

**MINUTES OF THE HEALTH, BUILDING AND PLANNING COMMITTEE
MEETING OF THE COUNCIL OF THE CITY OF RANDWICK
HELD ON TUESDAY, 8TH OCTOBER, 2002 AT 6:55 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, M. Whitehead and J. Procopiadis |
| Central Ward | - | Crs T. Seng and A. Andrews (Deputy Chairperson) |

OFFICERS PRESENT:

| | |
|---|--------------------|
| General Manager | Mr. G. Messiter. |
| Acting Director Assets & Infrastructure Services | Mr. F. Rotta. |
| Acting Director Planning & Community Development | Ms. S. Truuvvert. |
| Director Governance Management & Information Services | Mr. M. Hummerston. |
| Acting Manager Development Assessment | Mr. K. Kyriacou. |
| Assistant Public Officer | Mr. D. Kelly. |
| Co-ordinator Community Development | Ms. L. Collyer. |
| Communications Manager | Ms. D. Brien. |

The meeting was adjourned at 6.56 p.m. and was resumed at 7.33 p.m.

1. APOLOGY.

An apology was received from Cr Bastic.

RESOLVED: (His Worship the Mayor, Cr D. Sullivan/Schick) that the apology be received and accepted and leave of absence be granted to Cr Bastic from the Health, Building and Planning Committee Meeting of the Council held on Tuesday, 8th October, 2002.

2. MINUTES.

CONFIRMATION OF THE MINUTES OF THE HEALTH, BUILDING AND PLANNING COMMITTEE MEETING HELD ON TUESDAY, 10TH SEPTEMBER, 2002.

H66 **RESOLUTION:** (*Procopiadis/Andrews*) that the Minutes of the Meeting of the Health, Building and Planning Committee held on Tuesday, 10th September, 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: (*Procopiadis/White*) that the meeting be adjourned at 7.34 p.m. and be further adjourned at 8.10 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 DIRECTOR PLANNING & COMMUNITY'S DEVELOPMENT'S REPORT 72/2002 - ALTERATIONS AND FIRST FLOOR ADDITION TO EXISTING DWELLING FOR 74 MARINE PARADE, MAROUBRA.

The Objector Mr Richard Meth 5 Byrne Crescent, Maroubra.

The Applicant Mr George Clark 74 Marine Parade, Maroubra.

5.3 DEVELOPMENT APPLICATION - 16 DWYER AVENUE, LITTLE BAY.

The Objector Mr Evan Griffiths 18 Dwyer Avenue, Little Bay

5.4 DEVELOPMENT APPLICATION - 155 - 161 AVOCA STREET, RANDWICK.

The Objector Mr Rodney Coorey 1 Thomas Street, Coogee

The Applicant Mr Paul Bernasconi 2/292 Burns Bay Road, Lane Cove

The meeting was resumed at 8.29 p.m.

4. MAYORAL MINUTES.

4.1 MAYOR'S MINUTE 64/2002 – COOGEE SURF LIFE SAVING CLUB - NOTIFICATION OF DATES FOR ON-LICENSE FUNCTIONS. (P/014140)

H67 **RESOLUTION:** (*His Worship the Mayor, Cr D. Sullivan*) that:

(a) *Council withdraws the objection made to the Licensing Court of NSW, against the proposed on-licence function dates.*

(b) *Council accepts the undertaking made by Coogee Surf Life Saving Club, to complete the required works by the end of November 2002.*

(c) *That Coogee Surf Life Saving Club be advised that it is necessary to obtain a Construction Certificate, complete the upgrading works and provide the necessary certification of all of the fire safety measures, to the satisfaction of Council's Manager Environmental Health and Building Services by 13 December 2002, to enable the application for a place of public entertainment to be processed.*

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

4.2 MAYOR'S MINUTE 66/2002 - CODE OF MEETING PRACTICE. (98/S/1796)

H68 **RESOLUTION: (His Worship the Mayor, Cr D. Sullivan)** that the meeting endorse the proposal to invoke Subclause 3 of Clause 23 of Council's Code of Meeting Practice on Rescission Motion(s) when appropriate.

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

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

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

5. DEVELOPMENT APPLICATIONS.

5.1 DIRECTOR PLANNING & COMMUNITY DEVELOPMENT'S REPORT 72/2002 - ALTERATIONS AND FIRST FLOOR ADDITION TO EXISTING DWELLING FOR 74 MARINE PARADE, MAROUBRA. (D/1153/2001/GA)

H69 **RESOLUTION: (Andrews/White)** that the Council as the responsible authority, grant development consent under Section 80 and 80A of the Environmental Planning and Assessment Act 1979 (as amended) to Development Application No. 1153/01 for permission to undertake alterations and additions to the existing dwelling for 74 Marine Parade Maroubra subject to the following conditions:-

1. *The development must be implemented substantially in accordance with the plans unnumbered, dated 4/9/02 and received by Council on 5/9/02., the application form and on any supporting information received with the application, except as may be amended by the following conditions and as may be shown in red on the attached plans:*

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

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

Details of the proposed colours, materials and textures (i.e. a schedule and

brochure/s or sample board) are to be submitted to and approved by Council's Director of Planning & Environment, in accordance with section 80A (2) of the Environmental Planning and Assessment Act 1979 **prior to commencement of any building works.**

3. *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.*

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:

4. *Surface water/stormwater must be drained and discharged to the street gutter and details are to be included in the **construction certificate details** for the development.*

*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.***

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

5. *All new building work must be carried out in accordance with the provisions of the Building Code of Australia (BCA), in accordance with Clause 98 of the Environmental Planning and Assessment Regulation 2000.*
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 group of conditions have been applied to ensure the structural adequacy and integrity of the proposed building and adjacent premises:

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

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

8. *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.*
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. *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.*
12. *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.

13. *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.*
14. *A sign must be erected on the site in a prominent, visible position, prior to commencing any demolition, excavation or building works, stating that 'unauthorised entry to the site is prohibited' and showing the name of the person in charge of the work site and a telephone number at which the person may be contacted outside working hours.*

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

15. *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.*
16. *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.*
17. *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.*

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

18. *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**.*

MOTION: (Matson/Greenwood) that the Council as the responsible authority, refuse development consent under Section 80 and 80A of the Environmental Planning and Assessment Act 1979 (as amended) to Development Application No. 1153/01 for permission to undertake alterations and additions to the existing dwelling for 74 Marine Parade Maroubra for the following reasons:

- (a) the application fails to meet the performance requirement 4.4.2 of the DCP for Dwelling Houses and Attached Dual Occupancies; and
- (b) the application fails to meet the underlying objectives of the building setbacks as detailed in the DCP. **LOST.**

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

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

FURTHER MOTION: (Andrews/White) SEE RESOLUTION.

5.2 DEVELOPMENT APPLICATION REPORT - 114 BUNDOCK STREET, SOUTH COOGEE. (DA1027/2002)

H70 **RESOLUTION: (Backes/Procopiadis)** that Council's original Determination of Development Application No.1027/2001 dated 21 May 2002 for alterations and extensions to the existing garage including a new first floor addition over the garage at No.114 Bundock Street, South Coogee, be confirmed.

MOTION: (Backes/Procopiadis) SEE RESOLUTION.

5.3 DEVELOPMENT APPLICATION REPORT - 16 DWYER AVENUE, LITTLE BAY. (DA1058/2001)

H71 **RESOLUTION: (White/Matthews)** that:

- A. Council's original decision to impose Condition No.7 on Development Consent No.01/01058/GA dated 20 June 2002 for No.16 Dwyer Avenue, Little Bay be confirmed.
- B. Condition No.9 be amended to read as follows:-
 - 9. The overall height of the dwelling is to be reduced by 300mm such that the first floor ceiling line does not exceed RL43.568. Details of compliance are to be provided in the construction certificate plans.

MOTION: (White/Matthews) SEE RESOLUTION.

5.4 DEVELOPMENT APPLICATION REPORT - 155-161 AVOCA STREET, RANDWICK. (D/0156/2002)

H72 **RESOLUTION:** *(His Worship the Mayor, Cr D. Sullivan/White) that:*

- A. *Council support the objection under State Environmental Planning Policy No.1 (SEPP No. 1) in respect to non-compliance with Clause 33 of the Randwick Local Environmental Plan 1998 (relating to building height) on the grounds that the proposed use complies with the objectives of the clause and will not adversely affect the amenity of the surrounding locality and that Planning NSW be advised accordingly.*
- B. *Council as the responsible authority grant its development consent under Section 80(3) (Deferred Commencement) of the Environmental Planning and Assessment Act 1979 (as amended) to Development Application No D/156/02 for construction of a mixed commercial/residential development comprising 5 commercial suites, 36 dwellings and associated car parking at 155-161 Avoca Street, Randwick subject to the following conditions:-*

Deferred Commencement Conditions

The consent is not to operate until the following material has been submitted to and approved by the Director Planning and Community Development:

1. *The colours, materials and finishes of the external surfaces to the building are to be compatible with existing buildings in the heritage conservation area. 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 Community Development prior consent to being issued.*

Development Consent Conditions

Subject to compliance with the deferred commencement condition, to the satisfaction of the Director Planning and Environment, development consent is granted under Section 80 & 80A of the Environmental Planning and Assessment Act 1979 subject to the following conditions:

REFERENCED PLANS:

1. *The development must be implemented substantially in accordance with the plans drawn by Overman Zuideveld and numbered A1-01, A1-02, A2-01, A2-02, A2-03, A2-04, A2-05, A2-06, A3-01, A3-02, A4-01 stamped received by Council on 23/07/02, and Revision E of the landscape plan by Taylor Brammer P/L numbered LA01 and stamped received by Council on 23/07/02, the application form and on any supporting information received with the application, except as may be amended by the following conditions and as may be shown in red on the attached plans:*
2. *This consent does not extend to the Draft Strata Plans and Strata Title Subdivision Details received by Council on 5 March, 2002 in relation to the application, and a development application must be submitted for strata subdivision of the proposed development.*
3. *The external colours, materials and finishes of the proposed development shall be in accordance with the details and plans submitted to and approved by the Director of Planning & Community Development pursuant to the deferred commencement*

condition.

4. *A 1.0 metre wide planter box capable of accommodating at a soil depth of at least 600mm is to be provided along the entire length of the southern and eastern edges of upper roof terrace 4 (to unit 33). This condition is imposed to ensure the privacy of surrounding properties. Details required by this condition are to be included in the Construction Certificate application.*

The following group of conditions have been applied to ensure that adequate provisions are made for Section 94 Contributions:

5. *In accordance with Council's Section 94 Contributions Plan adopted on September 1999 a monetary contribution is to be paid to Council for the provision or improvement of public open space in lieu of on site provision for an amount of \$47,212.40. This amount shall be paid by cash or bank cheque prior to the to the issuing of the construction certificate. Council's Section 94 Contributions Plan may be inspected at the Customer Service Centre, Administrative Centre, 30 Frances Street, Randwick.*

In accordance with Council's Section 94 Contributions Plan adopted on September 1999 a monetary contribution is to be paid to Council for the provision of community facilities in lieu of on site provision for an amount of \$20,875.60. This amount shall be paid by cash or bank cheque prior to the to the issuing of the construction certificate. Council's Section 94 Contributions Plan may be inspected at the Customer Service Centre, Administrative Centre, 30 Frances Street, Randwick.

In accordance with Council's Section 94 Contributions Plan adopted on September 1999 a monetary contribution is to be paid to Council for the provision of townscape improvements in the Randwick town centre for an amount of \$19,292.00. This amount shall be paid by cash or bank cheque prior to the to the issuing of the construction certificate. Council's Section 94 Contributions Plan may be inspected at the Customer Service Centre, Administrative Centre, 30 Frances Street, Randwick.

In accordance with Council's Section 94 Contributions Plan adopted on September 1999 a monetary contribution is to be paid to Council for administration charges for an amount of \$425.00. This amount shall be paid by cash or bank cheque prior to the to the issuing of the construction certificate. Council's Section 94 Contributions Plan may be inspected at the Customer Service Centre, Administrative Centre, 30 Frances Street, Randwick.

6. *The consumption of water within the proposed building shall be minimised by the use of triple A-rated water efficient plumbing features (taps and shower roses) and water-efficient dual flush toilets. Details of compliance are to be provided in the construction certificate.*
7. *The reflectivity index of glass used in the external façade of the development must not exceed 20 percent. The details and samples of the glass to be used are to be submitted with the colour and material schedule for the approval of Council's Director of Planning and Environment, **prior to the issuing of the construction certificate.***

8. *All plumbing and drainage pipes, other than rainwater heads, gutters and downpipes, must be concealed within the building.*
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. *Street numbering must be provided to the premises in a prominent position, to the satisfaction of Council.*
11. *The enclosure of balconies is prohibited by this consent.*

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

12. *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) \$2000.00 - Security damage deposit
- b) \$2000.00 - 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 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:

13. *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 Albert Street opposite the vehicular entrance to the site.*
 - b) *Carry out footpath construction works along the full street frontage on Avoca Street and Albert Street in accordance with Council's Urban Design Guidelines for Randwick.*
 - (b) c) *Remove all redundant vehicular crossings and to reinstate the area to Council's satisfaction.*
14. *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.

15. *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.*
16. *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.*
17. *A work zone is to be provided, (at full cost to the applicant), at a suitable location along the 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.*
18. *Twenty five (25) bicycle parking spaces should be provided with the development in a secure location on the basement floor.*
19. *The ten (10) commercial car spaces should be clearly marked and all located on the Ground Floor.*
20. *A 'Right Only' sign (R2-14R) and One Way (R) (R2-2AR) shall be installed by the applicant facing motorists exiting the right of way at Albert Street.*
21. *The applicant shall meet the full cost for pavement arrows to be marked on the road carriageway of Albert Street between Victoria Street and Avoca Street to reinforce the one-way traffic restriction.*
22. *The applicant shall meet the full cost for a 10 metre length of 'No Stopping' be signposted on the eastern side of Avoca Street immediately south of Albert Street.*
23. *A 15 metre length of single unbroken line followed by a 26 metre 450mm wide back to back concrete median island, (or other equivalent form of barrier/fencing), be installed along the western boundary of the existing right of carriageway starting from the property boundary alignment in Albert Street. This condition is required to separate traffic using the existing right of way from the traffic accessing the off street car park. Works required by this condition are to be contained entirely within the boundary of the site at 155-161 Avoca Street, Randwick and are not to encroach on*

the existing right-of-way.

24. *Pavement arrows and signposting indicating two way traffic flow along the 3.5 metre internal driveway shall be installed by the applicant prior to the issuing of an occupation certificate.*
25. *The proposed garbage bin storage areas shall be suitably redesigned such that the proposed car waiting area can be positioned to the north of any loading bay. The redesigned bin storage areas shall need to be sized such that the commercial bin area is capable of storing a minimum of 9 x 240 litre bins and the residential bin area is capable of storing 36 x 240 litre bins. The redesigned bin storage areas shall be submitted for approval, and approved by the Certifying Authority, prior to the issuing of a construction certificate. The applicant shall contact Council's Development Engineer to discuss the redesign of the bin storage areas prior to lodgement of the construction certificate application.*
26. *The applicant shall install a suitable traffic control system to be used by vehicles exiting the basement carpark and vehicles entering the development site from Alfred Street. The traffic control system shall be designed with the aim of minimising the potential for vehicle conflict along the 3.5 metre wide section of the driveway that is located immediately west of the existing right of carriageway. Prior to release of the construction certificate the applicant shall submit for approval, and have approved by the Certifying Authority, full design and location details for the traffic control system.*

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

27. *The Council's Department of Asset & Infrastructure Services has inspected the above site and have determined that the design alignment level at the Avoca Street property boundary for driveways, access ramps and pathways or the like, must match the back of the existing footpath along the full Avoca Street site frontage.*
28. *The Council's Department of Asset & Infrastructure Services has inspected the above site and have determined that the design alignment level at the Albert Street property boundary for driveways, access ramps and pathways or the like, must match the back of the existing footpath along the full Albert Street site frontage.*
29. *The above alignment levels have been issued by the Council's Department of Asset & Infrastructure Services at a prescribed fee of \$ 1340.00 calculated at \$17.50 (inclusive of GST) per metre of site frontage. This amount is to be paid prior to a construction certificate being issued for the development.*
30. *The design alignment levels issued by Council and their relationship to the roadway/kerb/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.*

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

31. *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.

32. *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.*
33. *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.*
34. *Any electricity substation required for the site as a consequence of this development shall be located within the site and shall be screened from view. The proposed location and elevation shall be shown on all detailed landscape drawings and specifications. The applicant must liaise with Sydney Electricity prior to lodging the construction certificate whether or not an electricity substation is required for the development.*

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

35. *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 issue, 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.*
- 36. 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 5 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.*
- 37. 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.*
- 38. 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.*
- 39. A "restriction as to user and positive covenant" must be placed on the title of the subject property in conjunction with the registration of the proposed 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.

40. *The detention area must be regularly cleaned and maintained to ensure it functions as required by the design.*
41. *The stormwater detention area must be suitably signposted where required, warning people of the maximum flood level.*
42. *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).

43. *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.*
44. *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)*
45. *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.*

46. *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.*
47. *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.*
48. *Three covered car washing bays shall be provided for this development.*
 - a) *The car washing bays 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 bays must be located outside any required/approved stormwater detention system and must be suitably signposted.*
 - c) *The car washing bays must be constructed with a minimum 20mm bund around*

the perimeter of the car washing bay/s (or equivalent)

- d) *A water tap shall be located adjacent to the car washing bays.*
49. *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.*
50. *As the above site may be present within a fluctuating water table and/or be 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 discharged 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 landscaping and to maintain reasonable levels of environmental amenity:

51. *Prior to the issuing of a construction certificate the applicant shall submit for approval, and have approved by the Certifying Authority, detailed landscape plans, drawings and specifications for the development. The landscape plans, drawings and specifications are to be prepared by a suitably qualified landscape designer with relevant qualifications in landscape architecture or horticulture. The documentation is to include:*
- a. *A site plan at an appropriate scale showing existing site boundaries, existing trees within the property (clearly identified as being retained or removed), existing street trees (clearly identified as being retained or removed), features on adjoining sites (buildings, trees, other structures etc), council's footway, existing and proposed ground levels shown as spot heights and/or contours over the site, at site boundaries, and at the base of the tree/s to be retained, proposed building envelope, proposed areas of pavement, and proposed landscaped areas.*
- The plan shall clearly show the position, canopy spread (location of dripline), trunk diameter, height and names of all existing trees upon the site and adjoining sites which are likely to be affected by the development.*
- b. *A planting plan at a scale of 1:100 or 1:200 indicating the location of all proposed planting and existing trees to be retained. All plants are to be drawn at their mature size with a dense planting of shrubs, accent plants and ground covers within all garden beds so that a continuous planted cover is achieved. Plant spacings are to be clearly indicated for all accent and groundcovers.*

- c. *A planting schedule listing all plants by botanic & common names, plant numbers, plant spacings for groundcovers and accent planting, pot sizes, the estimated size of the plant at maturity (height & spread) and proposed staking methods when applicable.*
 - d. *Additional notation showing soil and mulch details, irrigation details, edging, paving, fencing details, surface finishes, retaining wall details, and any other landscape elements in sufficient detail to fully describe the proposed landscape works.*
 - e. *Position of existing and proposed site services including water, gas, electricity, sewer, stormwater, etc.*
 - f. *Sectional elevations through the site showing the existing and proposed groundlines, building elevations, and mature height of proposed planting.*
 - g. *All planter boxes and garden beds constructed on slab must have a minimum soil depth of 600mm and all lawn areas must have a minimum soil depth of 300mm. Planter box details shall be submitted with the detailed landscape elevations through the site showing the existing and proposed groundlines, building elevations and mature height of proposed planting.*
52. *The applicant shall submit a landscape design for the footpaths in Avoca Street and Alfred Street fronting the development in accordance with Council's Urban Design Guidelines for the Randwick Town Centre. The landscape design shall include pavements, seat installations, bins and tree grates as required by Council's Landscape Architect – 9399 0786.*

The Landscape Design plans shall be submitted to Council in accordance with Section 80A(2) of the Environmental Planning and Assessment Act 1979, and shall be approved by the Director of Asset and Infrastructure Services prior to the Certifying Authority issuing a construction certificate for the development.

The applicant shall note that the approved landscape works carried out on Council property, shall be in accordance with Council's requirements for Civil Works on Council property. An application for the cost of the landscape works on Council property 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 checking 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.

53. *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.

54. *A refundable deposit in the form of cash or cheque, or bank guarantee for the amount of \$10,000.00 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.*

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

55. *The garbage room areas will have to be redesigned so as to be able to contain a total of 9 x 240 litre bins in the commercial bin room and 36 x 240 litre bins in the residential bin room whilst providing satisfactory access to these bins and making provision for the car waiting area to be relocated to the north of any loading bay. Details showing compliance with this requirement are to be shown on the plans submitted to the certifying authority for the construction certificate.*
56. *The garbage storage areas are to be provided with a tap and hose and the floor is to be graded and drained to an approved floor waste to the requirements of the Sydney Water Corporation.*

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:

57. *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:

58. *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:

59. *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.*

60. *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 maintain reasonable levels of environmental amenity and public health safety.

61. *The applicant is to engage an EPA Accredited Site Auditor. The Site Auditor is to assess the suitability of the site for its intended development and use. A Statutory Site*

Audit Statement and Summary Site Audit Report is to be submitted to and accepted by Council, prior to a construction certificate being issued, stating that the site is suitable for the intended development and use.

The owner of the site must comply with any additional conditions, which may be imposed or recommended by the EPA accredited site auditor as may be listed in the site audit statement. Written confirmation by the owner of the site is to be submitted to the Council stating all (if any) conditions will be adhered to.

62. *All works shall be carried out in accordance with the requirements of the Contaminated Land Management Act 1997, environmental planning instruments applying to the site, guidelines made by the NSW Environment Protection Authority and DUAP, Randwick City Council's Contaminated Land Policy 1999 and the Protection of the Environment Operations Act 1997.*

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:

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

In this regard, 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.

64. *The use of the premises and the operation of plant and equipment shall not give rise to the transmission of a vibration nuisance.*

65. *A report prepared by a suitably qualified and experienced consultant in acoustics shall be submitted to and approved by Council **prior to a construction certificate being issued for the development.** The report is to certify that noise and vibration emissions from the development (including any proposed air conditioning units, mechanical ventilation systems and alike) will comply with the provisions of the Protection of the Environment Operations Act 1997, the NSW EPA noise guidelines, (including the Industrial Noise Policy and the Environmental Noise Control Manual) are to be referenced.*

66. *A report, prepared by a suitably qualified and experienced consultant in acoustics, shall be submitted to the Council **prior to an occupation certificate being issued** for the development, certifying that noise and vibration emissions from the development comply with the provisions of the Protection of the Environment Operations Act 1997, NSW EPA noise guidelines, (including the Industrial Noise Policy and Environmental Noise Control Manual).*

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

67. *Adequate provisions are to be made within the premises for the storage, collection*

and disposal of waste and recyclable materials, to the satisfaction of the certifying authority.

68. *Garbage storage enclosures are to be fitted with a hose cock and the floor is to be graded and drained to an approved floor waste connected to the sewer. Approval is to be obtained from Sydney Water.*
69. *Washing of vehicles shall be conducted in an approved wash bay, which is covered and bunded to exclude rainwater. All wastewater from vehicle washing must be discharged to sewer under a Trade Waste Agreement from Sydney Water and details of compliance are to be submitted to the certifying authority **prior to an occupation certificate being issued.***

The following conditions are applied to satisfy the relevant pollution control criteria and to maintain reasonable levels of health, safety and amenity to the locality:

70. *The use and operation of the commercial premises shall not give rise to an environmental health or public nuisance.*
71. *There are to be no emissions or discharges from the commercial premises, which will give rise to an offence under the Protection of the Environment Operations Act 1997 and Regulations.*
72. *Mechanical ventilation systems must satisfy the requirements of the Building Code of Australia and AS 1668. Details of any proposed Mechanical Ventilation Systems (including intake and discharge locations) are to be included with the construction certificate.*

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

73. *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**.*

74. *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:

75. *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.

76. *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.*

77. *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.*

78. *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.*

79. *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.*

80. *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.*
81. *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.*
82. *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.*
83. *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.*
84. *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*
85. *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.*
86. *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.*

87. *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.*
88. *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.*
89. *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.*
90. *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.*
91. *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".*
92. *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.

93. *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.

94. *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.

95. *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.*

96. *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.

97. *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.*
98. *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:

99. *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 access and facilities for people with disabilities:

100. *Access and facilities for people with disabilities must (as a minimum) be provided in accordance with the relevant provisions of the Building Code of Australia.*

A *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)</i> | <i>Part B1</i> | <i>-</i> | <i>Structural provisions</i> |
| <i>b)</i> | <i>Part C1</i> | <i>-</i> | <i>Fire resistance and stability</i> |
| <i>c)</i> | <i>Clause C2.6</i> | <i>-</i> | <i>Vertical separation of openings in external walls</i> |
| <i>d)</i> | <i>Clause C3.2&C3.4</i> | <i>-</i> | <i>Protection of openings in external walls</i> |
| <i>e)</i> | <i>Part E2</i> | <i>-</i> | <i>Smoke Hazard Management</i> |
| <i>f)</i> | <i>Part E3</i> | <i>-</i> | <i>Lift Installations</i> |
| <i>g)</i> | <i>Part E4</i> | <i>-</i> | <i>Emergency lighting, exit signs and warning systems</i> |
| <i>h)</i> | <i>Part F5</i> | <i>-</i> | <i>Sound Transmission and Insulation</i> |

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.

Advisory Conditions

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

6. GENERAL BUSINESS.

Nil.

7. MOTIONS PURSUANT TO NOTICE.

Nil.

8. NOTICE OF RESCISSION MOTIONS.

Nil.

The meeting closed at 9.00 p.m.

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CHAIRPERSON