

**Joint Regional Planning Panel  
(Sydney East Region)**

<b>JRPP No.</b>	<b>2015SYE062</b>
<b>DA No.:</b>	<b>DA/260/2015 Demolition of the existing Surf Lifeguards building under Goldstein Reserve including removal of existing landscaping within part of the Reserve and construction of a new Surf Lifeguards building including lifeguard rooms, kiosk, public change rooms, toilets, associated staff facilities and storage, modification to lower promenade walkway slab and installation of new skylight within the Goldstein Reserve at 134R Beach Street, COOGEE</b>
<b>Applicant:</b>	<b>Randwick City Council</b>
<b>Report By:</b>	<b>Planning Ingenuity Pty Ltd</b>

### **Executive Summary**

Council is in receipt of a development application (DA) for demolition of the existing Surf Lifeguards building under Goldstein Reserve including removal of existing landscaping and construction of a new Surf Lifeguards building. The new building will contain lifeguard rooms, kiosk, public change rooms, toilets, associated staff facilities and storage. The works also involve modification to the lower promenade walkway slab and installation of a new skylight. The application has been assessed by an external planning consultant as Council is the Applicant.

The application is referred to the Joint Regional Planning Panel for determination, pursuant to Schedule 4A, of the Environmental Planning and Assessment Act 1979 and Part 4 of State Environmental Planning Policy (State and Regional Development) 2011. The application is a Council related development which has a capital investment value in excess of \$5 million.

On the 22 April 2015 the subject application was formally lodged for the development described above. The application was notified in accordance with Council's requirements from 6 May – 22 May 2015. Two submissions in support of the application were received during this period and one submission was received commenting on the impact of a high tide.

The land is zoned RE1 – Public Recreation under the Randwick Local Environmental Plan 2012 and proposed the development is permissible.

The proposal is consistent with the overall objectives of the Randwick DCP 2013 and satisfies the relevant controls.

The application is therefore recommended for approval.

### **1.0 Site Description and Locality**

The site forms part of the southern side of Coogee Beach, along the foreshore frontage. Coogee Beach (including the foreshore frontage, parkland and promenades), in its entirety, is registered as Lot 7314 in DP 1166721. The area to be affected by the development is 40m x 18m. The total surface land area of the proposed development site will be approximately 750sqm. The location of the proposed works is shown in Figures 1 and 4.

The proposed works will be conducted on part of the upper and lower promenades, as well as a section of Goldstein Reserve between the existing amphitheatre and sandstone

wall to the south. The development relates primarily to the existing building that has been constructed into the embankment, underneath the upper promenade and Goldstein Reserve (south). The eastern (front) façade is set into a concrete seawall. A sandstone seawall extends from the southern side of the building. These features are shown in the photograph in Figure 2. The upper promenade is shown in the photograph in Figure 3.

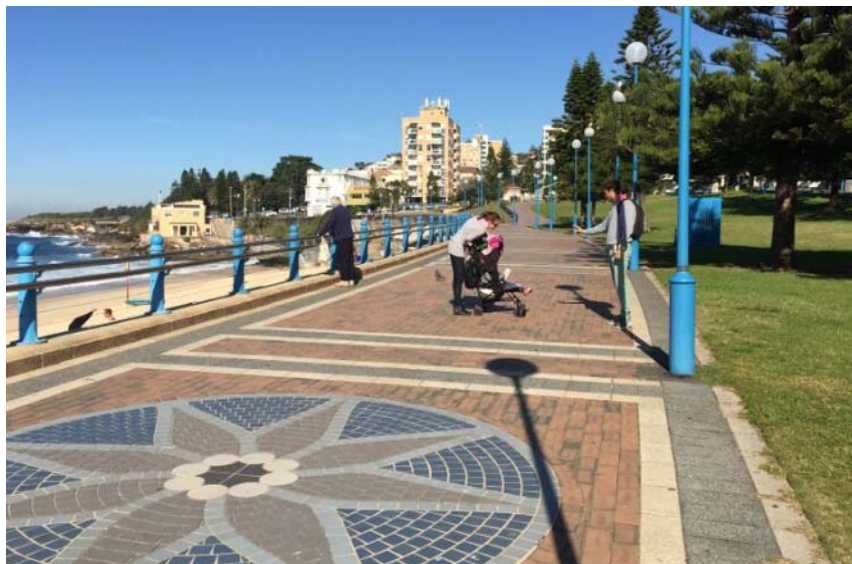
There is direct pedestrian access into the building from the lower promenade. It currently includes the following facilities: a kiosk, first aid room, Randwick City Council's waste and cleaning services, staff lunch room and other rooms dedicated to the Randwick City Council's Lifeguards (e.g. observation room, amenities and storage room). The upper level promenade and a minor section of the parkland of Goldstein Reserve (south) are located over the roof top of the building.



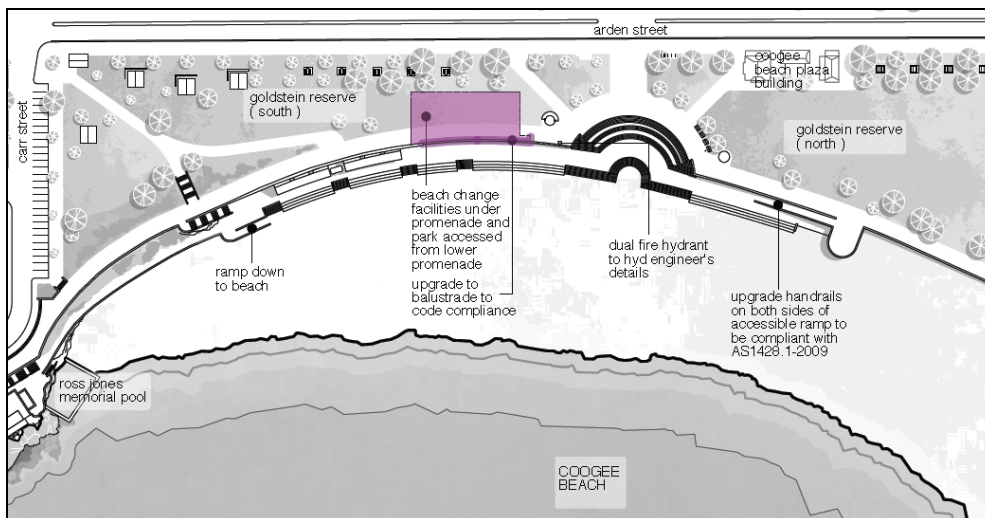
Figure 1: Location plan



**Figure 2: Existing kiosk and lifeguard facilities**



**Figure 3: Existing upper promenade and Goldstein Reserve**



**Figure 4: Site Plan**

## 2.0 The Proposed Development

The subject DA generally proposes the redevelopment/extension of the existing amenities and surf lifeguards building at the lower promenade level at Coogee Beach. It will include works to the upper promenade and Goldstein Reserve, as well as the east facing concrete walls.

### Lower Level - Lower Promenade

- Demolition of the existing Council's surf lifeguard building and sections of the adjacent concrete seawall to the north.
- Excavation works to extend the facility further to the west, north and south.
- Construction of a new, larger, underground building with surf lifeguard amenities, public change rooms, toilets, council waste and cleaning staff office, storage and kiosk facilities and signage.
- Removal of other intrusive items such as signage and air conditioning unit.
- Modification to the lower promenade walkway slab to suit the proposed internal floor levels.

A floor plan of the proposed lower level is shown in Figure 5.

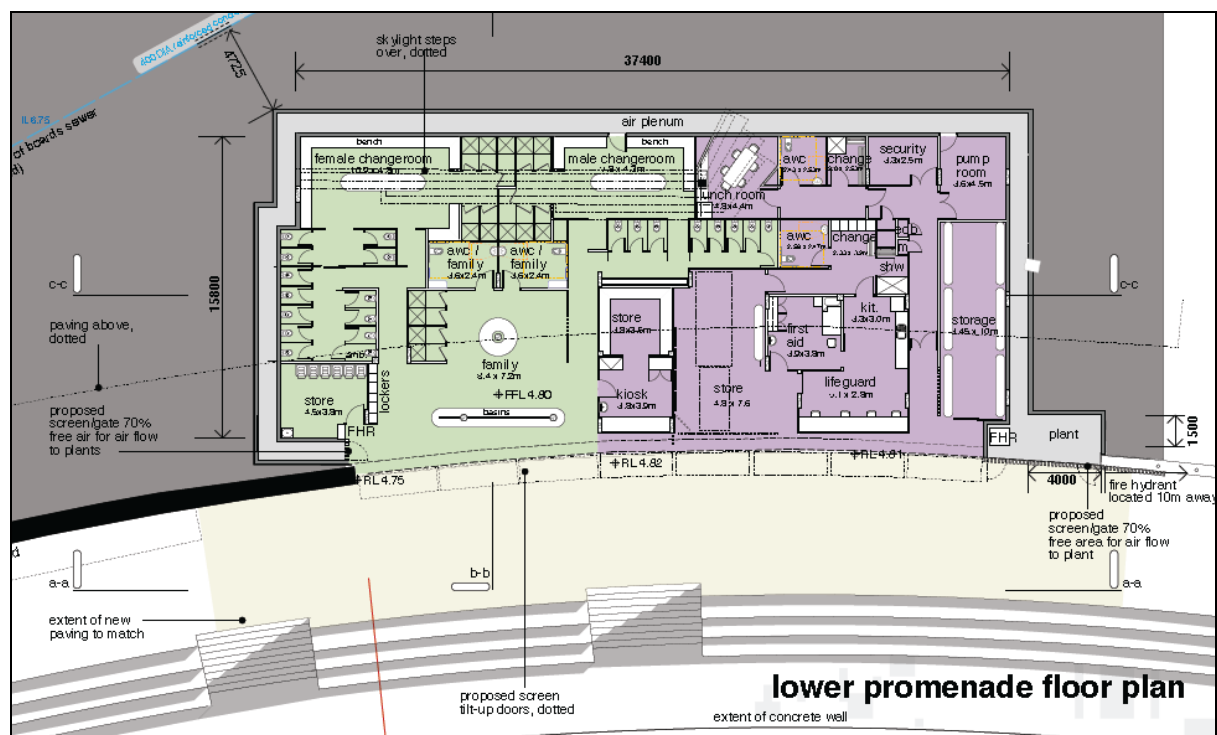
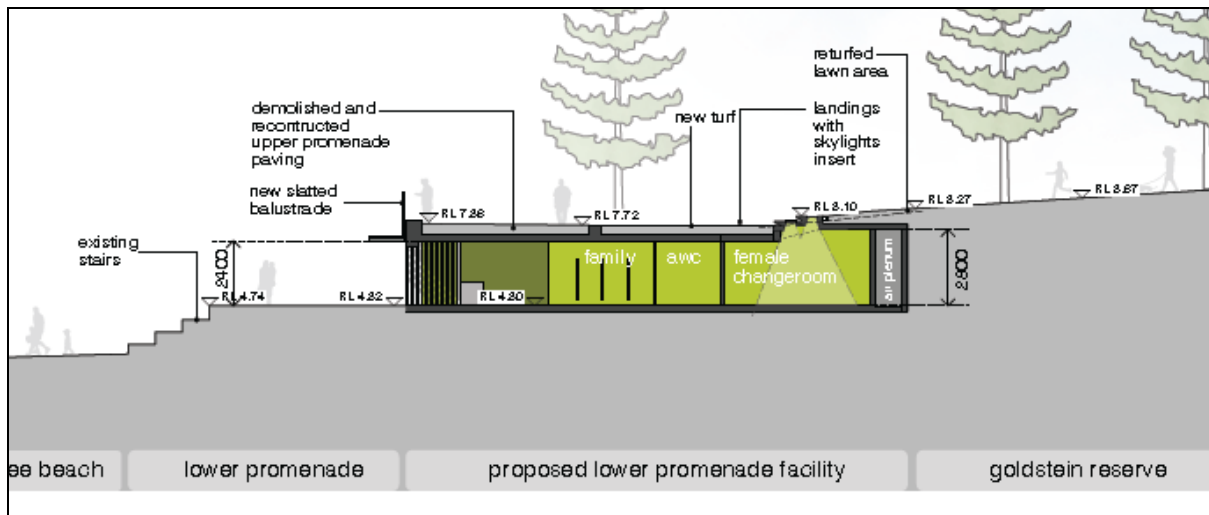
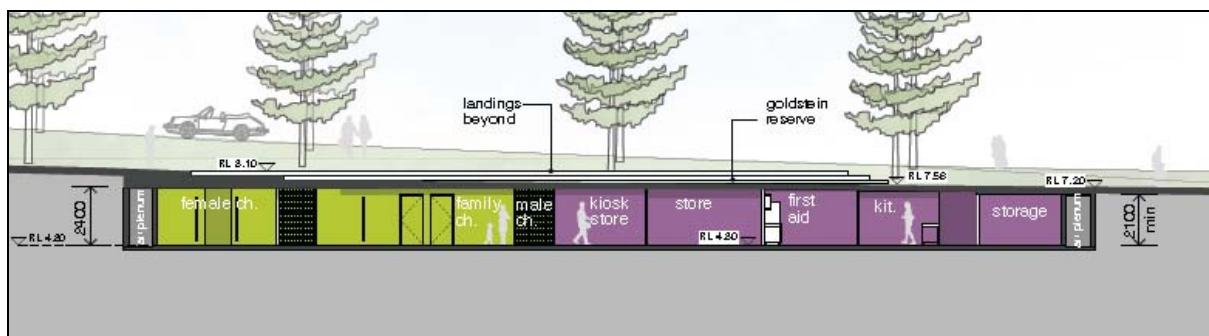


Figure 5: Proposed Lower Promenade floor plan





**Figure 6: Proposed section looking south**

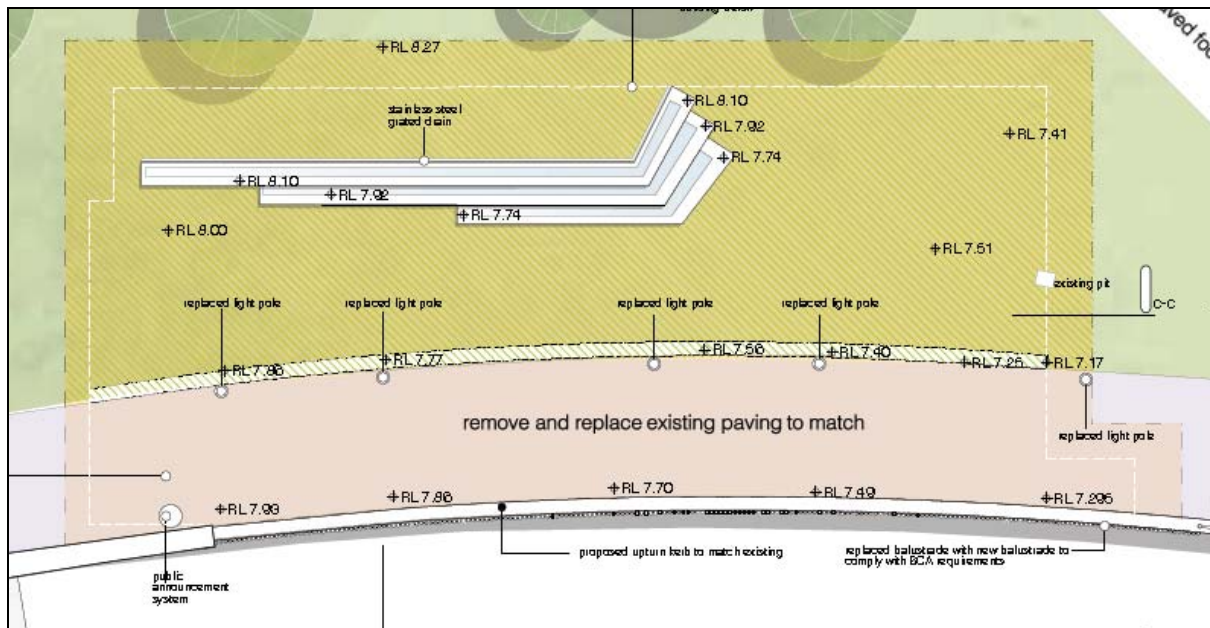


**Figure 7: Proposed section as viewed from beach**

### Upper Level – Upper Promenade

- Removal of turfed area at Goldstein Reserve (south), including four (4) young Norfolk Island Pine trees, turfing and paving. (Refer to accompanying Arborist Report).
- Removal of a vent enclosure within Goldstein Reserve.
- Returfing and repaving over the building roof slab including the provision of a skylight in the form of glass and concrete landings (further to the west) within Goldstein Reserve. (NB: The ground slopes slightly east and north in this location and the proposed steps would, in addition to admitting light to the building, serve as a transition between two levels. The landings will be positioned further west of the existing vent enclosure.
- Temporary removal of light poles along the upper promenade during construction.

Works for the Upper Promenade are shown in Figure 8.



**Figure 8: Proposed Upper Promenade works**

### 3.0 Notification/Advertising

The surrounding landowners were notified of the application for a period of 14 days between 6 May and 22 May 2015 in accordance with Council's DCP. As a result two submissions in support of the application were received and one submission commenting on the impact of a high tide. In this regards a Flood Risk Assessment and Management Plan was submitted with the application and has informed the design process for the proposal in light of the potential for coastal processes such as wave overtopping and erosion.

### 4.0 Technical Advice: Internal

#### Landscape Comments

Council's Landscape Assessment Officer has commented as follows:

*"The submitted plans show the removal of 4 Norfolk Island Pine Trees to allow for the proposed alterations to the Lifeguard Amenities Building and the inclusion of Public Change Rooms.*

*There is no objection to the removal of the 4 Norfolk Island Pine Trees subject to the replacement planting of at least 1 Norfolk Island Pine Tree as shown on the submitted plans."*

Conditions are recommended which incorporate this requirement.

#### Heritage Comments

Council's Heritage Planner has commented as follows:

*134R Beach Street includes the entire former alignment of Beach Street between Dolphin Street and Carr Street, which up until the early 1990s formed a roadway, but which is now closed to traffic. The site includes a sandstone retaining wall between the level of the beach and the level of the promenade which is listed as a heritage item under Randwick LEP 2012. The Randwick Heritage Study Inventory Sheet for the sandstone wall notes that it was built in 1882 by Randwick Council around the Coogee Beach promenade and that ornamental cast iron lamp standards supported by dolphins once graced the round coping. There are a number of other heritage items in the vicinity of*

*the site including Giles Baths and the Coogee Place to the north, the James Robertson fountain and the Coogee Bay Hotel to the west and Ross Jones memorial pool and the Grand Pacific Hotel to the south.*

*The existing sandstone retaining wall is in two sections at the northern and southern ends of the beach, with the central section on either side of the semi-circular steps in reinforced concrete. The Coogee Pier projected into the bay opposite the end of Coogee Bay Road, with the dressing sheds located to the south of this, in the area now occupied by the central section of reinforced concrete retaining wall and the semicircular steps. It is unclear whether any sandstone blockwork remains behind the existing concrete, given the dressing sheds historically located in this area. The sandstone walls provide a generally homogeneous face to the beach with the sandstone blocks extended to provide an edge to the promenade. The sandstone wall however includes sections of cut rock face, brickwork and concrete, as well as the huge roughly hewn sandstone blocks. The semicircular coping to the promenade edge is smoothly finished. The reinforced concrete sections have open balustrades comprising chunky blue posts and finer stainless steel double railings. The retaining wall as a whole is notable for the impressive sweep along the length of the beach, with the open balustrades unifying the more recent central section of the structure. The section of the retaining wall north of Alfreda Street extends from the promenade to the sand, while the section south of Alfreda Street includes an upper and lower promenade, with steps and ramps providing access between them and down to the sand.*

*The proposed amenities are to be located between the upper and lower promenade levels. When in use, the amenities will present to the lower promenade and the beach generally as open void areas, with facilities set well back from the edge of the promenade above (other than the wash basin element, kiosk and lifeguard counters). From Goldstein Reserve, the proposed amenities will be visible only as a series of steps which will incorporate translucent strips to light the change rooms below. Four Norfolk Island pines are to be removed and former turfed and paved areas reinstated. When not in use, slatted timber screens will provide security and unify the void areas with the proposed slatted screens to the plant room and the slatted balustrade to the upper promenade. While the slatted timber balustrade will disrupt the sweep of the existing post and rail balustrade, it will help integrate all the elements of the proposed works and integrate the proposed works with the vertical rise of the sandstone retaining wall.*

*The proposed removal of the existing reinforced concrete retaining wall and installation of timber screens will apparently affect a number of plaques which are fixed to the face of the wall, and will cut off the end of the blue ceramic tile panels which relieve the face of the concrete. Three plaques are affected, two to the north of the proposed works and one to the south. The plaques to the north comprise the original granite tablet which commemorates the opening of the Coogee Pier in 1926 and an associated interpretative panel installed in 2007. The plaque to the south commemorates the completion of the existing amenities in 1978. A consent condition should be included requiring that the plaques be salvaged prior to commencement and reinstated following completion, and that details be provided of the location for the reinstated plaques.*

*The proposed works will allow for the removal of a bulky screened boundary trap within Goldstein Reserve. The four Norfolk Island pines which are to be removed are not part of a formal group or row. A consent condition should be included requiring the submission of details of any replacement plantings. A consent condition should also be included requiring that the repaving of the promenade following completion of the works match surrounding paving as closely as possible and reuse existing paving bricks if possible. Existing balustrades on both sides of the accessible ramp to the north of the semi-circular steps are also to be replaced. A consent condition should be included that replacement balustrades are compatible with the design of existing balustrades to the promenade areas. The proposed works will also allow the removal of a caged air conditioning unit above the first aid counter. It is unclear whether the existing first aid, life guards, beach safety, and other signage is to be replaced, as well as the detail of*

*additional signage for the public amenities. A consent condition is to be included requiring details of all existing signage which is to be reinstated and new signage which is to be installed.*

## **5.0 Environmental Assessment**

<b>Section 79C 'Matters for Consideration'</b>	<b>Comments</b>
<b>Environmental Planning Instruments</b>	
Section 79C(1)(a)(i) – Provisions of any environmental planning instrument	The proposal is a permissible use in the RE1 Public Recreation Zone and satisfies the objectives of the zone.
Section 79C(1)(a)(ii) – Provisions of any draft environmental planning instrument	There are no draft environmental planning instruments that apply to the assessment of the application.
Section 79C(1)(a)(iii) – Provisions of any development control plan	The provisions of Randwick Comprehensive DCP 2013 have been considered in Section 6.3.1 of this report and the proposal is consistent with all relevant controls.
Section 79C(1)(a)(iia) – Provisions of any Planning Agreement or draft Planning Agreement	There are no planning agreements associated with this development application.
Section 79C(1)(a)(iv) – Provisions of the regulations	The relevant clauses of the Regulations have been satisfied.
Section 79C(1)(b) – The likely impacts of the development, including environmental impacts on the natural and built environment and social and economic impacts in the locality	<p>The environmental impacts of the proposed development on the natural and built environment are discussed in Section 6 of this report.</p> <p>The proposed development is consistent with the recreation uses and the foreshore area of Coogee Beach. The proposal would not result in detrimental social or economic impacts on the locality.</p>
Section 79C(1)(c) – The suitability of the site for the development	The site currently has a kiosk, council waste and cleaning services facilities and rooms for use by the Randwick City Council Lifeguards. The proposed works will upgrade the existing facilities and provide public amenities including toilets and change rooms. The site is suitable for the development.
Section 79C(1)(d) – Any submissions made in accordance with the EP&A Act or EP&A Regulation	The issues raised in the submissions have been addressed in Section 3 of this report.
Section 79C(1)(e) – The public interest	The proposal promotes the objectives of the zone and will not result in any significant adverse environmental, social or economic impacts on the locality. Accordingly, the proposal is considered to be in the public interest.

## **6.0 Relevant Environmental Instruments and Policy Controls**

### **6.1 Environmental instruments**



The following statutory Environmental Planning Instruments apply in the assessment of the proposed development:

- State Environmental Planning Policy (State and Regional Development) 2011
- State Environmental Planning Policy No. 55 – Remediation of Land
- State Environmental Planning Policy No. 71 – Coastal Protection
- State Environmental Planning Policy (Infrastructure) 2007
- State Environmental Planning Policy No. 19 – Bushland in Urban Areas
- Randwick Local Environmental Plan 2012

An assessment of the proposed development in relation to the above statutory instruments is provided below.

#### **6.1.1 State Environmental Planning Policy (State and Regional Development) 2011**

The application is referred to the Joint Regional Planning Panel for determination, pursuant to Schedule 4A, of the Environmental Planning and Assessment Act 1979 and Clause 20 of the State Environmental Planning Policy (State and Regional Development) 2011. The development has a capital investment value in excess of \$5 million.

#### **6.1.2 State Environmental Planning Policy No. 55 – Remediation of Land**

SEPP 55 applies and requires the consent authority to consider whether the land is contaminated and whether the land is suitable (in its contaminated state or after remediation) for the purposes proposed to be carried out. If remediation is required, then the consent authority must be satisfied that remediation will be completed before the proposed use commences.

The subject site has a long standing history of recreational uses and it is therefore unlikely that the site is contaminated. As such, the requirements of SEPP No. 55 are satisfied.

#### **6.1.3 State Environmental Planning Policy No. 71 – Coastal Protection**

The site is located within the 'coastal zone' as defined under SEPP 71 and within a 'sensitive coastal location' given it is within 100m of the mean high water mark of the sea. The following table details the compliance of the proposed development with the matters for consideration in the SEPP:

<b>Clause 8 'Matters for Consideration'</b>	<b>Comment</b>
<p>The aims of this Policy set out in clause 2:</p> <p>a) to protect and manage the natural, cultural, recreational and economic attributes of the New South Wales coast, and</p> <p>b) to protect and improve existing public access to and along coastal foreshores to the extent that this is compatible with the natural attributes of the coastal foreshore, and</p> <p>c) to ensure that new opportunities for public access to and along coastal foreshores are identified and realised to the extent that this is compatible</p>	<p>The proposal will not adversely affect the attributes of the foreshore area.</p> <p>The existing access to the foreshore is to be improved (handrails installed on existing ramps) to comply with AS1428.1-2009 as a result of the proposed works.</p> <p>NA</p>

<p>with the natural attributes of the coastal foreshore, and</p> <p>d) to protect and preserve Aboriginal cultural heritage, and Aboriginal places, values, customs, beliefs and traditional knowledge, and</p> <p>e) to ensure that the visual amenity of the coast is protected, and</p> <p>f) to protect and preserve beach environments and beach amenity, and</p> <p>g) to protect and preserve native coastal vegetation, and</p> <p>h) to protect and preserve the marine environment of New South Wales, and</p> <p>i) to protect and preserve rock platforms, and</p> <p>j) to manage the coastal zone in accordance with the principles of ecologically sustainable development (within the meaning of section 6 (2) of the <i>Protection of the Environment Administration Act 1991</i>), and</p> <p>k) to ensure that the type, bulk, scale and size of development is appropriate for the location and protects and improves the natural scenic quality of the surrounding area, and</p> <p>l) to encourage a strategic approach to coastal management.</p>	<p>There are no known Aboriginal heritage items in the vicinity of the site.</p> <p>The proposed works will not have an adverse impact on the visual amenity of the foreshore, and will improve beach amenity.</p> <p>There is no native coastal vegetation affected by the proposal.</p> <p>The works will not impact on the marine environment.</p> <p>There are no rock platforms in the vicinity of the site.</p> <p>The Plan of Management (POM) for the area contains strategies for managing the beach and foreshore area in accordance with the principles of ESD.</p> <p>The development is of an appropriate size and scale for its location and is designed to integrate with the existing promenades and reserve surrounds.</p> <p>The POM for the area contains the strategic management of the beach and foreshore area.</p>
<p>(b) existing public access to and along the coastal foreshore for pedestrians or persons with a disability should be retained and, where possible, public access to and along the coastal foreshore for pedestrians or persons with a disability should be improved,</p>	<p>The facilities are accessible for persons with a disability via the ramps on the northern side of the semicircular steps that access the lower promenade from the reserve. The application proposes upgrades to the existing handrails on the sides of the ramps to comply with AS1428.1-2009.</p>
<p>(c) opportunities to provide new public access to and along the coastal foreshore for pedestrians or persons with a disability,</p>	<p>Adequate public access is already provided to the lower promenade and Goldstein Reserve.</p>
<p>(d) the suitability of development given its type, location and design and its relationship with the surrounding area,</p>	<p>The development provides modern facilities for the public and staff of Randwick Council and is designed to be integrated within the existing promenade without impacting the reserve or foreshore.</p>
<p>(e) any detrimental impact that development may have on the amenity of the coastal foreshore, including any significant overshadowing of the coastal foreshore and any significant loss of views from a public place to the coastal foreshore,</p>	<p>The proposal will have no detrimental impact on the foreshore as a result of the distance it is setback from the beach and the manner in which it is integrated with existing structures. It will not overshadow any foreshore areas and will not result in view loss from any public place as the works are proposed within the existing promenade walls and between the</p>

	upper and lower levels.
(f)the scenic qualities of the New South Wales coast, and means to protect and improve these qualities,	The facilities integrate with the existing promenade and will not have an adverse impact on the scenic quality of the beach or reserve.
(g)measures to conserve animals (within the meaning of the <i>Threatened Species Conservation Act 1995</i> ) and plants (within the meaning of that Act), and their habitats,	NA
(h)measures to conserve fish (within the meaning of Part 7A of the <i>Fisheries Management Act 1994</i> ) and marine vegetation (within the meaning of that Part), and their habitats	NA
(i)existing wildlife corridors and the impact of development on these corridors,	NA
(j)the likely impact of coastal processes and coastal hazards on development and any likely impacts of development on coastal processes and coastal hazards,	A Flood Risk Assessment and Management Plan were submitted with the application and have informed the design process for the proposal in light of the potential for coastal processes such as wave overtopping and erosion.
(k)measures to reduce the potential for conflict between land-based and water-based coastal activities,	NA
(l)measures to protect the cultural places, values, customs, beliefs and traditional knowledge of Aboriginals,	NA
(m)likely impacts of development on the water quality of coastal waterbodies,	The facility will be connected to the reticulated sewer system and there will be no change to impervious areas.
(n)the conservation and preservation of items of heritage, archaeological or historic significance,	Council's Heritage Planner has reviewed the application and provided comments and conditions for inclusion in the consent. Refer to Section 4 of this report.
(o)only in cases in which a council prepares a draft local environmental plan that applies to land to which this Policy applies, the means to encourage compact towns and cities,	NA

#### 6.1.4 State Environmental Planning Policy No. 19 – Bushland in Urban Areas

SEPP 19 applies to the Randwick local government area and aims to protect and preserve bushland in urban areas because of its value to the community as part of the natural heritage, its aesthetic value, and its value as a recreational, educational and scientific resource. Bushland is defined in the SEPP as *land on which there is vegetation which is either a remainder of the natural vegetation of the land or, if altered, is still representative of the structure and floristics of the natural vegetation.*

Clause 6 of the SEPP requires consent for the disturbance of bushland zoned for public open space. The vegetation on the site is not bushland or a remnant of bushland. The Norfolk Pine trees proposed for removal as part of the application are not listed as significant trees, and Goldstein Reserve or any of the trees in the reserve, are not listed as heritage items. The Arborist report submitted with the application addresses the removal of these trees.

The proposal meets the objectives of the SEPP as they apply to the site.

#### **6.1.5 Randwick Local Environmental Plan 2012**

##### **Clause 2.1 Land Use Zones**

The subject site is zoned RE1 – Public Open Space under Randwick LEP 2012. The proposed development can be classified as a community facility, recreation area and kiosk, each of which is permissible in the zone. The relevant definitions are provided below:

***community facility*** means a building or place:

- (a) *owned or controlled by a public authority or non-profit community organisation, and*
- (b) *used for the physical, social, cultural or intellectual development or welfare of the community,*  
*but does not include an educational establishment, hospital, retail premises, and place of public worship or residential accommodation.*

***recreation area*** means a place used for outdoor recreation that is normally open to the public, and includes:

- a) *a children's playground, or*
- b) *an area used for community sporting activities, or*
- c) *a public park, reserve or garden or the like,*  
*and any ancillary buildings, but does not include a recreation facility (indoor), recreation facility (major) or recreation facility (outdoor).*

***kiosk*** means premises that are used for the purposes of selling food, light refreshments and other small convenience items such as newspapers, films and the like.

*Note. See clause 5.4 for controls relating to the gross floor area of a kiosk.*

The zoning objectives are addressed as follows:

- *To enable land to be used for public open space or recreational purposes.*

The proposed facilities are associated with the use of the existing public open space at Coogee Beach and Goldstein Reserve adjoining the beach.

- *To provide a range of recreational settings and activities and compatible land uses.*

The proposal is a compatible land use with the existing public open space area by providing public amenities and facilities for use by council lifeguards and council waste services staff.

- *To protect and enhance the natural environment for recreational purposes.*

The proposed works will not impact on the beach or foreshore area, and the extent of works in Goldstein Reserve are minimal and will not impact adversely on the enjoyment of the reserve for recreation purposes.

- To protect, manage and restore areas with high biodiversity, ecological and aesthetic values, including buffer areas and habitat corridors.

The site does not have high biodiversity value or high ecological integrity. The proposal will not adversely impact the aesthetic value of the site.

#### Clause 5.4 Controls related to miscellaneous permissible uses

Clause 6 makes reference to 'kiosks' having a maximum gross floor area of 20m<sup>2</sup>. The proposed kiosk has a floor area of 14.82m<sup>2</sup>.

#### Clause 5.5 Development within the coastal zone

An assessment of the proposal against the objectives and controls for the coastal zone is provided in Section 6.1.3 of this report in accordance with SEPP 17 – Coastal Protection.

#### Clause 5.9 Preservation of trees and vegetation

Four trees are proposed for removal to accommodate the new works (Figure 9). The arborist report submitted with the application concludes that the trees are not significant, and the visual impact of their removal will be minimal due to the extent, condition and size of the surrounding trees to be retained. Council's Landscape Officer has reviewed the application and supports the removal of the four nominated trees subject to the replacement of at least one tree as part of the approval for the development.



Figure 9: Tree removal plan

#### Clause 5.10 Heritage Conservation

Section 4 of this report contains comments from Council's Heritage Planner on the application. The proposal is supported subject to conditions of consent.

#### Clause 6.1 Acid Sulfate Soils

The subject site has a Class 5 acid sulfate soil classification under the RLEP 2012. The proposal is unlikely to lower the water table in the adjoining Class 4 land.

#### Clause 6.2 Earthworks

The geotechnical report submitted with the application has informed the design process and provides technical advice in relation to retaining walls, excavation and footing



design. Appropriate conditions have been included in the development consent in relation to earthworks and geotechnical matters.

#### **Clause 6.4 Stormwater Management**

Stormwater Management Plans have been submitted with the application and appropriate conditions have been included in the development consent for detailed design plans to be provided with the Construction Certificate.

#### **Clause 6.10 Essential Services**

The essential services of sewer, water and electricity are already provided to the site and will be upgraded as necessary to accommodate the new works.

### **6.2 Section 94 Contributions Plan**

Pursuant to Randwick City Council's Section 94 Contributions Plan, certain development is exempt from a levy under the plan, including:

*"(13.2.4) applications submitted by or on behalf of Randwick City Council."*

### **6.3 Policy Controls**

The following policy controls apply in the assessment of the proposed development and are elaborated upon in the section below:

- Randwick Comprehensive Development Control Plan 2013
- Coogee Beach and Foreshore Plan of Management

#### **6.3.1 Randwick Development Control Plan 2013**

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

<b>DCP Clause</b>	<b>Controls</b>	<b>Proposal</b>	<b>Compliance</b>
<b>B2 Heritage</b>			
<b>1.12 Development in the vicinity of heritage items and heritage conservation areas</b>			
	All new development adjacent to or in the vicinity of a heritage item or heritage conservation area needs to be considered for its likely effect on heritage significance and setting.	The applicant has submitted a Statement of Heritage Impact. Council's heritage Planner has reviewed the Statement and has no objection to the proposal subject to conditions of consent.	Yes
<b>2.2 Design and Character</b>			
	i. Development must demonstrate how it respects the heritage values of the heritage item or the heritage conservation area (as detailed in the	The Statement of Heritage Impact addresses how the proposal 'enhances the adjoining sandstone wall's setting, legibility and significance'.	Yes

DCP Clause	Controls	Proposal	Compliance
	statements of significance and key characteristics outline in this section of the DCP)		
	vi. The design of any proposed additions or alterations must complement the existing building in its scale, form and detailing. However, it should be possible to distinguish the new work from the old, on close inspection, so that old and new are not confused or the boundaries / junctions blurred.	The new work is easily distinguished from the heritage sandstone wall. This matter has been satisfactorily addressed in the Heritage Impact Statement.	Yes
<b>3 Landscape Elements</b>			
	i) Significant sandstone and brick retaining walls must not be removed or replaced.	The sandstone wall/or original parts will not be removed or replaced.	Yes
	ii) Significant sandstone and brick retaining walls or natural rock faces must not be modified to accommodate vehicular access.	NA	NA
	iii) New surface mounting of infrastructure including water and gas supply pipes, storm water and sewerage pipes, service conduits and other fixings on retaining walls must be minimised.	No infrastructure will be placed on the wall.	Yes
	ix) Retaining walls and natural rock faces must not be modified by adjacent property owners, including rendering and painting or replacement of handrails. Sandstone walls will not be modified by, including rendering and painting or replacement of handrails.	The wall will not be modified as part of the proposal.	Yes
	x) Other landscape elements which are not heritage listed should be individually assessed for their contributory value if threatened.	The removal of turf in the reserve behind the wall will be reinstated around the glass and concrete landings. The trees proposed for removal are not heritage listed and do not contribute to the heritage significance of the wall.	Yes
<b>B3 Ecologically Sustainable Development</b>			
	i) Submit a schedule of materials with the DA that maximises the use of the following: -materials that are durable with low maintenance requirements. -materials with low embodied energy content. -renewable materials. -locally sourced products. -salvaged or recycled materials. -timber from plantation or sustainable managed re growth	A condition of consent has been included that a schedule of materials and finishes be provided prior to the issue of a construction certificate.	Yes

DCP Clause	Controls	Proposal	Compliance
	forests. -low volatile organic compound (VOC) emitting materials.		
<b>B5 Preservation of Trees and Vegetation</b>			
<b>2 Tree works requiring Council approval</b>			
	A tree permit must be obtained for tree works proposed.	The development consent grants approval for the removal of the trees listed in Condition 30.	Yes
<b>F1 Development in Recreation Zones</b>			
	Development proposed in a RE1 or RE2 zone must demonstrate the following as a minimum:  (i) the need for the proposed development on that land; (ii) the need to retain the land for its existing or likely future recreation use;  (iii) the impact of the proposed development on the existing or likely future use of the land;  (iv) whether the proposed development is complementary to the scenic, recreational and/or ecological values of the land; and  (v) in the case of RE1 Public Recreation zoned land, whether the proposed development would: - unreasonably impede or diminish the intended public use or public access to the land; - be consistent with any relevant plan of management adopted by Council.	<p>The proposed development will improve the use of the beach and reserve by providing upgraded public facilities.</p> <p>The proposal will not adversely impact the existing or future recreational use of the land.</p> <p>The proposal complements the beach foreshore area and sandstone walls of the lower promenade, provides facilities for use by the public and does not impact on the ecological values of the foreshore or reserve.</p> <p>The works include upgrades to the existing facilities and access to them to comply with AS1428.1 – 2009.</p> <p>The works are consistent with the Coogee Beach and Foreshore Area Plan of Management as discussed in Section 6.2.2 of this report.</p>	<p>Yes</p> <p>Yes</p> <p>Yes</p> <p>Yes</p> <p>Yes</p>

### 6.3.2 Coogee Beach and Foreshore Plan of Management

The Coogee Beach and Foreshore Plan of Management aims to provide policy and management direction for the future enhancement and management of the area as a whole for the Coogee Beach open space system. There are no specific development controls for Goldstein Reserve or the existing facilities in the lower promenade, other than the acknowledgement that the existing amenities located in Arden Street are too far away from the beach. The proposal meets the general recommendations of the POM as well as the general recreational and environmental roles and values applicable to the site.

## **7.0 Relationship to City Plan**

The relationship with the City Plan is as follows:

Outcome 4:	Excellence in urban design.
Direction 4a:	Improved design and sustainability across all development.
Outcome 5:	Excellence in Recreation and Lifestyle Opportunities.
Direction 5a:	Maximise opportunities for residents and visitors to enjoy both active and passive open space uses.
Outcome 6:	A liveable city.
Direction 6a:	Our public infrastructure assets are planned, managed and funded to meet the community expectations and defined levels of service

## **8.0 Conclusion**

The proposed development complies with the objectives and performance requirements of relevant State and Local planning controls. The proposal is consistent with the adopted Plan of Management. The proposal represents an economic and orderly use of the site and will deliver positive planning benefits. Therefore, the proposal is recommended for approval subject to conditions.

## RECOMMENDATION

**That** the Joint Regional Planning Panel as the responsible authority grant development consent under Section 80 and 80A of the Environmental Planning and Assessment Act 1979 (as amended) to Development Application No. DA/260/2015 for the demolition of the existing Surf Lifeguards building under Goldstein Reserve including removal of existing landscaping within part of the Reserve and construction of a new Surf Lifeguards building including lifeguard rooms, kiosk, public change rooms, toilets, associated staff facilities and storage, modification to lower promenade walkway slab and installation of new skylight within the Goldstein Reserve at 134R Beach Street, COOGEE NSW 2034 subject to the schedule of conditions outlined in this report:

### GENERAL CONDITIONS

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

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

### Approved Plans & Supporting Documentation

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

<b>Plan</b>	<b>Drawn by</b>	<b>Dated</b>	<b>Received by Council</b>
DA01 Site Plan	Brewster Hjorth Architects	18/3/15 Revision C	22 April 2015
DA03 Demolition Plan	Brewster Hjorth Architects	18/3/15 Revision C	22 April 2015
DA04 Lower Promenade Plan	Brewster Hjorth Architects	13/4/15 Revision E	22 April 2015
DA05 Upper Promenade Plan	Brewster Hjorth Architects	8/4/15 Revision D	22 April 2015
DA07 Elevations	Brewster Hjorth Architects	20/3/15 Revision C	22 April 2015
DA08 Sections	Brewster Hjorth Architects	8/4/15 Revision D	22 April 2015
C00.01 General Notes	ABC Consultants	14/4/15 Revision C	22 April 2015
C01.01 Ground Drainage Plan	ABC Consultants	14/4/15 Revision C	22 April 2015
C02.01 Roof Drainage and Site Catchment Plan	ABC Consultants	14/4/15 Revision C	22 April 2015
C02.02 Longitudinal Sections	ABC Consultants	14/4/15 Revision C	22 April 2015
C02.03 Sections and Details	ABC Consultants	14/4/15 Revision C	22 April 2015

### REQUIREMENTS BEFORE A CONSTRUCTION CERTIFICATE CAN BE ISSUED

The following conditions of consent must be complied with before a 'Construction Certificate' is issued by either Randwick City Council or an Accredited Certifier. All



necessary information to demonstrate compliance with the following conditions of consent must be included in the documentation for the construction certificate.

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

### **Consent Requirements**

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

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

3. a) 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 Director City Planning prior to issuing a construction certificate for the development.

### **Long Service Levy Payments**

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

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

### **Security Deposits**

5. The following security deposits requirement must be complied with prior to a construction certificate being issued for the development, as security for making good any damage caused to Council's assets and infrastructure; 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*:

- \$600.00 - Damage / Civil Works Security Deposit

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

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

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

### **Sydney Water**

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

The approved plans must be submitted to a Sydney Water Quick Check agent, to determine whether the development will affect Sydney Water's waste water and

water mains, stormwater drains and/or easements, and if any further requirements need to be met.

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

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

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

### **Heritage Matters**

7. The concrete element within the sandstone wall at the southern end of the proposed works is to be investigated to determine whether any original sandstone blockwork remains behind it. The rear face of the sandstone wall at the southern end of the proposed works is to be investigated and carefully excavated to minimise damage to the original sandstone structure. Following these investigations, a schedule of conservation measures is to be submitted to the Council by the nominated conservation architect.
8. The three existing plaques on the concrete retaining wall affected by the proposed works (two to the north and one to the south) are to be salvaged prior to commencement and reinstated following completion of the works. Details are to be provided of the location for the reinstated plaques in the form of drawings to be submitted to and approved by Council's Director City Planning, in accordance with Section 80A (2) of the Environmental Planning and Assessment Act 1979 prior to a construction certificate being issued for the development.
9. Details are to be provided of all existing signage which is to be reinstated, and new signage which is to be installed. Details are to be submitted to and approved by Council's Director City Planning, in accordance with Section 80A (2) of the Environmental Planning and Assessment Act 1979 prior to a construction certificate being issued for the development.
10. The repaving of the promenade following completion of the works is to match surrounding paving as closely as possible, and to reuse as many existing paving bricks as possible.
11. Replacement balustrades on both sides of the accessible ramp are to be compatible with the design of existing balustrades to the promenade areas.
12. Consideration should be given to the relocation of the shark alarm from its current location to another location where it will not be in contact with the sandstone retaining wall. If the shark alarm is relocated, any damage to the sandstone wall is to be made good by a suitably qualified stone mason with heritage experience.

### **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**

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

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

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

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

#### **Certification, PCA & other Requirements**

14. Prior to the commencement of any building works, the following requirements must be complied with:
- a) a *Construction Certificate* must be obtained from the Council or an accredited certifier, in accordance with the provisions of the *Environmental Planning & Assessment Act 1979*.  
  
A copy of the construction certificate, the approved development consent plans and consent conditions must be kept on the site at all times and be made available to the Council officers and all building contractors for assessment.
  - b) a *Principal Certifying Authority* (PCA) must be appointed to carry out the necessary building inspections and to issue an *occupation certificate*; and
  - c) a *principal contractor* must be appointed for the building work, or in relation to residential building work, an *owner-builder* permit may be obtained in accordance with the requirements of the *Home Building Act 1989*, and the PCA and Council are to be notified accordingly; and
  - d) the *principal contractor* must be advised of the required *critical stage inspections* and other inspections to be carried out, as specified by the *Principal Certifying Authority*; and
  - e) at least two days' notice must be given to the Council, in writing, prior to commencing any works.

*In relation to residential building work, the principal contractor must be the holder of a contractor licence, in accordance with the provisions of the Home Building Act 1989.*

### **Construction Site Management Plan**

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

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

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

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

### **Demolition Work Plan**

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

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

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

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

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

### **Notes**

- *It is the responsibility of the persons undertaking demolition work to obtain the relevant WorkCover licences and permits.*

- Refer to the conditions within the “Requirements During Construction & Site Work”, for further details and requirements relating to demolition work, removal of any asbestos and public safety.

### Public Utilities

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

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

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

## REQUIREMENTS DURING CONSTRUCTION & SITE WORK

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

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

### Inspections During Construction

18. The building works must be inspected by the *Principal Certifying Authority*, in accordance with sections 109 E (3) of the *Environmental Planning & Assessment Act 1979* and clause 162A of the *Environmental Planning & Assessment Regulation 2000*, to monitor compliance with the relevant standards of construction, Council’s development consent and the construction certificate.

The *Principal Certifying Authority* must specify the relevant stages of construction to be inspected and a satisfactory inspection must be carried out, to the satisfaction of the *Principal Certifying Authority*, prior to proceeding to the subsequent stages of construction or finalisation of the works (as applicable).

### Site Signage

19. A sign must be erected and maintained in a prominent position on the site for the duration of the works, which contains the following details:
- name, address, contractor licence number and telephone number of the *principal contractor*, including a telephone number at which the person may be contacted outside working hours, or *owner-builder* permit details (as applicable)
  - name, address and telephone number of the *Principal Certifying Authority*,
  - a statement stating that “unauthorised entry to the work site is prohibited”.

### Restriction on Working Hours

20. 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	<ul style="list-style-type: none"> <li>• Monday to Friday - 7.00am to 5.00pm</li> <li>• Saturday - 8.00am to 5.00pm</li> </ul>



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

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

### **Demolition Work Requirements**

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

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

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

### **Removal of Asbestos Materials**

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

- Relevant Occupational Health & Safety legislation and WorkCover NSW requirements
- Randwick City Council's Asbestos Policy
- A WorkCover licensed demolition or asbestos removal contractor must undertake removal of more than 10m<sup>2</sup> of bonded asbestos (or as otherwise specified by WorkCover or relevant legislation). Removal of friable asbestos material must only be undertaken by contractor that holds a current friable asbestos removal licence. A copy of the relevant licence must be provided to the Principal Certifying Authority.
- On sites involving the removal of asbestos, a sign must be clearly displayed in a prominent visible position at the front of the site, containing the words 'DANGER ASBESTOS REMOVAL IN PROGRESS' and include details of the licensed contractor.
- Asbestos waste must be stored, transported and disposed of in compliance with the *Protection of the Environment Operations Act 1997* and the

*Protection of the Environment Operations (Waste) Regulation 2005. Details of the landfill site (which must be lawfully able to receive asbestos materials) must be provided to the Principal Certifying Authority.*

- A Clearance Certificate or Statement, prepared by a suitably qualified person (i.e. an occupational hygienist, licensed asbestos removal contractor, building consultant, architect or experienced licensed building contractor), must be provided to Council and the Principal certifying authority upon completion of the asbestos related works which confirms that the asbestos material have been removed appropriately and the relevant conditions of consent have been satisfied.

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

### **Sediment & Erosion Control**

23. Sediment and erosion control measures, must be implemented throughout the site works in accordance with the manual for Managing Urban Stormwater – Soils and Construction, published by Landcom, to Council's satisfaction. Details are to be included in the *Construction Site Management Plan*.

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

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

- a) Public access to the building site and materials must be restricted by existing boundary fencing or temporary site fencing having a minimum height of 1.5m, to Council's satisfaction.

Temporary site fences are required to be constructed of cyclone wire fencing material and be structurally adequate, safe and constructed in a professional manner. The use of poor quality materials or steel reinforcement mesh as fencing is not permissible.

- b) Building materials, sand, soil, waste materials, construction equipment or other articles must not be placed upon the footpath, roadway or nature strip at any time.
- c) The road, footpath, vehicular crossing and nature strip must be maintained in a good, safe, clean condition and free from any excavations, obstructions, trip hazards, goods, materials, soils or debris at all times. Any damage caused to the road, footway, vehicular crossing, nature strip or any public place must be repaired immediately, to the satisfaction of Council.
- d) Building operations such as brick cutting, washing tools or equipment and mixing mortar are not permitted on public footpaths, roadways, nature strips, in any public place or any location which may lead to the discharge of materials into the stormwater drainage system.
- e) Sediment and erosion control measures, must be implemented throughout the site works in accordance with the manual for Managing Urban Stormwater – Soils and Construction, published by Landcom, to Council's satisfaction.

- f) Site fencing, building materials, bulk bins/waste containers and other articles must not be located upon the footpath, roadway or nature strip at any time without the prior written approval of the Council. Applications to place a waste container in a public place can be made to Council's Health, Building and Regulatory Services department.
- g) Temporary safety fencing is to be provided to any swimming pools under construction, pending the completion of all building work and the pool must not be filled until a fencing inspection has been carried out and approved by the principal certifying authority.

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

- 25. In accordance with section 80 A (11) of the *Environmental Planning & Assessment Act 1979* and clause 98 E of the *Environmental Planning & Assessment Regulation 2000*, it is a prescribed condition that the adjoining land and buildings located upon the adjoining land must be adequately supported at all times.
- 26. All excavations and backfilling associated with the erection or demolition of a building must be executed safely in accordance with appropriate professional standards and excavations must be properly guarded and supported to prevent them from being dangerous to life, property or buildings.

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

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

- 27. Prior to undertaking any demolition, excavation or building work in the following circumstances, a report must be obtained from a *professional engineer* which details the methods of support for the dwelling or associated structure on the adjoining land, to the satisfaction of the *Principal Certifying Authority*:
  - when undertaking excavation or building work within the zone of influence of the footings of a dwelling or associated structure that is located on the adjoining land;
  - when undertaking demolition work to a wall of a dwelling that is built to a common or shared boundary (e.g. semi-detached or terrace dwelling);
  - when constructing a wall to a dwelling or associated structure that is located within 900mm of a dwelling located on the adjoining land;
  - as may be required by the *Principal Certifying Authority*.

The demolition, excavation and building work and the provision of support to the dwelling or associated structure on the adjoining land, must also be carried out in accordance with the abovementioned report, to the satisfaction of the *Principal Certifying Authority*.

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

- 28. A *Road / Asset Opening Permit* must be obtained from Council prior to commencing any excavations or works within or upon a road, footpath, nature strip or in any public place, in accordance with section 138 of the *Roads Act 1993* and all of the conditions and requirements contained in the *Road / Asset Opening Permit* must be complied with.

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

### **Tree Management**

29. Approval is granted for the removal of the 4 Norfolk Island Pine Trees as shown on the submitted plans subject to the planting of at least 1 Norfolk Island Pine Tree in a suitable location of Goldstein Reserve.

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

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

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

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

### **Occupation Certificate Requirements**

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

An Occupation Certificate must not be issued for the development if the development is inconsistent with the development consent. The relevant requirements of the *Environmental Planning & Assessment Act 1979* and conditions of development consent must be satisfied prior to the issuing of an occupation certificate.

### **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.

### **Plant & Equipment**

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

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

### **ADVISORY NOTES**

The following information is provided for your assistance to ensure compliance with the *Environmental Planning & Assessment Act 1979*, *Environmental Planning & Assessment*

*Regulation 2000*, or other relevant legislation and Council's policies. This information does not form part of the conditions of development consent pursuant to Section 80A of the Act.

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

Failure to comply with these requirements is an offence, which renders the responsible person liable to a maximum penalty of \$1.1 million. Alternatively, Council may issue a penalty infringement notice (for up to \$3,000) for each offence. Council may also issue notices and orders to demolish unauthorised or non-complying building work, or to comply with the requirements of Council's development consent.

- A2 This determination does not include an assessment of the proposed works under the Building Code of Australia (BCA) and other relevant Standards. All new building work (including alterations and additions) must comply with the BCA and relevant Standards and you are advised to liaise with your architect, engineer and building consultant prior to lodgement of your construction certificate.

- A3 In accordance with the requirements of the *Environmental Planning & Assessment Act 1979*, building works, including associated demolition and excavation works (as applicable) must not be commenced until:

- A *Construction Certificate* has been obtained from an Accredited Certifier or Council,
- An Accredited Certifier or Council has been appointed as the *Principal Certifying Authority* for the development,
- Council and the Principal Certifying Authority have been given at least 2 days' notice (in writing) prior to commencing any works.

- A4 Council's Building Certification & Fire Safety team can issue your *Construction Certificate* and be your *Principal Certifying Authority* for the development, to undertake inspections and ensure compliance with the development consent, relevant building regulations and standards of construction. For further details contact Council on 9399 0944.

- A5 A Local Approval application must be submitted to and be approved by Council prior to commencing any of the following activities on a footpath, road, nature strip or in any public place:

- Install or erect any site fencing, hoardings or site structures
- Operate a crane or hoist goods or materials over a footpath or road
- Placement of a waste skip or any other container or article.

For further information please contact Council on 9399 0944.

- A6 Prior to commencing any works, the owner/builder should contact *Dial Before You Dig* on 1100 or [www.dialbeforeyoudig.com.au](http://www.dialbeforeyoudig.com.au) and relevant Service Authorities, for information on potential underground pipes and cables within the vicinity of the development site.

- A7 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).

- A8 Smoke alarms are required to be installed in all residential dwellings, in accordance with the relevant provisions of the *Environmental Planning & Assessment Act 1979* and the Building Code of Australia. Details should be included in the construction certificate application.
- A9 Demolition work and removal of asbestos materials:
- *A copy of Council's Asbestos Policy is available on Council's web site at [www.randwick.nsw.gov.au](http://www.randwick.nsw.gov.au) in the Building & Development section or a copy can be obtained from Council's Customer Service Centre.*
  - *It is the responsibility of the persons undertaking demolition work to obtain the relevant WorkCover licences and permits.*
- A10 Underground assets (eg pipes, cables etc) may exist in the area that is subject to your application. In the interests of health and safety and in order to protect damage to third party assets please contact Dial before you dig at [www.1100.com.au](http://www.1100.com.au) or telephone on 1100 before excavating or erecting structures (This is the law in NSW). If alterations are required to the configuration, size, form or design of the development upon contacting the Dial before You Dig service, an amendment to the development consent (or a new development application) may be necessary. Individuals owe asset owners a duty of care that must be observed when working in the vicinity of plant or assets. It is the individual's responsibility to anticipate and request the nominal location of plant or assets on the relevant property via contacting the Dial before you dig service in advance of any construction or planning activities.
- A11 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.