

**MINUTES OF THE HEALTH, BUILDING AND PLANNING COMMITTEE
MEETING OF THE COUNCIL OF THE CITY OF RANDWICK
HELD ON TUESDAY, 11TH JUNE, 2002 AT 6:40 P.M.**

PRESENT:

His Worship the Mayor, Cr D. Sullivan (North Ward)

Councillor M. Daley (South Ward) (Chairperson)

North Ward	-	Crs J. Greenwood and P. Tracey
South Ward	-	Crs C. Matthews and A. White
East Ward	-	Crs B. Notley-Smith and M. Matson
West Ward	-	Crs P. Schick, M. Whitehead and J. Procopiadis (until 7.33 p.m.)
Central Ward	-	Crs C. Bastic and A. Andrews (Deputy Chairperson)

OFFICERS PRESENT:

General Manager	Mr. G. Messiter.
Director Assets & Infrastructure Services	Mr. M. Savage.
Acting Director Planning & Environment	Ms. S. Truuvvert.
Director Governance Management & Information Services	Mr. M. Hummerston.
Acting Manager Development Assessment	Mr. K. Kyriacou.
Assistant Public Officer	Mr. D. Kelly.
Acting Communications Manager	Ms. L. Fragiacomio.

1. APOLOGIES.

Apologies were received from Crs Backes and Seng.

RESOLVED: (Schick/Whitehead) that the apologies be received and accepted and leave of absence be granted to Crs Backes and Seng from the Health, Building and Planning Committee Meeting of the Council held on Tuesday, 11th June, 2002.

2. MINUTES.

CONFIRMATION OF THE MINUTES OF THE HEALTH, BUILDING AND PLANNING COMMITTEE MEETING HELD ON TUESDAY, 14TH MAY, 2002.

H38 **RESOLUTION:** *(His Worship the Mayor, Cr D. Sullivan/Andrews)* that the Minutes of the Meeting of the Health, Building and Planning Committee held on Tuesday, 14th May, 2002 (copies of which were circulated to all Councillors) be and are hereby confirmed as a correct record of the proceedings of that meeting.

H39 **RESOLUTION (PROCEDURAL MOTION):** *(His Worship the Mayor, Cr D. Sullivan/Bastic) that the Director Planning & Environment's Report 34/2002 - Master Plan and Rezoning for 68-76 Wentworth Street, Randwick be dealt with at this stage of the meeting. (See Minute No. H44)*

RESOLVED: (Andrews/Bastic) that the meeting be adjourned at 6.47 p.m. and be further adjourned at 7.33 p.m.

3. ADDRESSES TO THE COMMITTEE BY THE PUBLIC.

Prior to consideration of the Agenda by the Committee, the following deputations were received in respect of the following matters:

ITEM 5.1 UNIT 10/ 14 ALBI PLACE, RANDWICK

The Applicant Mr Kevin Thompson 89 Dunbar Road, Gymea Bay

ITEM 5.2 51-61 MILITARY ROAD, MATRAVILLE (BOTANY CEMETERY)

The Applicant Mr John Finocchiaro 6 East Parade, Eastwood

ITEM 5.3 450-458 ANZAC PARADE, KINGSFORD

The Objector Mr Ron Andre 4/34 Harbourne Road, Kingsford

The Applicant Mr Frank Back 1/73 Belmore Road, Randwick

ITEM 5.4 11 CAIRO STREET, COOGEE

The Objector Ms Anne Marie Spencer 9 Cairo Street, Coogee

ITEM 5.5 16 DWYER AVE LITTLE BAY

The Objector Ms Ruth Griffiths 18 Dwyer Ave, Little Bay

The meeting was resumed at 8.16 p.m. with Cr Procopiadis not in attendance.

4. MAYORAL MINUTES.

Nil.

5. DEVELOPMENT APPLICATIONS.

5.1 DEVELOPMENT APPLICATION REPORT - UNIT 10/ 14 ALBI PLACE, RANDWICK. (D/0098/2002)

H39 **RESOLUTION:** *(Andrews/Notley-Smith) that Council as the responsible authority grant development consent under Section 80 and 80 A of the Environmental Planning and Assessment Act 1979 (as amended) to Development Application No. D/0098/2002 to construct an attic storage addition to an existing multi unit building at Unit 10/ 14 Albi Place, Randwick subject to the following conditions:*

1. *The development must be implemented substantially in accordance with the amended plans numbered 47/01, dated December 2001, and received by Council on the 26 April 2002, the application form and on any supporting information received with the application, except as may be amended by the following conditions and as may be shown in red on the attached plans:*

The following conditions are applied to satisfy the provisions of section 79C of the Environmental Planning and Assessment Act 1979 and to maintain reasonable levels of environmental amenity:

2. *The colours, materials and finishes of the external surfaces to the proposed works are to be compatible with the existing and adjacent development to maintain the integrity and amenity of the building and the streetscape.*

*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 of Planning & Environment, in accordance with section 80A (2) of the Environmental Planning and Assessment Act 1979 **prior to:***

*b) **a construction certificate being issued for the proposed development.***

3. *There must be no encroachment of any part of the structure/s onto the adjoining units, premises or onto Council's road reserve, footway or public place.*
4. *Surface water/ stormwater must be drained and discharged to the street gutter and details are to be included in the construction certificate details for the development.*

The following conditions are applied to ensure that the development satisfies the provisions of the Environmental Planning and Assessment Act 1979 and Regulations:

5. *All new building work must be carried out in accordance with the provisions of the Building Code of Australia (BCA), in accordance with Clause 78A of the Environmental Planning and Assessment Regulation 1994.*
6. *In accordance with clause 78C of the Environmental Planning and Assessment Regulation 1994, building work that involves residential building work (within the meaning of the Home Building Act, 1989) must not be carried out unless the principal certifying authority:*

(a) in the case of work to be done by a licensed contractor:

- X *has been informed in writing of the licensee's name and contractor number; and*
- X *is satisfied that the licensee has complied with the requirements of Part 6 of that Act (in relation to insurance policies), or*

(b) in the case of work to be done by any other person;

- X *has been informed of the person's name and owner-builder permit number, or*
- X *has been given a declaration, signed by the owner of the land that states that the market cost of the labour and materials involved in the work does not exceed \$3,000.*

Details of the builder and compliance with the provisions of the Home Building Act 1989 are to be submitted to Council prior to the commencement of works, on the standard form 7 notice, a blank copy of which is available from Council.

7. *A sign must be erected on the site in a prominent, visible position, prior to commencing any demolition, excavation or building works, stating that 'unauthorised entry to the site is prohibited' and showing the name of the person in charge of the work site and a telephone number at which the person may be contacted outside working hours, in accordance with clause 78H of the Environmental Planning and Assessment Regulation 1994.*

In the case of residential building work, the sign is also required to detail the licence number of the building contractor or the permit number of the owner-builder, in accordance with the Home Building Act, 1989 and Regulations.

The following group of conditions have been applied to ensure the structural adequacy and integrity of the proposed building and adjacent premises:

8. *A Certificate of Adequacy supplied by a professional engineer shall be submitted to the certifying authority (and the Council, if the Council is not the certifying authority) **prior to a construction certificate being issued** for the development, certifying the structural adequacy of the existing structure to support the additional storey.*

The following conditions are applied to ensure that the development satisfies the terms of Council's approval and relevant standards of construction, and to maintain adequate levels of health, safety and amenity during construction:

9. *A copy of the construction certificate, the approved plans & specifications and development consent conditions must be kept on the site at all times and be available to the Council officers upon request.*
10. *The building works are to be inspected by the principal certifying authority (or other suitably qualified person on behalf of the applicant) to monitor compliance with Council's approval and the relevant standards of construction.*

Documentary evidence of compliance with Council's approval and relevant standards of construction, is to be maintained by the principal certifying authority.

11. *Building and demolition works must only be carried out between the hours of 7.00am to 5.00pm on Monday to Friday inclusive, between 8.00am to 5.00pm on Saturdays and all building activities are strictly prohibited on Sundays and public holidays, except with the specific written authorisation of Council's Manager of Environmental Health & Building Services.*
12. *Building materials, sand, waste materials or construction equipment must not be placed upon the footpath, roadway or nature strip at any time. Under no circumstances is any building materials or building waste to be stored or dumped into the Fred Hollows Reserve at the rear of the subject site.*
13. *Bulk bins/waste containers must not be located upon the footpath, roadway or nature strip at any time without the prior written consent of the Council, unless exempt under Council's Local Approvals Policy.*

The following conditions are applied to ensure that reasonable levels of fire safety are provided in the building:

14. *The building is required to be provided with a smoke alarm system complying with the B.C.A. or a smoke detection system complying with the B.C.A. or a combination of a smoke alarm system within the sole-occupancy units and a smoke detection system in areas not within the sole-occupancy units.*

MOTION: (Andrews/Notley-Smith) SEE RESOLUTION.

5.2 DEVELOPMENT APPLICATION REPORT - 51-61 MILITARY ROAD, MATRAVILLE (BOTANY CEMETERY). (D/0034/2002)

H40 **RESOLUTION: (Matthews/White) that:**

- A. *Council as the responsible authority grant its development consent under Section 80 and 80A of the Environmental Planning and Assessment Act 1979 (as amended) to Development Application No. 0034/2002 for construction of 704 new vaults and crypts and 1128 ash niches including landscaping, paving and roadworks at 51-61 Military Road, Matraville, subject to the following conditions:*
 1. *The development must be implemented substantially in accordance with the amended plans numbered 2001.5.1A, 2001.5.5A, 2001.5.7A and 2001.5.8A dated 22 May 2002 and received by Council on 27 May 2002, the application form, and on any supporting information received with the application, except as may be amended by the following conditions and as may be shown in red on the attached plans:*
 2. *The external colours, materials and finishes of the proposed development and the landscaping shall be in accordance with the details and plans submitted to Council on 14 January 2002.*
 3. *The words "Existing entry to be relocated", referring to the proposed relocation of the Bunnerong Road entrance, shall be deleted from the proposed development.*
 4. *An amended landscape plan is to be prepared which addresses the issue of the feasibility of retaining as many older trees as possible, within the soft landscaping proposed for the site. The amended landscape plan is to address the issue of the feasibility of providing a grassed area adjacent to the monuments, and is to indicate species, which will be tolerant of the shade adjacent to the vaults. The amended landscape plan is to be submitted to and approved by Council's Director of Planning and Environment, in accordance with Section 80A (2) of the Environmental Planning and Assessment Act 1979 prior to a construction certificate being issued for the development.*
 5. *The existing monuments are to be protected from damage during construction. Details of protection, such as fencing, padding etc, are to be submitted to and approved by Council's Director of Planning and Environment, in accordance with Section 80A (2) of the Environmental Planning and Assessment Act 1979 prior to a construction certificate being issued for the development.*
 6. *A concise maintenance plan is to be prepared to provide guidelines for*

gardeners/maintenance workers carrying out upkeep of the grounds in the vicinity of the monuments, to ensure that they are protected from damage.

7. *An archaeological assessment of the site is to be prepared in accordance with the Archaeological Assessment Guidelines produced by the NSW Heritage Office. The assessment should advise on the likelihood and potential significance of relics on the site and recommend appropriate action in the context of the proposed development. The archaeological assessment is to be submitted to and approved by Council's Director of Planning and Environment, in accordance with Section 80A (2) of the Environmental Planning and Assessment Act 1979 prior to a construction certificate being issued for the development.*
8. *A copy of any excavation permit required under Section 140 of the Heritage Act, 1977, shall be submitted to and approved by Council's Director of Planning and Environment, in accordance with Section 80A (2) of the Environmental Planning and Assessment Act 1979 prior to a construction certificate being issued for the development.*

Security Deposit Conditions

The following conditions are applied to provide adequate security against damage to Council's infrastructure:

9. *The following damage deposit requirement is to be complied with prior to a construction certificate being issued for the development, as security for making good any damage caused to the roadway, footway, verge or any public place; or 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:*
 - a) \$2000.00 - *Security damage deposit*

The damage deposit may be provided by way of a cash or cheque with the Council and is refundable upon the applicant advising Council, in writing, of the completion of all building works and/or obtaining an occupation certificate, if required.

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.

Traffic conditions/Civil Works Conditions

The following conditions are applied to provide adequate provisions for access, transport and infrastructure:

10. *The applicant must meet the full cost for Council or a Council approved contractor to repair/replace any damaged sections of Council's road, nature strip etc which are due to building works being carried out at the above site. This includes the removal of cement slurry from Council's roadway.*
11. *Prior to the commencement of any site construction works the applicant shall undertake one or a combination of the following:*

- *Submit to the certifying authority for approval, and have approved, amended details for the development that provide for an absolute minimum clear pavement width of 4.9 metres in the section of Frost Avenue that fronts the development site.*
- *Submit to the certifying authority for approval, and have approved, vehicle movement diagrams that demonstrate that through vehicle movements will not be impeded by cars parking in the section of Frost Avenue fronting the development site.*
- *Submit to the certifying authority for approval, and have approved, a traffic management plan that restricts parking in the section of Frost Avenue fronting the development site.*
This condition is required because the width of road pavement available for parking and through movements in the section of Frost Avenue fronting the development site is shown as being only 4.4 metres on the plans submitted with the application.

Service Authority Conditions

The following conditions are applied to provide adequate consideration for service authority assets:

12. *A public utility impact assessment must be carried out on all public utility services on the site, roadway, nature strip, footpath, public reserve or any public areas associated with and/or adjacent to the development/building works and include relevant information from public utility authorities and exploratory trenching or pot-holing, if necessary, to determine the position and level of service.*
13. *The applicant must meet the full cost for Telstra, Energy Australia, Sydney Water or Natural Gas Company to adjust/repair/relocate their services as required. The applicant must make the necessary arrangements with the service authority.*

Drainage Conditions

The following conditions are applied to provide adequate provisions for drainage and associated infrastructure:-

14. *All site stormwater including the impervious areas (eg roof/hard paved areas) shall be piped to a sediment/silt arrester pit prior to the stormwater discharging from the site.*

The location and details of the proposed internal stormwater pipelines, silt arrester pit shall be submitted to and approved by the certifying authority prior to a construction certificate being issued for the development. A copy of the plans are to be forwarded to Council, prior to a construction certificate being issued, if the Council is not the certifying authority.

Notes:

- a. *The sediment/silt arrester pit shall be constructed:-*
 - i. *within the site at an appropriate location downstream of the development.*
 - ii. *with a child proof and corrosion resistant fastening system (e.g. spring loaded jay-bolt).*
 - iii. *with a minimum of 4 x 90 mm diameter weep holes (preferably located in*

- the walls of the pit at the floor level) and with a suitable geotextile material with a high filtration rating located around the weep holes.*
- iv. *with the pit floor being a minimum 300mm below the invert level of the outlet pipeline.*
 - v. *with a galvanised heavy duty screen (Lysaght RH3030 Maximesh or similar) located over the outlet pipe. (pit similar to a Mascot GRC stormwater discharge control pit, product code DS3SDC).*

All works shall be to the satisfaction of the certifying authority.

- 15. *The proposed paving within the development site shall be constructed with a permeable brick paving or other similar material that will allow stormwater to infiltrate to ground (eg Rocla permeable paving). A plan indicating the paving arrangement and materials including samples of paving materials is to be submitted to and approved by Council's Director of Planning and Environment, in accordance with Section 80A (2) of the Environmental Planning and Assessment Act 1979 prior to a construction certificate being issued for the development.*

The following conditions are applied to provide adequate provisions for landscaping and to maintain reasonable levels of environmental amenity:

- 16. *The landscaped areas shown on the landscape plans LO1 & 2, issue A dated 29.11.01 shall be the subject of detailed landscape drawings and specifications, which are to be submitted to, and approved by, a certifying authority, prior to the issue of a construction certificate. The landscape drawings and specifications are to be prepared by a suitably qualified landscape designer with relevant qualifications in landscape architecture or horticulture. The documentation is to include:*
 - a. *A site plan at an appropriate scale showing existing site boundaries, existing trees within the property (clearly identified as being retained or removed), existing street trees (clearly identified as being retained or removed), features on adjoining sites (buildings, trees, other structures etc), council's footway, existing and proposed ground levels shown as spot heights and/or contours over the site, at site boundaries, and at the base of the tree/s to be retained, proposed building envelope, proposed areas of pavement, and proposed landscaped areas.*

The plan shall clearly show the position, canopy spread (location of dripline), trunk diameter, height and names of all existing trees upon the site and adjoining sites which are likely to be affected by the development.
 - b. *A planting plan at a scale of 1:100 or 1:200 indicating the location of all proposed planting and existing trees to be retained. All plants are to be drawn at their mature size with a dense planting of shrubs, accent plants and ground covers within all garden beds so that a continuous planted cover is achieved. Plant spacings are to be clearly indicated for all accent and groundcovers.*
 - c. *A planting schedule listing all plants by botanic & common names, plant numbers, plant spacings for groundcovers and accent planting, pot sizes, the estimated size of the plant at maturity (height & spread) and proposed staking methods when applicable.*

- d. *Additional notation showing soil and mulch details, irrigation details, edging, paving, fencing details, surface finishes, retaining wall details, and any other landscape elements in sufficient detail to fully describe the proposed landscape works.*
- e. *Position of existing and proposed site services including water, gas, electricity, sewer, stormwater, etc.*
- f. *Sectional elevations through the site showing the existing and proposed groundlines, building elevations, and mature height of proposed planting.*
- g. *All planter boxes and garden beds constructed on slab must have a minimum soil depth of 600mm and all lawn areas must have a minimum soil depth of 300mm. Planter box details shall be submitted with the detailed landscape elevations through the site showing the existing and proposed groundlines, building elevations and mature height of proposed planting.*
- h. *Species selection shall be considered carefully and shall avoid species known to be toxic, poisonous or to cause skin irritations or breathing difficulties.*
- i. *The landscape plan shall include suitable shade trees to be incorporated into the landscape areas.*
- j. *Location of easements within the site and upon adjacent sites (if any).*

The landscaping shall be installed in accordance with the approved documentation prior to the issue of an occupation certificate and shall be maintained in accordance with those plans.

- 17. *In order to prevent the encroachment of motor vehicles into the landscaped areas a 150mm high concrete edge shall be constructed between the landscaped areas and roadway. Such works shall be installed prior to the issue of the Occupation Certificate.*
- 18. *To ensure satisfactory maintenance of the landscaped areas, an automatic irrigation system shall be installed throughout all the landscaped areas. Such system shall provide full coverage to all the landscaped areas with no overspray onto driveways and pathways.*

Details of the automatic irrigation system shall be shown on the detailed landscape plans and specifications. The system shall comply with all Sydney Water requirements, and relevant Australian Standards.

- 19. *The naturestrip upon Council's footway shall be excavated to a depth of 150mm, backfilled with topsoil equivalent with 'Organic Garden Mix' as supplied by Australian Native Landscapes, and re-turfed. Such works shall be installed prior to the issue of the Occupation Certificate.*
- 20. *The naturestrip upon Council's footway shall be maintained by the applicant in accordance with Council guidelines. Such maintenance shall include, but not be limited to, watering, mowing, fertilising, and the removal of weeds.*

21. *Approval is granted for the removal of the following trees subject to the planting of 3 x 100litre and 1 x 75 litre broad canopied replacement trees (not palms) within the site. The species selected shall be those that will attain a minimum height of 6 metres at maturity.*
22. *Two (2) Melaleuca quinquenervia (Paperbarks) located towards the eastern end of the site.*
23. *Three (3) Casuarina glauca (She-oaks) located towards the south eastern corner of the site.*
24. *One Eucalyptus species (Gum Tree) located towards the south eastern corner of the site.*
25. *A refundable deposit in the form of cash or cheque, or bank guarantee for the amount of \$5,000.00 shall be lodged with Council prior to a construction certificate being issued for the proposed development to ensure the implementation and maintenance of the landscape works in accordance with the approved landscape documentation.*
 - a. *The refundable deposit will be released twelve (12) months after the issue of a final occupation certificate by the principle certifying authority providing the landscape works have been successfully implemented and maintained in accordance with the approved landscape documentation. Throughout the maintenance/bond period, the applicant shall be responsible for all routine maintenance such as grass cutting, weeding, watering, fertilising, spraying, staking and replacement of all failed plant stock. There must be no alteration to the original design, including substitution of trees and shrubs, without the prior approval of Council.*
 - b. *Any contravention of Council's landscape conditions at any time during the construction period or prior to the expiration of a period of twelve (12) months from the date a final occupation certificate is issued will result in the Council claiming all or part of the lodged security.*
 - c. *In order to organise for a final inspection for the Occupation Certificate or for the release of the security deposit, the applicant shall contact the Town Planning Department to advise that the site is ready to be inspected. Town Planning will then organise for a final inspection to be carried out. Should the landscaping be found to be unsatisfactory, thus necessitating further inspections, the applicant is advised that each additional inspection will be charged at \$55.00 (incl.GST) and that this amount shall be paid into Account Number 41901939, Code RGJ at the Cashier on the Ground Floor of the Administrative Centre prior to any further inspection being carried out.*

The applicant shall present the receipt at the Asset and Infrastructure Services counter on the First Floor to organise for a further inspection to be undertaken.

Advisory Conditions

- A1. *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.

MOTION: (Matthews/White) SEE RESOLUTION.

(Cr Schick left the Chamber at this stage of the Meeting.)

5.3 DEVELOPMENT APPLICATION REPORT- 450-458 ANZAC PARADE, KINGSFORD. (D/1206/2001)

H41 **RESOLUTION: (Andrews/Bastic)** *that this application be deferred to the next Ordinary Council meeting on 25th June, 2002 to allow the issue of compatibility with adjoining properties to be addressed.*

PROCEDURAL MOTION: (Andrews/Bastic) SEE RESOLUTION.

5.4 DEVELOPMENT APPLICATION REPORT - 11 CAIRO STREET, COOGEE. (D/0002/2002)

(Cr Schick returned to the Chamber at this stage of the Meeting.)

H42 **RESOLUTION: (His Worship the Mayor, Cr D.Sullivan/White)** *that:*

A. *Council as the responsible authority grant its consent under Section 96 of the Environmental Planning and Assessment Act 1979 (as amended) to Modify Development Consent No. 2/02 for permission to reinstate existing walls including modifications to the existing walls and window locations for 11 Cairo Street Coogee in the following manner:*

Condition No.1 is altered to read as follows

“1. The development must be implemented substantially in accordance with the plans numbered A.01- A.07, drawn by GA Design, dated December 2001, received by Council on the 2nd January 2002, as amended by the plan received by Council on the 30th April 2002 and the 2nd May 2002, the application form and on any supporting information received with the application, except as may be amended by the following conditions and as may be shown in red on the attached plans.”

MOTION: (Matson/Greenwood) that Council as the responsible authority refuse its consent under Section 96 of the Environmental Planning and Assessment Act 1979 (as amended) to Modify Development Consent No. 2/02 for permission to reinstate existing walls including modifications to the existing walls and window locations for 11 Cairo Street Coogee. **LOST.**

A division was called for by Crs Matson and Greenwood. Voting was as follows:-

For	Against
Greenwood	Andrews
Matson	Bastic
Notley-Smith	Daley
Whitehead	Matthews
	Schick

His Worship the Mayor, Cr D. Sullivan
Tracey
White

FURTHER MOTION: (His Worship the Mayor, Cr D. Sullivan/White) SEE RESOLUTION.

5.5 DEVELOPMENT APPLICATION REPORT - 16 DWYER AVE LITTLE BAY. (D1058/2001/GA)

H43 **RESOLUTION: (Matthews/Schick) that:**

- A. *Council as the responsible authority grant its development consent under Section 80 and 80A of the Environmental Planning and Assessment Act 1979 (as amended) to Development Application No 1058/01 for Demolish existing dwelling and erect new two storey dwelling at 16 Dwyer Ave Little Bay subject to the following conditions:-*
- 1. The development must be implemented substantially in accordance with the plans numbered 1202/02 1 of 2 and 2 of 2 dated Feb 2002 and received by Council on 26/2/02 & 29/4/02, the application form and on any supporting information received with the application, except as may be amended by the following conditions and as may be shown in red on the attached plans:*

ENVIRONMENTAL AMENITY:

The following conditions are applied to satisfy the provisions of section 79C of the Environmental Planning and Assessment Act 1979 and to maintain reasonable levels of environmental amenity:

- 2. The colours, materials and finishes of the external surfaces to the building are to be compatible with the adjacent development to maintain the integrity and amenity of the building and the street scape.*

Details of the proposed colours, materials and textures (ie. a schedule and brochure/s or sample board) are to be submitted to and approved by Council's Director of Planning & Environment, in accordance with section 80A (2) of the Environmental Planning and Assessment Act 1979 prior to:
 - a) a construction certificate being issued for the proposed development.*
- 3. The northern garage wall is to be setback to 900mm from the boundary. Details of the amended garage shall be submitted to the principal certifier as part of the application for Construction Certificate.*
- 4. The finished ground levels external to the building are to be consistent with the development consent and are not to be raised (other than for the provision of paving or the like on the ground) without the written consent of Council.*
- 5. Lighting to the premises shall be designed so as not to cause a nuisance to nearby residents or motorists and to ensure that light overspill does not affect the amenity of the area.*

6. *A 1m x 1m splay or recess is to be provided to the sides of the entrance to the driveway to the premises or alternatively, any fencing within 1m of the driveway shall be of open design to provide adequate pedestrian and vehicular vision to the satisfaction of council.*
7. *The rear balconies shall be amended to be of a non-curvilinear design and a maximum depth of 2 metres, so as to reduce the impact of view obscuring to the adjoining property as would be experienced by the effect of a double column. Details of the amended balcony shall be submitted to the principal certifier as part of the application for Construction Certificate.*
8. *The proposed front fence is to be a maximum overall height of 1200mm with 600mm solid brickwork and 600mm open material infill. Details are to be provided prior to the release of the Construction Certificate.*
9. *The overall height of the dwelling is to be reduced some 300mm to be taken from the floor to ceiling heights of the dwelling, details are to be provided prior to release of the construction certificate.*
10. *Street numbering is to be provided to the premises in a prominent position, to the satisfaction of Council.*
11. *Any gate openings shall be constructed so that the gates, when hung, will be fitted in such a manner that they will not open over the footway or public place.*
12. *Where access is required to adjoining premises for construction purposes, the written consent of the owner/s of the subject adjoining premises must be provided to the satisfaction of the principal certifying authority, prior to carrying out any construction works fro or upon the adjoining premises.*
13. *The development must be designed and constructed to achieve a minimum energy efficiency NatHERS rating of 3.5 stars or equivalent and a NatHERS certificate or equivalent, prepared by a suitably qualified person, is to be submitted to the certifying authority with the **construction certificate** application.*

The design of the building must be consistent with the development consent and any proposed variations to the building to achieve the energy efficiency rating may necessitate a new or amendment to the development consent prior to the issuing of a construction certificate.

14. *External paths and ground surfaces are to be graded and drained away from the building and adjoining premises in such a manner so as not to result in the entry of water into a building, or cause a nuisance or damage to the adjoining premises.*
15. *Planter boxes shall be provided to the northern and southern ends of the rear ground and first floor balconies. The planter box shall have a soil depth of 600mm with a width of 300mm to allow for plantings to achieve a maximum height of 1500mm.*

WASTE MANAGEMENT:

The following conditions are applied to ensure that adequate provisions are made for the management of waste from the development:

16. *Adequate provisions are to be made within the premises for the storage, collection and disposal of waste and recyclable materials, to the satisfaction of the certifying authority.*
17. *In accordance with clause 98 of the Environmental Planning and Assessment Regulation 2000, it is a prescribed condition, that in the case of residential building work, a contract of insurance must be obtained and in force, in accordance with the requirements of the Home Building Act 1989.*

Where the work is to be done by a licensed contractor, excavation or building work must not be carried out unless the Principal Certifying Authority (PCA):

- *has been informed in writing of the licensee's name and contractor number; and*
- *is satisfied that the licensee has complied with the insurance requirements of Part 6 of the Home Building Act 1989, or*

Where the work to be done by any other person (i.e. an owner builder), excavation or building work must not be carried out unless the Principal Certifying Authority:

- *has been informed of the person's name and owner-builder permit number, or*
- *has been given a declaration, signed by the owner of the land that states that the market cost of the labour and materials involved in the work does not exceed \$3,000.*

Details of the builder and compliance with the provisions of the Home Building Act 1989 are to be submitted to Council prior to the commencement of works, on the notice of appointment of the PCA / Intention to commence building work.

The following group of conditions have been applied to ensure the structural adequacy and integrity of the proposed building and adjacent premises:

18. *Documentary evidence prepared by a suitably qualified professional geotechnical engineer shall be submitted to the certifying authority **prior to the issuing of a construction certificate**, certifying the suitability and stability of the site for the proposed building and certifying the suitability and adequacy of the proposed design and construction of the building for the site.*
19. *A report shall be prepared by a professional engineer and submitted to the certifying authority **prior to the issuing of a construction certificate**, detailing the proposed methods of excavation, shoring or pile construction, including details of vibration emissions and detailing any possible damage which may occur to adjoining or nearby premises that may be caused by the proposed building, excavation and shoring works.*

*Any practices or procedures specified in the engineer's report in relation to the avoidance or minimisation of structural damage to nearby premises, are to be fully complied with and incorporated into the plans and specifications for the **construction certificate**.*

A copy of the engineers report is to be submitted to the Council, if the Council is not the certifying authority.

The following conditions are applied to ensure that the development satisfies relevant standards of construction, and to maintain adequate levels of health, safety and amenity during construction:

20. *All demolition work is to be carried out in accordance with the provisions of AS2601-1991. The Demolition of Structures, as in force at 1 July, 1993.*
21. *All demolition work is to be carried out in accordance with the provisions of AS2601-1991. The Demolition of Structures, as in Force at 1 July, 1993 and details of compliance are to be prepared by a suitably qualified person and be submitted to the principal certifying authority, **prior to the commencement of any demolition works.***
22. *A copy of the construction certificate, the approved plans & specifications and development consent conditions must be kept on the site at all times and be available to the Council officers upon request.*
23. *The building works are to be inspected by the principal certifying authority (or other suitably qualified person on behalf of the applicant) to monitor compliance with Council's approval and the relevant standards of construction.*

Documentary evidence of compliance with Council's approval and relevant building inspections, is to be maintained by the principal certifying authority.

Upon inspection of each stage of construction, the principal certifying authority (or other suitably qualified person on behalf of the applicant) is also required to ensure that adequate provisions are made for the following measures (as applicable), to ensure compliance with the terms of Council's approval:

- *Sediment control measures.*
- *Provision of perimeter fences or hoardings for public safety and restricted access to building sites.*
- *Maintenance of the public place free from unauthorised materials, waste containers or other obstructions.*

23. *In addition to the matters contained in the Environmental Planning and Assessment Regulation 2000, the following matters are to be completed in accordance with the terms and conditions of this development consent, **prior to the occupation** of the building:*

- a) *car parking and vehicular access*
- b) *landscaping*
- c) *stormwater drainage*
- d) *external finishes and materials*

24. *Building and demolition works must only be carried out between the hours of 7.00am to 5.00pm on Monday to Friday inclusive, between 8.00am to 5.00pm on Saturdays and all building activities are strictly prohibited on Sundays and public holidays, except with the specific written authorisation of Council's Manager of Environmental Health and Building Services.*
25. *The use of any rock excavation machinery or any mechanical pile drivers is restricted to the hours of 8.00am to 5.00pm (maximum), Monday to Friday inclusive and from*

8.00am to 1.00pm on Saturday, to minimise the noise levels during construction and loss of amenity to nearby residents.

26. *A sign must be erected on the site in a prominent, visible position, prior to commencing any demolition, excavation or building works, stating that 'unauthorised entry to the site is prohibited' and showing the name of the person in charge of the work site and a telephone number at which the person may be contacted outside working hours.*

In the case of residential building work, the sign is also required to detail the licence number of the building contractor or the permit number of the owner-builder, in accordance with the Home Building Act 1989 and Regulations.

27. *Noise emissions during the construction of the building and associated site works must comply with the relevant provisions of the Protection of the Environment Operations Act 1997 & the Noise Control Manual published by the Environment Protection Authority, except as may be amended by the conditions of this approval.*

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

29. *Bulk bins/waste containers must not be located upon the footpath, roadway or nature strip at any time without the prior written consent of the Council, unless the waste container is located upon the road in accordance with the Roads & Traffic Authority Guidelines and Requirements, and the container is exempt from an approval under Council's Local Approvals Policy.*

30. *Any building/demolition works involving asbestos cement are to be carried out in accordance with the Work Cover New South Wales "Guidelines for Practices Involving Asbestos Cement in Buildings".*

31. *During construction stages, sediment laden stormwater run-off shall be controlled using the sediment control measures outlined in the manual for Managing Urban Stormwater – Soils and Construction, published by the NSW Department of Housing.*

32. *Public access to the site and building works, materials and equipment on the site is to be restricted, when work is not in progress or the site is unoccupied.*

A temporary safety fence is to be provided to protect the public, located to the perimeter of the site (unless the site is separated from the adjoining land by an existing structurally adequate fence, having a minimum height of 1.5 metres). Temporary fences are to have a minimum height of 1.8 metres and be constructed of cyclone wire fencing with geotextile fabric attached to the inside of the fence to provide dust control, or other material approved by Council.

Hoarding or fences are to be structurally adequate and be constructed in a good and workmanlike manner and the use of poor quality materials or steel reinforcement mesh as fencing is not permissible.

*The public safety provisions and temporary fences must be in place **prior to the***

commencement of any demolition, excavation or building works and be maintained throughout construction.

The following conditions are applied to ensure that reasonable levels of fire safety are provided in the building:

33. *Smoke alarms are required to be installed in each Class 1 building or dwelling in accordance with the relevant provisions of Part 3.7.2 of the B.C.A. – Housing Provisions.*

Smoke alarms must comply with AS3786 – Smoke alarms and be connected to the consumer mains electric power supply and provided with a battery back-up.

The smoke alarms are to be installed in suitable locations on or near the ceiling, in any storey containing bedrooms; located between each part of the dwelling containing the bedrooms and the remainder of the dwelling, or where bedrooms are served by a hallway, the smoke alarms are to be located in that hallway; and smoke alarms are to be installed in any other storey not containing bedrooms, to the satisfaction of the certifying authority.

Smoke alarms are not to be located in ‘dead-air-spaces’, in the corner junction of walls and ceilings between exposed rafters/joists or at the apex of raked ceilings, as detailed in Part 3.7.2 of the B.C.A. – Housing Provisions.

*Details of compliance with the provisions of the Building Code of Australia must be included in the plans / specification for the **construction certificate**.*

The following conditions are applied to provide adequate provisions for parking to the development:

34. *The car parking spaces and driveways must be kept clear of goods at all times and must not be used for storage purposes.*

OCCUPATIONAL HEALTH AND SAFETY:

The following conditions are applied to ensure adequate environmental protection.

35. *All hazardous or intractable wastes (including asbestos) shall be removed and disposed of in accordance with the requirements of WorkCover and the Environmental Protection Authority, and with the provisions of:*

- *Occupational health and Safety Act 1983 (NSW)*
- *Construction Safety Act 1912; Regulation 84A-J Construction Work Involving Asbestos or Asbestos Cement 1983 (NSW)*
- *Occupational Health and Safety (Hazardous Substances) Regulation 1996 (NSW).*
- *Occupational Health and Safety (Asbestos Removal Work) Regulation 1996 (NSW); and*
- *Waste Minimisation and Management Act 1995 and Regulations (NSW).*

36. *All site works shall comply with the occupational health and safety requirements of WorkCover NSW.*

Security Deposit Conditions:

The following conditions are applied to provide adequate security against damage to Council's infrastructure:

37. *The following vehicular crossing deposit requirement is to be complied with prior to a construction certificate being issued for the development, as security for Council or a Council approved subcontractor to construct the vehicular crossing.*

a) \$1000.00 - Vehicular crossing deposit

The vehicular crossing deposit may be provided by way of cash or cheque with the Council and is refundable upon the completion of the Council vehicular crossing by Council or a Council approved subcontractor.

Traffic conditions/Civil Works Conditions:

The following conditions are applied to provide adequate provisions for access, transport and infrastructure:

38. *The applicant must meet the full cost for Council or a Council approved contractor to:*

39. *Construct concrete vehicular crossing and layback at kerb opposite the vehicular entrance to the site.*

40. *Remove the redundant concrete vehicular crossing and layback and to reinstate the area with turf and integral kerb and gutter to Council's specification.*

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

42. *The applicant shall note that all external work, carried out on Council property, shall be in accordance with Council's Policy for "Vehicular Access and Road and Drainage Works". An application for the cost of the Council civil works is to be submitted to Council at the completion of the internal building works. An application fee shall be payable to Council for the quotation of the required works. The applicant may elect to use his contractor for the required works, subject to Council approval, however a design and supervision fee based on the lowest quotation from Council's nominated contractor will be required to be paid prior to the commencement of any works.*

The following conditions are applied to provide adequate provisions for future civil works in the road reserve:

43. *The Council's Department of Asset & Infrastructure Services has inspected the above site and have determined that the design alignment level at the property boundary for driveways, access ramps and pathways or the like, must be:*

200mm below the top of the kerb at all points opposite the kerb, along the full site frontage.

Any enquiries regarding this matter should be directed to Council's Assets & Infrastructure Services Department. The design alignment level at the property boundary must be strictly adhered to.

44. *The design alignment levels issued by Council and their relationship to the kerb must be indicated on the building plans for the construction certificate. The design alignment level at the street boundary, as issued by the Council, must be strictly adhered to.*
45. *The above alignment levels and the site inspection by Council's Department of Asset & Infrastructure Services have been issued at a prescribed fee of \$251.00 calculated at \$16.50 (inclusive of GST) per metre of site frontage. This amount is to be paid prior to a construction certificate being issued for the development.*
46. *The top of footings of any structures constructed on the boundary alignment must be at least 150mm below the alignment level as specified for the vehicular access. This condition has been attached to accommodate future footpath construction at this location.*

The following conditions are applied to provide adequate consideration for service authority assets:

47. *A public utility impact assessment must be carried out on all public utility services on the site, roadway, nature strip, footpath, public reserve or any public areas associated with and/or adjacent to the development/building works and include relevant information from public utility authorities and exploratory trenching or pot-holing, if necessary, to determine the position and level of service.*
48. *The applicant must meet the full cost for Telstra, Energy Australia, Sydney Water or Natural Gas Company to adjust/repair/relocate their services as required. The applicant must make the necessary arrangements with the service authority.*

The following conditions are applied to provide adequate provisions for drainage and associated infrastructure:

49. *Generally all site stormwater including the impervious areas (eg roof/hard paved areas) shall be piped to a sediment/silt arrester pit that drains to a minimum size 5 metre square base infiltration area.*

The location and details of the proposed internal stormwater pipelines, silt arrester pit and the infiltration area shall be submitted to and approved by the certifying authority prior to a construction certificate being issued for the development. A copy of the plans are to be forwarded to Council, prior to a construction certificate being issued, if the Council is not the certifying authority.

Notes:

- a. *The sediment/silt arrester pit shall be constructed:-*

- i. *within the site at or near the street boundary.*
 - ii. *with a child proof and corrosion resistant fastening system (e.g. spring loaded jay-bolt).*
 - iii. *with a minimum of 4 x 90 mm diameter weep holes (preferably located in the walls of the pit at the floor level) and with a suitable geotextile material **with a high filtration rating** located around the weep holes.*
 - iv. *with the pit floor being a minimum 300mm below the invert level of the outlet pipelines.*
 - v. *with a **galvanised** heavy duty screen (Lysaght RH3030 Maximesh or similar) located over the outlet pipes that will drain to the infiltration pit and the kerb. (pit similar to a Mascot GRC stormwater discharge control pit, product code DS3SDC).*
- b. *The infiltration/rubble pit shall:-*
- i. *have a minimum of 300 mm of soil cover (600 mm where the pit is located under a garden/landscaping area).*
 - ii. *be located a minimum of 3.0 metres from the dwelling or other structure (closer if a structural engineer certifies that the infiltration area will not adversely affect the structure) and 2.1 metres from the adjacent side or rear boundaries.*
 - iii. *be constructed with a minimum 200 mm thick layer of 20 mm basalt that is wrapped with a suitable geotextile material covering with a high filtration rating (Geofabrics Bidim "A" range of filtration fabrics or equivalent). A suitable means of dispersing the stormwater over the area of infiltration is to be constructed.*
Note other equivalent methods of infiltration can be adopted.
 - iv. *have a minimum base area of 5.0 square metres (m²).*
be a minimum of 100 mm below the outlet pipe from the silt arrestor pit.
- c. *This condition will not be enforced should the underground soil conditions preclude the construction of the infiltration pit (eg rock is located within 300 mm of the base of the infiltration area).*

All works shall be to the satisfaction of the certifying authority.

50. *Where feasible, the driveway and exterior paving within the development site shall be constructed with a permeable brick paving or other similar material that will allow stormwater to infiltrate to ground (eg Rocla permeable paving)*
51. *Any Absorption Trenches/Pits must be designed in accordance with "Section 8.5 ABSORPTION TRENCHES" as stipulated in Randwick City Council's Private Stormwater Code.*

LANDSCAPE CONDITIONS:

The following conditions are applied to provide adequate provisions for landscaping and to maintain reasonable levels of environmental amenity:

52. *That part of the naturestrip upon Council's footway which is damaged during the construction of the proposed works shall be excavated to a depth of 150mm, backfilled with topsoil equivalent with 'Organic Garden Mix' as supplied by*

Australian Native Landscapes, and re-turfed with Kikuyu turf. Such works shall be completed at the applicants expense prior to the issue of the Occupation Certificate.

53. *The naturestrip upon Council's footway shall be maintained by the applicant in accordance with Council guidelines. Such maintenance shall include, but not be limited to, watering, mowing, fertilising, and the removal of weeds.*
54. *In order to visually 'soften' the expanses of hard pavement, brick unit pavers or similar shall be used throughout the driveway and carpark areas on the site. Such details shall be shown on the detailed engineering documentation and shall include all structural design details including pavement/subgrade thickness.*

Such details shall be in accordance with the relevant Australian Standard and shall be submitted to, and approved by, an Accredited Principal Certifying Authority, prior to the issue of the Construction Certificate.

55. *All detention tanks and stormwater infiltration systems located within the landscaped areas shall have a minimum soil cover of 600mm to ensure sufficient soil depth to permit the establishment of landscaping on top of these services as stipulated by these conditions of development consent.*

All stormwater documentation submitted for the construction certificate application shall show the top of the detention tanks and stormwater infiltration devices being 600mm below the finished ground level of the landscaped areas.

Tree Management

56. *The applicant shall submit payment of \$220.00 to Council,*
- a. *Being the cost for Council to supply and install 1 x 75 litre street tree at the completion of all works, and*

The contribution shall be paid into Account Number 43450030 at the Cashier on the Ground Floor of the Administrative Centre prior to an occupation certificate being issued for the development.

The applicant shall present the receipt at the Asset and Infrastructure Services counter on the First Floor to organise for the works to be undertaken.

57. *Approval is granted for the removal of the following tree subject to the planting of 1 x 75 litre broad canopied replacement tree (not palm) within the site. The species selected shall be one that will attain a minimum height of 6 metres at maturity.*
- a) *One specimen of Ligustrum sp. (Privet Tree) located along the northern boundary of the front of the site.*
58. *Permission is granted for the removal of only those trees falling within the area occupied by the approved works. Removal of the remaining trees on the site are subject to separate application under the Tree Preservation Order.*
59. *The applicant shall be required to ensure the retention and long term health of all trees located on adjoining properties adjacent to the proposed development. As a*

general guide there shall be minimal excavation or root pruning within the dripline/s of the subject tree/s.

ADVISORY CONDITIONS:

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.

MOTION: (Matthews/Schick) SEE RESOLUTION.

6. MISCELLANEOUS.

6.1 DIRECTOR PLANNING & ENVIRONMENT'S REPORT 34/2002 - MASTER PLAN AND REZONING FOR 68-76 WENTWORTH STREET, RANDWICK. (98/S/4475)

(This item was dealt with earlier in this meeting – see Minute No. H39)

H44 **RESOLUTION:** *(His Worship the Mayor, Cr D. Sullivan/Tracey) that this item be deferred to the next Ordinary Council meeting on 25th June, 2002 in order to allow for Councillors, the applicant and other interested parties to further consider Council's report and other relevant matters.*

PROCEDURAL MOTION: (His Worship the Mayor, Cr D. Sullivan/Tracey) SEE RESOLUTION.

7. GENERAL BUSINESS.

Nil.

8. NOTICE OF RESCISSION MOTIONS.

Nil.

The meeting closed at 8.42 p.m.

.....
CHAIRPERSON