

**MINUTES OF THE HEALTH, BUILDING AND PLANNING COMMITTEE
MEETING OF THE COUNCIL OF THE CITY OF RANDWICK
HELD ON TUESDAY, 13TH AUGUST, 2002 AT 6:46 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 F. Backes, B. Notley-Smith and M. Matson
West Ward	-	Crs P. Schick and M. Whitehead
Central Ward	-	Crs C. Bastic, T. Seng and A. Andrews (Deputy Chairperson)

OFFICERS PRESENT:

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

1. APOLOGY.

An apology was received from Cr Procopiadis.

RESOLVED: (White/Tracey) that the apology be received and accepted and leave of absence be granted to Cr Procopiadis from the Health, Building and Planning Committee Meeting of the Council held on Tuesday, 13th August, 2002.

2. MINUTES.

CONFIRMATION OF THE MINUTES OF THE HEALTH, BUILDING AND PLANNING COMMITTEE MEETING HELD ON TUESDAY, 9TH JULY, 2002.

H51 **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, 9th July, 2002 (copies of which were circulated to all Councillors) be and are hereby confirmed as a correct record of the proceedings of that meeting.

RESOLVED: (His Worship the Mayor, Cr D. Sullivan/Andrews) that the meeting be adjourned at 6.47 p.m. and be further adjourned at 7.55 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:

5.1 134 BROOK STREET, COOGEE.

The Objector	Mr Kevin Nixon	47 Carr Street, Coogee.
The Applicant	Ms Deborah Sutherland	41 McLaren St, North Sydney

5.2 56 MILROY AVENUE, KENSINGTON.

The Objector	Mr David Jenkins	54 Milroy Ave, Kensington
The Applicant	Mr Nicholas Tobias	13 Hampden St, Paddington.

5.3 54 CANBERRA ST, RANDWICK.

The Objector	Mr Spiro Melas	56 Canberra St, Randwick.
The Applicant	Mr Karl Reid	35 Spring St, Bondi Junction.

6.2 DIRECTOR PLANNING & COMMUNITY DEVELOPMENT'S REPORT 50/2002 - DRAFT MASTER PLAN FOR UNIVERSITY OF NSW, KENSINGTON CAMPUS, KENSINGTON.

The Objector	Dr Stephen Gatt	47 Balfour Road, Kensington.
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The meeting was resumed at 8.33 p.m.

4. MAYORAL MINUTES.

Nil.

5. DEVELOPMENT APPLICATIONS.

5.1 DEVELOPMENT APPLICATION REPORT - 134 BROOK STREET, COOGEE. (DA247/2002)

H52 **RESOLUTION: (Backes/White) that:**

- A) *The Council support the objection under State Environmental Planning Policy No. 1 (SEPP No. 1) in respect to non-compliances with Clauses 31(3) and 32(2) of the Randwick Local Environmental Plan 1998 (relating to landscaping and floor area) on the grounds that the proposed use complies with the objective of the clause and will not adversely affect the amenity of the surrounding locality, and that the NSW*

Department of Urban Affairs and Planning be advised accordingly.

B) 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 247/2002 To demolish the existing buildings on the site and erect a three storey multi unit housing development containing 5 dwellings with basement parking for 8 vehicles at 134 Brook Street, Coogee subject to the following conditions:-

1. The development must be implemented substantially in accordance with the plans prepared by Adriaan Winton Architects with Drawing Nos. 1 to 11 and the Landscape Plan dated May 2001 and March 2002 and received by Council on 22 March 2002, as amended by Drawings 2, 3, 4, 5, 6, and 8 dated 8 July 2002 and dated as received by Council on 11 July 2002, and on the application form and on any supporting information received with the application, except as may be amended by the following conditions:

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 external colours, materials and finishes of the proposed development shall be in accordance with the details provided in the Colour Board submitted with the application and dated as received 22 March 2002. Any variations to the colour scheme shall be submitted to and approved by the Director of Planning and Environment prior to the issue of a construction certificate.

3. Separate storage compartments are to be provided for each dwelling within the 'storage' room at basement level. Details are to be provided in the construction certificate plans for the development.

4. There must be no encroachment of any part of the structure/s onto the adjoining premises or onto Council's road reserve, footway or public place.

5. 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.

6. All plumbing and drainage pipes, other than rainwater heads, gutters and down pipes, must be concealed within the building.

7. Street numbering must be provided to the premises in a prominent position, to the satisfaction of Council.

8. The enclosure of balconies is prohibited by this consent.

9. A single common television aerial, and/or satellite dish (having a maximum diameter of 700mm and not located on the front or street elevation of the building) is to be installed to serve the development.

10. Internal or external clothes drying facilities are to be provided in accordance with the provisions of the Building Code of Australia.

Should external clothes drying facilities be provided, the facilities must be adequately screened by vegetation and details are to be incorporated into the landscaping plans, to the satisfaction of the certifying authority.

11. *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 from or upon the adjoining premises.*
12. *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.*
13. *The development must be designed and constructed to achieve a minimum energy efficiency Nat HERS rating of 3.5 stars or equivalent and a Nat HERS 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. *The consumption of water within the building shall be minimised by the use of triple A rated water efficient plumbing fixtures (taps and shower roses) and water efficient dual flush toilets. Details of compliance are to be provided in the construction certificate plans or specifications.*
15. *Upon completion of the development and prior to the issuing of any strata subdivision, documentary evidence is to be submitted to the Council by the Principal Certifying Authority (or other suitably qualified person on behalf of the owner of the premises, to the satisfaction of Council) which confirms that the development has been carried out in accordance with the relevant development consent conditions.*
16. *A Section 73 Compliance Certificate under the Sydney Water Act 1994 must be obtained from Sydney Water. Application must be made through an authorised Water Servicing Co-ordinator, for details see the Sydney Water web site www.sydneywater.com.au/customer/urban/index or telephone 13 20 92.*

Following application a "Notice of Requirements" will be forwarded detailing water and sewer extensions to be built and charges to be paid. Please make early contact with the Water Servicing Co-ordinator, as building of water/sewer extensions can be time consuming and may impact on other services and building, driveway or landscape design.

*The Section 73 Certificate must be submitted to the Principal Certifying Authority **prior to occupation** of the development or release of the linen plan, as applicable.*

The following condition/s are applied to satisfy the increased demand for public

amenities and public services:

17. *In accordance with Council's Section 94 Contributions Plan effective from 2 September 1999, the following monetary contribution is to be paid to Council.*

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|----|---|------------|
| a) | <i>for the provision or improvement of open space</i> | \$9,049.76 |
| b) | <i>for the provision or improvement of community facilities</i> | \$4001.44 |
| c) | <i>Administration fee</i> | \$425.00 |

The contribution must be paid in cash or by bank cheque prior to a construction certificate being issued for the proposed development, together with payment of the required Section 94 Administration Fee of \$425.00. Council's Section 94 Contribution Plans may be inspected at the Customer Service Centre, Administrative Centre, 30 Frances Street, Randwick.

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

18. *Car space No.8 being identified as a visitor parking space.*
19. *A sign legible from the street must be permanently displayed to indicate that visitor parking is available on the site and the visitor parking space must be clearly marked and accessible at all times.*
20. *The car parking spaces and driveways must be kept clear of goods at all times and must not be used for storage purposes.*
21. *Public access to the visitor's carparking space is to be maintained at all times and an intercom system is to be provided adjacent to the vehicular entrance to the carpark, together with appropriate signage providing instructions for use.*

The following conditions have been applied to ensure that noise emissions from the development satisfy legislative requirements and maintain reasonable levels of amenity to the area:

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

In this regard, the use of the premises and the operation of any plant or equipment on the site shall not give rise to an L10 sound pressure level which is 5dB(A) greater than the A-weighted L90 background sound pressure level, measured at any point on a residential boundary or within any residential dwelling.

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

23. *Adequate provisions are to be made within the premises for the storage, collection and disposal of waste and recyclable materials.*

A Waste Management Plan is to be submitted to Council and approved by

Council's Manager of Waste Services, in accordance with section 80A (2) of the Environmental Planning and Assessment Act 1979, prior to a construction certificate being issued for the proposed development.

The plan shall detail the type and quantity of waste to be generated by the development; demolition waste; construction waste; materials to be re-used or recycled; facilities/procedures for the storage, collection recycling & disposal of waste and the on-going management of waste.

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

24. *All new building work must be carried out in accordance with the provisions of the Building Code of Australia (BCA), in accordance with Clause 98 of the Environmental Planning and Assessment Regulation 2000.*
25. *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:

26. *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**.*

27. *A dilapidation report prepared by a professional engineer or suitably qualified and experienced building surveyor shall be submitted to the certifying authority **prior to the commencement of demolition, excavation or building works** detailing the current condition and status of all buildings, including ancillary structures (i.e. including dwellings, residential flat buildings, commercial/industrial building, garages, carports, veranda's, fences, retaining walls, swimming pools and driveways etc.) located upon all of the premises adjoining the subject site*

*The report is to be supported with photographic evidence of the status of the buildings and a copy of the report must also be forwarded to the Council and to the owners of each of the abovestated premises, **prior to the commencement of any works**.*

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:

28. *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.

29. *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**.*
30. *Prior to the commencement of any building works, 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 and Environmental Planning & Assessment Regulation 2000.*
31. *Prior to the commencement of any building work, a principal certifying authority must be appointed and Council is to be notified accordingly and, at least 2 days notice of the intention to commence building work must be given to Council, in accordance with the provisions of the Environmental Planning & Assessment Act 1979 and Environmental Planning & Assessment Regulation 2000.*

32. *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.*
33. *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.*

34. *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 are to be properly guarded and protected to prevent them from being dangerous to life or property.*
35. *Retaining walls or shoring 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, if the soil conditions require it, and adequate provisions are to be made for drainage.*

Retaining walls and shoring are to be designed and installed in accordance with the relevant requirements of the Building Code of Australia and Australian Standards and details of any proposed retaining walls are to be submitted to the Principal Certifying Authority for consideration prior to installation.

36. *An Occupation Certificate must be obtained from the principal certifying authority prior to any occupation of the building work encompassed in this development consent in accordance with the relevant provisions of the Environmental Planning & Assessment Act 1979.*
37. *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*
38. *A coloured works-as-executed fire services plan is to be submitted to the Council **prior to occupation** of the development, detailing the location of the essential fire safety measures installed within the building premises.*
39. *A Registered Surveyor's check survey certificate or compliance certificate is to be forwarded to the principal certifying authority (and a copy is to be forwarded to the Council, if the Council is not the principal certifying authority), detailing compliance with Council's approval at the **following stage/s of construction**:*
- a) *Prior to construction of the first completed floor/floor slab (prior to pouring of concrete), showing the area of land, building and boundary setbacks and verifying that the building is being constructed at the approved levels.*
- b) *On completion of the erection of the building showing the area of the land, the position of the building and boundary setbacks and verifying the building has been constructed at the approved levels.*
40. *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.*
41. *Temporary toilet facilities are to be provided, at or in the vicinity of the work site throughout the course of demolition and construction, at the rate of one toilet for every 20 persons or part of 20 persons employed at the site and the toilet facilities must be connected to a public sewer or other sewage management facility approved by Council.*
42. *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.*
43. *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.*
44. *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".*
45. *A Construction Site Management Plan is to be submitted to and approved by the principal certifying authority **prior to the commencement of demolition, excavation or building works**. The 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;*
- *construction noise and vibration management.*

The site management measures are to be implemented prior to the commencement of any site works and be maintained throughout the works, to maintain adequate levels of public health and safety. A copy of the approved Construction Site Management Plan must be maintained on site and be made available to Council officers upon request.

46. *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.*

*A soil and water management plan (SWMP) must be submitted to and approved by the principal certifying authority and implemented **prior to the commencement of any site works or activities.***

The soil and water management plan must contain a site plan, detailing:

- *the slope of the land*
- *site access points and access control measures*
- *location and type of all sediment control measures*
- *location of existing vegetation, to be retained*
- *material stockpile or storage areas and methods of sediment control*
- *location of existing and proposed drainage systems*
- *proposed disposal of site water*
- *location of building operations and equipment*
- *proposed re-vegetation details*

All soil and water management measures must be maintained at all times throughout demolition, excavation, building and site works and a copy of the soil and water management plan is to be kept on-site and be made available to Council officers upon request.

47. *Stockpiles of soil, sand, aggregate or other materials must not be located on any drainage line, natural watercourse, footpath, roadway or any public place and the stockpiles must be protected with adequate sediment control measures.*

Building operations such as brick cutting, washing tools or equipment and mixing mortar are not permitted on public footpaths, roadways, in any public place or any location which may lead to the discharge of materials into the stormwater drainage system.

48. *A warning sign for soil and water management must be displayed in a prominent position on the building site, visible to both the public and site workers. The sign must be displayed throughout the construction period. Copies of a suitable warning sign are available at Council's Customer Service Centre for a nominal fee.*

49. *If the work involved in the erection or demolition of a building is likely to cause pedestrian or vehicular traffic in a public place to be obstructed or rendered inconvenient or the building involves the enclosure of a public place, a hoarding or fence must be erected between the work site and the public place.*

If necessary, an awning is to be erected sufficiently to prevent any substance from, or in connection with, the work from falling into the public place or adjoining premises.

The public place adjacent to the work site must be kept lit between sunset and sunrise if it is likely to be hazardous to persons in the public place and any such hoarding, fence or awning is to be removed upon completion of the work.

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.

If it is proposed to locate any hoardings, site fencing or amenities upon a footpath or public place, the written consent from Council's Building Services section must be obtained beforehand and detailed plans are to be submitted to Council for consideration, together with payment of the weekly charge in accordance with Council's adopted fees and charges.

50. *A temporary timber crossing is to be provided to the site entrance across the kerb and footway area, with splayed edges, unless access is via an existing concrete crossover.*

51. *The applicant/builder is required to hold Public Liability Insurance, with a minimum liability of \$5 million and a copy of the Insurance cover is to be provided to Council.*

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

52. *The building is required to be provided with a smoke alarm system complying with Clause 3 of Specification E2.2a of the B.C.A. or a smoke detection system complying with Clause 4 of Specification E2.2a of 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.*

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

53. *The following security deposits requirements are 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) \$1000.00 - Security damage deposit
- b) \$1000.00 - Vehicular crossing 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 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.

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.

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

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

- a. *Construct a full width heavy-duty vehicular crossing and layback at kerb in Brook Street opposite the vehicular entrance to the site.*
- b. *Reline mark the parking bays affected by the proposed vehicular access to the site.*

55. *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.*

56. *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.

57. *A work zone is to be provided, (at full cost to the applicant), at a suitable location along the Brook Street site frontage. The applicant shall contact Council's Traffic Engineer to determine the preferred location for the work zone prior to lodgement of a construction certificate application. The work zone shall have a minimum length of 12 metres, and all fees must be paid to Council at least four (4) weeks prior to the commencement of building works.*
58. *All walls adjacent to the vehicular exit should be splayed 1.5 metres by 1.5 metres, and/or lowered to a maximum height of 600mm above the internal driveway and/or suitably setback from the street alignment such that the driver of an exiting vehicle stopped two metres behind the boundary line could observe pedestrians up to two metres away from the exit crossing. Details are to be submitted to the Certifying Authority prior to release of the construction certificate showing compliance with this condition.*

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

59. *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 as follows:*

Match the back of the existing footpath along the full site frontage.

60. *The design alignment levels (concrete/paved/tiled level) issued by Council and their relationship to the footpath 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.*
61. *The above alignment levels have been issued by the Council's Department of Asset & Infrastructure Services at a prescribed fee of \$ 189.00 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.*

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

62. *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.*
63. *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.*

64. *Any electricity substation required for the site is to be located within the site and is to be screened from view. The proposed location and elevation shall be shown on all detailed landscape drawings and specifications. The applicant is to liaise with Sydney Electricity prior to lodging the construction certificate to see if an electricity substation will be required for the development.*
65. *Documentary evidence from the relevant public utility authorities confirming that their requirements have been satisfied, must be submitted to the certifying authority prior to a construction certificate being issued for the development.*

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

66. *Engineering calculations and plans with levels reduced to Australian Height Datum in relation to site drainage shall be submitted to and approved by the certifying authority prior to a construction certificate being issued for the development. A copy of the engineering calculations and plans are to be forwarded to Council, prior to a construction certificate being issued, if the Council is not the certifying authority. The drawings and details shall include the following information:*
- a) *A detailed drainage design supported by a catchment area plan, at a scale of 1:100 or as considered acceptable to the Council or an accredited certifier, and drainage calculations prepared in accordance with the Institution of Engineers publication, Australian Rainfall and Run-off, 1987 edition.*
 - b) *A layout of the proposed drainage system including pipe sizes, type, grade, length, invert levels, etc., dimensions and types of all drainage pipes and the connection into Council's stormwater system. This may involve either connection to the Council's street gutter, or into a Council stormwater pit. Note: All proposals should indicate the location of the closest Council stormwater pit and line regardless of the point of discharge. This information can be obtained by a visual inspection of the area and perusing Council's drainage plans.*
 - c) *Generally all internal pipelines must be capable of discharging a 1 in 20 year storm flow. However the minimum pipe size for pipes that accept stormwater from a surface inlet pit must be 150mm diameter. The site must be graded to direct any surplus run-off (ie. above the 1 in 20 year storm) to the proposed drainage system.*
 - d) *The separate catchment areas within the site, draining to each collection point or surface pit are to be classified into the following categories:*
 - i. *Roof areas*
 - ii. *Paved areas*
 - iii. *Grassed areas*
 - iv. *Garden areas*
 - e) *Where buildings abut higher buildings and their roofs are "flushed in" to*

the higher wall, the area contributing must be taken as: the projected roof area of the lower building, plus one half of the area of the vertical wall abutting, for the purpose of determining the discharge from the lower roof.

- f) Proposed finished surface levels and grades of car parks, internal driveways and access aisles which are to be related to Council's design alignment levels.*
 - g) The details of any special features that will affect the drainage design eg. the nature of the soil in the site and/or the presence of rock etc.*
 - h) All stormwater run-off naturally draining to the site must be collected and discharged through this property's stormwater system. Such drainage must, if necessary, be constructed prior to the commencement of building work.*
- 67. Onsite stormwater detention must be provided to ensure that the maximum discharge from the above site is not to exceed that which would occur during a 1 in 10 year storm of 1-hour duration for the existing site conditions. All other stormwater run-off from the above site for all storms up to the 1 in 20 year storm is to be retained on the site for gradual release to the kerb and gutter or drainage system as required by the Director of Assets and Infrastructure Services. Provision is to be made for satisfactory overland flow should a storm in excess of the above parameters occur.*

For small areas up to 0.5 hectares, determination of the required cumulative storage must be calculated by the mass curve technique as detailed in Technical Note 1, Chapter 14 of the Australian Rainfall and Run-off Volume 1, 1987 Edition.

Where possible the detention tank must have an open base to infiltrate stormwater to the groundwater. Note that the ground water and any rock stratum has to be a minimum of 2.0 metres below the base of the tank.

- 68. All site stormwater leaving the site must be discharged by gravity to the kerb and gutter or drainage system at the front of the property.*
- 69. The applicant must provide for a detention volume of up to the 1 in 100 year, plus an additional 50% of storage volume should no overland escape route be provided for storms greater than the design storm.*
- 70. A "restriction as to user and positive covenant" must be placed on the title of the subject property in conjunction with the registration of any future plan of strata subdivision for this property. Such restriction and positive covenant shall relate to the onsite stormwater detention system and shall not be released, varied or modified without the consent of the Council.*

Notes:

- a. The "restriction as to user and positive covenant" are to be to the satisfaction of Council. A copy of Council's standard wording/layout for the restriction and positive covenant may be obtained from Council's Asset and Infrastructure Services Department.*

- b. *The linen plans shall indicate the location and dimensions of the detention/infiltration areas.*

This condition is to ensure that no works which could affect the design function of the detention system are undertaken without the prior consent (in writing) from Council.

71. *The detention area must be regularly cleaned and maintained to ensure it functions as required by the design.*
72. *The stormwater detention area must be suitably signposted where required, warning people of the maximum flood level.*
73. *The floor level of all habitable and storage areas adjacent to the detention area must be a minimum of 300mm above the maximum water level for the design storm or alternately a permanent 300mm high water proof barrier is to be constructed.*

(In this regard, it must be noted that this condition must not result in any increase in the heights or levels of the building. Any variations to the heights or levels of the building will require a new or amended development consent from the Council prior to a construction certificate being issued for the development).

74. *Should a pump system be required to drain any portion of the site the system must be designed with a minimum of two pumps being installed, connected in parallel (with each pump capable of discharging at the permissible discharge rate) and connected to a control board so that each pump will operate alternatively. The pump system must also be designed and installed strictly in accordance with "Section 8.4 PUMP SYSTEMS" as stipulated in Randwick City Council's Private Stormwater Code.*
75. *A work-as-executed plan prepared and signed by the hydraulic engineer or a registered surveyor, and approved by an accredited certifier, must be submitted to Council's Director of Asset and Infrastructure Services prior to the issuing of an occupation certificate, detailing the location of the detention basin with finished surface levels, contours at 0.2 metre intervals and volume of storage available. The outlet pipe from the detention basin to its connection with Council's drainage system, must be indicated on this plan in conjunction with the following information:*
- a) *location*
 - b) *pipe diameter*
 - c) *gradient*
 - d) *pipe material ie PVC or EW etc*
 - e) *orifice size (if applicable)*
76. *A sediment/silt arrester pit must be provided within the site at or near the street boundary prior to the site stormwater discharging by gravity to the kerb/street drainage system/absorption system. The sediment/silt arrester pit shall be constructed with:-*

- *The base of the pit located a minimum 300mm under the invert level of the outlet pipe.*
- *The pit must be constructed from cast in-situ concrete, precast concrete or double brick.*
- *The grate is to be a galvanised heavy-duty grate that has a provision for a child proof fastening system.*
- *A minimum of 4 x 90 mm diameter weep holes located in the walls of the pit at the floor level with a suitable geotextile material with a high filtration rating located over the weep holes.*
- *A galvanised heavy-duty screen (Lysaght RH3030 Maximesh or similar) located over the outlet pipe. (Similar to a Mascot GRC stormwater discharge control pit, product code DS3SDC).*
- *A child proof and corrosion resistant fastening system for the access grate (e.g. similar to a Weldlock spring loaded jay-bolt).*
- *The inlet pipeline located on the side of the pit so that the stormwater will discharge across the face of the screen.*
- *A sign adjacent to this pit stating that:*

“This sediment/silt arrester pit shall be regularly inspected and cleaned.”

- ***Note: Sketch details of a standard sediment/silt arrester pit can be obtained from Council’s Drainage Engineer.***

77. *A ‘V’ drain is to be constructed along the perimeter of the property, where required, to direct all stormwater to the detention area.*
78. *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.*
79. *One covered car washing bay shall be provided for this development.*
- a) *The car washing bay must be drained to sewer to the requirements of Sydney Water and proof of compliance is to be submitted to the certifying authority, prior to a construction certificate being issued for the proposed development.*
 - b) *The car washing bay must be located outside any required/approved stormwater detention system and must be suitably signposted.*
 - c) *The car washing bay must be constructed with a minimum 20mm bund around the perimeter of the car washing bay (or equivalent).*
 - d) *A water tap shall be located adjacent to the car-washing bay.*
80. *All drainage details for the site shall be prepared by a suitably qualified hydraulic consultant who shall, at the completion of the works, certify that the drainage works have been constructed in accordance with the approved drainage plans.*
81. *Prior to release of the construction certificate the applicant shall submit for approval, and have approved by the certifying authority, a geotechnical report*

that identifies the ground water level for the development site and makes comment on the possibility of seepage water flows within the site. If the report identifies that any section of the basement carpark is below the water table, (making allowance for reasonable fluctuations in the water table), and/or impacted on by the flow of seepage water the basement carpark or similar structures are to be suitably tanked and waterproofed. A Structural Engineer/Geotechnical Engineer shall certify that the tanking & waterproofing has been carried out to an acceptable standard and a copy of the certification is to be forwarded to Council.

Notes:-

- a) *Any subsoil drainage is to be disposed of within the site and is not to be charged to Council's kerb & gutter and/or underground drainage system.*
- b) *Adequate provision is to be made for the ground water to drain around the basement carpark (to ensure that the basement will not dam or slow the movement of the ground water through the development site).*

The following conditions are applied to provide adequate provisions for waste management:

- 82. *The garbage room areas are to be designed so as to be able to contain a total of 6 x 240 litre bins (3 garbage bins & 3 recycle bins) whilst providing satisfactory access to these bins. Details showing compliance with this requirement are to be shown on the plans submitted to the certifying authority for the construction certificate.*
- 83. *The internal floor area of any garbage area must be graded and drained to the sewer to the approval and requirements of the Sydney Water Corporation and a copy of the consent must be forwarded to the certifying authority and the Council.*

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

- 84. *The landscaped areas shown on the Landscape Proposal Plan, dated March 2002 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 qualified Landscape Architect who is eligible for membership with the Australian Institute of Landscape Architects (AILA). 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 within 6 metres of the common property boundary (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 within 6 metres of the common property boundary 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.*
- h. 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.

- 85. 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.

- 86. 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.

87. *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.*
88. *Any substation required shall be screened from view. The proposed location and elevation shall be shown on all detailed landscape drawings and specifications.*
89. *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

90. *The applicant shall submit a total payment of \$2,485.00 to Council,*
 - a. *Being the cost for Council to remove the existing Casuarina species (She-oak) street tree (\$1,100.00), and*
 - b. *Being the cost for Council to supply and install 1 x 45 litre street tree at the completion of all works (\$145.00), and*
 - c. *To compensate Council for the loss of amenity caused by the removal of the street tree (\$1,240.00).*

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.

91. *Approval is granted for the removal of the following trees.*
92. *One Plumeria acutifolia (Frangipani) located within the front yard of the property, adjacent to the existing dwelling.*
93. *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.*
94. *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 driplines of the subject trees.*

95. *A refundable deposit in the form of cash or cheque, or bank guarantee for the amount of \$6,000.00 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 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 R6J 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 MATTERS:

- A1. *The applicant is advised that the Construction Certificate plans and specification must comply with the provisions of the Building Code of Australia (BCA).*

In this regard, the development consent plans do not show compliance with the deemed-to-satisfy provisions of the BCA, including:

- | | |
|--------------------------------|---|
| <i>a) Part B1</i> | <i>- Structural provisions</i> |
| <i>b) Part C1</i> | <i>- Fire resistance and stability</i> |
| <i>c) Part C2</i> | <i>- Compartmentation and separation</i> |
| <i>d) Clause C3.2&C3.4</i> | <i>- Protection of openings in external walls</i> |
| <i>e) Clause D1.4</i> | <i>- Exit travel distances, from the basement carpark</i> |
| <i>f) Part E2</i> | <i>- Smoke Hazard Management</i> |
| <i>g) Part E3</i> | <i>- Lift Installations</i> |
| <i>h) Part E4</i> | <i>- Emergency lighting, exit signs and warning</i> |

- i) Part F5 - *systems*
Sound Transmission and Insulation

Details of compliance with the relevant provisions of the Building Code of Australia and conditions of development consent are to be provided in the plans and specifications for the construction certificate.

- A2. *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: (Backes/White) SEE RESOLUTION.

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

For	Against
Andrews	Greenwood
Backes	Notley-Smith
Bastic	Matson
Daley	Seng
Matthews	
Schick	
His Worship the Mayor, Cr D. Sullivan	
Tracey	
White	
Whitehead	

5.2 DEVELOPMENT APPLICATION REPORT - 56 MILROY AVENUE, KENSINGTON. (D/0342/2002)

H53 **RESOLUTION: (Schick/Notley-Smith) 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 342/2002 for Ground floor alterations and additions including a new first floor addition and installation of a new swimming pool at the rear of the property at 56 Milroy Avenue, Kensington subject to the following conditions:-*

REFERENCED PLANS:

1. *The development must be implemented substantially in accordance with the amended plans numbered 001-010 drawn by Tobias Theodore Buildings & Interiors Pty Ltd, dated April 2002 with landscape proposal sketch plan, updated and received by Council on 26 June 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:*

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 original brick corners of the building are to be left intact and the brick extension and the new work is to be separated from the old by an expansion joint.*
3. *The front timber cladding to the wall of the upper level addition is to be replaced with masonry to match new side walls.*
4. *Full details of the design, height, materials and structure of the front fence and gates 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. Fencing and gates are to be compatible with the architectural style of the building and streetscape.*
5. *The colours, materials and finishes of the external surfaces to the building, including roofing and garage doors, are to be compatible with surrounding buildings in the heritage conservation area. The paint finish for the existing dwelling be more consistent with the colours of surrounding face brick dwellings, and the paint finish for the existing dwelling and the proposed addition are to provide less contrast. 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 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. *Details of the proposed paint scheme 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. Unpainted surfaces, eg-brickwork/stonework are to remain unpainted.*
7. *The north western first floor window of the study is to be fixed and provided with translucent, obscured, frosted or sandblasted glazing. Details are to be provided on the **construction certificate** plans.*
8. *The consumption of water within the building shall be minimised by the use of triple A rated water efficient plumbing fixtures (taps and shower roses) and water efficient dual flush toilets. Details of compliance are to be provided in the construction certificate plans or specifications.*
9. *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.*
10. *Street numbering must be provided to the premises in a prominent position, to the satisfaction of Council.*

The following group of conditions have been applied to ensure that adequate drainage is provided from the premises and to maintain adequate levels of health and amenity in the locality:

11. *Surface water/stormwater must be drained and discharged to the street gutter or suitably designed absorption pit and details are to be included in the **construction certificate details** for the development.*

Absorption pits or soaker wells must be located not less than 3m from any adjoining premises and the stormwater must not be directed to any adjoining premises or cause a nuisance.

Details of any works proposed to be carried out in or on a public road/footway are to be submitted to and approved by Council's Director of Planning and Environment prior to commencement of works.

PRESCRIBED CONDITIONS & FIRE SAFETY:

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

12. *All new building work must be carried out in accordance with the provisions of the Building Code of Australia (BCA), in accordance with Clause 98 of the Environmental Planning and Assessment Regulation 2000.*
13. *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 \$5,000.*

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:

14. *A Certificate of Adequacy prepared by a professional engineer shall be submitted to the certifying authority (and the Council, if the Council is not the certifying authority)*

prior to occupation of the building, certifying the structural adequacy of the building and that the building works satisfy the relevant structural design requirements of the Building Code of Australia.

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:

15. *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.*
16. *The building works are to be inspected by the Principal Certifying Authority (or other suitably qualified person, to the satisfaction of the Principal Certifying Authority), to monitor compliance with the relevant standards of construction and Council's development consent.*

The Principal Certifying Authority shall 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).

Documentary evidence of the building inspections carried out and compliance with Council's approval is to be maintained by the Principal Certifying Authority.

17. *Prior to the commencement of any building works, 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 and Environmental Planning & Assessment Regulation 2000.*
18. *Prior to the commencement of any building work, a principal certifying authority must be appointed and Council is to be notified accordingly and, at least 2 days notice of the intention to commence building work must be given to Council, in accordance with the provisions of the Environmental Planning & Assessment Act 1979 and Environmental Planning & Assessment Regulation 2000.*
19. *A Registered Surveyor's check survey certificate or compliance certificate is to be forwarded to the principal certifying authority (and a copy is to be forwarded to the Council, if the Council is not the principal certifying authority), detailing compliance with Council's approval at the following stage/s of construction:*
 - a) *Prior to construction of the first completed floor/floor slab (prior to pouring of concrete), showing the area of land, building and boundary setbacks and verifying that the building is being construction at the approved levels.*
 - b) *On completion of the erection of the building showing the area of the land, the position of the building and boundary setbacks and verifying the building has been constructed at the approved levels.*
20. *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.

21. *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.*
22. *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 and debris at all times.*
23. *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.*
24. *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.*
25. *Stockpiles of soil, sand, aggregate or other materials must not be located on any drainage line, natural watercourse, footpath, roadway or any public place and the stockpiles must be protected with adequate sediment control measures.*

Building operations such as brick cutting, washing tools or equipment and mixing mortar are not permitted on public footpaths, roadways, in any public place or any location which may lead to the discharge of materials into the stormwater drainage system.

26. *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:

27. *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 ensure compliance with the Swimming Pools Act 1992 and to maintain public safety and amenity:

28. *Swimming pools are to be provided with childproof fences and self-locking gates, in accordance with the Swimming Pools Act 1992 and regulations.*

The swimming pool is to be surrounded by a fence having a minimum height of 1.2m, that separates the pool from any residential building situated on the premises and from any place (whether public or private) adjoining the premises; and that is designed, constructed and installed in accordance with AS 1926-1986.

Gates to pool area shall be a maximum width of 1 metre, and be self-closing and latching; the gate is required to open outwards from the pool area and prevent a small child opening the gate or door when the gate or door is closed.

Temporary pool safety fencing is to be provided 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.

A sign shall be erected in a prominent position in the immediate vicinity of the swimming pool, in accordance with the document entitled “Policy Statement No.9.4.1: Guidelines for the Preparation of Posters on Resuscitation”, published in 1985 by the Australian Resuscitation Council and the sign must bear a notice that contains the words “YOUNG CHILDREN SHOULD BE SUPERVISED WHEN USING THIS SWIMMING POOL”, together with details of resuscitation techniques (for adults, children and infants) set out in accordance with the document entitled “Cardio Pulmonary Resuscitation” published by the Australian Resuscitation Council.

29. *Swimming pools are to be designed and installed in accordance with the following general requirements:-*

- *Backwash of the pool filter and other discharge of water is to be drained to the sewer in accordance with the requirements of the Sydney Water Corporation.*
- *All pool overflow water is to be drained away from the building and adjoining premises, so as not to result in a nuisance or damage to premises.*
- *Pool plant and equipment is to be enclosed in a sound absorbing enclosure or installed within a building, to minimise noise emissions and possible nuisance to nearby residents.*

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

30. *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.*

31. *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 security against damage to Council's infrastructure:

32. *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) \$700.00 - 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.

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

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

- a) *Construct a new concrete vehicular crossing slab between the existing layback at kerb opposite the vehicular entrance to the site.*

34. *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.

35. *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 landscaping and to maintain reasonable levels of environmental amenity:

36. *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 'ANL Organic Garden Mix', and re-turfed with Kikuyu turf. Such works shall be completed at the applicants expense prior to the issue of the Occupation Certificate.*

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.

A *ADVISORY MATTERS:*

- A1 *The applicant is advised that the Construction Certificate plans and specifications must comply with the provisions of the Building Code of Australia (BCA) – Housing Provisions.*

In this regard, the development consent plans do not show compliance with a number of the deemed-to-satisfy provisions of the BCA, including:

- a) *Part 3.7.1 - Fire separation, with respect to the carport between the dwelling and side boundary.*
- b) *Part 3.8.5 - Ventilation requirements*

*Details of compliance with the relevant provisions of the Building Code of Australia and conditions of development consent are to be provided in the plans and specifications for the **construction certificate**.*

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.

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.

MOTION: (Matthews/His Worship the Mayor, Cr D. Sullivan) that 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 342/2002 for Ground floor alterations and additions including a new first floor addition and installation of a new swimming pool at the rear of the property at 56 Milroy Avenue, Kensington subject to the conditions detailed in the Director Planning & Community Development's Report dated 29th July, 2002.

AMENDMENT: (Schick/Notley-Smith) SEE RESOLUTION.

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

For	Against
Andrews	Greenwood
Backes	Matson
Bastic	Whitehead
Matthews	
Schick	
Seng	
Notley-Smith	
His Worship the Mayor, Cr D. Sullivan	
Tracey	
White	
Whitehead	

5.3 DEVELOPMENT APPLICATION REPORT - 54 CANBERRA ST, RANDWICK. (D/0515/2002)

H54 **RESOLUTION:** (Andrews/His Worship the Mayor, Cr D. Sullivan) that this application be deferred to the Ordinary Council Meeting of 27th August, 2002, in order to allow for mediation to take place between the applicant and objector, in the presence of a Council Officer, to clarify and resolve some of the issues surrounding this application.

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

5.4 DEVELOPMENT APPLICATION REPORT - 22 OXLEY ST, MATRAVILLE. (D/0557/2002)

H55 **RESOLUTION:** (His Worship the Mayor, Cr D. Sullivan/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 D/0557/2002 for New front carport at 22 Oxley St, Matraville subject to the following conditions:-

1. The development must be implemented substantially in accordance with the plans numbered Development Application No 557/2002 and received by Council on 13 June 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 for the proposed carport are to be compatible with the existing development to maintain the integrity and amenity of the building and the streetscape.*
3. *The proposed carport is to be setback at a minimum of 0.5m from the north western side boundary so that it is in line with the existing side setback of the garage. Details are to be shown with the Construction Certificate.*
4. *There must be no encroachment of any part of the structure/s onto the adjoining premises or onto Council's road reserve, footway or public place.*
5. *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 from or upon the adjoining premises.*

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

6. *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 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:

7. *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.*
8. *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.

9. *Prior to the commencement of any building works, 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 and Environmental Planning & Assessment Regulation 2000.*
10. *Prior to the commencement of any building work, a principal certifying authority must be appointed and Council is to be notified accordingly and, at least 2 days notice of the intention to commence building work must be given to Council, in accordance with the provisions of the Environmental Planning & Assessment Act 1979 and Environmental Planning & Assessment Regulation 2000.*
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 and Building Services.*
12. *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.*
13. *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.*
14. *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.*
15. *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.*
16. *Stockpiles of soil, sand, aggregate or other materials must not be located on any*

drainage line, natural watercourse, footpath, roadway or any public place and the stockpiles must be protected with adequate sediment control measures.

Building operations such as brick cutting, washing tools or equipment and mixing mortar are not permitted on public footpaths, roadways, in any public place or any location, which may lead to the discharge of materials into the stormwater drainage system.

17. *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.*

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

6. MISCELLANEOUS.

6.1 DIRECTOR PLANNING & COMMUNITY DEVELOPMENT'S REPORT 49/2002 - APPOINTMENT OF AUDITOR FOR THE RITZ CINEMA. (DA 1076/98)

- H56 **RESOLUTION: (White/Seng)** *that Mr Ian Harris of RL Consulting be appointed as auditor for the Ritz Cinema subject to entering into an external consultants agreement containing a detailed scope of work, reporting requirements, remuneration, due diligence, confidentiality and conflict of interest provisions.*

MOTION: (White/Seng) SEE RESOLUTION.

6.2 DIRECTOR PLANNING & COMMUNITY DEVELOPMENT'S REPORT 50/2002 - DRAFT MASTER PLAN FOR UNIVERSITY OF NSW, KENSINGTON CAMPUS, KENSINGTON. (98/S/4718 xr 98/S/3522)

- H57 **RESOLUTION: (Schick/White)** *that Council approve the submitted Master Plan for the Kensington Campus of the University of NSW, subject to the following revisions:*

- 1. The revised Master Plan for the lower and western campus' must incorporate an urban design study prepared by a qualified urban design professional which outlines the proposal's compatibility with the surrounding built environment and the overall*

strategic growth of the campus as outlined in the Master Plan. The urban design studies must include:

- *Building envelopes and performance criteria which address, at minimum, building heights, footprints, building depth, façade length, setbacks, building expression, security, ESD principles, open space, landscaping and street scape.*
 - *Details of improvements and controls relating to transport including pedestrian and bicycle movement and how the proposal impacts on the matters both in the immediate environs of the proposed new development but also with the strategic direction outlined by the University Master Plan.*
 - *The design considerations given to the public domain including the connectivity and design of any areas and the relationship these areas have with the broader campus.*
 - *A site analysis plan, which indicated how the proposal has considered and resolved issues relating to open space and landscaping including important vistas and surveillance issues.*
2. *The performance criteria for the transition zone on the western campus boundary will limit development along the residential interface to the height of the existing tree line and ensure setbacks that preserve the root zone of the existing vegetation whilst maintaining solar access and privacy for the adjoining residential properties.*
 3. *The Draft Master Plan be revised to acknowledge the need for future development applications to be accompanied by the landscape plan of management which identifies landscape solutions for the proposal and the consistency of these solutions with strategic directions for landscaping identified in this report and the Master Plan.*
 4. *The Master Plan revision must ensure that development on this campus embodies the principles of SEPP 65, which control the design of certain buildings, and the performance criteria in AMCORD that protect privacy and solar access to adjoining residential properties.*
 5. *The Master Plan to be varied requiring the applicant to provide a parking and transport analysis which will incorporate the future parking and traffic demand generated by the University.*
 6. *The Master Plan be revised to note that any future development applications will be required to indicate the impact of the proposal on the surrounding areas and the connectivity with the surrounding vehicle, bicycle and pedestrian networks.*
 7. *The Master Plan to be revised to include the following engineering requirements covering drainage and stormwater:*

Drainage and Stormwater

- (a) *New gross pollutant traps will be required on all stormwater pipelines that drain the site to the Council stormwater system.*
- (b) *For future re-developed areas of the campus:-*
 - i. *Be required for the areas that will drain to High and Botany Streets.*
 - ii. *Not be required for the areas that will drain to corner of Anzac Parade*

- and Barker Street except where the impervious area is increased.*
- (c) To help replenish the ground water, infiltrating stormwater to ground will also be encouraged by:-
 - i. Landscaping areas and permeable paving be used where appropriate.*
 - ii. A minimum of 10m² of infiltration provided where appropriate.**
 - (d) New gross pollutant traps should be located on the pipelines adjacent to Warrene College M7 and the Australian Graduate School of Management G27.*
 - (e) Install new gross pollutant traps at Village Green, Anzac Parade and Botany Street to further reduce pollution to the RCC stormwater system.*
- 8. The Master Plan be varied to incorporate a retail analysis assessing the impacts on the neighbouring business centres and ensuring negative impacts on these centres are minimised.*
 - 9. The Master Plan is to acknowledge the role of the Department of Land and Water Conservation in approving extraction of Borewater and all appropriate approvals for extraction are to be obtained.*
 - 10. The Master Plan is to include the specific aim that future development of the Old Tote/Fig Tree Theatre Conservation Area is in keeping with the heritage values of the Heritage Conservation Area. This reference to heritage significance is to be included as a broad principle, in addition to being covered in the Heritage section.*
 - 11. A Heritage Impact Assessment report must be prepared for any proposal within the Conservation Area, including any demolition or construction of new buildings in accordance with LEP clause 43(3). Any new buildings within the Conservation Area must minimise impact on the existing heritage significance of the buildings and landscape features.*
 - 12. A Conservation Plan is to be prepared to guide necessary conservation works to heritage buildings, and in particular the Old Tote Building, as required under LEP clause 48.*
 - 13. A Landscape Plan of Management is to be prepared to ensure the ongoing health of the fig trees.*
 - 14. The Master Plan is to include a requirement for interpretative material on the heritage significance of the Conservation Area, including its history as a Racecourse, Migrant Hostel and part of the National Institute for Dramatic Art to be prepared and displayed.*
 - 15. The Draft Master Plan be revised to show the location of major infrastructure project and the size, location and setbacks required to ensure the infrastructure does not impact on surrounding land uses.*

PROCEDURAL MOTION: (Matson/Nil) that this matter be deferred so that Council can seek legal advice on whether or not it is open to Council to make these sort of amendments and requirements on the applicant. **LAPSED FOR WANT OF A SECONDER.**

MOTION: (Schick/White) SEE RESOLUTION.

A division was called for by Crs White and Andrews. Voting was as follows:-

For

Andrews
Backes
Bastic
Daley
Matthews
Notley-Smith
Schick
Seng
His Worship the Mayor, Cr D. Sullivan
Tracey
White

Against

Greenwood
Matson
Whitehead

7. GENERAL BUSINESS.

Nil.

8. MOTIONS PURSUANT TO NOTICE.

Nil.

9. NOTICE OF RESCISSION MOTIONS.

Nil.

The meeting closed at 10.01 p.m.

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CHAIRPERSON