE CAN BE ISSUED

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

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

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

10. To ensure adequate arrangements are in place to assist residents displaced as a result of the works the subject of the approval, information must be submitted to Council demonstrating adequate arrangements have been made to assist residents likely to be displaced by the proposed works the subject of this consent to find alternative comparable accommodation in accordance with the Affordable Rental Housing SEPP Guidelines for Retention of existing affordable Rental Housing October 2009.

   Lodgers shall be provided with a minimum of 60 days to vacate and in certain circumstances an additional period of Notice to Vacate. Assistance to find alternative comparable accommodation shall include verified and genuine efforts in making enquiries and agreements with local real estate agents and or relevant community housing providers; and provision of a one-off payment to assist with relocation costs. The proponent shall inform the current tenants that are to be displaced as a result of works, of this condition and documentary evidence shall be submitted to Council showing this prior to works being carried out.

**External Colours, Materials & Finishes**
11. The colours, materials and finishes of the external surfaces to the new additions are to be compatible with the existing building and the heritage items in the adjoining sites.

   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 Assessment, in accordance with Section 4.17 (2) of the *Environmental Planning and Assessment Act 1979* prior to a construction certificate being issued for the development.

12. The exposed western elevation situated on the common boundary shall be finished with an appropriate combination of materials with varied textures and
finishes which serve to ameliorate the visual bulk of this elevation and to achieve an aesthetically pleasing appearance. The proposed materials shall be included with the schedule of materials and finishes, or sample board prepared to satisfy Condition 7.

Section 7.12 Development Contributions

13. The applicant shall submit a Quantity Survey report that reflects the approved development, prepared by a Registered Quantity Surveyor. The report shall be submitted to Council for approval, prior to the issue of any Construction Certificate for the development.

In accordance with Council’s Development Contributions Plan effective from 21 April 2015, 1% of the development cost provided in the approved Quantity Survey report must be paid to Council.

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:

\[
IDC = ODC \times \frac{CP2}{CP1}
\]

Where:

\( IDC \) = the indexed development cost

\( ODC \) = the original development cost determined by the Council

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

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

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

Compliance Fee

14. A development compliance and enforcement fee of 0.1% of the development cost 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

15. 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.*
Waste Management

16. Prior to the issuing of a Construction Certificate the plans are to be amended to show the waste bin storage area within the site. Details showing compliance are to be included in the construction certificate.

Note: the waste bin storage area is to be sized for 8 x 240 litre bins (4 x waste, 3 x recycling & 1 x green waste)

Security Deposit

17. 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:

- $1000.00 - 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.

Stormwater Drainage

18. Surface water from building work and structures must satisfy the following requirements (as applicable), to the satisfaction of the Certifier 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 is to 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.
19. 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 Tap in™ service provides 24/7 access to a range of services, including:

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

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

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

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

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

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

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

20. 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).

21. Access and facilities for people with disabilities must be provided in accordance with the relevant requirements of the Building Code of Australia, Disability (Access to Premises – Buildings) Standards 2010, relevant Australian Standards and conditions of consent, to the satisfaction of the Certifier.

**BASIX Requirements**

22. 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 Certifier.

*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.*

**Structural Adequacy**

23. 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 additional works.

**Site stability, Excavation and Construction work**

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

   a. Geotechnical details which confirm the suitability and stability of the site for the development and relevant design and construction requirements to be implemented to ensure the stability and adequacy of the development and adjacent land.

   b. Details of the proposed methods of excavation and support for the adjoining land (including any public place) and buildings.

   c. Details to demonstrate that the proposed methods of excavation, support and construction are suitable for the site and should not result in any damage to the adjoining premises, buildings or any public place, as a result of the works and any associated vibration.

   d. The adjoining land and buildings located upon the adjoining land must be adequately supported at all times throughout demolition, excavation and building work, to the satisfaction of the *Principal Certifier*.

   e. Written approval must be obtained from the owners of the adjoining land to install any ground or rock anchors underneath the adjoining premises (including any public roadway or public place) and details must be provided to the Certifier.

**Street Tree Protection Measures**

25. In order to ensure retention of the *Gleditsia triacanthos ‘Sunburst’* (Honey Locust) that is located on the Alison Road verge, near the eastern site boundary in good health, the following measures are to be undertaken:

   a. All documentation submitted for the Construction Certificate application must show its retention, with the position and diameter of both its trunk and canopy to be clearly and accurately shown on all plans in relation to the works.

   b. Any excavations associated with the installation of new services, pipes, stormwater systems or similar over public property must be setback a
minimum distance of 2 metres from its trunk so as to minimise root damage, with all services plans to comply with this requirement, as well as on-site during construction.

c. Prior to the commencement of any site works, its trunk must be physically protected by wrapping layers of geo-textile, underfelt or layers of Hessian, from ground level to a height of 2m above ground level, to which, lengths of 50mm x 100mm hardwood timbers, spaced at 150mm centres shall be placed around its circumference, and are to be secured by 8 gauge wires or steel strapping at 300mm spacing. NO nailing to the trunk.

d. This measure shall be installed prior to the commencement of demolition and construction works and shall remain in place until all works are completed, to which, signage containing the following words shall be clearly displayed and permanently attached: “TREE PROTECTION, DO NOT REMOVE”.

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

f. Other than the approved works, the applicant is not authorised to perform any other works to this public tree, and must contact Council’s Landscape Development Officer on 9093-6613 should clearance pruning or similar appear necessary. If approval is given, it can only be performed by Council, wholly at the applicants cost, with payment to be received prior to any Occupation Certificate.

g. The Principal Certifier must ensure compliance with all of these requirements, both on the plans as well as on-site during the course of construction, and prior to issuing any type of Occupation Certificate.

h. A refundable deposit in the form of cash, credit card or for an amount of $1,250.00 must be paid at the Cashier on the Ground Floor of the Administrative Centre, prior to a Construction Certificate being issued for the development, in order to ensure compliance with the conditions listed in this consent, and ultimately, preservation of the tree.

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

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

26. In order to also ensure retention of the *Platanus x hybrid* (Plane Tree) located in the rear setback, on the western boundary, right on the common boundary with the adjoining private property at no.234 in good health, the following measures are to be undertaken:

   a. All documentation submitted for the Construction Certificate application must show its retention, with the position and diameter of both its trunk and canopy (taken directly from the site survey) to be clearly and accurately shown on all plans in relation to the works.

   b. The Construction Certificate plans must show that all parts of both the Ground and First Floor Levels will be offset a minimum distance of 2500mm, measured off the outside edge of its trunk, horizontally, at a height of 1 metre above ground level.

   c. The external access stairs linking the rear extension and rear yard must be located along the eastern edge of the footprint, as has been shown the plans dated 02/12/17.

   d. All initial excavations for footings for the Ground Floor or external stairs as described above, within a radius of 3 metres, measured off the outside edge of its trunk at ground level, must be performed by hand, to a minimum depth of 600mm and a minimum width of 200mm, without damaging any roots in the process.

   e. Council’s Landscape Development Officer (9399-0613) must then be contacted, prior to forming or pouring footings or proceeding further with any works, and giving at least 2 working days-notice, to inspect the trenches, with the applicant to comply with any instructions issued.

   f. Where major roots with a diameter of 50mm or more are encountered, and Council’s officer determines they must be retained; a cantilevered, pier and beam style footing must be used so as to bridge over the affected roots and ensure their preservation.

   g. The Construction Certificate plans must acknowledge that the site inspection may result in the need for a flexible footing system to allow for the preservation of roots, with a suitably qualified engineer to have the required design approved by the Principal Certifier, prior to installation.

   h. Where roots with a diameter of less than 50mm are found, which are in direct conflict with the works, and Council gives permission for their pruning, they may be cut cleanly, only by hand (not machinery), with the affected area to be backfilled with clean site soil as soon as practically possible.

   i. Any excavations associated with the installation of new services, pipes, stormwater systems or similar in the rear yard must also be setback a minimum distance of **3.5m metres** from its trunk at ground level, with all services plans to demonstrate compliance.
j. Any new common boundary fencing, within a radius of **3.5 metres** of its trunk, can only be a system which is supported on localised pad footings, not strip footings, with details confirming compliance to be shown on the Construction Certificate plans.

k. If roots are encountered during installation of footings for new fencing, they must be re-positioned to allow their preservation.

l. This tree is also to be physically protected by the installation of 1.8 metre high steel mesh/chainwire fencing, which shall be located a minimum distance of **2 metres** to its south, and **3m** to its east and north (measured off the outside edge of its trunk at ground level), matching up with the western site boundary, in order to completely enclose this tree for the duration of works.

m. This fencing shall be installed prior to the commencement of demolition and construction works and shall remain in place until all works are completed, to which, signage containing the following words shall be clearly displayed and permanently attached: “TREE PROTECTION ZONE (TPZ), DO NOT REMOVE/ENTER”.

n. Ground levels to the north of the footprint, as well as within the TPZ described in point ‘l’ above, must not be altered by more than 200mm, with no other structures such as continuous strip footings, planter boxes or similar to be located in this area, which must remain as undisturbed, deep soil. Spot levels must be included to confirm compliance.

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

p. The principal certifier must ensure compliance with all of these requirements, both on the plans as well as on-site during the course of construction, and prior to any Occupation Certificate.

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**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 Certifier', as applicable.

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

**Certification and Building Inspection Requirements**

27. 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 Certifier must be appointed to carry out the necessary building inspections and to issue an occupation certificate; and

c) a principal contractor must be appointed for the building work and the requirements of the Home Building Act 1989 must be satisfied accordingly; and

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

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

Home Building Act 1989

28. 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 relevant requirements of the Home Building Act 1989 must be complied with.

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

Dilapidation Reports

29. A dilapidation report (incorporating photographs of relevant buildings) must be obtained from a Professional Engineer, detailing the current condition and status of all of the buildings and structures located upon all of the properties adjoining the subject site and any other property or public land which may be affected by the works, to the satisfaction of the Principal Certifier.

The dilapidation report must be submitted to the Council, the Principal Certifier 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 Site Management Plan

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

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

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

A copy of the Construction Site Management Plan must be provided to the Principal Certifier 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**

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

The Demolition Work Plan must be submitted to the Principal Certifier, 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.

**Construction Noise & Vibration Management Plan**

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

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

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

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

c) A further report/correspondence must be obtained from the consultant as soon as practicable upon the commencement of works, which reviews and confirms the implementation and suitability of the noise and vibration...
strategies in the Construction Noise & Vibration Management Plan and which demonstrates compliance with relevant criteria.

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

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

**Public Liability**

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

**Public Utilities**

34. 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.

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

**REQUIREMENTS DURING CONSTRUCTION & SITE WORK**

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

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

**Inspections during Construction**

36. Building works are required to be inspected by the Principal Certifier, in accordance with section 6.5 of the Environmental Planning & Assessment Act 1979 and clause 162A of the Environmental Planning & Assessment Regulation 2000, to monitor compliance with the relevant standards of construction, Council’s development consent and the construction certificate.

**Building & Demolition Work Requirements**

37. 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;
38. Any work involving the demolition, storage or disposal of asbestos products and materials must be carried out in accordance with the following requirements:

- Occupational Health & Safety legislation and WorkCover NSW requirements
- Randwick City Council’s Asbestos Policy
- A WorkCover licensed demolition or asbestos removal contractor must undertake removal of more than 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 Certifier.
- 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 Certifier.
- 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 Certifier 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.

39. 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 Certifier.

Support of Adjoining Land
40. In accordance with section 4.17 (11) of the Environmental Planning & Assessment Act 1979 and clause 98 E of the Environmental Planning & Assessment Regulation 2000, it is a prescribed condition that the adjoining land and buildings located upon the adjoining land must be adequately supported at all times.

Sediment & Erosion Control
41. 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.

Details must be included in the Construction Site Management Plan and a copy must be provided to the Principal Certifier and Council. A copy must also be maintained on site and be made available to Council officers upon request.

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

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

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

Temporary Site Fencing
43. 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 to 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 Principal Certifier.

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

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

a) Building materials, sand, soil, waste materials, construction equipment or other articles must not be placed upon the footpath, roadway or nature strip at any time.

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

c) 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.

d) Access gates and doorways within site fencing, hoardings and temporary site buildings or amenities must not open outwards into the road or footway.
e) Bulk bins/waste containers must not be located upon the footpath, roadway or nature strip at any time without the prior written approval of the Council. Applications to place a waste container in a public place can be made to Council’s Health, Building and Regulatory Services department.

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

Site Signage

45. 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 Certifier,
- a statement stating that “unauthorised entry to the work site is prohibited”.

Restriction on Working Hours

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

<table>
<thead>
<tr>
<th>Activity</th>
<th>Permitted working hours</th>
</tr>
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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, vibratory rollers/compactors or the like | • Monday to Friday - 8.00am to 1.00pm only  
• Saturday - No work permitted  
• Sunday & public holidays - No work permitted |
| Additional requirements for all development                              | • Saturdays and Sundays where the preceding Friday and/or the following Monday is a public holiday - 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.

Survey Requirements
47. A Registered Surveyor’s check survey certificate or other suitable documentation must be obtained at the following stage/s of construction to demonstrate compliance with the approved setbacks, levels, layout and height of the building to the satisfaction of the Principal Certifier:

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

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

**Building Encroachments**

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

**Road / Asset Opening Permit**

49. 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.

The owner/builder must ensure that all works within or upon the road reserve, footpath, nature strip or public place are completed to the satisfaction of Council, prior to the issuing of an occupation certificate for the development.

For further information, please contact Council’s Road / Asset Opening Officer on 9093 6691 or 1300 722 542.

**Ausgrid Power Feed Connection**

50. Should the existing overhead power feed from the Ausgrid Power Pole need to be reconnected to the site during any stage of building works, it is to comply with either of the following methods:

a) From the power pole directly to the façade of dwelling/s, similar to the existing connection, to the satisfaction of Ausgrid

b) Relocate the existing overhead power feed from the distribution pole in the street to the development site via an underground (UGOH) connection (No Private Pole is to be provided). These works are to be to Ausgrid requirements.

Note: A Private Power Pole at the front of the site is not permitted. The applicant is to liaise with an Ausgrid Accredited Service Provider to carry out the works as mentioned above at their own expense.

**Tree Management**

51. Despite not being directly affected by these works, the *Ligustrum lucidium* (Large Leafed Privet) that is located in the rear setback of the subject site, in the northeast site corner, must be formally removed due to being an undesirable weed which invades native bushland, and is an exempt species in Council’s DCP.

**Street Tree Pruning**
52. At least 4 weeks prior to the commencement of any site works, the applicant must determine whether clearance pruning of the Gleditsia triacanthos 'Sunburst' (Honey Locust), that is located on Council’s Alison Road verge, towards the eastern site boundary, will be required so as to facilitate access and deliveries or similar during the course of works.

53. In that case, the applicant will then need to contact Council’s Landscape Development Officer on 9093-6613 to arrange a joint inspection to determine the extent of pruning that is allowable. If Council agrees to this, it can only be performed by Council, wholly at the applicant’s cost, with the required fee for this work to be receipted, prior to pruning.

**Pruning of other trees**

54. Permission is also granted for the minimal and selective pruning of only those lower growing, lower order branches from the Platanus x hybrida (London Plane Tree) that is located in the rear setback, right on the western boundary, as well as similar branches from the western aspect of the smaller Magnolia that is located wholly on the adjoining private property to the east, at 64 Dutruc Street, close to the common boundary, only where they overhang into the subject site and need to be pruned in order to avoid damage to the trees; or; interference with the approved works.

55. This approval does not imply any right of entry onto a neighbouring property nor does it allow pruning beyond a common boundary; however, where such measures are desirable in the best interests of correct pruning procedures, and ultimately, the ongoing health of the tree, the applicant must negotiate with the neighbour/tree owner for access to perform this work.

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

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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 Certifier’ issuing an ‘Occupation Certificate’.

*Note: For the purpose of this consent, any reference to ‘occupation certificate’ shall also be taken to mean ‘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**

57. An Occupation Certificate must be obtained from the Principal Certifier 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.

**Fire Safety Certificates**

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

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

**Structural Certification**

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

**Sydney Water Certification**


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 Certifier and the Council prior to issuing an Occupation Certificate or Subdivision Certificate, whichever the sooner.

**BASIX Requirements & Certification**

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

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

**Noise Control Requirements & Certification**

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

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

63. A report must be obtained from a suitably qualified and experienced consultant in acoustics, which demonstrates and certifies that noise and vibration from any plant and equipment (e.g. mechanical ventilation systems and air-conditioners)

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

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

64. 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.

65. 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.

**Stormwater Drainage**

66. The applicant shall submit to the Principal Certifier and Council, certification from a suitably qualified and experienced Hydraulic Engineer or plumber confirming that the design and construction of the stormwater drainage system complies with Australian Standard 3500.3:2003 (Plumbing & Drainage- Stormwater Drainage) and the conditions of this development approval. The certification must be provided following inspection/s of the site stormwater drainage system by the certifying engineers and shall be provided to the satisfaction of the Principal Certifier.

**Waste Management**

67. 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 any additional waste bins required for the premises.

68. That part of the nature-strip upon Council’s footway which is damaged during the course of the works shall be re-graded and re-turfed with Kikuyu Turf rolls, including turf underlay, wholly at the applicant’s cost, to Council’s satisfaction, prior to the issue of any Occupation Certificate.
Tree Protection Certification

69. Prior to any Occupation Certificate, written certification must firstly be obtained from Council’s Landscape Development Officer (9093-6613) confirming that the requirement for an inspection of hand dug trenches for footings in the rear yard, adjacent the Plane Tree that is being retained, was performed, in accordance with the ‘Tree Protection Measures’ condition, with any other instructions issued on-site also having been complied with.

70. Places of shared accommodation must comply with the Local Government (Orders) Regulation 1999 and the premises must be registered with the Council prior to occupation and on an annual basis, and the approved registration/inspection fee is to be forwarded to Council prior to occupation.

OPERATIONAL CONDITIONS

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

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

Fire Safety Statements

71. A single and complete Fire Safety Statement (encompassing all of the fire safety measures upon the premises) must be provided to the Council (at least on an annual basis) in accordance with the requirements of the Environmental Planning & Assessment Regulation 2000.

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

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

Environmental Amenity

72. 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.

Air Conditioners

73. 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.
74. The operation and use of the premises and all plant/equipment shall not give rise to an ‘offensive noise’ as defined in the *Protection of the Environment Operations Act 1997 and Regulations*.

In this regard, the operation of the plant and equipment shall not give rise to an LAeq, 15 min sound pressure level at any affected premises that exceeds the background LA90, 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 Department of Environment & Climate Change Noise Control Guidelines.

75. Use of communal open space is restricted as follows:

- prohibits access to from between 10:00pm and 7:00am each day.
- no live or amplified music.

76. A report/correspondence prepared by a suitably qualified and experienced consultant in acoustics shall be submitted to Council 3 months after occupation 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*, Environmental Protection Authority Noise Control Manual & Industrial Noise Policy, relevant conditions of consent (including any relevant approved acoustic report and recommendations).

The assessment and report must include all relevant fixed and operational noise sources.

**Plan of Management**

77. The Plan of Management dated December 2018 shall be amended in accordance with condition no. 5 and shall be complied with at all times.

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**GENERAL ADVISORY NOTES**

The following information is provided for your assistance to ensure compliance with the *Environmental Planning & Assessment Act 1979, Environmental Planning & Assessment Regulation 2000*, or other relevant legislation and requirements. This information does not form part of the conditions of development consent pursuant to Section 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 $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 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 Certifier for the development,
- Council and the Principal Certifier have been given at least 2 days notice (in writing) prior to commencing any works.

A3 Council can issue your Construction Certificate and be your Principal Certifier 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.

A4 This determination does not include an assessment of the proposed works under the Building Code of Australia (BCA), Disability (Access to Premises – Buildings) Standards 2010 and other relevant Standards. All new building work (including alterations and additions) must comply with the BCA and relevant Standards. You are advised to liaise with your architect, engineer and building consultant prior to lodgement of your construction certificate.

A5 Any proposed amendments to the design and construction of the building may require a new development application or a section 4.55 amendment to the existing consent to be obtained from Council, before carrying out such works.

A6 Underground assets (e.g. 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.

A7 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.

A8 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.

A9 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.
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.

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).

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

Finished ground levels external to the building are to be consistent with the development consent and are not to be raised, other than for the provision of approved paving or the like on the ground.

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.