

Ref: SUB24/88541

23 April 2024

«First\_Name»  
«Company»  
«Address\_Line\_1»  
«Address»

If you need help reading this letter, call the Translating and Interpreting Service (TIS National) on **131 450**



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Re: Construction of a residential flat building at 46 Chester Avenue, Maroubra

Dear «First\_Name»

I am writing to you from Homes NSW about our plans to redevelop the housing site at 46 Chester Avenue, Maroubra with a residential flat building. We are seeking your feedback on our design.

### What we are proposing

We are proposing to redevelop the site with a 3-storey residential flat building which will include:

- 7 units in total - 2 x 2 bedroom units and 5 x 1 bedroom units
- 3 on-site car parking spaces
- Landscaping, fencing and associated works across the site.

### What is happening now?

We have recently completed a design for the proposed development at 46 Chester Avenue, Maroubra. We invite your feedback, which our design and planning team will consider as part of the project's assessment. Where possible, we will incorporate your feedback in the design.

Please find enclosed:

- an artist's impression of the proposed development to give you an idea of what it will look like
- site and landscape plan
- building elevations
- proposed materials and colour finishes
- shadow diagrams

### How you can submit your feedback

After reading through the information, you can submit your feedback by contacting the Community Engagement Team via email: **CommunityEngagement@homes.nsw.gov.au** or phone: 1800 738 718 (voicemail).

All feedback should be received **by 20 May 2024** so we have enough time to consider it. You will receive confirmation that your feedback has been received.

We look forward to hearing from you.

Yours sincerely,

A handwritten signature in grey ink that reads "Lorna O'Shane".

Lorna O'Shane  
Community Engagement Manager  
Homes NSW

### About Homes NSW

The NSW Government is determined to make NSW a place where everyone has access to safe and secure housing, and where experiences of homelessness are rare, brief and non-recurring.

Homes NSW leads work to deliver more social and affordable housing, end the cycle of homelessness and deliver quality public housing to our 262,000 tenants across NSW. Access to safe housing assists people to pursue health, education and employment opportunities, which helps to strengthen the communities where we all live.

Homes NSW brings together the housing and homelessness services of the NSW Department of Communities and Justice (DCJ) with NSW Land and Housing Corporation (LAHC), NSW Aboriginal Housing Office (AHO) and key worker housing.



To find out more, scan the QR code or visit our website at [www.nsw.gov.au/homes-nsw](http://www.nsw.gov.au/homes-nsw).

Ray Brownlee  
The General Manager  
Randwick City Council  
30 Frances Street  
Randwick NSW 2031

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Re: Notice of residential flat building development

Dear Ray

This letter is to notify Council of a proposal by Homes NSW to develop a 3-storey residential flat building at 46 Chester Avenue, Maroubra. We invite Council's written comments on the development proposal.

**Property:** 46 Chester Avenue, Maroubra NSW 2035  
Lot 270 in DP 36765

**Proposal:** Demolition of existing dwelling and associated structures, tree removal, and construction of a residential flat building comprising 7 units (5 x 1 bedroom and 2 x 2 bedroom units) with associated landscaping, site works and at grade parking for 3 vehicles.

The proposal is considered 'development without consent' under the *State Environmental Planning Policy (Housing) 2021*. Homes NSW is seeking feedback from Council and neighbours so we may consider it before deciding whether the development should proceed.

The following plans and documents are attached for Council's review and comments:

- Architectural Plans
- Landscape Plans
- Civil Plans
- Traffic Report
- Survey Plan and long section
- Section 10.7 Certificate
- Access Report
- Arborist Report
- Design Quality Principles Statement for Residential Flat Buildings
- Building Code of Australia Report
- BASIX & NatHERS Certificates
- Certificate of Title
- Geotechnical Report
- Waste Management Plan
- Flood Report
- Acoustic Report
- CPTED Report
- Coral Sea Park Design Statement
- ADG Compliance Checklist

Please email Council's comments to Frances Beasley, Senior Planner, Homes NSW at **Frances.Beasley@homes.nsw.gov.au** by **20 May 2024**.

For general enquiries, please contact our Community Engagement team on 1800 738 718 (voicemail) or by email at [CommunityEngagement@homes.nsw.gov.au](mailto:CommunityEngagement@homes.nsw.gov.au).

Yours sincerely,

A handwritten signature in black ink, appearing to read "Lorna O'Shane".

Lorna O'Shane  
**Community Engagement Manager**  
**Homes NSW**

Our Ref: F2024/00207  
(Contact Officer: Joseph Edmonds, ph: 9093 6955)

21 May 2024

Homes NSW  
4 Parramatta Square,  
12 Darcy Street  
Parramatta  
NSW 2150

Dear Lorna,

<b>Reference number</b>	F2024/00207
<b>Subject Land</b>	46 Chester Avenue, MAROUBRA NSW 2035
<b>Proposal:</b>	Demolition of existing dwelling and associated structures, tree removal, and construction of a residential flat building comprising 7 units (5 x 1 bedroom and 2 x 2-bedroom units) with associated landscaping, site works and at grade parking for 3 vehicles.

I refer to your request for Council's review of the residential flat building development at 46 Chester Avenue, Maroubra and provide the following comments for your consideration. Recommended conditions are also attached in Appendix 1.

**Key Issues and areas of non-compliance:**

Floor Space Ratio

The Gross Floor Area diagrams provided do not include the waste storage area, which will produce an additional 20m<sup>2</sup> (approximate) of Gross Floor Area. The waste storage area is not excluded from GFA because it is not within a basement, as per the Randwick Local Environmental Plan 2012 definition.

The additional Gross Floor Area will result in the proposal exceeding the Floor Space Ratio development standard of 0.75:1. Council recommends that the proposal is redesigned to comply with the development standard for FSR or a sufficient a clause 4.6 statement is provided to justify the breach of a development standard.

Rear Setback

The proposal doesn't comply with the Part C2, Section 3.4.3 rear setback control of 15% of allotment depth or 5m (whichever is greater). The required rear setback is 6.17m, whereas the proposed setback is 4m.

Justification of the non-compliant rear setback should provide a detailed merit assessment against the objectives of the Part C2 – Section 3.4 (Setbacks) of the DCP, particularly in terms of additional overshadowing and additional visual privacy impacts upon adjoining development.

Solar Access

The impacts of overshadowing on the approved development (DA/859/2016 as amended by modifications) at 48 Chester Avenue have not been adequately shown and should be considered as a part of the assessment.

Further justification of the overshadowing caused by the subject proposal (46 Chester Avenue) should be provided.

The limited solar access of living areas and private open space has not been adequately justified for the two units that do not appear to receive sufficient direct sunlight on 21 June (2 x 1-bedroom units at the rear (on level 1 and 2) with a southern and western aspect). Section 5.1 of Part C2 of the Development Control Plan requires that dwellings within the development site receive a minimum of 3 hours of direct sunlight and at least 50% of the private open space between 8am to 4pm on 21 June.

In accordance with control iv) any variations from the minimum standard due to site constraints and orientation must demonstrate how solar access and energy efficiency is maximised.

#### Communal and public open space

The proposal does not include any communal open space. The documentation states that the site is near public open space. The site is located approximately 250m from Coral Sea Park and is located nearby to the bus services along Anzac Parade.

Council considers that communal open space could be integrated at the rear of the site to improve the current deficiencies regarding the communal nexus.

#### Visual privacy setbacks of habitable rooms and balconies.

The proposal does not comply with the required 6m setback in the SEPP (Housing) 2021 for setback of habitable rooms and balconies from neighbouring sites. Adequate privacy measures appear to have been incorporated to habitable rooms and balconies to justify the non-compliance with the 6m setback. The proposal is compliant with the 3m required setback for fire safety under the NCC.

A detailed assessment of how the privacy measures meet the intent of the visual privacy separation distances should be provided, along with additional privacy treatment / screening measures in accordance with Council's DCP.

#### Coral Sea Park controls

The proposal does not comply with control 8.1 iii) which states that sites must have a minimum frontage of 20m for development of more than 2 dwellings. The site has a 15.24m frontage and will consist of 7 apartment units. The justification provided states that there are many other examples of this control being exceeded, including the neighbouring properties on either side of the proposal. This must be more clearly demonstrated with examples demonstrating the approved variations within the immediate Chester Avenue locality.

The proposal also does not comply with control iv) which requires open spaces in front of building not to be fenced off from the street. If fencing is proposed, it should not be more than 1m high.

The front fencing is greater than 1m because of the fire booster located along the front boundary and to enclose the private open space of the ground floor unit.

Council considers the front fencing is excessive and does not meet this control. Council recommends reducing the heights of front fencing, providing for an open style fence design with landscape screening or redesigning the front private open space to comply with this control.

#### Part B7 – Bicycle parking

The proposal does not include any bicycle parking for residents or visitors. Section 4 of Part B7 requires bicycle parking at the following rates:

##### *Residents:*

- 1 bike space per 2 units

##### *Visitors:*

- 1 per 10 units

Council recommends including bicycle parking in accordance with the Section 4 requirements.

#### Internal noise levels and natural ventilation requirements

Council's Environmental Health Officer reviewed the proposal, stating that the internal noise levels and natural ventilation requirements under SEPP65 and the Apartment Design Guidelines (ADG) have not been sufficiently addressed.

Practical compliance for internal noise levels and natural ventilation should be demonstrated concurrently. As a matter of thoroughness, a Preliminary Environmental Site Investigation (PESI) is strongly recommended.

#### Geotechnical Report

Council's Environmental Health Officer stated that if dewatering of the site is required, a local approval from council will be required prior to the commencement of any dewatering. The scope of works undertaken by the geotechnical report did not include a contamination assessment. A Preliminary Environmental Site Investigation (PESI) is recommended to be prepared in support of the proposal to address the requirements of the SEPP.

#### Development Engineering

- *Drainage*

The applicant is required to submit detailed drainage plans to the Principal Certifier for approval prior to the issuing of a construction certificate.

- *Carpark Layout*

The current ramp design illustrates a width of 3.20m which is not compliant with the minimum width of 3.60m which is outlined in Clause 2.5.2 "Layout design of circulation roadways and ramps" from AS 2890.1:2004.

- *Alignment comments*

The proposed design alignment level (the finished level of concrete, paving or the like) at the property boundary for the driveway are higher than required and would cause the proposed driveway crossover gradients to be **non-compliant**.

- *Waste Management*

The submitted Waste Management Plan has not detailed the path of travel of the bins to Chester Avenue or shown where the bins shall be presented along the kerbside. The applicant is required to submit to Council and have approved by Council's Lead Specialist Strategic Waste, a Waste Management Plan (WMP) detailing waste and recycling storage and disposal for the development site.

#### Landscaped open space area.

Part C2, Section 2.2.1 of the RDCP requires 50% of the site area to be landscaped open space.

Council's Landscape Officer reviewed the proposal stating that the proposal contains a landscape and open space area of 45% of the site area. This is an increase of 5% compared to the applicant's plans as council considers it appropriate to include the undercroft landscaped area in the final calculation.

Council's Landscape officer considers the landscaped area to be appropriate based on the site constraints and subsequent difficulty in increasing the landscaped area any further.

#### Deep soil area

The proposal does not comply with the DCP requirement of 25% of site area but does comply with the SEPP (Housing) 2021 requirement of 7% of site area. Therefore, this is considered acceptable by council.

## **Concluding comments**

Council recommends that the above matters should be considered and addressed.

Should you or the representatives of Homes NSW wish to discuss the above matters further or would like to meet with the relevant Council Officers, please feel free to contact me on 9093 6965 or by email [frank.ko@randwick.nsw.gov.au](mailto:frank.ko@randwick.nsw.gov.au).

Yours Faithfully,

A handwritten signature in black ink, appearing to read 'Frank Ko', with a stylized flourish at the end.

Frank Ko  
Manager, Development Assessment



## Appendix 1 - Recommended conditions of consent

### REQUIREMENTS BEFORE A CONSTRUCTION CERTIFICATE CAN BE ISSUED

The following conditions of consent must be complied with before a relevant 'Construction Certificate' is issued for the development by a Registered (Building) 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 and Assessment Act 1979 and associated Environmental Planning and Assessment Regulations, Council's development consent conditions and to achieve reasonable levels of environmental amenity.

#### 1. **Compliance with Acoustic report**

- a. All relevant performance parameters (including but not limited to requirements, engineering assumptions and recommendations) in the DA Acoustic Report prepared by Matthew Furlong of Pulse White Noise Acoustics Pty Ltd, dated 7 March 2024, ref 230349 – 46 Chester Avenue, Maroubra - Part 5 Acoustic Assessment – R2, titled: 46 Chester Street, Maroubra – Part 5 Acoustic Assessment, Council Ref: D05299221 must be implemented in the development prior to the commencement of its use.
- b. Prior to the issue of any relevant Construction Certificate, the final construction drawings and final construction methodology must be assessed and reported to be in accordance with the requirements of the DA Acoustic Report in (a) above and relevant noise criteria contained within the conditions of consent, with reference to relevant documentation. This must be done by a Suitably Qualified Acoustic Consultant\*. This work will be to the satisfaction of the accredited certifier.
- c. All physical aspects of the building's structure installed in order to meet performance parameters in accordance with this condition must be maintained at all times.
- d. In the event of any inconsistencies with the Acoustic Report and conditions of consent, the conditions of this consent will prevail to the extent of the inconsistency.

Note: Suitably Qualified Acoustic Consultant means a consultant who possesses the qualifications to render them eligible for membership of the Australian Acoustical Society, Institution of Engineers Australia or the Association of Australian Acoustical Consultants at the grade of member firm.

#### **Internal noise levels in habitable rooms**

2. Noise and vibration from the development must comply with the following requirements and a report prepared by a qualified Acoustic Consultant must be submitted to and approved by NSW Plannings Director of City Planning, prior to the issue of a Construction Certificate:

- a. Residential dwellings are to be designed and constructed to satisfy the following internal acoustic criteria while concurrently complying with the SEPP 65 natural ventilation requirements:

In naturally ventilated spaces – the repeatable maximum  $L_{Aeq}$  (1 hour) should not exceed:

- 35 dB(A) between 10.00pm and 7.00am in sleeping areas when windows are closed,

- 40 dB(A) in sleeping areas when windows are open (24 hours),
- 45 dB(A) in living areas when windows are closed (24 hours),
- 50 dB(A) in living areas when windows are open (24 hours).

### **Compliance with the State's Building Laws**

3. The requirements of section 6.28 of the Environmental Planning and Assessment Act 1979 must be complied with. Details of compliance, together with relevant approved plans, specifications, reports and other documents, are to be forwarded to Council.

### **Site stability, Excavation and Construction work**

4. A report must be obtained from a suitably qualified and experienced professional engineer/s, which includes the following details, to the satisfaction of the appointed 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 adjoining properties.
  - 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) Recommendations and requirements in the geotechnical engineers report shall be implemented accordingly and be monitored during the course of the subject site work.
  - 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 appointed Certifier for the development prior to issue of a relevant construction certificate.

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

The following conditions of consent must be complied with prior to the commencement of works on the site. The necessary documentation and information must be provided to the appointed Certifier for the development or the Council, as applicable.

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

5. Hazardous materials arising from the demolition, excavation and remediation process being removed and disposed of in accordance with the requirements of SafeWork NSW and the Environment Protection Authority, and with the provisions of:
  - Work Health and Safety Act 2011;
  - Work Health and Safety Regulation 2017;

- Protection of the Environment Operations Act 1997;
- Protection of the Environment Operations (Waste) Regulation 2014;
- NSW EPA Waste Classification Guidelines (2014);
- SafeWork NSW Code of Practice for the Safe Removal of Asbestos;
- Australian Standard 2601 (2001) – Demolition of Structures;
- Randwick City Council’s Asbestos Policy.

Details of Compliance must be provided to the Principal Certifier for the development and NSW Planning, prior to commencement of site works.

### **Building Certification and Associated Requirements**

6. The following requirements must be complied with prior to the commencement of any building works (including any associated demolition or excavation work):
  - a) Building certification must be obtained from an authorised Crown Building Certifier, in accordance with section 6.28 of the Environmental Planning and Assessment Act 1979.

A copy of the building certification, 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.

### **Dilapidation Reports**

7. A dilapidation report (incorporating photographs of relevant buildings and structures) 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 Certifier for the development.

The dilapidation report must be submitted to the Certifier, Council 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).

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

8. Noise and vibration from the works are to be minimised by implementing appropriate noise management and mitigation strategies.

A Construction Noise & Vibration Management Plan must be developed and implemented throughout demolition and construction work.

- a) The Construction Noise & Vibration Management Plan must be prepared by a suitably qualified acoustic consultant, in accordance with the Environment Protection Authority Guidelines for Construction Noise and Assessing Vibration: A Technical Guideline (or other relevant and recognised Vibration guidelines or standards) and the conditions of development consent, to the satisfaction of the Certifier.
- b) 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 and mitigation strategies.
- c) Noise and vibration levels must be monitored during the works and a further report must be obtained from the acoustic/vibration consultant as soon as practicable after the commencement of the 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 the Certifier and Council.

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 the Certifier and Council prior to commencement of any site works.

- e) Noise and vibration levels must be monitored during the site work and be reviewed by the acoustic/vibration consultant periodically, to ensure that the relevant strategies and requirements are being satisfied and details are to be provided to the Certifier and Council accordingly.

### **Construction Site Management Plan**

9. 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 and hoardings
- location of site storage areas, sheds, plant & equipment
- location of building materials and stock-piles
- tree protective measures
- dust control measures
- details of sediment and erosion control measures
- site access location and construction
- methods of disposal of demolition materials
- 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
- measures to be implemented to ensure public health and safety.

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

A copy of the Construction Site Management Plan must be provided to the 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 & Hazardous Materials**

10. A Demolition Work Plan must be developed and be implemented for all demolition work, in accordance with the following requirements:

- a) Demolition work must comply with Australian Standard AS 2601 (2001), Demolition of Structures; SafeWork NSW requirements and Codes of Practice and Randwick City Council's Asbestos Policy.
- b) The Demolition Work Plan must include the following details (as applicable):

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

The Demolition Work Plan must be provided to the Certifier prior to commencing any demolition works or removal of any building work or materials. A copy of the Demolition Work Plan must be maintained on site and be made available to Council officers upon request.

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

Notes it is the responsibility of the persons undertaking demolition work to obtain the relevant SafeWork licences and permits and if the work involves the removal of more than 10m<sup>2</sup> of bonded asbestos materials or any friable asbestos material, the work must be undertaken by a SafeWork Licensed Asbestos Removal Contractor.

#### **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 and Assessment Act 1979 and associated Environmental Planning and Assessment Regulations and to provide reasonable levels of public health, safety and environmental amenity during construction.

#### **Complaints management during the work/construction**

11. The applicant is to engage the services of a suitably qualified person to respond to enquiries and complaints made by the community or NSW Planning in relation to the site and construction work.

A specific contact number is to be made available for such enquiries and complaints (including an after-hours emergency contract number) and a complaints register is to be maintained to record all such enquiries, complaints, dates and actions taken in response to same, which is to be made available to NSW Planning officers upon request.

#### **Building working hours – class 2 to 9 developments**

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

Activity	Permitted working hours
All building, demolition and site work, including site deliveries (except as detailed below)	<ul style="list-style-type: none"> <li>Monday to Friday - 7.00am to 5.00pm</li> <li>Saturday - 8.00am to 5.00pm</li> <li>Sunday &amp; public holidays - No work permitted</li> </ul>
Excavating or sawing of rock, use of jack-hammers, pile-drivers or the like	<ul style="list-style-type: none"> <li>Monday to Friday - 8.00am to 3.00pm</li> <li>Saturday - No work permitted</li> <li>Sunday &amp; public holidays - No work permitted</li> </ul>
Internal work only within a commercial or industrial development, located in a commercial or industrial zone, which is not audible within any residential dwelling or commercial or industrial premises	<ul style="list-style-type: none"> <li>Monday to Saturday - No time limits (subject to work not being audible in any residential dwelling or commercial/industrial tenancy or building)</li> <li>Sunday &amp; public holidays - No work permitted</li> </ul>
Additional requirements for all development (except for single residential dwellings)	<ul style="list-style-type: none"> <li>Saturdays and Sundays where the preceding Friday and/or the following Monday is a public holiday - No work permitted</li> </ul>

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

#### **Notification – New Contamination Evidence**

13. NSW Planning Manager and the Principal Certifier must be notified of any new information which comes to light during remediation, demolition or construction works which has the potential to alter previous conclusions about site contamination.

#### **Site Signage**

14. A sign must be installed in a prominent position at the front of the site before/upon commencement of works and be maintained throughout the works, which contains the following details:
  - name, address, contractor licence number and telephone number of the principal building 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 Building Certifier
  - a statement stating that "unauthorised entry to the work site is prohibited".

#### **Noise & Vibration**

15. Noise and vibration from the works are to be minimised by implementing appropriate noise management and mitigation strategies, in accordance with the Construction Noise & Vibration Management Plan, prepared for the development and as specified in the conditions of consent.

### **Construction Site Fencing**

16. Temporary site safety fencing must be provided to the perimeter of the site prior to commencement of works and throughout demolition, excavation and construction works.

Temporary site fences 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); heavy-duty plywood sheeting (painted white), or other material approved by Council in writing.

Adequate barriers must also be provided to prevent building materials or debris from falling onto adjoining properties or Council land and excavations must be properly guarded to prevent them from being dangerous to life or property.

All site fencing, hoardings and barriers 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.

Notes:

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

### **Site Management**

17. Public safety and convenience must be maintained during demolition, excavation and construction works and the following requirements must be complied with at all times:

- 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) Soil, sand, cement slurry, debris or any other material must not be permitted to enter or be likely to enter Council's stormwater drainage system or cause a pollution incident.
- c) Sediment and erosion control measures must be provided to the site and be maintained in a good and operational condition throughout construction.
- d) 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.
- e) Any damage caused to the road, footway, vehicular crossing, nature strip or any public place must be repaired immediately, to the satisfaction of Council.
- f) During demolition excavation and construction works, dust emissions must be minimised, so as not to have an unreasonable impact on nearby residents or result in a potential pollution incident.
- g) The prior written approval must be obtained from Council to discharge any site stormwater or groundwater from a construction site into Council's drainage system, roadway or Council land.
- h) 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.

- i) A Road/Asset Opening Permit must be obtained from Council prior to carrying out any works within or upon a road, footpath, nature strip or in any public place, in accordance with section 138 of the Roads Act 1993 and all of the conditions and requirements contained in the Road/Asset Opening Permit must be complied with. Please contact Council's Road/Asset Openings officer on 9093 6691 for further details.

#### **Dust Control**

18. 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 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.

#### **Site Accessway**

19. A temporary timber, concrete crossing or other approved stabilised access is to be provided to the site entrance across the kerb and footway area, with splayed edges, to the satisfaction of Council throughout the works, unless access is via an existing suitable concrete crossover.

Any damage caused to the road, footpath, vehicular crossing or nature strip during construction work must be repaired or stabilised immediately to Council's satisfaction

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

20. Demolition work must be carried out in accordance with the relevant requirements of SafeWork; NSW Environment Protection Authority; Australian Standard AS 2601 (2001) - Demolition of Structures and Randwick City Council's Asbestos Policy. Details of compliance are to be provided in a demolition work plan, which shall be maintained on site and a copy is to be provided to the Certifier and Council.

Demolition or building work relating to materials containing asbestos must also be carried out in accordance with the following requirements:

- A licence must be obtained from SafeWork NSW for the removal of friable asbestos and or more than 10m<sup>2</sup> of bonded asbestos (i.e. fibro),
- Asbestos waste must be disposed of in accordance with the Protection of the Environment Operations Act 1997 and relevant Regulations
- A sign must be provided to the site/building stating "Danger Asbestos Removal In Progress",
- Council is to be given at least two days written notice of demolition works involving materials containing asbestos,



- Copies of waste disposal details and receipts are to be maintained and made available to the Certifier and Council upon request,
- A Clearance Certificate or Statement must be obtained from a suitably qualified person (i.e. Occupational Hygienist or Licensed Asbestos Removal Contractor) which is to be submitted to the Certifier and Council upon completion of the asbestos removal works,
- Details of compliance with these requirements must be provided to the Certifier and Council upon request.

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

#### **Excavations & Support of Adjoining Land**

21. In accordance with section 4.17 (11) of the Environmental Planning and Assessment Act 1979 and section 74 of the Environmental Planning and Assessment Regulation 2021, it is a prescribed condition that the adjoining land and buildings located upon the adjoining land must be adequately supported at all times.

#### **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.

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

22. A report or statement prepared by a suitably qualified and experienced acoustic consultant must be provided to the Principal Certifier and NSW Planning, which demonstrates that the noise criteria from all relevant conditions of this development consent have been achieved.

#### **Post-construction Dilapidation Report**

23. A post-construction Dilapidation Report is to be prepared by a professional engineer for the adjoining and affected properties of this consent, to the satisfaction of the Certifier, prior to the issue of an Occupation Certificate.

The dilapidation report shall detail whether:

- a) after comparing the pre-construction dilapidation report to the post-construction report dilapidation report required under this consent, there has been any damage (including cracking in building finishes) to any adjoining and affected properties; and
- b) where there has been damage (including cracking in building finishes) to any adjoining and/or affected properties, that it is a result of the building work approved under this development consent.

The report is to be submitted as a PDF in Adobe format or in A4 format and a copy of the post-construction dilapidation report must be provided to the Certifier and to Council. A copy shall also be provided to the owners of the adjoining and affected properties and Council shall be provided with a list of owners to whom a copy of the report has been provided.

### **Certificate of Occupation**

24. Certification of the building works must be obtained from the Building Certifier prior to any occupation of the building work encompassed in this development consent, in accordance with the relevant provisions of the Environmental Planning and Assessment Act 1979.

### **Fire Safety & Building Certification**

25. Certification shall be obtained from suitably qualified persons, which confirms that all of the Fire Safety measures installed or serving the building, satisfy the relevant provisions of the Building Code of Australia (and crown building approval), to the satisfaction of the appointed Building Certifier.

### **Structural Certification**

26. 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 Building Certifier. A copy of which is to be provided to Council.

## **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 and Assessment Act 1979 and associated Environmental Planning and Assessment Regulations, Council's development consent and to maintain reasonable levels of public health and environmental amenity.

27. An acoustic report, prepared by a suitably qualified and experienced consultant in acoustics, must be provided to NSW Planning **within 2 months of the issuing of an occupation certificate**, which demonstrates and confirms that the relevant provisions of the Protection of the Environment Operations Act 1997 and the internal noise criteria and requirements contained in this consent has been satisfied (including any relevant adopted acoustic report and recommendations). The assessment and report must include all relevant fixed and operational noise sources.

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

### **Noise from domestic air conditioners**

29. The 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.

(Noise from rainwater tanks or greywater systems)

30. The installation of rainwater tanks and greywater treatment systems shall comply with the following noise control requirements:

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

- c) The operation of plant and equipment associated with the rainwater tank/s and greywater treatment systems are to be restricted to the following hours if the noise emitted can be heard within a habitable room in any other residential premises:

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

**Maintenance, Inspection & Certification of Fire Safety Measures**

31. The Fire Safety Measures installed within or serving the building shall be subject to a suitable ongoing inspection, maintenance and certification program.