

**MINUTES OF THE HEALTH, BUILDING AND PLANNING COMMITTEE  
MEETING OF THE COUNCIL OF THE CITY OF RANDWICK  
HELD ON TUESDAY, 3<sup>RD</sup> DECEMBER, 2002 AT 6:46 P.M.**

**PRESENT:**

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

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 C. Bastic, T. Seng and A. Andrews (Deputy Chairperson)

**OFFICERS PRESENT:**

Director Assets & Infrastructure Services	Mr. M. Savage.
Acting Director Planning & Community Development	Ms. S. Truuvvert.
Public Officer	Mr. P. Smith.
Acting Manager Development Assessment	Mr. K. Kyriacou.
Assistant Public Officer	Mr. D. Kelly.
Communications Manager	Ms. D. Brien.

**1. APOLOGY.**

An apology was received from Cr Daley.

**RESOLVED: (White/Procopiadis)** that the apology be received and accepted and leave of absence be granted to Cr Daley from the Health, Building and Planning Committee Meeting of the Council held on Tuesday, 3<sup>rd</sup> December, 2002.

**2. MINUTES.**

**CONFIRMATION OF THE MINUTES OF THE HEALTH, BUILDING AND PLANNING COMMITTEE MEETING HELD ON TUESDAY, 12<sup>TH</sup> NOVEMBER, 2002.**

H84 **RESOLUTION: (White/Notley-Smith)** that the Minutes of the Meeting of the Health, Building and Planning Committee held on Tuesday, 12<sup>th</sup> November, 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: (White/Procopiadis)** that the meeting be adjourned at 6.47 p.m. and be further adjourned at 7.51 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:

**5.1 135 - 147 ALISON ROAD, RANDWICK.**

The Objector Ms Noelene Hall 63/6-8 Frances St, Randwick

The Applicant Mr Richard Smyth Suite 112, 330 Wattle Street, Ultimo

**5.2 84 DUDLEY ST, COOGEE.**

The Objector Mr Brett Vincent 82 Dudley Street, Coogee

The Applicant Ms Genevieve Slattery 467-471 Elizabeth St, Surry Hills

**5.3 34-36 PARK AVENUE, CLOVELLY.**

The Objector Mr Peter Sharpe 38 Park Street, Clovelly

The Objector Mr Greg O'Sullivan 93 Boundary Street, Clovelly

The Applicant Mr Paul Say 26 Park Ave, Clovelly

**5.4 15 INMAN STREET, MAROUBRA.**

The Objector Mr Glen Kachel 17 Inman Street, Maroubra

The Objector Ms Helen Green 3 Banks Street, Maroubra

The Applicant Mr John Gamble 22 Hayward Street, Kingsford

The meeting was resumed at 8.23 p.m.

**4. MAYORAL MINUTES.**

**4.1 MAYOR'S MINUTE 79/2002 - METROPOLITAN SURF LEAGUE - SCHOOL BEACH EDUCATION. (98/S/1411)**

H85 **RESOLUTION:** *(His Worship the Mayor, Cr D. Sullivan)* that approval be granted to Local Clubs, the Randwick District Executive and Surf Life Saving NSW to conduct small scale educational activities on Council's Beaches without the need to lodge a formal Notice of Intent, subject to prior confirmation being obtained from the Co-ordinator of Beach Inspectors that the beach is available for the requested purpose.

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

**4.2 MAYORAL MINUTE 82/2002 – SELECTION OF GENERAL MANAGER. (98/S/0823)**

H86 **RESOLUTION:** *(His Worship the Mayor, Cr D. Sullivan)* that the following selection Committee be established to interview and appoint the General Manager:-

*His Worship the Mayor, Cr D. Sullivan;  
Councillor Bastic;  
Councillor Daley;  
Councillor Schick; and  
Councillor Seng.*

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

**5. DEVELOPMENT APPLICATIONS.**

**5.1 DEVELOPMENT APPLICATION REPORT - 135-147 ALISON ROAD, RANDWICK. (D/0813/2000)**

H87 **RESOLUTION: (Procopiadis/White) that:**

- A. *the Council support the objection under State Environmental Planning Policy No.1 (SEPP No. 1) in respect to non-compliance with Clauses 31,32,33 of the Randwick Local Environmental Plan 1998 (as amended) 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.*

*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. DA 813/2000 for alterations and additions to the existing Randwick Labor Club and construct a new 5 level building containing gaming areas, function rooms, roof terrace, car parking and restoration and adaptive reuse of the existing terraces for low income rental accommodation at 135-147 Alison Road, 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, and approved by the Director of Asset and Infrastructure Services:*

1. *The colours, materials and finishes of the external surfaces to the building are to be compatible with the existing terrace building/s. 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.*
2. *Details of the proposed paint scheme are to be submitted to and approved by Council's Director of Planning and Community Development: Unpainted surfaces, eg- brickwork/stonework are to remain unpainted.*
3. *Amended plans showing the location of the waste storage area in the void in the ramp up from the basement carpark.*
4. *Full structural details of how it is proposed to remove the existing wall around the*

*void and construct a platform in the void that is suitable for housing the bottle bins, wheeled bulk bins and static compactor. It is noted that the structural details must be prepared by a suitably qualified structural engineer.*

5. *Details of how the floor of the waste storage area is to be graded and drained to the sewer to the requirements of Sydney Water.*

### ***Development Consent Conditions***

*Subject to compliance with the deferred commencement condition, to the satisfaction of the Director Planning and Community Development, 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 dated April 01, numbered AW00, AW01B, AW02.C, A03.C, AW04.C, AW05.C, AW06.C, AW07.C, AW08.C, AW09.C, AW10.C, AW11.C, AW12.C, AW13.C, AW14.B, and stamped received by Council on 6/03/02, 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. *An extended planter box or planter boxes are to be provided below the growing frame to the wall of the foyer link between the new and existing Labor Club buildings to encourage the growth of plants on the proposed growing frame. Amended drawings are to be submitted to and approved by Council's Director of Planning and Community Development, in accordance with Section 80A (2) of the Environmental Planning and Assessment Act 1979 prior to a construction certificate being issued for the development.*
3. *An archival recording of the property shall be prepared to the satisfaction of the Director of Planning and submitted to and approved by Council's Director of Planning and Community Development, in accordance with Section 80A (2) of the Environmental Planning and Assessment Act 1979 prior to a construction certificate being issued for the development. This recording shall be in accordance with the Guidelines for the preparation of archival recordings set out by the NSW Heritage Office. Three copies of the endorsed archival recording shall be presented to Council, one of which shall be placed in the Local History Collection of Randwick City Library.*
4. *The conservation policies set out in the Conservation Plan carried out by Jackson Teece Chesterman and Willis Pty Ltd, and in particular the Schedule of Conservation Works to 143 and 145 Alison Road, are to be implemented in conjunction with the proposed development.*
5. *An architect suitably qualified and experienced in heritage conservation shall be engaged to oversee the carrying out of Conservation Works to ensure the use of technically sound and appropriate construction methods.*
6. *A Maintenance Schedule for nos.143 and 145 Alison Road is to be prepared, as*

*recommended by the Conservation Plan, in accordance with the information sheet on Preparing a Maintenance Plan contained in The Maintenance of Heritage Assets: A Practical Guide, prepared by the NSW Heritage Office. The Maintenance Plan is to be submitted to and approved by Council's Director of Planning and Community Development, in accordance with Section 80A (2) of the Environmental Planning and Assessment Act 1979 prior to a construction certificate being issued for the development. Maintenance and repair is to be carried out on an ongoing basis, to ensure timely maintenance and repair of the heritage item.*

7. *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 and Community Development pursuant to the deferred commencement condition.*
8. *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.*
9. *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 Community Development, prior to the issuing of the construction certificate.*
10. *The site including the allotments containing the existing Randwick Labor Club shall be consolidated into one allotment prior to the issuing of the construction certificate.*
11. *All plumbing and drainage pipes, other than rainwater heads, gutters and downpipes, must be concealed within the building.*
12. *Vehicular access to the car parking within the development shall be readily accessible to patrons at all times. Appropriate signage directing patrons to the carpark shall be provided to the development. Details are to be included with the application for the **construction certificate**.*
13. *The application shall enter into a head lease with Eastern Suburbs Rental Housing Association (ESRA) for the self-contained rooms in the boarding house to ensure eligible low-income tenants are accommodated within the premises. A signed Residential Tenancy Agreement between the Club and ESRA shall be submitted to Council (and a copy to planning NSW) prior to issue of the Certificate of Occupancy.*
14. *All dwellings proposed in the application shall be retained in rental tenure at rent levels not exceeding \$157.50 per week for the non-self contained dwellings and \$187.50 per week for the self contained dwellings. Subject to negotiation with the housing provider, an eligibility list for Randwick Labour Club members could be developed.*
15. *In the event that agreement cannot be reached with a housing organization after*

*reasonable attempts to do so by the applicant, the applicant shall provide evidence to Council indicating the names of all housing providers that have been approached and the written responses from those organizations. If no housing organization has been found to Council's satisfaction then Conditions 16 and 17 shall apply.*

16. *A positive covenant shall be created under Section 88E of the Conveyancing Act to ensure that all units proposed in the application are retained in rental tenure at rent levels not exceeding \$157.50 per week for the non-self contained dwellings and \$187.50 per week for the self contained dwellings subject to rent increases specified in Condition 18. Such covenant shall not be revoked or modified without prior approval of council. The covenant shall be submitted for Council's approval prior to the issue of a construction certificate.*
17. *The Labour Club shall ensure that evidence is submitted annually to the Council (and copy to Planning NSW) documenting rent levels charged including rent receipts.*
18. *Any increase in rent levels as a result of the development shall be within the range specified for the boarding-house land tax exemption under Section 10Q of the Land Tax Management Act 1956.*
19. *The building shall continue to be used exclusively for the purpose of a boarding house within the meaning of SEPP 10.*

***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:***

20. *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.*

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

***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:***

22. *The use and operation of the premises shall not give rise to an environmental health or public nuisance.*
23. *There are to be no emissions or discharges from the premises which will give rise to an offence under the Protection of the Environment Operations Act 1997 and Regulations.*

24. *The location of the discharge point serving the car park mechanical ventilation system is to be not less than 6m from a property boundary and it must discharge vertically and satisfy the relevant provisions of the Building Code of Australia and AS 1668.*

*Details of compliance are to be provided in the plans and specifications for the **construction certificate**.*

25. *The location and height of the discharge of mechanical ventilation systems are required to satisfy the relevant provisions of the Building Code of Australia and AS 1668 and details are to be provided in the relevant plans / specifications for the **construction certificate**.*

26. *Emission control equipment shall be provided in the mechanical exhaust system serving the cooking appliances, to effectively minimise the emission of odours, vapours and oils.*

*Details of the proposed emission control equipment must be provided in the relevant plans and specifications for the **construction certificate** for the development.*

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

27. *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.*

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.*

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

29. *A report shall be prepared by a professional engineer and submitted to the certifying authority **prior to the issuing of a construction certificate**, detailing the proposed methods of excavation, shoring or pile construction, including details of vibration emissions and detailing any possible damage which may occur to adjoining or nearby premises that may be caused by the proposed building, excavation and shoring works.*

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

*A copy of the engineers report is to be submitted to the Council, if the Council is*

not the certifying authority.

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

30. *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.***
31. *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.*
32. *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.*
33. *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.*
34. *The building works are to be inspected by the principal certifying authority (or other suitably qualified person on behalf of the applicant) to monitor compliance with Council's approval and the relevant standards of construction.*

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

35. *Building and demolition works must only be carried out between the hours of 7.00am to 5.00pm on Monday to Friday inclusive, between 8.00am to 5.00pm on Saturdays and all building activities are strictly prohibited on Sundays and public holidays, except with the specific written authorisation of Council's Manager of Environmental Health & Building Services.*
36. *Building materials, sand, waste materials or construction equipment must not be placed upon the footpath, roadway or nature strip at any time.*
37. *Bulk bins/waste containers must not be located upon the footpath, roadway or nature strip at any time without the prior written consent of the Council, unless exempt under Councils Local Approvals Policy.*
38. *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.*

39. *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.*
40. *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.*
41. *A report prepared by a suitably qualified and experienced consultant in acoustics shall be submitted to Council **upon commencement of works**, certifying that noise and vibration emissions from the construction of the development complies with the provisions of the Protection of the Environment Operations Act 1997, the Noise Control Manual published by the Environment Protection Authority and relevant conditions of approval. In support of the above it is necessary to submit all relevant readings and calculations made.*

*Should noise and vibration emissions not comply with the terms and conditions of consent, work must cease forthwith and is not to recommence until details of compliance are submitted to Council.*

42. *Public safety and convenience must be maintained at all times during demolition, excavation and construction works.*

*A Road Opening Permit must be obtained from the Council and other relevant Authorities prior to excavating or opening-up the road or footway for services or the like.*

*Any damage caused to the road or footway must be repaired immediately, to the satisfaction of Council.*

43. *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.*

44. *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*

*Details of the proposed sediment control measures must be submitted to and approved by the principal certifying authority **prior to the commencement of any site works**. The sediment and erosion control measures must be implemented prior to the commencement of any site works and a copy of the approved details must be made available to Council officers upon request.*

*Details of proposed sediment and erosion control measures shall include; a site plan; indicating the slope of land, access points & access control measures, location and type of sediment & erosion controls, location of existing vegetation to be retained, location of material stockpiles and storage areas, location of building operations and equipment.*

45. *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.*

46. *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.*

47. *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.*

48. *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*

***The following conditions are applied to provide access and facilities for people with disabilities:***

49. *Access, facilities and car parking for people with disabilities must be provided in accordance with Council's development control plan for multi-unit housing and in accordance with the relevant provisions of Part D3 of the Building Code of Australia and AS1428.1, AS4299 and 2890.1. Details of the proposed access, facilities and carparking for people with disabilities are to be included in the*

*plans / specifications for the construction certificate.*

***Security Deposit Conditions***

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

50. *The following security deposit 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

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

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

***Traffic conditions/Civil Works Conditions***

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

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

(a) *Carry out footpath reconstruction works along the full site frontage on Alison Road in accordance with Council's Urban Design Guidelines for Randwick.*

*Note: The footpath reconstruction works on Alison Road shall include pavements, seat installations, bins and tree grates as required by Council's Landscape Architect – 9399 0786.*

(b) *Construct a kerb and gutter for the full site frontage in Elizabeth Lane except opposite the vehicular entrance and exit points.*

(c) *Carry out a full depth, minimum 1.00 metre wide, road construction in front of the kerb and gutter along the full site frontage in Elizabeth Lane.*

52. *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.*

53. *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.*
54. *The applicant shall meet the full cost to replace the 'No Standing' signs located in front of the club in Alison Road with 'No Parking' signs.*
55. *The applicant shall meet the full cost to replace the 'No Standing' signs located on both sides of Elizabeth Lane (along the full length of the laneway) with 'No Parking' signs.*
56. *One off street parking space shall be allocated to the residential units and shall be clearly signposted and linemarked.*
57. *The parking spaces numbered as 8, 9, 12 and 13 on the ground floor plan shall be clearly marked as staff parking spaces.*
58. *A work zone is to be provided in the vicinity of the proposed development (location to be determined by the Randwick Traffic Committee). The 'workzone' shall have a minimum length of 12 metres and the prescribed fee for the work zone must be paid to Council at least four (4) weeks prior to the commencement of building works.*

#### ***Alignment Level Conditions***

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

59. *The design alignment level at the property boundary for access ramps and pathways or the like in:*
  - ***Alison Road - must match the back of the existing footpath along the full site frontage.***
  - ***Elizabeth Lane - must be 60mm above the edge of the asphalt road at all points opposite the roadway in Elizabeth Lane.***

*Any enquiries regarding this matter should be directed to Council's Assets & Infrastructure Services Department.*

60. *The above alignment levels and the site inspection by Council's Department of Asset & Infrastructure Services have been issued at a prescribed fee of \$331 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.*
61. *The design alignment levels issued by Council and their relationship to the roadway/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.*

**Service Authority Conditions**

***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. *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.*
65. *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.*

**Drainage Conditions**

***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 (for the redeveloped section of the site) 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 **redeveloped portion of the site** does not 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 redeveloped portion of the 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 in either Alison Road or Elizabeth Lane.*

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" shall be placed on the title of the subject prior to the issuing of an occupation certificate. 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. *A childproof and corrosion resistant fastening system shall be installed on access grates over pits/trenches where water is permitted to be temporarily stored.*
75. *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.*
76. *A sediment/silt arrester pit must be provided:-*
- d) within the site at or near the street boundary prior to the site stormwater discharging by gravity to the kerb/street drainage system; **and***
  - e) prior to stormwater discharging into any absorption/infiltration 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. *Seepage water must be drained directly into an absorption pit within the site. Seepage water must **not** be drained from the site.*
79. *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.*
80. *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)

81. 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.

**Landscape Conditions**

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

82. The drawing numbered A.03 revision B, dated Sept '00 shall be the subject of detailed landscape drawings and specifications, which are to be submitted to, and approved by, a certifying authority, prior to the issue of a construction certificate. The landscape drawings and specifications are to be prepared by a suitably qualified landscape designer with relevant qualifications in landscape architecture or horticulture. The documentation is to include:

a. A site plan at an appropriate scale showing existing site boundaries, existing trees within the property (clearly identified as being retained or removed), existing street trees (clearly identified as being retained or removed), features on adjoining sites (buildings, trees, other structures etc), council's footway, existing and proposed ground levels shown as spot heights and/or contours over the site, at site boundaries, and at the base of the trees to be retained, proposed building envelope, proposed areas of pavement, and proposed landscaped areas.

*The plan shall clearly show the position, canopy spread (location of dripline), trunk diameter, height and names of all existing trees upon the site and adjoining sites which are likely to be affected by the development.*

b. A planting plan at a scale of 1:100 or 1:200 indicating the location of all proposed planting and existing trees to be retained. All plants are to be drawn at their mature size with a dense planting of shrubs, accent plants and ground covers within all garden beds so that a continuous planted cover is achieved. Plant spacings are to be clearly indicated for all accent and groundcovers.

c. A planting schedule listing all plants by botanic & common names, plant numbers, plant spacings for groundcovers and accent planting, pot sizes, the estimated size of the plant at maturity (height & spread) and proposed staking methods when applicable.

d. Additional notation showing soil and mulch details, irrigation details, edging, paving, fencing details, surface finishes, retaining wall details, and any other landscape elements in sufficient detail to fully describe the proposed landscape works.

e. Position of existing and proposed site services including water, gas,

*electricity, sewer, stormwater, etc.*

- f. Sectional elevations through the site showing the existing and proposed groundlines, building elevations, and mature height of proposed planting.*
- g. All planter boxes and garden beds constructed on slab must have a minimum soil depth of 600mm and all lawn areas must have a minimum soil depth of 300mm. Planter box details shall be submitted with the detailed landscape elevations through the site showing the existing and proposed groundlines, building elevations and mature height of proposed planting.*
- h. 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.*

- 83. The applicant shall submit a landscape design for the Alison Road street frontage of the development in accordance with Council's Urban Design Guidelines for Randwick Commercial 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.*

*A refundable deposit in the form of cash or cheque of \$2,000 shall be lodged with Council prior to issue of a construction certificate for the proposed development in order to ensure the construction of the approved landscape works along the Alison Road site frontage.*

- 84. 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.*

85. *Any substation required shall be screened from view. The proposed location and elevation shall be shown on all detailed landscape drawings and specifications.*
86. *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.*

87. *Approval is granted for the removal of the following trees:*
- a) *One Cedrus species (Cedar) located within the rear yard of No.143 Alison Road.*
88. *The applicant shall pay for all costs associated with the transplanting of the Arecastrum romanzoffianum (Cocos Palm) to a suitable location within the Alison Road frontage of the development site. The following additional information shall be submitted prior to the issuing of the Construction Certificate.*
- a. *A detailed report shall be submitted by a qualified person detailing the proposed method and scheduling of the transplanting works.*
- b. *A maintenance schedule detailing the aftercare that is to be undertaken once the tree is relocated.*

### ***Tree Protection Measures***

89. *In order to ensure the retention of the Arecastrum romanzoffianum (Cocos Palm) located within the front yard of No.143 Alison Road in good health, the following measures are to be undertaken:*
- a. *All detailed architectural, building, demolition, engineering (structural, stormwater & drainage, services), and landscape documentation submitted for the construction certificate application shall show the retention of the existing tree specimen with the position of the tree trunk and full diameter of the tree canopy clearly shown on all drawings.*
- b. *Within a 2 metre radius from the tree trunk there is to be no storage of materials, nor is cement to be mixed or chemicals spilt/disposed of in the area and no stockpiling of soil or rubble.*
- Any works required within this zone (only as approved on the construction certificate) shall be under the direction of, and to the satisfaction of, a suitably qualified Arborist.*
- c. *Any excavations required for footings, structures, retaining walls, basement carparks, services, pipes, detention tanks, stormwater infiltration*

*systems, paving etc within 2 metres of the tree trunk shall be undertaken by hand and under the direction of, and to the satisfaction of, a suitably qualified Arborist with all roots being cleanly cut.*

90. *A refundable deposit in the form of cash or cheque, or bank guarantee for the amount of \$5,000.00 shall be lodged with Council prior to a construction certificate being issued for the proposed development to ensure the implementation and maintenance of the landscape works in accordance with the approved landscape documentation.*
- a. *The refundable deposit will be released twelve (12) months after the issue of a final occupation certificate by the principle certifying authority providing the landscape works have been successfully implemented and maintained in accordance with the approved landscape documentation. Throughout the maintenance/bond period, the applicant shall be responsible for all routine maintenance such as grass cutting, weeding, watering, fertilising, spraying, staking and replacement of all failed plant stock. There must be no alteration to the original design, including substitution of trees and shrubs, without the prior approval of Council.*
- b. *Any contravention of Council's landscape conditions at any time during the construction period or prior to the expiration of a period of twelve (12) months from the date a final occupation certificate is issued will result in the Council claiming all or part of the lodged security.*

*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:*

91. *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.*

92. *The use of the premises and the operation of plant and equipment shall not give rise to the transmission of a vibration nuisance.*
93. *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 and conditions of Council's approval.*

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

94. *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 the commencement of any works***

*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 satisfy the relevant pollution control criteria and to maintain reasonable levels of health, safety and amenity to the locality:***

95. *The use and operation of the premises shall not give rise to an environmental health nuisance to the adjoining/nearby premises or environment.*
96. *There are to be no emissions or discharges from the premises, which will give rise to an offence under the Protection of the Environment Operations Act 1997 and Regulations.*
97. *The location of the discharge point serving the car park mechanical ventilation system is to be not less than 6m from a property boundary and it must discharge vertically and satisfy the relevant provisions of the Building Code of Australia and AS 1668.*

***Details of compliance are to be provided in the plans and specifications for the construction certificate.***

98. *The location and height of the discharge of mechanical ventilation systems are required to satisfy the relevant provisions of the Building Code of Australia and AS 1668 and details are to be provided in the relevant plans / specifications for the **construction certificate**.*

***The following conditions are applied to ensure compliance with the Food Act 1989 and Council's Food Premises Code:***

99. *The premises is to be designed and constructed in accordance with the Council's Food Premises Code and details of compliance are to be included in the plans and specification for the **construction certificate** to the satisfaction of the certifying authority.*
100. *The design and construction of food premises must comply with the following requirements, as applicable:*
  - *The floors of kitchens, food preparation areas and the like are to be constructed of materials, which are impervious, non slip and non abrasive. The floor is to be finished to a smooth even surface, graded and drained to a floor waste connected to the sewer.*

- *The intersection of walls with floor and plinths is to be coved, having a minimum radius of 25mm.*
- *Walls of the kitchen preparation areas and the like are to be of solid construction finished in a light colour with glazed tiles, stainless steel, laminated plastics or similar approved material adhered directly to the wall to a minimum height of 2m above the floor level, to provide a smooth even surface.*
- *Walls where not tiled are to be cement rendered and finished to a smooth even surface, painted with a washable paint of a light colour or sealed with other approved materials.*
- *The ceilings of kitchens, food preparation areas, storerooms and the like are to be of rigid smooth-faced, non absorbent material i.e., fibrous plaster, plasterboard, fibre cement sheet, cement render or other approved material.*
- *All stoves, refrigerators, bain-maries, stock pots, washing machines, hot water heaters, large scales, food mixers, food warmers, cupboards, counters, bars etc.... to be supported on wheels, concrete plinths a minimum 75mm in height, metal legs minimum 150mm in height, brackets or approved metal framework of the like.*
- *Cupboards, cabinets, benches and shelving may be glass, metal, plastic, timber sheeting or other approved material. The use of particle board or similar material is not permitted unless laminated on all surfaces.*
- *Adequate fly screens and doors with self-closing devices, (where applicable), are to be provided to all door and window openings, and an electronic insect control device is to be provided within the food premises.*
- *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.*
- *A mechanical ventilation exhaust system hood is to be installed where cooking or heating processes are carried out in the kitchen or in food preparation areas, in accordance with the relevant requirements of Clause F4.12 of the BCA and Australian Standard AS 1668 Parts 1 & 2.*
- *Wash hand basins being provided in convenient positions, with hot and cold water, together with a sufficient supply of soap and clean towels. Such hot and cold water shall be supplied to the wash hand basins through an approved mixing device.*
- *Ceramic tiles being provided to a height of 450mm above bench tops, wash hand basins and similar fittings.*
- *A numerically scaled indicating thermometer or recording thermometer, accurate to the nearest degree Celsius being provided to refrigerators, cool rooms, other cooling appliances and bain-maries or other heated food*

*storage/display appliances. The thermometer is to be located so as to be read easily from the outside of the appliance.*

- *All food that is to be kept hot should be heated within one (1) hour from the time when it was prepared or was last kept cold, to a temperature of not less than 60C and keeps this food hot at or above the temperature. Food that is to be kept cold should be cooled, within four (4) hours from the time when it was prepared or was last kept hot, to a temperature of not more than 5C and keep this food cold at or below that temperature.*
101. *Details of proposed mechanical ventilation systems, detailing compliance with the relevant requirements of Clause F4.12 of the BCA and Australian Standard AS 1668 Parts 1 & 2 (including exhaust air quantities and discharge location points) are to be submitted to and approved by the certifying authority, **prior to a construction certificate being issued** for the subject works.*
102. *The food premises must comply with the following requirements:-*
- *Liquid trade waste materials are to be disposed of in accordance with the requirements of the Sydney Water, Trade Waste Department and details of compliance are to be submitted to the certifying authority **prior to the commencement of works.***
  - *The disposal of waste materials in the domestic garbage service is not permitted. All waste materials must be collected by Council's Trade Waste Service or a waste contractor authorised by the Waste Service of New South Wales and details of the proposed service to serve the development are to be submitted to Council **prior to occupation** of the building.*
  - *Council is to be notified upon completion of work and prior to occupancy, to enable the premises to be inspected by Council's Environmental Health Officer and the premises must be registered with the Council as a food premises (on an annual basis) **prior to the issuing of an occupation certificate.***
103. *Legionella control – cooling towers, humidifying systems, warm water systems, water cooling systems must be registered with the Council on an annual basis and the systems are to be maintained and certified in accordance with the provisions of the Public Health Act, 1991.*

***The following conditions are applied to ensure adequate environmental protection.***

104. *All hazardous or intractable wastes (including asbestos) shall be removed and disposed of in accordance with the requirements of WorkCover and the Environmental Protection Authority, and with the provisions of:*
- *Occupational health and Safety Act 1983 (NSW)*
  - *Construction Safety Act 1912; Regulation 84A-J Construction Work Involving Asbestos or Asbestos Cement 1983 (NSW)*
  - *Occupational Health and Safety (Hazardous Substances) Regulation 1996 (NSW).*



- *Occupational Health and Safety (Asbestos Removal Work) Regulation 1996 (NSW); and*
- *Waste Minimisation and Management Act 1995 and Regulations (NSW).*

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

**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:*

- |                     |   |  |
|---------------------|---|--|
| a) Part B1          | - | Structural provisions                              |
| b) Clause C2.6      | - | Vertical separation of openings in external walls  |
| c) Clause C3.2&C3.4 | - | Protection of openings in external walls           |
| d) Clause D1.4      | - | Exit travel distances                              |
| e) Part D3          | - | Access for people with disabilities                |
| f) Clause D3.5      | - | Car parking for people with disabilities           |
| g) Part E1          | - | Fire fighting equipment                            |
| h) Part E2          | - | Smoke Hazard Management                            |
| i) Part E3          | - | Lift Installations                                 |
| j) Part E4          | - | Emergency lighting, exit signs and warning systems |
| k) Part F4          | - | Light and ventilation                              |
| l) Part F5          | - | 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.*

**MOTION: (Matson/Notley-Smith)** that the use of the terrace be restricted to between the hours of 10.00 a.m. and 9.00 p.m. **LOST.**

**FURTHER MOTION: (Procopiadis/White) SEE RESOLUTION.**

**5.2 DEVELOPMENT APPLICATION REPORT - 84 DUDLEY ST, COOGEE. (DA202/2002)**

H88 **RESOLUTION: (Bastic/Matthews)** that:

- A. *the Council support the objection under State Environmental Planning Policy No. 1 (SEPP No. 1) in respect to non-compliances with Clauses 32(2) of the Randwick Local Environmental Plan 1998 (relating to 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 Planning New South Wales 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 DA202/2002 to Demolish existing dwelling and erect a*

*new 3 storey multi unit housing development containing 3 dwellings with semi basement parking for six cars at 84 Dudley St, Coogee subject to the following conditions:-*

- 1. The development must be implemented substantially in accordance with the plans prepared by Geoform Design with Drawing No. 0149 DA 01 to DA06 issue B received by Council on 15/08/2002 and the Landscape Plan numbered 1114BA1 prepared by Vision Dynamics and received by Council on 8/03/2002, 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 8 March 2002.*
- 3. The front setback of the proposed development is to be increased by 1.0 m (a minimum setback 7.305 at ground, first floor and second level) in order to reduce the impact on view loss and maintain the environmental amenity of the streetscape. In addition, the size (depth) of the front balcony is to be also reduced at ground and first floor so that it does not protrude in front of the required front building setback and is in line with the northern wall of the living rooms. Details are to be submitted to the satisfaction of the Director of Planning & Community Development Prior to approval of Construction certificate.*
- 4. The proposed eastern building setback at ground, first and second level be further increased from 0.5 – 0.9m to a minimum of at least 1.0 m from the eastern boundary in order to maintain the environmental amenity of the streetscape, allow a greater view corridor for the flat development adjoining to the rear of the site at no 84 A Dudley, and so that the new development is consistent with the side setback of adjoining properties.*
- 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 rain water 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. *A separate subdivision development application is to be submitted for the strata subdivision of the proposed development, as there is inadequate information to properly assess the application.*
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](http://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.*

17. *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.*

***The following condition/s are applied to satisfy the increased demand for public amenities and public services:***

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

a)	<i>for the provision or improvement of open space</i>	\$5464.00
b)	<i>for the provision or improvement of community facilities</i>	\$2416.00
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:***

19. *Car space No.6 shall be identified as a visitor parking space. 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.*
20. *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.*
21. *The car parking spaces and driveways must be kept clear of goods at all times and must not be used for storage purposes.*

***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 damage deposit requirement is to be complied with prior to a construction certificate being issued for the development, as security for making good any damage caused to the roadway, footway, verge or any public place; or as security for completing any public work; and for remedying any defect on such public works, in accordance with section 80A(6) of the Environmental Planning and Assessment Act 1979:*

a)      \$2000.00      -      Security damage deposit

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

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

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

- a) \$1000.00 - Vehicular crossing deposit

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

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

55. *The applicant must meet the full cost for Council or a Council approved contractor to:*
- a. *Construct a concrete heavy-duty vehicular crossing and layback at kerb opposite the vehicular entrance to the site.*
  - b. *Remove the redundant concrete vehicular crossing and layback and to reinstate the area with concrete footpath, turf and integral kerb and gutter to Council's specification.*
  - c. *Re-construct a kerb and gutter for the full site frontage except opposite the vehicular entrance and exit points.*
  - d. *Carry out a full depth, 2.00m metre wide, road construction in front of the kerb and gutter along the full site frontage.*
  - e. *Reconstruct a concrete footpath along the full site frontage. Any unpaved areas on the nature strip must be turfed and landscaped to Council's specification.*
56. *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.*
57. *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.*
58. *All new walls adjacent to vehicular crossings must be lowered to a height of 600mm above the internal driveway level or splayed 1.5 metre by 1.5 metre so that a driver of a stopped vehicle 2 metres behind the street boundary line can observe pedestrians up to 2 metres from the crossings. Details are to be submitted to the Certifying Authority prior to the release of the construction certificate showing compliance with this condition.*

59. *The internal driveway must be a minimum 3.50m wide (clear width) at all points along the driveway.*

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

60. *The Council's Department of Asset & Infrastructure Services has inspected the above site and have determined that the design alignment level (concrete/paved/tiled level) at the property boundary for driveways, access ramps and pathways or the like, must match the back of the existing footpath along the full site frontage.*
61. *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.*
62. *The above alignment levels and the site inspection by Council's Department of Asset & Infrastructure Services have been issued at a prescribed fee of \$201.00 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:***

63. *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.*
64. *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.*
65. *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 a electricity substation will be required 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. 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.*
  - e. 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.*
  - f. 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. On-site stormwater detention is not required for this development however the stormwater discharge from the site is not to exceed 25 litres per/second for the 1 in 20 year storm. Prior to the issuing of a construction certificate the applicant is to submit hydraulic calculations to the Certifying Authority showing compliance with this requirement. 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.*
- 68. Provision is to be made for satisfactory overland flow should a storm in excess of the above parameters occur.*
- 69. 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.*
- 70. 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.*
- 71. 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.**

72. *A ‘V’ drain is to be constructed along the perimeter of the property, where required, to direct all stormwater to the detention area.*
73. *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)*
74. *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.*

75. *As the above site may be present within a fluctuating water table the basement carpark or similar structures are to be suitably tanked and waterproofed. A Structural Engineer\Geotechnical Engineer shall certify the tanking & waterproofed 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).*
76. *Any seepage water must be drained directly into an absorption pit within the site. Seepage water must **not** be drained from the site.*

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

77. *The garbage room areas will have to be designed so as to be able to contain a total of 4 x 240 litre bins (2 garbage bins & 2 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.*
78. *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.*
79. *Prior to the credited certifier issuing an occupation certificate for the proposed development the applicant is to contact Council's Manager of Waste in regards to meeting Council's requirements for waste services to the additional residence/dual occupancy.*

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

80. *The landscape is to be constructed as per the landscape plan, drawing number 1114BA 1 revision B.*
81. *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 are to be submitted to, and approved by, a certifying authority, prior to the issue of a construction certificate. The system shall comply with all Sydney Water requirements, and relevant Australian Standards.*

82. *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.*

83. *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.*
84. *Any substation required shall be screened from view. The proposed location and elevation shall be shown on all detailed landscape drawings and specifications.*
85. *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 Protection Measures***

86. *In order to ensure the retention of the Callistemon species (Bottlebrush) located within Council's nature strip in good health, the following measures are to be undertaken:*
  - a. *All detailed architectural, building, demolition, engineering (structural, stormwater & drainage, services), and landscape documentation submitted for the construction certificate application shall show the retention of the existing tree specimen with the position of the tree trunk and full diameter of the tree canopy clearly shown on all drawings.*
  - b. *All detailed architectural, building, demolition, engineering (structural, stormwater & drainage, services), and landscape documentation submitted for the construction certificate application shall show no alteration in the existing soil levels or the location of any structures, services, footings, paving, detention tanks, stormwater infiltration systems, pipes, cutting or battering of the existing soil profile, or any excavations within a radius of 1.5 metres from the outside edge of the tree trunk.*
  - c. *The tree is to be physically protected by the installation of protective fencing around the tree using 1.8 metre high steel mesh/chainwire fencing. This fencing shall be located to a minimum radius of 1 metre from the outside edge of the tree trunk.*

*This fencing shall be installed prior to the commencement of demolition and construction works and shall remain in place until all works are completed.*

- d. *Within this zone there is to be no storage of materials or machinery or site office/sheds, nor is cement to be mixed or chemicals spilt/disposed of in the area, no stockpiling of soil or rubble, or any works listed in Point b.*

*Any works required within this zone (only as approved on the construction*



*certificate) shall be under the direction of, and to the satisfaction of, a suitably qualified Arborist.*

- e. Watering of the tree (within the fenced off area) three times a week for the duration of the construction period.*
  - f. The erection of signage on the fence with the following words clearly displayed: "TREE PROTECTION ZONE", "DO NOT ENTER".*
- 87. A refundable deposit in the form of cash or cheque, or bank guarantee for the amount of \$3,000.00 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 RGJ at the Cashier on the Ground Floor of the Administrative Centre prior to any further inspection being carried out.*

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

#### *Advisory Conditions*

- A1. The applicant is to advise Council in writing and/or photographs of any signs of existing damage to the Council roadway, footway, or verge prior to the commencement of any building/demolition works.*

#### **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:*

- a) Part B1 - Structural provisions*
- b) Part C1 - Fire resistance and stability*
- c) Part C2 - Compartmentation and separation*
- d) Clause C3.2&C3.4 - Protection of openings in external walls*
- e) Clause D1.4 - Exit travel distances, from the basement carpark*
- f) Part E2 - Smoke Hazard Management*
- g) Part E3 - Lift Installations*
- h) Part E4 - Emergency lighting, exit signs and warning systems*
- i) Part F5 - 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: (Bastic/Matthews) SEE RESOLUTION.**

**PROCEDURAL MOTION: (Matson/Notley-Smith)** that this application be deferred for mediation between the applicant and surrounding residents to discuss the issues of the setback and the FSR. **LOST.**

A division on the motion was called for by Crs Matson and Greenwood. Voting was as follows:

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

### **5.3 DEVELOPMENT APPLICATION REPORT - 34-36 PARK AVENUE, CLOVELLY. (D/670/2002)**

H89 **RESOLUTION: (Tracey/Procopiadis) 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/670/2002 for demolish existing dwelling houses, consolidate three lots into one and construct a two storey*

*dwelling house at 34-36 Park Avenue, Clovelly subject to the following conditions:*

-

1. *The development must be implemented substantially in accordance with the amended plans comprising of four (4) sheets numbered A865/DA02, DA03, DA01, DA06 dated 26.09.2002 prepared by Farnan Finlay Architects, received by Council on 1 October 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 height of the building shall be reduced by 500mm and the setback on the upper level of the building on the northern side boundary be increased to 1.5m.*
3. *The driveway for the double garage is to be splayed so that the width of the driveway is no greater than 3.0m at the front boundary in order to maintain the amenity of the streetscape.*
4. *The colours, materials and finishes of the walls and roof material are required to be compatible with the external surfaces of adjoining developments to maintain the integrity and amenity of the building and the streetscape. 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 to a construction certificate being issued for the development).*
5. *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.*
6. *Street numbering must be provided to the premises in a prominent position, to the satisfaction of Council.*
7. *The upper level southern side setback is to be increased from 0.9m to a minimum of 1.5m for the formal living room and balcony in order to reduce building bulk and overshadowing impact to adjoining neighbours.*
8. *The external retractable roller blind for the front upper level balconies is to be deleted in order to retain ocean views available from the upper level living areas of the adjoining property at No. 38 Park Street. Details of compliance are to be provided in the construction certificate plans.*

***The following group of conditions have been applied to ensure that adequate provisions are made for vehicular access, parking and public infrastructure:***

9. *All crossings, repairs and ancillary works on the footway and roadway are to be carried out by the Council and the cost borne by the applicant. A statement, prepared by the applicant or owner of the premises is to be obtained and*

*submitted to the Council, detailing the condition and status of the roadway, footway, vehicular crossings, nature strip and public place adjacent to the premises, **prior to the commencement of any works on the site and also upon completion of the works.***

*The statement is to include details of any existing damage to the roadway, footway, vehicular crossing, nature strip or public place prior to the commencement of works and details of any damage caused to the roadway, footway, vehicular crossings, nature strip or public place, as a result of the works or any associated building activities, for assessment and determination by 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:***

10. *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.*

11. *External paths and ground surfaces are to be graded and drained away from the building and adjoining premises in such a manner so as not to result in the entry of water into a building, or cause a nuisance or damage to the adjoining premises.*

***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:***

12. *There are to be no emissions or discharges from the premises, which will give rise to an offence under the Protection of the Environment Operations Act 1997 and Regulations.*

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

13. *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.*
14. *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 has been applied to ensure the structural adequacy and integrity of the proposed building and adjacent premises:***

15. *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 the terms of Council's approval and relevant standards of construction, and to maintain adequate levels of health, safety and amenity during construction:***

16. *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.*
17. *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.*
18. *The building works are to be inspected by the principal certifying authority (or other suitably qualified person on behalf of the applicant) to monitor compliance with Council's approval and the relevant standards of construction.*

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

19. *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.*
20. *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.*

21. *If an excavation associated with the erection or demolition of a building extends below the level of the base of the footings of a building on an adjoining allotment of land, the person causing the excavation must:*
- *preserve and protect the building /s on the adjoining land from damage;*
  - *if necessary, underpin and support the building in an approved manner; and*
  - *at least seven (7) days before excavating below the level of the base of the footings of a building on an adjoining allotment of land (including a public road or public place), give notice of the intention to do so to the owner of the adjoining land. Particulars of the excavation are to be provided to the owner of the adjoining land and also the owner of the land where the building is being erected or demolished.*
22. *A Registered Surveyors 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 that the building has been constructed at the approved levels.*
23. *Building and demolition works must only be carried out between the hours of 7.00am to 5.00pm on Monday to Friday inclusive, between 8.00am to 5.00pm on Saturdays and all building activities are strictly prohibited on Sundays and public holidays, except with the specific written authorisation of Council's Manager of Environmental Health & Building Services.*
24. *The use of any rock excavation machinery or any mechanical pile drivers is restricted to the hours of 8.00am to 5.00pm (maximum), Monday to Friday inclusive and from 8.00am to 1.00pm on Saturday, to minimise the noise levels during construction and loss of amenity to nearby residents.*
25. *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.*

26. *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.*
27. *Noise emissions during the construction of the building and associated site works must comply with the relevant provisions of the Protection of the Environment Operations Act 1997 & the Noise Control Manual published by the Environment Protection Authority, except as may be amended by the conditions of this approval.*
28. *Building materials, sand, waste materials or construction equipment must not be placed upon the footpath, roadway or nature strip at any time.*
29. *Bulk bins/waste containers must not be located upon the footpath, roadway or nature strip at any time without the prior written consent of the Council, unless the waste container is located upon the road in accordance with the Roads & Traffic Authority Guidelines and Requirements, and the container is exempt from an approval under Council's Local Approvals Policy.*
30. *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.*

*Details of the proposed sediment control measures must be submitted to and approved by the principal certifying authority **prior to the commencement of any site works**. The sediment and erosion control measures must be implemented prior to the commencement of any site works and a copy of the approved details must be made available to Council officers upon request.*

31. *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.*

32. *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.*
33. *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 hoarding or 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). Hoardings or fences are to have a minimum height of 1.8 metres and be constructed of solid plywood sheeting (painted white) or of cyclone wire fencing with geotextile fabric attached to the inside of the fence, to provide dust control.*

*Hoardings 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.*

34. *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.*
35. *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.*
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.*

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

37. *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:**

38. *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.*

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

40. *The following vehicular crossing deposit requirement is to be complied with prior*

to a construction certificate being issued for the development, as security for Council or a Council approved subcontractor to construct the vehicular crossing.

a) \$1000.00 - Vehicular crossing deposit

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

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

41. *The applicant must meet the full cost for Council or a Council approved contractor to:*
  - a) *Construct concrete vehicular crossing and layback at kerb opposite the vehicular entrance to the site.*
  - b) *Remove the redundant concrete vehicular crossing and layback and to reinstate the area with concrete footpath, turf and integral kerb and gutter to Council's specification.*
  - c) *Reconstruct the Council footpath along the full site frontage (Note: this is so as to meet Council's issued alignment levels of match top of kerb level along the full site frontage)*
42. *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.*
43. *The applicant shall note that all external work, carried out on Council property, shall be in accordance with Council's Policy for "Vehicular Access and Road and Drainage Works". An application for the cost of the Council civil works is to be submitted to Council at the completion of the internal building works. An application fee shall be payable to Council for the quotation of the required works. The applicant may elect to use his contractor for the required works, subject to Council approval, however a design and supervision fee based on the lowest quotation from Council's nominated contractor will be required to be paid prior to the commencement of any works.*

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

44. *The Council's Department of Asset & Infrastructure Services has inspected the above site and have determined that the design alignment level (concrete/paved/tiled level) at the property boundary for driveways, access ramps and pathways or the like, shall be:*
  - ***Match the existing top of the kerb at all points opposite the kerb, along the full site frontage.***

***(Note Council proposes to raise the Council footpath to this level so as to allow satisfactory stormwater discharge to Park St opposite the site frontage and improve pedestrian access/movement along and to the site)***

*Any enquiries regarding this matter should be directed to Council's Assets & Infrastructure Services Department on 9399 0923.*

***The design alignment level at the property boundary must be strictly adhered to:***

45. *The design alignment levels (concrete/paved/tiled level) issued by Council and their relationship to the kerb must be indicated on the building plans for the construction certificate. The design alignment level at the street boundary, as issued by the Council, must be strictly adhered to.*
46. *The above alignment levels and the site inspection by Council's Department of Asset & Infrastructure Services have been issued at a prescribed fee of \$240.00 calculated at \$17.60 (inclusive of GST) per metre of site frontage. This amount is to be paid prior to a construction certificate being issued for the development.*
47. *The top of footings of any structures constructed on the boundary alignment must be at least 150mm below the alignment level as specified for the vehicular access. This condition has been attached to accommodate the footpath reconstruction at this location.*

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

48. *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.*
49. *The applicant must meet the full cost for Telstra, Energy Australia, Sydney Water or Natural Gas Company to adjust/repair/relocate their services as required. The applicant must make the necessary arrangements with the service authority.*

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

50. *As the above site may be present within a fluctuating water table and/or affected by the movement of seepage water any structures that are below natural ground level may need to be suitably tanked and waterproofed.*
51. *All site stormwater is to be discharged by gravity to the kerb and gutter through a sediment/silt arrester pit. 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.**

*Note: Council's footpath (75mm thick) along the site frontage is to be raised to match the existing top of kerb level. This should allow the site stormwater to drain to the kerb.*

**The following conditions are applied to satisfy the provisions of Council's environmental plans, policies and codes for subdivision works:**

52. *The applicant shall provide Council with a survey plan of the property prior to receiving Lot Consolidation approval.*

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

53. *That part of the naturestrip upon Council's footway which is damaged during the construction of the proposed works shall be excavated to a depth of 150mm, backfilled with topsoil equivalent with 'Organic Garden Mix' as supplied by Australian Native Landscapes, and re-turfed with Kikuyu turf. Such works shall be completed at the applicants expense prior to the issue of a final Occupation Certificate.*
54. *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.*
55. *In order to visually 'soften' the expanses of hard pavement, brick unit pavers (or similar) shall be used throughout the driveway and carpark areas on the site. Such*

*details shall be shown on the detailed engineering documentation and shall include all structural design details including pavement/subgrade thickness.*

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

### **Tree Management**

56. *The applicant shall submit a total payment of \$785.00 to Council,*
- a. *Being the cost for Council to remove the existing street tree specimen of Banksia species (Banksia) (\$280.00), and*
  - b. *Being the cost for Council to supply and install 1 x 25 litre street tree at the completion of all works (\$85.00), and*
  - c. *To compensate Council for the loss of amenity caused by the removal of the street tree (\$420.00).*

*The contribution shall be paid into Account Number 43459939 Activity Code R36 at the Cashier on the Ground Floor of the Administrative Centre **prior to an occupation certificate being issued for the development.***

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

57. *Approval is granted for the removal of the following trees subject to the planting of 1 x 75 litre broad canopied replacement tree (not palm) within the site. The species selected shall be one that will attain a minimum height of 6 metres at maturity.*
- a) *One specimen of Araucaria heterophylla (Norfolk Island Pine) located towards the rear of the site (no. 36 Park Street).*
  - b) *One specimen of Pinus species (Pine Tree) located towards the eastern part of the rear of the site (no. 36 Park Street).*
58. *Permission is granted for the removal of only those trees falling within the area occupied by the approved works. Removal of the remaining trees on the site is subject to separate application under the Tree Preservation Order.*
59. *The applicant shall be required to ensure the retention and long term health of all trees located on adjoining properties adjacent to the proposed development. As a general guide there shall be minimal excavation or root pruning within the dripline/s of the subject tree/s.*
60. *Permission is granted for the selective pruning of overhanging branches from the Ulmus parvifolia (Chinese Elm) tree located on the adjoining property. This approval does not imply any right of entry onto a neighbouring property nor does it allow pruning beyond a common boundary. However, where such measures are desirable in the best interests of correct pruning procedures, it shall be necessary for the applicant to negotiate with the tree owner. All pruning must be undertaken*

by a qualified Arborist, with suitable qualifications in Arboriculture and to Australian Standard AS 4373-1996 'Pruning of Amenity Trees.'

### ***Tree Protection Measures***

61. *In order to ensure the retention of the Schinus molle (Pepper Tree), Eucalyptus species (Gum Tree) and the Lophostemon confertus (Brushbox) located on the adjoining property to the south (no.32 Park Street), and the Ulmus parvifolia (Chinese Elm) located on the adjoining property to the north in good health, the following measures are to be undertaken:*
- a. *All detailed architectural, building, demolition, engineering (structural, stormwater & drainage, services), and landscape documentation submitted for the construction certificate application shall show the retention of the existing tree specimens with the position of the tree trunks and full diameter of the tree canopies clearly shown on all drawings.*
  - b. *Any excavations required for footings, structures, retaining walls, basement car parks, services, pipes, detention tanks, stormwater infiltration systems, paving etc within 3 metres of the tree trunks shall be undertaken by hand and under the direction of, and to the satisfaction of, a suitably qualified Arborist with all roots being cleanly cut.*
  - c. *A refundable deposit in the form of cash or cheque of \$2470.00 shall be lodged with Council prior to issue of a construction certificate for the proposed development in order to ensure the preservation of the trees in accordance with the requirements described in this condition.*

<b><i>QUANTITY</i></b>	<b><i>SPECIES</i></b>	<b><i>AMOUNT</i></b>
<i>1</i>	<i>Ulmus parvifolia (Chinese Elm)</i>	<i>\$1300.00</i>
<i>1</i>	<i>Schinus molle (Pepper Tree)</i>	<i>\$1170.00</i>
	<b><i>TOTAL</i></b>	<b><i>\$2470.00</i></b>

*The refundable deposit is placed to ensure that the tree protection measures as described in this condition are undertaken throughout the demolition and construction period. The refundable deposit will be released twelve (12) months from the time of issue of a final occupation certificate by the certifying authority providing the tree protection measures (including amendments to the plans) have been undertaken throughout the demolition and construction period and the trees have been retained in good health.*

*Any contravention of Council's conditions relating to the trees at any time during the demolition and construction period or prior to the issue of a final occupation certificate will result in the Council claiming all of the lodged security*

### ***Advisory Conditions***

- A1.** *The applicant is to advise Council in writing and/or photographs of any signs of existing damage to the Council roadway, footway, or verge prior to the commencement of any building/demolition works.*

**MOTION:** (Tracey/Procopiadis) **SEE RESOLUTION.**

**5.4 DEVELOPMENT APPLICATION REPORT - 15 INMAN STREET, MAROUBRA. (D/0333/2002)**

H90 **RESOLUTION:** (Andrews/Whitehead) *that:*

- A.** *Council as the responsible authority grant its development consent under Section 80 and 80(A) of the Environmental Planning and Assessment Act 1979 (as amended) to Development Application No D/333/02 for construction of a new dwelling house at 15 Inman Street, Maroubra subject to the following conditions:-*

**REFERENCED PLANS:**

- 1.** *The development must be implemented substantially in accordance with the plans numbered DA01 to DA09, dated 15 April 2002 and received by Council on 16 April 2002 and on the application form and on any supporting information received with the application and the amendments dated 10 September 2002, and except as further 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 proposed dwelling house shall be setback a further 500mm from the front boundary. Details of compliance shall be submitted prior to issuing the Construction Certificate.*
- 3.** *The proposed privacy screen to the first floor balcony shall extend for a minimum of 2.5m and shall be fixed. Details of the proposed screen shall be to the satisfaction of the Director of Planning and Community Development prior to the issuing of the Construction Certificate. The screen shall ensure that there will be no potential for overlooking onto the rear of the properties facing Banks Street.*

***Security Deposit Conditions***

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

- 4.** *The following vehicular crossing deposit requirement is to be complied with prior to a construction certificate being issued for the development, as security for Council or a Council approved subcontractor to construct the vehicular crossing.*
- a) \$1000.00 - Vehicular crossing deposit

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

*by Council or a Council approved subcontractor.*

### **Traffic conditions/Civil Works Conditions**

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

5. *The applicant must meet the full cost for Council or a Council approved contractor to:
  - a) *Construct concrete vehicular crossing and layback at kerb opposite the vehicular entrance to the site.*
  - b) *Remove the redundant concrete vehicular crossing and layback and to reinstate the area with concrete footpath, turf and integral kerb and gutter to Council's specification.**
6. *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.*
7. *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.*

### **Alignment Level Conditions**

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

8. *The Council's Department of Asset & Infrastructure Services has inspected the above site and have determined that the design alignment level (concrete/paved/tiled level) at the property boundary for driveways, access ramps and pathways or the like, shall be:*

***50mm above the top of the kerb level at all points opposite the kerb, along the full site frontage.***

*Any enquiries regarding this matter should be directed to Council's Assets & Infrastructure Services Department on 9399 0923.*

*The design alignment level at the property boundary must be strictly adhered to.*

9. *The design alignment levels (concrete/paved/tiled level) issued by Council and their relationship to the kerb must be indicated on the building plans for the construction certificate. The design alignment level at the street boundary, as issued by the*



*Council, must be strictly adhered to.*

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

**Service Authority Conditions**

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

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

**Drainage Conditions**

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

14. *All site stormwater which is discharged into an infiltration/absorption tank and/or to Council's kerb and gutter must be taken through a sediment/silt arrester pit. 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.*

**Landscape Conditions**

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

15. *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.*

***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:***

16. *The northern side boundary fence shall be heightened by the inclusion of lattice screening to a height of 2m. Details to be included with the application to a construction certificate.*
17. *The north facing window to bedroom No.2 at the ground floor shall be located a minimum of 1.5m from the ground floor level.*
18. *The windows along the northern elevation at the first floor level to the WC and the study shall be raised to 1.5m above ground level. Details to be included with the application to a construction certificate.*
19. *Any proposed front fence shall have a minimum height of 1.5m and be 50% open to comply with the open nature of the streetscape. Details are to be submitted to and approved by the Director of Planning and Community Development prior to issuing the Construction Certificate.*
20. *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 and Community Development, in accordance with section 80A (2) of the Environmental Planning and Assessment Act 1979 **prior to commencement of any building works.***

21. *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:***

22. *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 Community Development **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:***

23. *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.*
24. *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:***

25. *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:***

26. *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.*
27. *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.*
28. *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.*
29. *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.*
30. *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.*

31. *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:*

*Prior to construction of the footings or first completed floor slab (prior to the pouring of concrete), showing the area of the land, building and boundary setbacks.*

32. *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.*
33. *Prior to construction of the proposed building proposed, showing the land, building and boundary setbacks and verifying that the building is being constructed at the approved levels.*

*(Setbacks at completion)*

34. *On completion of the erection of the building showing the area of the land, the position of the building and boundary setbacks.*

*(Setbacks and levels, at completion)*

35. *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.*

36. *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.*

37. *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*

38. *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.*

39. *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.*

40. *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:***

41. *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**.*

#### **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 3.1 - Site preparation*
- b) Part 3.2 - Footings and slabs*
- c) Part 3.3 - Masonry construction*
- d) Part 3.4 - Framing (floors, walls and roofs)*
- e) Part 3.5 - Roof and wall cladding*
- f) Part 3.6 - Glazing*
- g) Part 3.7 - Fire safety*
- h) Part 3.7.1 - Fire separation*
- i) Part 3.7.2 - Smoke alarms*
- j) Part 3.7.3 - Heating appliances*
- k) Part 3.8 - Health and amenity*
- l) Part 3.8.2 - Room heights*
- m) Part 3.8.3 - Facilities*
- n) Part 3.8.4 - Natural and artificial lighting*
- o) Part 3.8.5 - Ventilation requirements*
- p) Part 3.8.6 - Sound insulation*
- q) Part 3.9 - Safe movement and access*
- r) Part 3.9.2 - Balustrades, design, location and height*
- s) Part 3.11 - Structural design manuals*

*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 advised that the development consent plans do not indicate compliance with the deemed-to-satisfy provisions of the Building Code of Australia and compliance may necessitate variations to the development consent plans. In this regard, any variations, which alter the configuration, size, for, layout or design of the building, may necessitate an amendment to the development consent (or a new development application), and Council's Building Surveyor or an Accredited Certifier should be consulted prior to the lodgement of an application for a **Construction***

*Certificate.*

- A3. *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: (Andrews/Whitehead) SEE RESOLUTION.**

**6. GENERAL BUSINESS.**

Nil.

**7. NOTICE OF RESCISSION MOTIONS.**

Nil.

The meeting closed at 8.41 p.m.

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CHAIRPERSON