

**MINUTES OF THE HEALTH, BUILDING AND PLANNING COMMITTEE
MEETING OF THE COUNCIL OF THE CITY OF RANDWICK
HELD ON TUESDAY, 12TH AUGUST, 2003 AT 6:40 P.M.**

PRESENT:

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

Councillor M. Daley (South Ward) (Chairperson)

North Ward	-	Crs J. Greenwood and P. Tracey
South Ward	-	Crs C. Matthews and A. White
East Ward	-	Crs 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 (from 6.45 p.m.) and A. Andrews (Deputy Chairperson)

OFFICERS PRESENT:

Director Assets & Infrastructure Services	Mr. M. Savage.
Acting Director Planning & Community Development	Ms. S. Truuvvert.
Director Governance Management & Information Services	Mr. M. Hummerston.
Manager Development Assessment	Mr. K. Kyriacou.
Assistant Public Officer	Mr. D. Kelly.
Communications Manager	Ms. D. Brien.
Manager Planning, Policy & Performance	Ms. K. Walshaw.

1. APOLOGIES.

Nil.

2. MINUTES.

CONFIRMATION OF THE MINUTES OF THE HEALTH, BUILDING AND PLANNING COMMITTEE MEETING HELD ON TUESDAY, 8TH JULY, 2003.

H59 **RESOLUTION:** *(His Worship the Mayor, Cr D. Sullivan/Andrews) that the Minutes of the Meeting of the Health, Building and Planning Committee held on Tuesday, 8th July, 2003 (copies of which were circulated to all Councillors) be and are hereby confirmed as a correct record of the proceedings of that meeting.*

RESOLVED: (Andrews/White) that the meeting be adjourned at 6.42 p.m. and be further adjourned at 7.40 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:

5.3 DEVELOPMENT APPLICATION REPORT - 12 KEITH ST, CLOVELLY.

The Applicant Mr Bradley Grey 8 The Causeway, Maroubra

5.4 DEVELOPMENT APPLICATION REPORT - 196-204 MAROUBRA ROAD, MAROUBRA.

The Applicant Mr Joseph Ajaka 200 Maroubra, Road, Maroubra

5.6 DEVELOPMENT APPLICATION REPORT - 60 MITCHELL STREET, CHIFLEY.

The Applicant Mr Warren Bright 6/436 Malabar Rd, Maroubra

5.7 DEVELOPMENT APPLICATION REPORT - 68-76 WENTWORTH STREET, RANDWICK.

The Objector Ms Louise Ryan 63 Dangar Street, Randwick

The Applicant Mr Angelo Candalepas 64 Bream Street, Lilyfield

5.9 DEVELOPMENT APPLICATION REPORT - 14 BYNG STREET, MAROUBRA.

The Objector Mr Peter Robinson 397 Riley Street, Surry Hills

The Applicant Mr Greg Begaud 14 Byng Street, Maroubra

The meeting was resumed at 7.56 p.m.

4. MAYORAL MINUTES.

4.1 MAYORAL MINUTE 39/2003 - REFORM AND RE-STRUCTURE SUBMISSION. (98/S/0063)

H60 **RESOLUTION:** *(Notley-Smith/Greenwood)* that Mayoral Minute No. 39/2003 be deferred to allow Councillors sufficient time to consider this matter.

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

- a) The report attached to the Mayor's Minute No.39 be endorsed by Council as the basis of Council's response to the request for submissions on boundary alterations and structural reform the Minister for Local Government, the Hon. Tony Kelly; and
- b) Council delegate to the Mayor the authority to pursue the principles of this report with the New South Wales Government and neighbouring Councils and take whatever

steps necessary to ensure the optimum outcome for the residents of Randwick City Council.

PROCEDURAL MOTION: (Notley-Smith/Greenwood) SEE RESOLUTION.

5. DEVELOPMENT APPLICATIONS.

5.1 ACTING DIRECTOR PLANNING & COMMUNITY DEVELOPMENT'S REPORT 57/2003 - SUPPLEMENTARY REPORT FOR 11 TOWER ST CLOVELLY. (D/0118/2003)

H61 **RESOLUTION: (His Worship the Mayor, Cr D. Sullivan/Andrews) 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 118/03 for demolition of the existing dwelling house and erection new part two part three storey dwelling house including double garage, children's play pool, lap pool, storeroom and gymnasium at 11 Tower Street Coogee subject to the following conditions:-*

1. *The development must be implemented substantially in accordance with the plans numbered 02120 DA00b,01c, 02b, 03c, 04b, 05B, 06b, 07b & DAL/01a dated May 2003 and received by Council on 26 May 2003 the application form and on any supporting information received with the application, except as may be amended by the following conditions and as may be shown in red on the attached plans:*

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

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

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

3. *The proposed front fence shall have a maximum height of 1200mm to reduce the impact of the tall structure on the streetscape. Amended fence details shall be submitted as part of the application for construction certificate.*
4. *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, verandah's,*

fences, retaining walls, swimming pools and driveways etc.) located upon:

a) 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.***

- 5. The landscaping along the rear of the site towards the south-eastern corner shall have a maximum height of 1m to ensure views for neighbouring properties are not impacted upon. Details of the plantings to be provided shall be submitted as part of the application for a construction certificate.*
- 6. The proposed upper level rumpus room shall be deleted from the plans thereby lowering the overall height of the building to RL35.15. Details to be submitted with the Construction Certificate Application. Necessary internal arrangement to delete the access stairs shall also be required.*
- 7. 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.*
- 8. All plumbing and drainage pipes, other than rain water heads, gutters and downpipes, must be concealed within the building.*
- 9. Street numbering must be provided to the premises in a prominent position, to the satisfaction of Council.*
- 10. The finished ground levels external to the building are to be consistent with the development consent and are not to be raised (other than for the provision of paving or the like on the ground) without the written consent of Council.*
- 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. Each dwelling must have a waste storage cupboard in the kitchen sufficient to allow separation of garbage, recyclable and compostable materials*
- 13. Hot water pipes must be insulated in order to minimise heat loss.*
- 14. Landscaping shall be provided to the site to enhance its amenity and reduce the impact of the development upon neighbouring properties. A landscape plan shall be submitted to and approved by the Director of Planning & Community Development, in accordance with section 80A(2) of the Environmental Planning and Assessment Act 1979, prior to a construction certificate being issued.*
- 15. Landscaped areas must contain a predominance of species that require*

minimal watering once established or species with water needs that match rainfall and drainage conditions.

16. *Landscaped areas must include an area dedicated to on - site composting.*
17. *Porous paving shall be used in all pathways. Details are to provided with the construction certificate application*

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:

18. *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.

19. *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 ensure that the development satisfies the provisions of the Environmental Planning and Assessment Act 1979 and Regulations:

20. *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.*
21. *In accordance with clause 98 of the Environmental Planning and Assessment Regulation 2000, it is a prescribed condition, that in the case of residential building work, a contract of insurance must be obtained and in force, in accordance with the requirements of the Home Building Act 1989.*

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

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

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

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

exceed \$3,000.

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

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

- 22. 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.*
- 23. 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.*
- 24. 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.*
- 25. 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.*
- 26. The building works are to be inspected by the Principal Certifying Authority (or other suitably qualified person, to the satisfaction of the Principal Certifying Authority), to monitor compliance with the relevant standards of construction and Council's development consent.*

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

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

Upon inspection of each stage of construction, the Principal Certifying Authority (or other suitably qualified person, to the satisfaction of the Principal Certifying Authority) 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 consent:

- *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, sand, soil, debris, waste containers or other obstructions.*
27. *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.*
28. *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.

29. *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 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.

- a) *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.*

30. *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.*
31. *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

32. *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.*
33. *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.*
34. *Public safety and convenience must be maintained at all times during demolition, excavation and construction works.*
35. *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.

36. *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".*
37. *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.

38. *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.

39. *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.

40. *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.*

41. *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.*

42. *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.*

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

Failure to comply with these legislative requirements is an offence and may result in the commencement of legal proceedings, issuing of `on-the-spot` penalty

infringements or service of a notice and order by Council.

44. *The required Long Service Levy payment, under the Building and Construction Industry Long Service Payments Act 1986, is to be forwarded to the Long Service Levy Corporation or the Council, prior to the issuing of a Construction Certificate, in accordance with Section 109F of the Environmental Planning & Assessment Act 1979.*
45. *During demolition excavation and construction works, dust emissions must be minimised, so as not to result in a nuisance to nearby residents or result in a potential pollution incident.*
46. *Adequate dust control measures must be provided to the site prior to the works commencing and the measures and practices must be maintained throughout the demolition, excavation and construction process, to the satisfaction of Council.*

Dust control measures and practices may include:-

- *Provision of geotextile fabric to all perimeter site fencing (attached on the prevailing wind side of the site fencing).*
 - *Covering of stock piles of sand, soil and excavated material with adequately secured tarpaulins or plastic sheeting.*
 - *Installation of a water sprinkling system or provision hoses or the like.*
 - *Regular watering-down of all loose materials and stock piles of sand, soil and excavated material.*
 - *Minimisation/relocation of stock piles of materials, to minimise potential for disturbance by prevailing winds.*
 - *Revegetation of disturbed areas.*
47. *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.

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.

Fences or hoardings 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.

Details of the proposed temporary fences located upon the site are to be submitted to the principal certifying authority and 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.

49. *Any part of Council's nature strip which is damaged as a result of the work must be back-filled, top-soiled and re-turfed with kikuyu turf prior to occupation or finalisation of the development, to Council's satisfaction.*

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

50. *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 adequate environmental protection.

51. *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).*

All site works shall comply with the occupational health and safety requirements of the NSW WorkCover Authority. In this regard all contractors and employees shall adopt work practices in accordance with the requirements of WorkSafe's Control of Inorganic Lead at Work (NOHSC:102(1994) and NOHSC:2015(1994).

52. *All site works shall comply with the occupational health and safety requirements of WorkCover NSW.*
53. *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 applicant is advised that the Construction Certificate plans and specifications must comply with the provisions of the Building Code of Australia (BCA) – Housing Provisions.*

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

55. *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:

56. *The applicant must meet the full cost for Council or a Council approved contractor to:*
- a) *Reconstruct concrete vehicular crossing and layback at kerb to suit the new vehicular entrance to the site.*

- b) *Remove any redundant portion of the existing concrete vehicular crossing and layback and to reinstate the area with concrete footpath, turf and integral kerb and gutter to Council's specification.*
57. *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.*
58. *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:

59. *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.*
60. *The design alignment levels (concrete/paved/tiled level) issued by Council and their relationship to the footpath must be indicated on the building plans for the construction certificate. The design alignment level at the street boundary, as issued by the Council, must be strictly adhered to.*
61. *The above alignment levels and the site inspection by Council's Department of Asset & Infrastructure Services have been issued at a prescribed fee of \$215.00 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.*

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 telecommunication companies, gas providers, Energy Australia and Sydney Water 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 landscaping and to maintain reasonable levels of environmental amenity:

64. *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 or similar. Such works shall be completed at the applicants expense prior to the issue of a final Occupation Certificate.*
65. *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.*

Tree Management

66. *Approval is granted for the removal of the following trees subject to the planting of 3 x 75 litre broad canopied replacement trees (not palms) within the site. The species selected shall be those that will attain a minimum height of 6 metres at maturity.*
- a) *Two (2) Pheonix canariensis (Canary Island Palm) located towards the front of the site.*
 - b) *One (1) Ficus elastica (Rubber Tree) located towards the northern boundary of the site.*
 - c) *One (1) Banksia integrifolia (Coast Banksia) located towards the northern boundary of the site.*
 - d) *Two (2) Arecastrum romanzoffianum (Cocos Palm) located towards the rear of the site.*
67. *Permission is granted for the removal of only those trees falling within the area occupied by the approved works. Removal of the remaining trees on the site are subject to separate application under the Tree Preservation Order.*
68. *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.*

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.

Bushland Conditions

69. *The following conditions are applied to provide adequate provisions for the protection of Gordons Bay Reserve and bushland:*
70. *The Applicant shall provide a written report of any breaches of the Bushland Conditions to Council's Bushland Management Technician by the next business day after any breach has occurred. The report shall be signed and dated and information in the report shall include, but not necessarily limited to:*
- *The date of the breach;*
 - *The nature, extent and degree of the breach;*
 - *The cause of the breach;*
 - *All persons involved in the breach, including: full first and last names; contact number/s; organisation/s and reason/s for being present;*
 - *All witnesses to the breach, including: full first and last names; contact number/s and organisation/s; and*
 - *All plant, equipment, machinery, vehicles, substances, etc. involved in the breach.*
 - *If Council becomes aware of a breach of the Bushland Conditions for which such a report has not been provided to Council, then Council may request such a report, which shall then be provided to Council within 24 hours.*
71. *All personnel employed in relation to the development shall receive a site induction prior to their commencement of work, which shall include:*
- *that no disturbance to, or removal of, vegetation or soils shall occur within Gordons Bay Reserve, except in accordance with these conditions;*
 - *that no temporary or permanent placement or storage of any items of plant, materials, tools, equipment, vehicles, etc. shall occur within Gordons Bay Reserve;*
 - *that access to Gordons Bay Reserve shall be restricted to pedestrian traffic only and, in any case, shall be minimised;*
 - *that no foreign matter, including, but not limited to: water, cement wash, concrete, fill, soils, mulch, building materials, chemicals, petroleum-based products, paint, etc., shall be disposed of in, or placed in, or where they may enter, Gordons Bay Reserve;*
 - *that contravention of any of the above shall be reported immediately to the Applicant's Project Manager by all persons involved in and witnessing such a contravention.*
72. *All personnel who have completed this induction shall sign an Induction Register stating that they have completed the induction and that this included all the above information. The Induction Register shall be available for inspection and reproduction at all times by Council.*
73. *No disturbance to, or removal of, any vegetation or soils shall occur within*

Gordons Bay Reserve as a result of the proposed development. The only exceptions to this shall be:

- *installation of protection fencing, as identified elsewhere in these conditions;*
- *landscaping a two metre wide strip within Gordons Bay Reserve, along the southern side of the proposed development, as identified elsewhere in these conditions.*

In all instances where disturbance to, or removal of, vegetation or soils has occurred within Gordons Bay Reserve, all affected areas shall be immediately repaired to their state prior to commencement of development, as far as possible.

74. *Pedestrian traffic to Gordons Bay Reserve relating to the proposed development shall be minimised.*
75. *No foreign matter, including, but not limited to: cement wash, concrete, fill, soils, mulch, building materials, chemicals, petroleum-based products, paint, etc., shall be disposed of in, or placed in, or where they may enter, Gordons Bay Reserve. In all instances where such substances have been disposed of in, have been placed in, or have entered, Gordons Bay Reserve, all affected areas shall be immediately repaired to their state prior to commencement of development, as far as possible.*
76. *No temporary or permanent placement or storage of any items of plant, materials, tools, equipment, vehicles, etc. shall occur within Gordons Bay Reserve in relation to the proposed development. The only exceptions to this shall be in relation to:*
 - *installation of protection fencing, as identified elsewhere in these conditions;*
 - *landscaping a two metre wide strip within Gordons Bay Reserve, along the southern side of the proposed development, as identified elsewhere in these conditions.*
77. *In all instances where items have been placed or stored within Gordons Bay Reserve, all affected areas shall be immediately repaired to their state prior to commencement of development, as far as possible.*
78. *A continuous, temporary 1800mm high cyclone wire protection fence shall be installed within Gordons Bay Reserve, within two metres of the entire southern boundary 11 Tower St. The eastern end of this fence shall extend to within one metre from the public footpath on the western side of Tower St. The western end of this fence shall turn to join the boundary of 11 Tower St and 28A Battery St.*
79. *Silt fencing shall be attached along the full length of the protection fencing and shall be maintained so as to ensure that no foreign matter, including: sediment, concrete, fill, soils, mulch, etc. passes the protection fence at any time. Silt fencing shall be attached within 24 hours of any given section of the protection fence being installed.*

80. *Council approved warning signs shall be permanently attached (and immediately repaired and replaced as necessary) to the protection fence at a maximum of 20 metre intervals. A final prototype of the warning sign to be used shall be provided to Council's Bushland Management Technician for approval and shall be altered as required by the Bushland Management Technician. Warning signs shall be attached within 24 hours of any given section of the protection fence being installed. Warning signs shall include at least all the following information:*
- *the presence of bushland in the Reserve;*
 - *that no disturbance to, or removal of, vegetation or soils shall occur within Gordons Bay Reserve;*
 - *that no temporary or permanent placement or storage of any items of plant, materials, tools, equipment, vehicles, etc. shall occur within Gordons Bay Reserve;*
 - *that no foreign matter, including water, cement wash, concrete, fill, soils, mulch, building materials, chemicals, petroleum-based products, paint, etc., shall be disposed of or placed in or where they may enter Gordons Bay Reserve;*
 - *relevant contact numbers, including the Applicant's Project Manager and Council's Bushland Management Technician (Tel:9399-0683);*
 - *that contravention of any of the above shall be reported immediately to the Applicant's Project Manager or Council's Bushland Management Technician.*
81. *Council's Bushland Management Technician shall inspect and, when satisfied, provide written confirmation that the protection fencing, silt fencing and warning signs have been appropriately installed, prior to commencement of any demolition, construction or earthworks.*
82. *No water, including, but not limited to: run-off, stormwater, pool water, sprinklers, etc., shall be piped into, directed into, or otherwise allowed to enter Gordons Bay Reserve via the southern boundary of 11 Tower St, as may occur due to the proposed development. All hard surfaces adjacent to Gordons Bay Reserve shall be designed to fall away from the Reserve, i.e. back into 11 Tower St.*
83. *Water in the existing in-ground pool shall not be disposed of into, or allowed to enter, Gordons Bay Reserve.*
84. *Measures shall be undertaken to ensure that no stormwater or pool water is capable of entering Gordons Bay Reserve from 11 Tower St, via existing pipes at any time in the future. The Applicant shall submit to Council details of any methods to be employed to undertake such measures, which are to be acceptable to Council, prior to a construction certificate being issued for this application.*
85. *No gates or other access points shall be incorporated into the southern boundary protection fence or permanent fence/balustrade of 11 Tower St.*

86. *No weed control, planting or mulching shall occur in Gordons Bay Reserve in relation to the proposed development. The only exception to this shall be that, on completion of all construction works, the area from the protection fence to the southern boundary of 11 Tower St shall be made good and Stenotaphrum sp. (Buffalo Grass) turf shall be installed, where required, in order to re-instate a complete cover of such turf within this area.*
87. *No species, which may spread from where they are planted into the local environment at any time in the future, shall be used in landscaping. This includes: Cupaniopsis anacardioides and Japanese Maple, as is proposed in the development application. Turf species shall be restricted to Stenotaphrum spp. (Buffalo Grass).*
88. *No species, which have been recorded as naturally occurring at Gordons Bay Reserve, shall be used in landscape planting. This includes: Viola hederacea, Westringia sp., Lomandra longifolia, Hibbertia scandens and Banksia integrifolia, as is proposed in the development application.*
89. *A refundable deposit, in the form of cash or cheque, for the amount of \$7,000.00, shall be lodged with Council prior to issuing of a construction certificate for this application. The refundable deposit is placed as security to ensure that, subject to the works required and/or authorised by this development consent, no detrimental environmental effect occurs within Gordons Bay Reserve. The refundable deposit will be released at the time of completion of all works, providing that no detrimental environmental effect has occurred within Gordon's Bay Reserve throughout the construction works. Any contravention of Council's conditions relating to bushland and/or Gordon's Bay Reserve at any time during the development may result in the Council claiming all or part of the lodged security to the extent necessary to enable Council to carry out necessary repair or ameliorative works within Gordon's Bay Reserve.*

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

AMENDMENT: (Greenwood/Notley-Smith) that a new condition be added to the development consent to read as follows:-

“ The South Eastern wing be set back from the Tower Street boundary by 4.5 m in order to ensure compliance with the predominant setback in the street and the existing side and rear setbacks are not to change as a consequence. Details of the amended setbacks are to be submitted to and approved by Council's Director of Planning & Community Development in accordance with Section 80A(2) of the Environmental Planning & Assessment Act 1979 prior to a construction certificate being issued for the development.” **LOST.**

RESOLVED (PROCEDURAL MOTION): (Andrews/Procopiadis) that Item 5.9 be brought forward and dealt with at this stage of the Meeting.

5.2 ACTING DIRECTOR PLANNING & COMMUNITY DEVELOPMENT'S REPORT 58/2003 - 8 - 12 ASCOT STREET, KENSINGTON. (D/0955/2002)

- A. *Council support the objections under State Environmental Planning Policy No. 1 (SEPP No. 1) in respect to non-compliances with Clause 32(1) and Clause 33(4) of the Randwick Local Environmental Plan 1998. Clause 32(1) relates to floor space ratio on the grounds that the proposed development complies with the objective of the clause and will not adversely affect the amenity of the surrounding locality. Clause 33 (4) relates to the maximum wall height of 10 metres on the grounds that the height will have a negligible impact on the surrounding locality and amenity of neighbouring properties, and that Planning NSW be advised accordingly.*
- B. *THAT Council as the responsible authority grant its development consent as a Deferred Commencement under Section 80(3) of the Environmental Planning and Assessment Act 1979 (as amended) to Development Application No. 955/2002 for the demolition of the existing dwelling houses and the construction of a multi-unit housing development containing 16 x one-bedroom dwellings, 3 x two-bedroom dwellings and 2 x three-bedroom dwellings with associated basement car parking for 28 x vehicles at 8-12 Ascot Street, Kensington subject to the following conditions:-*

Deferred Commencement Conditions

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

- 1. 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 fence and entry portico are to be submitted to and approved by the Director of Planning & Community Development.*
- 3. The side boundary setbacks for the proposed rear attic level are to be increased by 1.0m to each side boundary to ensure an appropriate bulk and scale for the development and consistency with the alignment of the proposed front attic level. Details of the amended rear attic level to Units No. 20 and 21 are to be submitted to and approved by Council's Director of Planning & Community Development.*
- 4. Sun control devices are to be provided to west-facing windows to Units No. 4, 5, 6, 12, 13, 14 and 20 to ensure appropriate control of sunlight penetration to the units and enhance visual privacy. Details of the sun control devices to west-facing windows to Units No. 4, 5, 6, 12, 13, 14 and 20 are to be submitted to and approved by Council's Director of Planning & Community Development.*
- 5. The floor layouts of Units No. 8 and 16 are to be reconfigured to relocate the kitchen areas in the north-eastern corner of the units and provided with additional glazing to enable sunlight penetration to internal living areas. Additional windows in the northern or eastern elevations of the units are to*

have a sill height no less than 1.5m above the floor level or be of fixed or obscure glazing below 1.5m from the floor level to retain visual privacy for adjoining residents. Details of the amended floor layouts for Units No. 8 and 16 are to be submitted to and approved by Council's Director of Planning & Community Development.

6. *Details of the landscaping and screening for the roof terraces are to be submitted to and approved by Council's Director of Planning & Community Development.*

Development Consent Conditions

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

REFERENCED PLANS:

1. *The development must be implemented substantially in accordance with the plans numbered C00, C01, C02, C03, C04, C05, C06, C07, C08, C09, C10, C11 and C12 dated 3 July 2003, unnumbered and undated drawing annotated as "Section Thru Driveway 1:50", LSK-01 (Issue B) dated 16 June 2003 and LSK-02 (Issue A) dated September 2002, the application form and on any supporting information received with the application, except as may be amended by the following conditions and as may be shown in red on the attached plans:*

ENVIRONMENTAL AMENITY:

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

2. *Metal roof sheeting is to be painted or colour bonded to minimise reflection and to be sympathetic and compatible with the building and surrounding environment.*

*Details of the proposed colour of the roof are to be submitted to and approved by the Director of Planning & Community Development, in accordance with the section 80A (2) of the Environmental Planning and Assessment Act 1979, **prior to the roofing being installed.***

3. *Fences located on the side or rear boundaries of the premises shall not exceed a maximum height of 1.8m, to maintain reasonable levels of amenity to the adjoining premises.*
4. *There must be no encroachment of any part of the structure/s onto the adjoining premises or onto Council's road reserve, footway or public place.*
5. *Any gate openings shall be constructed so that the gates, when hung, will be fitted in such a manner that they will not open over the footway or public place.*

6. *All plumbing and drainage pipes, other than rainwater heads, gutters and downpipes, 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. *Power supply and telecommunications cabling to the development shall be underground.*
10. *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.*
11. *All existing outbuildings on the site must be demolished and removed in conjunction with the development.*
12. *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.
13. *The finished ground levels external to the building are to be consistent with the development consent and are not to be raised (other than for the provision of paving or the like on the ground) without the written consent of Council.*
14. *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.*

Department of infrastructure, planning and natural resources general Terms of Approval (WATER ACT 1912 PART V LICENCE – TEMPORARY DEWATERING):

In accordance with the Environmental Planning and Assessment Act 1979 and Regulation 1994 (as amended) the Department Infrastructure Planning and Natural Resources (DIPNR) has an approval role in relation to a development application DA 955/02 lodged with Randwick City Council.

*Licences under Part V of the Water Act 1912 are required for the works (excavation/bore or battery of spearpoints) for purposes of **temporary de-watering** as part of construction on **8 – 12 Ascot Street, Kensington**. An application should be completed on the prescribed form for the abovementioned purposes viz., de-watering, and groundwater and a licence obtained from the Department prior the installation of any de-watering works. A plan drawn to scale will be required with the application showing the location of each de-watering bore.*

An estimate of the total volume of groundwater to be pumped from the site (ie amount of de-watering) should be indicated on the application form. Any tailwater disposed to the stormwater system must be of an acceptable quality to comply with requirements of the

Protection of the Environment Operations Act, 1997. Other methods of disposal of the tailwater should be also be indicated (Council approval for other methods of disposal is required).

Pursuant to Part V of the Water Act, the Department, having reviewed the documentation associated with the DA, proposes to grant an approval to DA 955/02 (as presented). The general terms of approval are set out below:

General and Administrative Issues

15. *The licensee shall allow (subject to Occupational Health and Safety Provisions) the Department or any person authorised by it, full and free access to the works (spearpoint system, excavation or bore/borefield), either during or after construction, for the purpose of carrying out inspection or test of the works and its fittings and shall carry out any work or alterations deemed necessary by the Department for the protection and proper maintenance of the works, or the control of the water extracted to prevent wastage and for the protection of the quality and prevention from pollution or contamination of surface or sub-surface water.*
16. *If any work is abandoned at any time the licensee shall notify the Department of such abandonment and seal off the aquifer by:*
 - *Backfilling the work(s) to ground level with clay or cement after withdrawing the casing (lining); or*
 - *Such methods as agreed to or directed by the Department.*
17. *Tailwater drainage shall not be allowed to discharge onto adjoining roads (without Council approval), Crown Land or other persons land, or into any river as defined under the Water Act, by surface or sub-surface drains or pipes or any other means.*
18. *Works used for the purpose of conveying, distributing or storing water from the de-watering work(s) shall not be constructed or installed so as to obstruct the free passage of floodwaters flowing in, to or from a river or lake.*
19. *If the work(s) are lined with steel or plastic casing the inside diameter of that casing shall not exceed 220 mm.*
20. *Water shall not be pumped from the work(s) for any purpose other than **temporary de-watering**.*
21. *The licensee shall notify the Department if a flowing supply of water is obtained.*

Conditions Specific to DA 955/02

22. *If during the construction of the work, saline or polluted water is encountered above the producing aquifer, such water shall be sealed off by:*
 - *Inserting the appropriate length(s) of casing to a depth sufficient to exclude the saline or polluted water from the work.*
 - *Cementing between the casing(s) and the walls of the bore hole from the bottom of the casing to ground level.*

Any departure from these procedures must be approved by the Department before undertaking the work.

23. *The construction shall be of a form which precludes the permanent de-watering of the site to achieve a safe and stable condition.*
24. *The licence will lapse if the work is not commenced and completed within three years of the date of the issue of the licence.*
25. *Upon formal application the licensee shall within two months of completion or after the issue of the licence if the work is existing, furnish to the Department:*
 - *Details of the work set out on the appropriate form.*
 - *A plan showing accurately the location of the work, in relation to portion and property boundaries.*
 - *Details of any water analysis and/or pumping tests.*
26. *The licensee shall maintain records of the actual volume of groundwater pumped (kilolitres/megalitres) from the de-watering work(s), the discharge rate (litres per second) and duration of pumping (number of days/weeks) and supply this information to the Department upon completion of the development.*

ECOLOGICALLY SUSTAINABLE DEVELOPMENT & ENERGY EFFICIENCY:

The following conditions are imposed to promote ecologically sustainable development and energy efficiency:

27. *The development must be designed and constructed to achieve a minimum energy efficiency NatHERS rating of 3.5 stars or equivalent and a NatHERS certificate or equivalent, prepared by a suitably qualified person, is to be submitted to the certifying authority with the **construction certificate** application.*

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

28. *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 noted in the **construction certificate** plans or specifications.*
29. *External timber or metal framed and brick veneer walls and roofs are to be provided with insulation (i.e. bulk insulation and a reflective building membrane/reflective sarking/foil insulation), having a minimum total thermal resistance R-value of 3.0 in roofs and 1.5 in external walls. The insulation and reflective building membrane is to be installed in accordance with the relevant requirements of the Building Code of Australia and the manufacturers details.*

Details of compliance with the requirements for insulation are to be included in the

construction certificate application.

30. *Hot water service pipes are to be provided with insulation, in accordance with the relevant requirements of Building Code of Australia and AS 3500.*
31. *The hot water system installed in the development must achieve a minimum greenhouse score of 3.5 as detailed SEDA's Energy Smart Homes Policy. Any electric clothes dryers to be provided in the development must also have a minimum 2 star energy rating.*
32. *Landscaping shall be provided to the site to enhance its amenity and reduce the impact of the development upon neighbouring properties. A landscape plan shall be submitted to and approved by the Director of Planning & Community Development, in accordance with section 80A(2) of the Environmental Planning and Assessment Act 1979, prior to a construction certificate being issued.*

Landscaped areas must contain a predominance of species that require minimal watering once established or species with water needs that match rainfall and drainage conditions.

*Landscaped areas must include an area and facilities dedicated for onsite composting and porous paving should also be used in all pathways, wherever practicable, to maximize on-site absorption of rainwater and details are to be provided on the landscape plans. Details of the proposed landscaping, including plant species and paved areas are to be included with the **construction certificate** application.*

SECTION 94:

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

33. *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>	<i>\$25,783.26</i>
b) <i>for the provision or improvement of community facilities</i>	<i>\$11,400.44</i>
c) <i>Administration fee</i>	<i>\$425.00</i>

*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.*

CIVIL WORKS/TRAFFIC:

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

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

- a) *Construct a full width concrete heavy duty vehicular crossing and layback at kerb opposite the vehicular entrance to the site.*
 - b) *Remove all redundant vehicular crossings and to reinstate the areas with concrete footpath, turf and integral kerb and gutter to Council's specification.*
 - c) *Remove the existing stone kerb and gutter and construct new kerb and gutter for the full site frontage except opposite the vehicular entrance and exit point.*
 - d) *Carry out a full depth, minimum 2.0 metre wide, road construction in front of the new kerb and gutter along the full site frontage.*
 - e) *Reconstruct the existing Council footpath along the Ascot Street site frontage in accordance with Council's requirements.*
35. *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.*
36. *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.*
37. *All new walls adjacent to vehicular crossings must be lowered to a height of 600mm above the internal driveway level, splayed 1.5 metre by 1.5 metre or suitably setback from the street alignment 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.*
38. *The driveway opening at the Ascot Street frontage must be 5 metres wide and located at least 1.0 metre clear of the side property.*
39. *The internal driveway must be a minimum of 5 metres wide for the first 4 metres inside the property and **a minimum clear width of 3 metres** at all other locations along the driveway.*
40. *The applicant shall submit to Council for approval, and have approved, longitudinal sections along the extremities and the centreline of each internal driveway/access ramp at a scale of 1:20. **Each section** shall indicate compliance with Council's issued alignment levels and Council's drainage related requirement for the driveway to have a high point of at least RL 27.6 AHD and to be designed in such a manner as to minimise the potential for stormwater inundation of the basement carpark. Vehicular*

access driveways are to be designed in general accordance with Council's Development Control Plan – Parking and the relevant sections of AS 2890.1-1993.

41. *The aisle widths, internal circulation, ramp widths and grades of the carpark are to generally conform to the Roads & Traffic Authority (RTA) guidelines, Australian Standard AS 2980.1 –1993 and Council's Development Control Plan - Parking. Details of compliance are to be shown on the relevant plans and specifications for the construction certificate, and are required to be submitted to and approved by the Council or an accredited certifier, prior to a construction certificate being issued for the proposed development.*
42. *A work zone is to be provided in Ascot Street for the duration of the construction works. 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.*

PARKING:

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

43. *A sign legible from the street must be permanently displayed to indicate that visitor parking is available on the site and these parking spaces must be clearly marked and accessible at all times.*
44. *Public access to the visitor's carparking spaces 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.*

SECURITY DEPOSITS:

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

45. *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.

46. *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.

Alignment Level Conditions:

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

47. *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:*

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

Any enquiries regarding this matter should be directed to Council's Assets & Infrastructure Services Department on 9399 0924.

48. *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.*

49. *The above alignment levels and the site inspection by Council's Department of Asset & Infrastructure Services have been issued at a prescribed fee of \$488 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.*

50. *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:

51. *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.*

52. *The applicant must meet the full cost for telecommunication companies, gas providers, Energy Australia and Sydney Water to adjust/repair/relocate their services as required. The applicant must make the necessary arrangements with the service authority.*
53. *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.*
54. *Any electricity substation required for the site as a consequence of this development shall be located within the site and shall be screened from view. The proposed location and elevation shall be shown on all detailed landscape drawings and specifications. The applicant must liaise with Sydney Electricity prior to lodging the construction certificate whether or not an electricity substation is required for the development.*
55. *A Section 73 Compliance Certificate under the Sydney water Act 1994 must be obtained. Application must be made through an authorised Water Servicing Coordinator. Please refer to “Your Business” section of Sydney Water’s web site at www.sydneywater.com.au then the “e-developer” icon or telephone 13 20 92.*

Following application a “Notice of Requirements” will detail water and sewer extensions to be built and charges paid. Please make early contact with the Coordinator, since 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 the Construction Certificate being issued.

Drainage Conditions:

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

56. *The applicant must, at all times in preparation of the construction certificate application and during construction, comply with all requirements of the Department of Infrastructure, Planning and Natural Resources, (previously the DLWC), including, but not limited to:*
 - *Monitoring of groundwater levels onsite;*
 - *General Terms of Approval for a Part V Licence – Temporary Dewatering.*

Prior to preparation of the construction certificate the applicant shall liaise with the Department of Infrastructure, Planning and Natural Resources to obtain their requirements. The certifying authority shall not issue a construction certificate for this development without being satisfied that the development can be constructed in accordance with the general requirements of the Department of Infrastructure, Planning and Natural Resources.

57. *Prior to the issuing of a construction certificate the applicant shall submit to Council for approval, and have approved, construction details for the slab and walls of the basement carpark, such details to be based on the assumption that the slab and the lower levels of the walls will be partially below the groundwater level. This condition is required because the ground water level established by the applicant's geotechnical engineer was only 400-500mm below the proposed basement carpark excavation and both the applicant's geotechnical engineer, (name of Jeffery and Katauskas) and hydrogeologists from the DLWC have acknowledged/stated that the groundwater level can fluctuate in response to the prevailing climatic and seasonal conditions preceding and at the time of undertaking the excavation/construction works.*

The applicant shall note that the walls will need to be structurally designed to withstand the applicable hydrostatic pressures generated by the groundwater and be suitably tanked/waterproofed. Council will not permit drainage systems around the walls as these systems have the potential to be constantly discharging groundwater to the receiving outlet.

58. *The internal driveway shall be designed with a high point of at least RL 27.6 metres AHD and in such a manner as to minimise the potential for stormwater inundation of the basement carpark. The driveway gradients shall be in general compliance with the relevant sections of AS 2890.1 – 1993 and Council's DCP – Parking. The Construction Certificate plans shall demonstrate compliance with this requirement.*
59. *All storage areas, (excluding any in the basement carpark), habitable floor levels and openings shall be at or above RL 27.85m AHD, (or alternatively protected from stormwater inundation to RL 27.85). This condition is required to minimise the potential for stormwater inundation of the proposed development.*
60. *Engineering calculations and plans with levels reduced to Australian Height Datum in relation to site drainage shall be submitted to and approved by the certifying authority prior to a construction certificate being issued for the development. A copy of the engineering calculations and plans are to be forwarded to Council, prior to a construction certificate being issue, if the Council is not the certifying authority. The drawings and details shall include the following information:*
- a) *A detailed drainage design supported by a catchment area plan, at a scale of 1:100 or as considered acceptable to the Council or an accredited certifier, and drainage calculations prepared in accordance with the Institution of Engineers publication, Australian Rainfall and Run-off, 1987 edition.*
 - b) *A layout of the proposed drainage system including pipe sizes, type, grade, length, invert levels, etc., dimensions and types of all drainage pipes and the connection into Council's stormwater system. This may involve either connection to the Council's street gutter, or into a Council stormwater pit. Note: All proposals should indicate the location of the closest Council stormwater pit and line regardless of the point of discharge. This information can be obtained by a visual inspection of the area and perusing Council's drainage plans.*
 - c) *Generally all internal pipelines must be capable of discharging a 1 in 20 year*

storm flow. However the minimum pipe size for pipes that accept stormwater from a surface inlet pit must be 150mm diameter. The site must be graded to direct any surplus run-off (ie. above the 1 in 20 year storm) to the proposed drainage system.

- d) The separate catchment areas within the site, draining to each collection point or surface pit are to be classified into the following categories:
 - i. Roof areas*
 - ii. Paved areas*
 - iii. Grassed areas*
 - iv. Garden areas**
 - e) Where buildings abut higher buildings and their roofs are "flushed in" to the higher wall, the area contributing must be taken as: the projected roof area of the lower building, plus one half of the area of the vertical wall abutting, for the purpose of determining the discharge from the lower roof.*
 - f) Proposed finished surface levels and grades of car parks, internal driveways and access aisles which are to be related to Council's design alignment levels.*
 - g) The details of any special features that will affect the drainage design eg. the nature of the soil in the site and/or the presence of rock etc.*
 - h) All stormwater run-off naturally draining to the site must be collected and discharged through this property's stormwater system. Such drainage must, if necessary, be constructed prior to the commencement of building work.*
- 61. On-site stormwater detention must be provided to ensure that the maximum discharge from the above site is not to exceed that which would occur during a 1 in 10 year storm of 1 hour duration for the existing site conditions. All other stormwater run-off from the above site for all storms up to the 1 in 20 year storm is to be retained on the site for gradual release to the kerb and gutter or drainage system as required by the Director of Assets and Infrastructure Services. Provision is to be made for satisfactory overland flow should a storm in excess of the above parameters occur.*
- For small areas up to 0.5 hectares, determination of the required cumulative storage must be calculated by the mass curve technique as detailed in Technical Note 1, Chapter 14 of the Australian Rainfall and Run-off Volume 1, 1987 Edition.*
- Where possible the detention tank must have an open base to infiltrate stormwater to the groundwater. Note that the ground water and any rock stratum has to be a minimum of 2.0 metres below the base of the tank.*
- 62. 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.*
 - 63. 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.*

64. A "restriction as to user and positive covenant" shall be placed on the title of the subject property prior to the issuing of a final 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.

65. *The detention area must be regularly cleaned and maintained to ensure it functions as required by the design.*
66. *The stormwater detention area must be suitably signposted where required, warning people of the maximum flood level.*
67. *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).

68. *A childproof and corrosion resistant fastening system shall be installed on access grates over pits/trenches where water is permitted to be temporarily stored.*
69. *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 wet well shall be sized for the 1 in 100 year, 2 hour storm assuming both pumps are not working.*

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.

70. *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)*

71. A sediment/silt arrester pit must be provided:-

- a) within the site at or near the street boundary prior to the site stormwater discharging by gravity to the kerb/street drainage system; and*
- b) 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.

72. A reflux valve shall be provided over the pipe draining into the sediment/silt arrester pit to prevent stormwater from Ascot Street draining back into the subject development site.

73. A ‘V’ drain is to be constructed along the perimeter of the property, where required,

to direct all stormwater to the detention area.

74. *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.*
75. *Two covered car washing bays shall be provided for this development.*
- a) *The car washing bays must be drained to sewer to the requirements of Sydney Water and proof of compliance is to be submitted to the certifying authority, prior to a construction certificate being issued for the proposed development.*
 - b) *The car washing bays must be located outside any required/approved stormwater detention system and must be suitably signposted.*
 - c) *The car washing bays must be constructed with a minimum 20mm bund around the perimeter of the car washing bays (or equivalent)*

A water tap shall be located adjacent to the car washing bays.

76. *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.*
77. *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 & waterproofing has been carried out to an acceptable standard and a copy of the certification is to be forwarded to Council.*

Notes:-

- a) *Any subsoil drainage is to be disposed of within the site and is not to be charged to Council's kerb & gutter and/or underground drainage system.*
 - b) *Adequate provision is to be made for the ground water to drain around the basement carpark (to ensure that the basement will not dam or slow the movement of the ground water through the development site).*
78. *All exterior paving within the development site, which is located outside of the basement level footprint, shall be constructed with a permeable brick paving or other similar material that will allow stormwater to infiltrate to ground (eg Rocla permeable paving).*

WASTE MANAGEMENT:

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

79. *The garbage room areas will have to be designed so as to be able to contain a total of 22 x 240 litre bins (11 garbage bins & 11 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.

80. *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.*

81. *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.

NOISE EMISSION / AMENITY CONDITIONS:

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:

82. *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.

PRESCRIBED CONDITIONS & FIRE SAFETY:

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

83. *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.*

84. *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.

STRUCTURAL:

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

85. *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**.*

86. *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**.*

CONSTRUCTION MANAGEMENT:

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:

87. *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.

88. *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.***
89. *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.*
90. *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.*
91. *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.*
92. *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.*

93. *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.

94. *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.

95. *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.*
96. *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*
97. *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.*
98. *A Registered Surveyor's check survey certificate or compliance certificate is to be forwarded to the principal certifying authority (and a copy is to be forwarded to the Council, if the Council is not the principal certifying authority), detailing compliance with Council's approval at the **following stage/s of construction**:*
- (a) Prior to construction of the first completed floor/floor slab (prior to pouring of concrete), showing the area of land, building and boundary setbacks and verifying that the building is being construction at the approved levels.*
 - (b) On completion of the erection of the building showing the area of the land, the position of the building and boundary setbacks and verifying the building has been constructed at the approved levels.*
99. *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.*
100. *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.

101. *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.*
102. *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.*
103. *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".*
104. *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.

105. *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.

106. *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.

107. *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.*

108. *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.

109. *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.*
110. *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.*

FIRE SAFETY:

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

111. *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.*

Landscape Conditions:

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

112. *The landscaped areas shown on the plan number LSK-01 issue B, dated 16.06.03 shall be the subject of detailed landscape drawings and specifications, which are to be submitted to, and approved by, the certifying authority, prior to the issue of a construction certificate. The landscape drawings and specifications are to be prepared by a qualified Landscape Architect who is eligible for membership with the Australian Institute of Landscape Architects (AILA). The documentation is to include:*
 - a. *A site plan at an appropriate scale showing existing site boundaries, existing trees within the property (clearly identified as being retained or removed), existing street trees (clearly identified as being retained or removed), features on adjoining sites within 6 metres of the common property boundary (buildings, trees, other structures etc), council's footway, existing and proposed ground levels shown as spot heights and/or contours over the site and at site boundaries, proposed building envelope, proposed areas of pavement, and proposed landscaped areas.*
 - b. *A planting plan at a scale of 1:100 or 1:200 indicating the location of all proposed planting. 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 plans.*
 - h. Location of easements within the site and upon adjacent sites (if any).*
- 113. The landscaping shall be installed in accordance with the approved documentation prior to the issue of a final occupation certificate and shall be maintained in accordance with those plans.*

Documentary evidence is to be obtained from a suitably qualified Landscape Architect and submitted to the principal certifying authority (PCA) (and the Council, if the Council is not the PCA) prior to the issuing of a final occupation certificate which confirms that the landscaping works have been completed in accordance with the approved landscaping plans and relevant conditions of development consent, to the satisfaction of the PCA.

- 114. The applicant shall submit a landscape design for the Ascot Street frontage of the development. The landscape design shall include pavements and tree grates as required by Council's Landscape Architect – 9399 0786.*

The Landscape Design plans shall be submitted to and approved by Council's Director A& I Services in accordance with Section 80A(2) of the Environmental Planning and Assessment Act 1979, 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 per street frontage 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 Ascot Street site frontage.

115. *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.

116. *Any substation required shall be located within the site and screened from view. The proposed location and elevation shall be shown on all detailed landscape drawings and specifications.*

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

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

Tree Management

118. *The applicant shall submit a total payment of \$435.00 to Council, being the cost for Council to supply and install 3 x 45 litre street trees at the completion of all works.*

*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.

119. *Approval is granted for the removal of the following trees subject to the planting of 4 x 200 litre broad canopied replacement trees (not palms) within the site. The species selected shall be those that will attain a minimum height of 6 metres at maturity.*

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- a) *One Olea species (Olive Tree) located along the western property boundary between the existing dwelling and the fence.*
- b) *One Cinnamomum camphora (Camphor Laurel) located along the western property boundary between the existing dwelling and the fence.*

10 Ascot Street

- c) *One Melia azedarach (White Cedar) located along the eastern property boundary within the rear yard.*

d) *One Dead Tree located towards the rear property boundary.*

8 Ascot Street

e) *Three Cupressus species (Cypress Pines) located within the rear yard, around the existing pool.*

f) *One Arecastrum romanzoffianum (Cocos Palm) located within the rear yard, around the existing pool.*

g) *One Howea forsterana (Kentia Palm) located within the rear yard, around the existing pool.*

120. *A refundable deposit in the form of cash or cheque, or bank guarantee for the amount of \$24,000.00 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 the Principal Certifying Authority.*

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.*

ACCESS & FACILITIES FOR DISABLED:

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

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

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 D1.2 - Number of exits required in carpark
- c) Clause D1.4 - Exit travel distances in carpark
- d) Part E1 - Fire fighting equipment
- e) Part E2 - Smoke Hazard Management
- f) Part E3 - Lift Installations
- g) Part E4 - Emergency lighting, exit signs and warning systems
- h) 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 *In order to organise for an inspection for the release of the security deposit, the applicant shall contact the Principal Certifying Authority for the development to liaise with Council's Asset & Infrastructure Department to arrange for an inspection of the landscaping 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:

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

5.3 DEVELOPMENT APPLICATION REPORT - 12 KEITH ST, CLOVELLY. (D/0400/2003)

H63 **RESOLUTION: (His Worship the Mayor, Cr D. Sullivan/Backes) that:**

- A. *Council as the responsible authority grant development consent under Section 80 of the Environmental Planning and Assessment Act 1979 (as amended) to Development Application No.D/0400/2003 for new front double garage including new front fence and new window at 12 Keith Street, Clovelly for the following reasons: -*
 - 1. *The development must be implemented substantially in accordance with the plans numbered DE-01B, DE-02B and DE-03A, dated 23rd March 2003 and received by Council on the 19th May 2003, the application form and on any supporting information received with the application, except as may be amended by the following conditions and as may be shown in red on the attached plans:*

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

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

Details of the proposed colours, materials and textures (i.e. a schedule and brochure/s or sample board) are to be submitted to and approved by Council's Director of Planning & Community Development, in accordance with section 80A (2) of the Environmental Planning and Assessment Act 1979 prior to commencement of any building works.

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:

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

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

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

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

- 4. 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.*
- 5. In accordance with clause 98 of the Environmental Planning and Assessment Regulation 2000, it is a prescribed condition, that in the case of residential building work, a contract of insurance must be obtained and in force, in accordance with the requirements of the Home Building Act 1989.*

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

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

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

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

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

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

6. *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.*
7. *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.*
8. *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.*
9. *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 and Council's Development Consent.*

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

Documentary evidence of the building inspections carried out and details of compliance with Council's approval is to be maintained by the Principal Certifying Authority. Details of critical phase inspections carried out and copies of certification relied upon, shall be forwarded to Council with the occupation certificate or, upon finalisation of works if no occupation certificate is issued.

10. *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.*

11. *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

12. *Noise and vibration emissions during the construction of the building and associated site works must not result in damage to nearby premises or result in an unreasonable loss of amenity to nearby residents and the relevant provisions of the Protection of the Environment Operations Act 1997 must be satisfied at all times.*
13. *Building materials, sand, soil, waste materials or construction equipment must not be placed upon the footpath, roadway or nature strip at any time and the footpath, nature strip and road must be maintained in a clean condition and free from any obstructions at all times.*
14. *Bulk bins/waste containers must not be located upon the footpath, roadway or nature strip at any time without the prior written consent of the Council, unless the waste container is located upon the road in accordance with the Roads & Traffic Authority Guidelines and Requirements, and the container is exempt from an approval under Council's Local Approvals Policy.*
15. *The required Long Service Levy payment, under the Building and Construction Industry Long Service Payments Act 1986, is to be forwarded to the Long Service Levy Corporation or the Council, prior to the issuing of a Construction Certificate, in accordance with Section 109F of the Environmental Planning & Assessment Act 1979.*
16. *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.*

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

17. *The following vehicular crossing deposit requirement is to be complied with prior to a construction certificate being issued for the development, as security for Council or a Council approved subcontractor to construct the vehicular crossing.*
 - a) \$700.00 - Vehicular crossing deposit

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

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

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

Reconstruct concrete vehicular crossing and layback at kerb opposite the extended vehicular entrance to the site.

19. *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.*
20. *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:

21. *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.***

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.

22. *The design alignment levels (concrete/paved/tiled level) issued by Council and their relationship to the roadway/kerb/footpath must be indicated on the building plans for the construction certificate.*
23. *The above alignment levels and the site inspection by Council's Department of Asset & Infrastructure Services have been issued at a prescribed fee of \$68.20*

(inclusive of GST). 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:

24. *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.*
25. *The applicant must meet the full cost for telecommunication companies, gas providers, Energy Australia and Sydney Water 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 landscaping and to maintain reasonable levels of environmental amenity:

26. *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.

Advisory Conditions

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

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

5.4 DEVELOPMENT APPLICATION REPORT - 196-204 MAROUBRA ROAD, MAROUBRA. (D/0260/2003)

H64 RESOLUTION: (His Worship the Mayor, Cr D. Sullivan/Andrews) that:

- A. *Council's original decision to impose Condition no's 1 to 25 under Section 82A of the Environmental Planning and Assessment Act 1979 (as amended) on Development Application No. 03/00260/GF to enclose the footpath dining area, increase the amount of seating and extend the hours of operation at 196-204 Maroubra Road, Maroubra be confirmed for the following reasons:-*

1. *The proposed development would result in a physically and visually obtrusive*

barrier and element in the streetscape that is inconsistent with existing outdoor dining on Maroubra Road.

2. *The proposed development is inconsistent with section 2.5 of Development Control Plan No. 15 – Maroubra Junction Commercial Centre as the proposal does not promote an attractive and harmonious streetscape that relates to the scale of pedestrians.*
3. *The proposed development is not consistent with the provisions of Development Control Plan No. 20 – Restaurants on public road footways, airspace above roads & public land as it does not encourage a lively pedestrian environment in major town centres and public places and is not sympathetic to the existing or proposed character of the area.*
4. *The proposed development is not consistent with objective (1)(b)(v) of the 3A General Business Zone.*

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

5.5 DEVELOPMENT APPLICATION REPORT - 33 OBERON STREET, RANDWICK. (D/0183/2003)

H65 **RESOLUTION: (His Worship the Mayor, Cr. D. Sullivan/White) that:**

- A. *Council as the responsible authority grant its development consent under Section 80 and 80A of the Environmental Planning and Assessment Act 1979 (as amended) to Development Application No 183/03 for alterations and additions to existing dwelling to form a two storey dwelling at 33 Oberon Street, Randwick subject to the following conditions:-*
 1. *The development must be implemented substantially in accordance with the plans numbered 1-3, job no.909, dated 20/5/2003 and received by Council on 29/5/2003, the application form and on any supporting information received with the application, except as may be amended by the following conditions and as may be shown in red on the attached plans:*

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

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

*Details of the proposed colours, materials and textures (i.e. a schedule and brochure/s or sample board) are to be submitted to and approved by Council's Director of Planning & Community Development, in accordance with section 80A (2) of the Environmental Planning and Assessment Act 1979 **prior to commencement of any building works.***

3. *The proposed fence to Lion Street is to be a maximum height of 1.2m between*

the proposed Lion Street pedestrian entrance to the proposed dwelling and Oberon Street.

4. *The proposed rear deck on the first floor is to be reduced in width to 1.2m.*
5. *The proposed front fence is to be a timber picket fence.*
6. *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.*
7. *The premises is to be used as a single residential dwelling only at all times and must not be used for dual or multi-occupancy purposes without obtaining the prior written development consent from the Council.*
8. *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.

The following conditions are imposed to promote ecologically sustainable development and energy efficiency.

9. *The development must be designed and constructed to achieve a minimum energy efficiency NatHERS rating of 3.5 stars or equivalent and a NatHERS certificate or equivalent, prepared by a suitably qualified person, is to be submitted to the certifying authority with the **construction certificate** application.*

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

10. *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 noted in the **construction certificate** plans or specifications.*
11. *External timber or metal framed and brick veneer walls and roofs are to be provided with insulation (i.e. bulk insulation and a reflective building membrane/reflective sarking/foil insulation), having a minimum total thermal resistance R-value of 3.0 in roofs and 1.5 in external walls. The insulation and reflective building membrane is to be installed in accordance with the relevant requirements of the Building Code of Australia and the manufacturers details.*

*Details of compliance with the requirements for insulation are to be included in the **construction certificate** application.*

12. *Hot water service pipes are to be provided with insulation, in accordance with the relevant requirements of Building Code of Australia and AS 3500.*
13. *The hot water system installed in the development must achieve a minimum greenhouse score of 3.5 as detailed SEDA's Energy Smart Homes Policy. Any electric clothes dryers to be provided in the development must also have a minimum 2 star energy rating.*
14. *Landscaping shall be provided to the site to enhance its amenity and reduce the impact of the development upon neighbouring properties. A landscape plan shall be submitted to and approved by the Director of Planning & Community Development, in accordance with section 80A(2) of the Environmental Planning and Assessment Act 1979, **prior to a construction certificate being issued.***

Landscaped areas must contain a predominance of species that require minimal watering once established or species with water needs that match rainfall and drainage conditions.

Landscaped areas must include an area and facilities dedicated for onsite composting and porous paving should also be used in all pathways, wherever practicable, to maximize on-site absorption of rainwater and details are to be provided on the landscape plans.

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:

15. *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:

16. *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.*
17. *In accordance with clause 98 of the Environmental Planning and Assessment Regulation 2000, it is a prescribed condition, that in the case of residential building work, a contract of insurance must be obtained and in force, in accordance with the requirements of the Home Building Act 1989.*

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

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

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

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

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

SECURITY DEPOSIT CONDITIONS

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

18. *The following vehicular crossing deposit requirement is to be complied with prior to a construction certificate being issued for the development, as security for Council or a Council approved subcontractor to construct the vehicular crossing.*
- a) \$700.00 - Vehicular crossing deposit
 - b) \$600.00 - Security damage deposit

The security shall be provided by way of a monetary deposit with the Council and a request for a refund of the security deposit is to be made in writing upon finalisation of the works.

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:

19. *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 in Oberon St.*

Note: This shall include the removal and replacement planting of the small Council

street tree.

20. *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.*
21. *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.*
22. *The new boundary fence constructed at the Oberon St/Lion St boundary that is greater than 600mm above the existing Council footpath level in Oberon St is to be constructed with a 1.00m x 1.50m splay. Details are to be shown on the plans submitted for the construction certificate. Note only groundcover plants are allowed for planting within this splay.*

ALIGNMENT LEVEL CONDITIONS

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

23. *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 be as follows:*

Oberon St Frontage - match the back of the existing footpath along the full site frontage.

Lion St Frontage - match the back of the existing footpath 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.

24. *The design alignment levels (concrete/paved/tiled level) issued by Council and their relationship to the existing Council footpath levels must be indicated on the building plans for the construction certificate..*
25. *The above alignment levels and the site inspection by Council's Department of Asset & Infrastructure Services have been issued at a prescribed fee of \$68.20 (inclusive of GST). 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:

26. *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.*
27. *The applicant must meet the full cost for telecommunication companies, gas providers, Energy Australia and Sydney Water to adjust/repair/relocate their services as required. The applicant must make the necessary arrangements with the service authority.*

Landscape Conditions

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

28. *That part of the nature strip 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 group of conditions have been applied to ensure the structural adequacy and integrity of the proposed building and adjacent premises:

29. *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:

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.*
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 building inspections, is to be maintained by the principal certifying authority.

35. *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:***

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 Conditions

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

A ADVISORY MATTERS:

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

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

- | | | | |
|-----------|-----------------|----------|--|
| <i>a)</i> | <i>Part 3.1</i> | <i>-</i> | <i>Site preparation</i> |
| <i>b)</i> | <i>Part 3.2</i> | <i>-</i> | <i>Footings and slabs</i> |
| <i>c)</i> | <i>Part 3.3</i> | <i>-</i> | <i>Masonry construction</i> |
| <i>d)</i> | <i>Part 3.4</i> | <i>-</i> | <i>Framing (floors, walls and roofs)</i> |
| <i>e)</i> | <i>Part 3.5</i> | <i>-</i> | <i>Roof and wall cladding</i> |
| <i>f)</i> | <i>Part 3.6</i> | <i>-</i> | <i>Glazing</i> |

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**.*

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

(Note: Cr Matson requested that his name be recorded as opposed to the resolution.)

5.6 DEVELOPMENT APPLICATION REPORT - 60 MITCHELL STREET, CHIFLEY. (D/0219/2003)

H66 **RESOLUTION: (His Worship the Mayor, Cr D. Sullivan/Andrews) that:**

- A. *Council as the responsible authority grant its development consent (as amended) to Development Application No 03/00219 for Demolition of existing dwelling and erection of a two storey attached dual occupancy at 60 Mitchell Street, Chifley subject to the following conditions:-*
 - 1. *The development must be implemented substantially in accordance with the plans numbered 01 to 05 issue C, dated 30/05/03 and received by Council on 5 June 2003, 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 condition/s are applied to satisfy the increased demand for public amenities and public services:

- 2. *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) for the provision or improvement of open space	\$ 2,732.00
b) for the provision or improvement of community facilities	\$ 1,208.00
c) Administration fee	\$425.00
TOTAL	\$4,365.00

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 security against damage to Council's infrastructure:

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

- a) \$1000.00 - Security damage deposit
- b) \$1000.00 - Vehicular crossing deposit.

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

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

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:

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

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

5. The window to proposed bedroom 4 of proposed unit B on the northwestern elevation at first floor level, shall be of fixed and obscure glazing below 1.5m from the floor level.

6. *The proposed rear deck to proposed unit A is to be lowered by 700mm and the proposed rear deck to proposed unit B is to be lowered by 900mm to prevent overlooking to adjacent properties.*

The following conditions are imposed to promote ecologically sustainable development and energy efficiency.

7. *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.*
8. *Hot water service pipes are to be provided with insulation, in accordance with the relevant requirements of Building Code of Australia and AS 3500.*
9. *External timber or metal framed and brick veneer walls and roofs are to be provided with insulation (i.e. bulk insulation and a reflective building membrane/reflective sarking/foil insulation), having a minimum total thermal resistance R-value of 3.0 in roofs and 1.5 in external walls. The insulation and reflective building membrane is to be installed in accordance with the relevant requirements of the Building Code of Australia and the manufacturers details.*

*Details of compliance with the requirements for insulation are to be included in the **construction certificate** application.*

10. *The hot water system installed in the development must achieve a minimum greenhouse score of 3.5 as detailed SEDA's Energy Smart Homes Policy. Any electric clothes dryers to be provided in the development must also have a minimum 2 star energy rating.*
11. *Landscaping shall be provided to the site to enhance its amenity and reduce the impact of the development upon neighbouring properties. A landscape plan shall be submitted to and approved by the Director of Planning & Community Development, in accordance with section 80A(2) of the Environmental Planning and Assessment Act 1979, **prior to a construction certificate being issued.***

Landscaped areas must contain a predominance of species that require minimal watering once established or species with water needs that match rainfall and drainage conditions.

Landscaped areas must include an area and facilities dedicated for onsite composting and porous paving should also be used in all pathways, wherever practicable, to maximize on-site absorption of rainwater and details are to be provided on the landscape plans.

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:

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

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

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

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

15. *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:

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. *Prior to the commencement of any building works, a construction certificate must be obtained from the Council or an accredited certifier, in accordance with the provisions of the Environmental Planning & Assessment Act 1979 and Environmental Planning & Assessment Regulation 2000.*
18. *Prior to the commencement of any building work, a principal certifying authority must be appointed and Council is to be notified accordingly and, at least 2 days notice of the intention to commence building work must be given to Council, in accordance with the provisions of the Environmental Planning & Assessment Act 1979 and Environmental Planning & Assessment Regulation 2000.*
19. *A 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.*
20. *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 and Council's Development Consent.*

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

Documentary evidence of the building inspections carried out and details of compliance with Council's approval is to be maintained by the Principal Certifying Authority. Details of critical phase inspections carried out and copies of certification relied upon, shall be forwarded to Council with the occupation certificate or, upon finalisation of works if no occupation certificate is issued.

21. *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 the position of the building and boundary setbacks and verifying the building has been constructed at the

approved levels.

22. *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.*
23. *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

24. *Noise and vibration emissions during the construction of the building and associated site works must not result in damage to nearby premises or result in an unreasonable loss of amenity to nearby residents and the relevant provisions of the Protection of the Environment Operations Act 1997 must be satisfied at all times.*
25. *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.*
26. *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:

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

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

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

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

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

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

28. *The applicant must meet the full cost for Council or a Council approved contractor to:
 - a. *Construct a 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. *Construct a concrete footpath along the full site frontage. Any unpaved areas on the nature strip must be turfed and landscaped to Council's specification.**
29. *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.*
30. *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:

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

Driveway Entrance - 300mm BELOW the top of the kerb at all points opposite the

kerb, opposite the driveway entrance.

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

- 32. The design alignment levels issued by Council and their relationship to the kerb must be indicated on the building plans for the construction certificate. The design alignment level at the street boundary, as issued by the Council, must be strictly adhered to.*
- 33. The above alignment levels and the site inspection by Council's Department of Asset & Infrastructure Services have been issued at a prescribed fee of \$188.00 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.*
- 34. The top of footings of any structures constructed on the boundary alignment must be at least 400mm below the top of the kerb. This condition has been attached to accommodate future footpath construction at this location.*

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

- 35. 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.*
- 36. 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.*
- 37. A Section 73 Compliance Certificate under the Sydney water Act 1994 must be obtained. Application must be made through an authorised Water Servicing Coordinator. Please refer to "Your Business" section of Sydney Water's web site at www.sydneywater.com.au then the "e-developer" icon or telephone 13 20 92.*

Following application a "Notice of Requirements" will detail water and sewer extensions to be built and charges paid. Please make early contact with the Coordinator, since 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 the Construction Certificate being issued.

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

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

h) All stormwater run-off naturally draining to the site must be collected and discharged through this property's stormwater system. Such drainage must, if necessary, be constructed prior to the commencement of building work.

39. On-site detention must be provided to ensure that the maximum discharge from the above site is not to exceed that which would occur during a 1 in 5 year storm of 1-hour duration for the existing site conditions. All other stormwater run-off from the above site for all storms up to the 1 in 20 year storm is to be retained on the site for gradual release to the kerb and gutter or drainage system as required by the Director of Assets and Infrastructure Services. Provision is to be made for satisfactory overland flow should a storm in excess of the above parameters occur.

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

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

40. All site stormwater must be discharged by gravity via a private drainage easement through an adjoining private property (or properties) to the kerb and gutter or drainage system. This condition is required to provide a satisfactory overland flow route should a storm in excess of the above parameters occur.

Should the applicant demonstrate that all reasonable attempts to procure the private drainage easement referred to in the previous condition have failed, a pump system (or infiltration system subject to Council's requirements and a satisfactory Geotechnical Engineers report) will be permitted. However the detention required must have a minimum factor of safety of 1.5 larger than the volume required for a 1 in 100 year storm event under these circumstances. The pump 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.

41. 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.

42. A "restriction as to user and positive covenant" shall be placed on the title of the subject property prior to the issuing of a final 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.

43. *The detention area must be regularly cleaned and maintained to ensure it functions as required by the design.*
44. *The stormwater detention area must be suitably signposted where required, warning people of the maximum flood level.*
45. *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).

46. *A childproof and corrosion resistant fastening system shall be installed on access grates over pits/trenches where water is permitted to be temporarily stored.*
47. *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.*
48. *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)

49. A sediment/silt arrester pit must be provided:-

- a. within the site at or near the street boundary prior to the site stormwater discharging by gravity to the kerb/street drainage system; and
- b. prior to stormwater discharging into any 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.*

- 50. 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.
- 51. 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.

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

52. *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 dual occupancy*

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 or similar. 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. *Approval is granted for the removal of the following trees subject to the planting of 2 x 75 litre and 3 x 100 litre broad canopied replacement trees (not palms) within the site. The species selected shall be those that will attain a minimum height of 6 metres at maturity.*
 - c. *One (1) Euphorbia species (Milkweed) located towards the rear of the site.*
 - d. *One (1) Citrus species (Citrus) located towards the rear of the site.*
 - e. *One (1) Jacaranda mimosifolia (Jacaranda) located towards the rear of the site.*
 - f. *One (1) Livistonia australis (Cabbage Tree Palm) located towards the rear of the site.*
 - g. *One (1) Eucalyptus species (Gum Tree) located along the southern boundary of the rear of the site.*
 - h. *Two (2) Cupaniopsis anacardioides (Tuckeroo) located towards the*

- rear of the site.
- i. *One (1) Castenospermum australe (Black Bean Tree) located within the rear of the site.*
 - i. *Permission is granted for the removal of only those trees falling within the area occupied by the approved works. Removal of the remaining trees on the site are subject to separate application under the Tree Preservation Order.*
 - ii. *The applicant shall be required to ensure the retention and long-term health of all trees located on adjoining properties adjacent to the proposed development. As a general guide there shall be minimal excavation or root pruning within the driplines of the subject trees.*

Tree Protection Measures

- iii. *In order to ensure the retention of the Archontophoenix species (Bangalow) located towards the rear of the site 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 1 metre of the tree trunk there is to be no storage of materials or machinery, nor is cement to be mixed or chemicals spilt/disposed of in the area, no stockpiling of soil or rubble.*
 - c. *Any excavations required for footings, structures, retaining walls, 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.*

Advisory Conditions

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

A *ADVISORY MATTERS:*

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

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

a.	Part 3.1	-	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**.*

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

5.7 DEVELOPMENT APPLICATION REPORT - 68-76 WENTWORTH STREET, RANDWICK. (D/0125/2003)

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

- A. *The Council support the objection under State Environmental Planning Policy No.1 (SEPP No. 1) in respect to non-compliance with Clauses 33 of the Randwick Local Environmental Plan 1998 (relating to maximum building and wall height) on the grounds that the proposed use complies with the objectives of the clauses and will not adversely affect the amenity of the surrounding locality and that Planning NSW be advised accordingly.*
- B. *THAT Council as the responsible authority grant its development consent as a Deferred Commencement under Section 80(3) of the Environmental Planning and Assessment Act 1979 (as amended) to Development Application No D/01252003 for the erection of a multi-unit housing development containing 65*

dwellings in 3 buildings, and associated basement carpark containing 123 car spaces at 68-76 Wentworth Street, Randwick subject to the following conditions:-

Deferred Commencement Conditions

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

- 1. The colours and 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 (ie. a schedule and brochure/s or sample board and coloured elevations) in relation to each façade of all buildings are to be prepared.*
- 2. The front fence on Dangar Street shall be limited in height to 1.2m. Elevation details of all boundary fencing including height, colours, material and finishes shall be provided..*
- 3. The landscaped areas shown on the landscape plan, LA01, revision C, dated 16.06.03, drawn by Taylor Brammer Landscape Architects Pty Ltd, shall be the subject of detailed landscape drawings and specifications The landscape drawings and specifications are to be prepared by a qualified Landscape Architect who is eligible for membership with the Australian Institute of Landscape Architects (AILA). The documentation is to include:*
 - a) A site plan at an appropriate scale showing the following:*
 - Existing site boundaries.*
 - Exact locations of existing trees within the property and within Council's nature strip. All trees are to be clearly identified as being retained or removed.*
 - Features on adjoining sites within 6 metres of the common property boundary (buildings, trees, other structures etc).*
 - Council's footway.*
 - Existing and proposed ground levels shown as spot heights and/or contours over the site, at site boundaries, and at the base of the trees to be retained.*
 - Proposed building envelope and area of basement car park*
 - Proposed locations of all services, sewer, stormwater etc.*
 - Proposed areas of pavement.*
 - Proposed landscaped areas.*
 - 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 plans.*
- h) Location of easements within the site and upon adjacent sites (if any).*
- i) Landscaped areas must contain a predominance of species that require minimal watering once established or species with water needs that match rainfall and drainage conditions.*
- j) Landscaped areas must include an area and facilities dedicated for onsite composting and porous paving should also be used in all pathways, wherever practicable, to maximize on-site absorption of rainwater and details are to be provided on the landscape plans.*

Evidence required to satisfy the above conditions must be submitted to Council within 12 months of the date of this consent.

- 4. Unit B22 shall be deleted from the proposed development. Details of the amended roof design must be submitted to Council's Director Planning & Community Development.*
- 5. Amendments to Townhouses A10 or A11 to provide an entry/exit facility at ground floor level, linking Dangar Street to the central courtyard of building A and to the rest of the site.*

Development Consent Conditions

Subject to compliance with the deferred commencement conditions, 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 numbered DA 01 – DA 16 issue L and dated 28 July 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 external colours, materials and finishes of the proposed development and the landscaping plans 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 conditions.*
3. *The roof terraces, and pergolas associated with Unit A7 & A14 shall be deleted from the plans.*
4. *Timber privacy screens shall be applied to the proposed wrap-around balconies on the north elevation of Building B. Details are to be submitted for the approval of Council's Director of Planning and Community Development, **prior to the issuing of the construction certificate.***
5. *A privacy screen shall be provided to the northern edge of the balcony to Unit B18. Details are to be submitted for the approval of Council's Director of Planning and Community Development, **prior to the issuing of the construction certificate.***
6. *A new development application shall be submitted for the strata sub-division of the proposed development.*
7. *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.*
8. *The reflectivity index of glass used in the external façade of the development must not exceed 20 percent. The details and samples of the glass to be used are to be submitted with the colour and material schedule for the approval of Council's Director of Planning and Environment, **prior to the issuing of the construction certificate.***
9. *The development must be designed and constructed to achieve a minimum energy efficiency NatHERS rating of 3.5 stars or equivalent and a NatHERS*

*certificate or equivalent, prepared by a suitably qualified person, is to be submitted to the certifying authority with the **construction certificate** application.*

10. *The design of the building must be consistent with the development consent and any proposed variations to the building to achieve the energy efficiency rating may necessitate a new or amendment to the development consent prior to the issuing of a construction certificate.*
11. *All plumbing and drainage pipes, other than rainwater heads, gutters and downpipes, must be concealed within the building.*
12. *Street numbering must be provided to the premises in a prominent position, to the satisfaction of Council.*
13. *The enclosure of balconies is prohibited by this consent.*
14. *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.

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

15. *In accordance with Council's Section 94 Contributions Plan adopted on September 1999 a monetary contribution is to be paid to Council for the provision or improvement of public open space in lieu of on site provision for an amount of \$149,406.38. This amount shall be paid by cash or bank cheque prior to the to the issuing of the construction certificate. Council's Section 94 Contributions Plan may be inspected at the Customer Service Centre, Administrative Centre, 30 Frances Street, Randwick.*
16. *In accordance with Council's Section 94 Contributions Plan adopted on September 1999 a monetary contribution is to be paid to Council for the provision of community facilities in lieu of on site provision for an amount of \$66,363.72. This amount shall be paid by cash or bank cheque prior to the to the issuing of the construction certificate. Council's Section 94 Contributions Plan may be inspected at the Customer Service Centre, Administrative Centre, 30 Frances Street, Randwick.*
17. *In accordance with Council's Section 94 Contributions Plan adopted on September 1999 a monetary contribution is to be paid to Council for administration charges for an amount of \$425.00. This amount shall be paid by cash or bank cheque prior to the to the issuing of the construction certificate. Council's Section 94 Contributions Plan may be inspected at the Customer Service Centre, Administrative Centre, 30 Frances Street, Randwick.*
18. *Vehicular access to the residential car parking within the development shall be*

readily accessible to visitors at all times. Where a security gate is provided restricting access to the basement carparking area, a suitable intercom system shall be installed adjacent to the vehicular entrance together with appropriate instructions signage to provide for access to visitor spaces at all times.

19. *External timber or metal framed and brick veneer walls and roofs are to be provided with insulation (i.e. bulk insulation and a reflective building membrane/reflective sarking/foil insulation), having a minimum total thermal resistance R-value of 3.0 in roofs and 1.5 in external walls. The insulation and reflective building membrane is to be installed in accordance with the relevant requirements of the Building Code of Australia and the manufacturers details.*

*Details of compliance with the requirements for insulation are to be included in the **construction certificate** application.*

20. *Hot water service pipes are to be provided with insulation, in accordance with the relevant requirements of Building Code of Australia and AS 3500.*
21. *The hot water system installed in the development must achieve a minimum greenhouse score of 3.5 as detailed SEDA's Energy Smart Homes Policy. Any electric clothes dryers to be provided in the development must also have a minimum 2 star energy rating.*

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. *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 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 \$5,000.*

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

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

Failure to comply with these legislative requirements is an offence and may result in the commencement of legal proceedings, issuing of `on-the-spot` penalty infringements or service of a notice and order by Council.

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

30. *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.

31. *Driven type piles/shoring must not be provided unless a geotechnical engineer's report is submitted to the certifying authority, **prior to the issuing of a construction certificate**, which states that damage should not occur to any adjoining premises and public place as a result of the works.*
32. *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 the premises adjoining the subject site, including the properties at 66 Wentworth Street, Randwick & 67 Dangar Street, Randwick situated on the northern side of Tramway Lane.*

*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**.*

33. *The installation of ground or rock anchors underneath any adjoining premises including (a public roadway or public place) must not be carried out without specific written consent of the owners of the affected adjoining premises and (where applicable) details of compliance must be provided to the certifying authority **prior to the commencement of any excavation or building works**.*
34. *A Certificate of Adequacy prepared by a professional engineer shall be submitted to the certifying authority (and the Council, if the Council is not the certifying authority) **prior to occupation of the building**, certifying the structural adequacy of the building and that the building works satisfy the relevant structural design requirements of the Building Code of Australia.*

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

35. *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**.*

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

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

Documentary evidence of the building inspections carried out and details of compliance with Council's approval is to be maintained by the Principal Certifying Authority. Details of critical phase inspections carried out and copies of certification relied upon shall be forwarded to Council with the occupation certificate.

Upon inspection of each stage of construction, the Principal Certifying Authority (or other suitably qualified person approved by the Principal Certifying Authority) is also required to ensure that the relevant site management, public safety and sediment and erosion requirements specified in Council's consent are being satisfied.

37. *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 supported to prevent them from being dangerous to life, property or buildings.*

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

Retaining walls, shoring, or piling must be designed and installed in accordance with appropriate professional standards and the relevant requirements of the Building Code of Australia and Australian Standards. Details of proposed retaining walls, shoring or piling are to be submitted to and approved by the Principal Certifying Authority for the development prior to commencing such excavations or works.

38. *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; and*
- *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.

39. *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.*
40. *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**:*
 1. *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 and showing the reduced level/s of the floor slab.*
 2. *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.*
41. *All building, demolition and associated site 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.*
42. *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.*
43. *Noise and vibration emissions during the construction of the building and associated site works must not result in damage to nearby premises or result in an unreasonable loss of amenity to nearby residents and the relevant provisions of the Protection of the Environment Operations Act 1997 must be satisfied at all times.*
44. *Noise and vibration from any rock excavation machinery and pile drivers (or the like) must be minimised by using appropriate plant and equipment and silencers and a construction noise and vibration minimisation strategy, prepared by a suitably qualified consultant is to be implemented during the works, to the satisfaction of the Principal Certifying Authority.*
45. *A report prepared by a suitably qualified and experienced consultant in acoustics/vibration shall be submitted to the Principal Certifying Authority and the 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.

46. *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.

47. *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.*
48. *Public safety and convenience must be maintained at all times during demolition, excavation and construction works.*
49. *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.*
50. *Any damage caused to the road or footway must be repaired immediately, to the satisfaction of Council.*
51. *Building materials, sand, soil, waste materials or construction equipment must not be placed upon the footpath, roadway or nature strip at any time and the footpath, nature strip and road must be maintained in a clean condition and free from any obstructions and debris at all times.*
52. *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.*
53. *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".*
54. *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.

55. *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.*
56. *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.*
57. *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.*
58. *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.*
59. *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.*
60. *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.

61. *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.*

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

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

*The public safety provisions and temporary fences must be in place **prior to the commencement of any demolition, excavation or building works** and be maintained throughout construction.*

63. *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.

64. *Fences or hoardings 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.*

Details of the proposed temporary fences located upon the site are to be submitted to the principal certifying authority and 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.

65. *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.*

66. *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.*
67. *Any part of Council's nature strip which is damaged as a result of the work must be back-filled, top-soiled and re-turfed with kikuyu turf prior to occupation or finalisation of the development, to Council's satisfaction.*

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

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

69. *The applicant is to engage an Environment Protection Authority (EPA) Accredited Site Auditor. The Site Auditor is to assess the suitability of the site for its intended development and use. A Site Audit Statement and Summary Site Audit Report is to be submitted to and approved by Council, prior to a construction certificate being issued, stating that the site is suitable for the intended development and use.*

Any additional conditions that are specified in the Site Audit Statement and Summary Site Audit Report by the EPA accredited site auditor, form part of this consent and must be complied with. Written confirmation by the owner of the site is to be submitted to the Council stating all (if any) conditions will be complied with.

The following conditions are applied to maintain reasonable levels of environmental amenity and public health safety.

70. *The site audit statement shall be developed and prepared in accordance with the following:*
 - a. *The proponent shall engage the services of a site auditor holding current accreditation in accordance with sections 49 and 50 of the Contaminated Land Management Act 1997.*
 - b. *All remediation works shall be carried out in accordance with the requirements of the Contaminated Land Management Act 1997, environmental planning instruments applying to the site, guidelines made by the NSW Environment Protection Authority and Planning NSW, Randwick City Council's Contaminated Land Policy 1999 and the Protection of the Environment Operations Act 1997.*

- c. *The remediation of the site including ground water must fully comply with all relevant Commonwealth and State Legislation, Regulations and Standards.*
- d. *Site remediation for any part of the site must be completed prior to the issue of a subdivision certificate for that part of the site. No subdivision certificate will be issued for any part of the site until the receipt by Council of an acceptable site audit statement for that part of the site.*
- e. *Any beneficial reuse of material onsite is to be monitored and classified by a suitably experienced environmental specialist, together with the site auditor. Such material must be certified by a Site Audit Statement (SAS) together with a Summary Site Audit Report (SSAR) in the format defined by the Contaminated Land Management Regulation 1998 and shall be furnished to Council **prior to the commencement of building works**. The site audit statement issued to Council shall be unconditional, in that it requires no further monitoring, on going review or remedial actions, and shall cover both land and groundwater.*
- f. *The Consultant and Auditor, in their assessment of appropriate soil investigation levels, must take into account all environmental concerns (for example, the potential effects on wildlife) and the protection of ground and surface water.*
- g. *Any new information which comes to light during remediation, demolition or construction works which has the potential to alter previous conclusions about site contamination shall be notified to the Council and the Principal Certifying Authority immediately.*

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:

- 71. *Hazardous or intractable wastes arising from the demolition process being removed and disposed of in accordance with the requirements of WorkCover NSW and the Environment Protection Authority, and with the provisions of:*
 - *New South Wales Occupational Health and Safety Act, 2000;*
 - *The Occupational Health and Safety (Hazardous Substances) Regulation 2001;*
 - *The Occupational Health and Safety (Asbestos Removal Work) Regulation 2001;*
 - *Protection Of the Environment Operations Act 1997 (NSW) and*
 - *Environment Protection Authority's Environmental Guidelines; Assessment, Classification and Management of Liquid and Non Liquid Wastes (1999).*
- 72. *Any odours from excavated materials shall be mitigated by the use of an odour suppressant, such as Biosolve, and shall not give rise to an offensive odour as defined in the Protection of the Environment Operations Act 1997. Stockpiles shall also be covered and dampened down to reduce odour and dust impacts.*

73. *Any fill importation to the site is to be monitored and classified by the site auditor appointed for remediation of the site or a person with his qualifications. Only 'virgin excavated natural material' is to be imported to the site, as defined within the NSW EPA 'Environmental Guidelines; Assessment, Classification and management of Liquid and Non-Liquid Wastes. 1999'.*
74. *Any new information which comes to light during remediation, demolition or construction works which has the potential to alter previous conclusions about site contamination shall be notified to the Council and the Principal Certifying Authority immediately.*
75. *All trucks and service vehicles leaving the site shall go through a suitably constructed on site truck wash down area, to ensure no tracking of material occurs from the site onto roads adjoining the site. Details are to be submitted to Council in the Site Management Plan.*
76. *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 have been applied to ensure that noise emissions from the development satisfy legislative requirements and maintain reasonable levels of amenity to the area:

77. *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 operation of the premises shall not give rise to a sound pressure level at any affected premises that exceeds the background (LA90), 15 min noise level, measured in the absence of the noise source/s under consideration by more than 5dB(A). The source noise level shall be assessed as an LAeq, 15 min and adjusted in accordance with Environmental Protection Authority guidelines for tonality, frequency weighting, impulsive characteristics, fluctuations and temporal content, in accordance with the relevant provisions of the NSW Environmental Protection Authority's Environmental Noise Control Manual, Industrial Noise Policy 2000 and The Protection of the Environment Operations Act 1997. The following conditions have been applied to ensure that noise emissions from the development satisfy legislative requirements and maintain reasonable levels of amenity to the area.

The following condition applies to the operation of the premises after the completion of construction.

78. *A report prepared by a suitably qualified and experienced consultant in acoustics shall be **submitted to Council prior to a construction certificate being issued** for the development, which demonstrates and confirms that noise and vibration emissions from the development (excluding construction works) will comply with the relevant provisions of the Protection of the Environment Operations Act 1997, Australian Standards 2107 and 3671 Environmental Protection Authority Noise Control Manual & Industrial Noise Policy and*

relevant conditions of approval. The report is to include assessment of the potential for noise to be experienced within the residential units from traffic, plant & equipment.

Security Deposit Conditions

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

79. *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) \$5000.00 - 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.

80. *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) \$3000.00 - 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:

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

a) *Construct full width concrete heavy-duty vehicular crossings and laybacks at kerb in Dangar Street and King Street opposite the vehicular entry/exit points for the site.*

b) *Remove any redundant vehicular crossings and to reinstate the area to*

Council's specification.

- c) *Construct kerb and gutter for the full Tram Lane site frontage.*
- d) *Carry out a full depth, minimum 2.5 metre wide, road construction in front of the kerb and gutter along the full Tram Lane site frontage.*
- e) *Construct a full width concrete footpath along the full Tram Lane site frontage. Any unpaved areas on the nature strip must be turfed and landscaped to Council's specification.*
- f) *Remove the existing kerb and gutter and construct new kerb and gutter for the full King Street site frontage.*
- g) *Carry out a full depth, minimum 1.5 metre wide, road construction in front of the new kerb and gutter along the full King Street site frontage.*
- h) *Remove the existing concrete footpath and construct a new concrete footpath along the full King Street site frontage. Any unpaved areas on the nature strip must be turfed and landscaped to Council's specification.*
- i) *Remove the existing kerb and gutter and construct new kerb and gutter for the full Wentworth Street site frontage.*
- j) *Carry out a full depth, minimum 1.5 metre wide, road construction in front of the new kerb and gutter along the full Wentworth Street site frontage.*
- k) *Remove the existing concrete footpath and construct a new concrete footpath along the full Wentworth Street site frontage. Any unpaved areas on the nature strip must be turfed and landscaped to Council's specification.*
- l) *Construct a concrete footpath along the full Dangar Street site frontage. Any unpaved areas on the nature strip must be turfed and landscaped to Council's specification.*
- m) *Design & construct on-street traffic calming measures, (Note: final design to be approved by the Randwick Local Traffic Committee), comprising of the following components:*
 - *A roundabout at the King Street/Dangar Street intersection.*
 - *Definition of a parking lane on Dangar Street along the full frontage of the property by line marking to restrict traffic to one lane in each direction. This must cater for cyclists, as Dangar Street is a designated cycle path.*
- n) *Construct a concrete median in King Street, opposite the vehicular entry/exit point, such median being suitably designed and located to*

restrict the entry/exit point to left in/left out vehicle manoeuvres only.

83. *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.*
84. *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.*
85. *All new walls adjacent to vehicular crossings must be lowered to a height of 600mm above the internal driveway level and/or suitably setback from the street alignment and/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.*
86. *The driveway opening at the Dangar Street frontage must be a minimum of 5.5 metres wide and located at least 1.5 metres clear of the side property.*
87. *The driveway opening at the King Street frontage must be a minimum of 3.5 metres wide and located at least 1.5 metres clear of the side property.*
88. *A work zone is to be provided at a suitable location for the duration of the construction works. 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. The applicant shall liaise with Council's Traffic Engineer to determine the location for the work zone.*
89. *The aisle widths, internal circulation, ramp widths and grades of the carpark are to generally conform to the Roads & Traffic Authority (RTA) guidelines, Australian Standard AS 2980.1 –1993 and Council's Development Control Plan - Parking. Details of compliance are to be shown on the relevant plans and specifications for the construction certificate, and are required to be submitted to and approved by the Council or an accredited certifier, prior to a construction certificate being issued for the proposed development.*
90. *The applicant shall install a suitable traffic control system to be used for vehicles entering/exiting the carpark via the proposed King Street ramp. The traffic control system shall be suitably designed to minimise the potential for vehicular conflict along the 3.5 metre wide section of the ramp. The applicant shall submit full design and location details with the construction certificate*

application for approval by the certifying authority.

91. *Prior to the issuing of a construction certificate the applicant shall submit to Council for approval, and have approved, details showing the proposed allocation of parking spaces for the individual units and the visitor spaces. The applicant shall make particular reference to the proposed allocation of the small car carspaces A16, 17, 27 and 28. The applicant shall liaise with Council's Development Engineer (9399 0924) prior to submission of these details.*

Road Widening/Splay Corner Comments

92. *The applicant shall, at no cost to Council, dedicate a minimum 0.75metre wide strip of land along the full Tram Lane site frontage for road widening purposes.*
93. *The applicant shall, at no cost to Council, dedicate a 3metre by 3 metre splay corner for road widening purposes at the King Street-Wentworth Street intersection, (south-east corner of the development site).*
94. *The applicant shall, at no cost to Council, dedicate a 3metre by 1.5 metre splay corner for road widening purposes at the Wentworth Street-Tram Lane intersection, (north-east corner of the development site).*
95. *The applicant shall, at no cost to Council, dedicate a 3metre by 1.5 metre splay corner for road widening purposes at the Dangar Street-Tram Lane intersection, (north-west corner of the development site).*

ALIGNMENT LEVEL CONDITIONS

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

96. *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 be as follows:*

King St Frontage - match the back of the existing concrete footpath along the full site frontage.

Dangar St Frontage – match the top of kerb at the vehicular entry/exit point; for the remainder of the Dangar Street site frontage the alignment level is to be 50 millimetres above the top of the kerb at all points opposite the kerb.

Wentworth Street Frontage - match the back of the existing concrete footpath along the full site frontage.

Tram Lane Frontage – 150millimetres above the existing centreline of the road at all points along the Tram Lane site frontage.

Any enquiries regarding this matter should be directed to Council's Assets &

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

97. *The design alignment levels (concrete/paved/tiled level) issued by Council and their relationship to the roadway/kerb/footpath must be indicated on the building plans for the construction certificate. The design alignment level at the street boundary, as issued by the Council, must be strictly adhered to.*
98. *The above alignment levels and the site inspection by Council's Department of Asset & Infrastructure Services have been issued at a prescribed fee of \$5526 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.*
99. *The top of footings of any structures constructed on the various boundary alignments must be at least 150mm below the alignment levels as specified for the relevant boundary. This condition has been attached to accommodate the proposed footpath construction/reconstruction at these locations.*

SERVICE AUTHORITY CONDITIONS

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

100. *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.*
101. *The applicant must meet the full cost for telecommunication companies, gas providers, Energy Australia and Sydney Water to adjust/repair/relocate their services as required. The applicant must make the necessary arrangements with the service authority.*
102. *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.*
103. *Any electricity substation required for the site as a consequence of this development shall be located within the site and shall be screened from view. The proposed location and elevation shall be shown on all detailed landscape drawings and specifications. The applicant must liaise with Energy Australia prior to lodging the construction certificate to determine if an electricity substation is required for the development.*
104. *A Section 73 Compliance Certificate under the Sydney water Act 1994 must be obtained. Application must be made through an authorised Water Servicing Coordinator. Please refer to "Your Business" section of Sydney Water's web site at www.sydneywater.com.au then the "e-developer" icon or telephone 13 20*

Following application a "Notice of Requirements" will detail water and sewer extensions to be built and charges paid. Please make early contact with the Coordinator, since 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 the Construction Certificate being issued.

105. *The applicant must meet the full cost for the bundling of electricity cables in King Street, Dangar Street and Wentworth Street, along the full King Street, Dangar Street and Wentworth Street site frontages.*

DRAINAGE CONDITIONS

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

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

- i. *Roof areas*
 - ii. *Paved areas*
 - iii. *Grassed areas*
 - iv. *Garden areas*
- e) *Where buildings abut higher buildings and their roofs are "flushed in" to the higher wall, the area contributing must be taken as: the projected roof area of the lower building, plus one half of the area of the vertical wall abutting, for the purpose of determining the discharge from the lower roof.*
- f) *Proposed finished surface levels and grades of car parks, internal driveways and access aisles which are to be related to Council's design alignment levels.*
- g) *The details of any special features that will affect the drainage design eg. the nature of the soil in the site and/or the presence of rock etc.*
- h) *All stormwater run-off naturally draining to the site must be collected and discharged through this property's stormwater system. Such drainage must, if necessary, be constructed prior to the commencement of building work.*
107. *On-site detention must be provided to ensure that the maximum discharge from the above site is not to exceed that which would occur during a 1 in 5 year storm of 1 hour duration for the existing site conditions. All other stormwater run-off from the above site for all storms up to the 1 in 20 year storm is to be retained on the site for gradual release to the kerb and gutter or drainage system as required by the Director of Assets and Infrastructure Services. Provision is to be made for satisfactory overland flow should a storm in excess of the above parameters occur.*
- For small areas up to 0.5 hectares, determination of the required cumulative storage must be calculated by the mass curve technique as detailed in Technical Note 1, Chapter 14 of the Australian Rainfall and Run-off Volume 1, 1987 Edition.*
- Where possible the detention tank must have an open base to infiltrate stormwater to the groundwater. Note that the ground water and any rock stratum has to be a minimum of 2.0 metres below the base of the tank.*
108. *All site stormwater leaving the site must be discharged by gravity to the kerb and gutter and/or drainage system in Dangar Street and King Street. The applicant shall note that any proposed discharge to Council's kerb and gutter is not to exceed 25 litres per second for storm events up to and including the 1 in 20 year storm event.*
109. *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.*

110. A "restriction as to user and positive covenant" shall be placed on the title of the subject property prior to the issuing of a final 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.

111. *The detention area must be regularly cleaned and maintained to ensure it functions as required by the design.*
112. *The stormwater detention area must be suitably signposted where required, warning people of the maximum flood level.*
113. *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).

114. *A childproof and corrosion resistant fastening system shall be installed on access grates over pits/trenches where water is permitted to be temporarily stored.*
115. *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 wet well shall be sized for the 1 in 100 year, 2 hour storm assuming both pumps are not working.*

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.

116. *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)

117. 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; and
- 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.*

118. A 'V' drain is to be constructed along the perimeter of the property, where required, to direct all stormwater to the detention area.
119. 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.
120. Three covered car washing bay/s shall be provided for this development.
- a) The car washing bay/s must be drained to sewer to the requirements of Sydney Water and proof of compliance is to be submitted to the certifying authority, prior to a construction certificate being issued for the proposed development.
 - b) The car washing bay/s must be located outside any required/approved stormwater detention system and must be suitably signposted.
 - c) The car washing bay/s must be constructed with a minimum 20mm bund around the perimeter of the car washing bay/s (or equivalent)

A water tap shall be located adjacent to the car washing bay/s.

121. 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.
122. 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 & waterproofing has been carried out to an acceptable standard and a copy of the certification is to be forwarded to Council.

Notes:-

- a) Any subsoil drainage is to be disposed of within the site and is not to be charged to Council's kerb & gutter and/or underground drainage system.
 - b) Adequate provision is to be made for the ground water to drain around the basement carpark (to ensure that the basement will not dam or slow the movement of the ground water through the development site).
123. Any seepage water must be drained directly into an absorption pit within the site. Seepage water must **not** be drained from the site.
124. Prior to the issuing of a construction certificate the applicant shall submit to Council for approval, and have approved, a stormwater drainage plan/s showing the location of the proposed internal stormwater drainage pipe network

together with the location of all onsite stormwater detention areas and drainage pits **relative to the location of all trees that are conditioned to be retained**. The applicant must demonstrate to Council that installation of the stormwater drainage scheme, as proposed, will not adversely affect the long-term health and stability of those trees that are conditioned to be retained. The applicant shall liaise with Council's Development Engineer (9399 0924) prior to submission of the stormwater drainage plan/s. This condition is required because the stormwater drainage concept plan submitted with the development application indicated pipelines and pits being located within close proximity to certain trees that are to be retained.

WASTE MANAGEMENT CONDITIONS

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

125. *The garbage room areas will have to be designed so as to be able to contain a total of 66 x 240 litre bins (33 garbage bins & 33 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.*
126. *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.*
127. *Prior to the issuing of a construction certificate for the proposed development the applicant is to submit to Council and have approved by Council's Manager of Waste a Waste Management Plan detailing waste and recycling storage and disposal for both the residential and commercial components of the development site, post construction. The applicant shall note that all waste/recycling bins are to be presented to Dangar Street and/or King Street for collection, no collection of bins will be undertaken in Tram Lane.*

LANDSCAPE CONDITIONS

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

128. *The landscaped areas shown on the landscape plan, LA01, revision C, dated 16.06.03, drawn by Taylor Brammer Landscape Architects Pty Ltd, shall be the subject of detailed landscape drawings and specifications, which are to be submitted to, and approved by, the certifying authority, prior to the issue of a construction certificate. The landscape drawings and specifications are to be prepared by a qualified Landscape Architect who is eligible for membership with the Australian Institute of Landscape Architects (AILA). The documentation is to include:*
 - a) *A site plan at an appropriate scale showing the following:*
 - *Existing site boundaries.*

- *Exact locations of existing trees within the property and within Council's nature strip. All trees are to be clearly identified as being retained or removed.*
 - *Features on adjoining sites within 6 metres of the common property boundary (buildings, trees, other structures etc).*
 - *Council's footway.*
 - *Existing and proposed ground levels shown as spot heights and/or contours over the site, at site boundaries, and at the base of the trees to be retained.*
 - *Proposed building envelope and area of basement car park*
 - *Proposed locations of all services, sewer, stormwater etc.*
 - *Proposed areas of pavement.*
 - *Proposed landscaped areas.*
- 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 plans.*
- h) *Location of easements within the site and upon adjacent sites (if any).*
- i) *The landscaping shall be installed in accordance with the approved documentation prior to the issue of a final occupation certificate and shall be maintained in accordance with those plans.*

129. *Documentary evidence is to be obtained from a suitably qualified Landscape Architect and submitted to the principal certifying authority (PCA) (and the*

Council, if the Council is not the PCA) prior to the issuing of a final occupation certificate which confirms that the landscaping works have been completed in accordance with the approved landscaping plans and relevant conditions of development consent, to the satisfaction of the PCA.

130. *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.*
131. *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.*
132. *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 with Kikuyu Turf or similar. Such works shall be installed prior to the issue of a final Occupation Certificate.*
133. *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.*
134. *Any substation required shall be screened from view. The proposed location and elevation shall be shown on all detailed landscape drawings and specifications.*
135. *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.*
136. *All stormwater documentation submitted for the construction certificate application shall show the top of the detention tanks and stormwater infiltration devices being 600mm below the finished ground level of the landscaped areas.*

Tree Management

137. *Approval is granted for the removal of trees numbered 4, 9, 11-14, 19-26, 31a, 41, 44-45, 46a, 51, 53-54, 60, 60a-c, 61-62, 62a, 63, 63a-c and 64-65 on the landscape plan, LA01, revision C, dated 16.06.03, drawn by Taylor Brammer Landscape Architects Pty Ltd, subject to the planting of 18 x 100 litre broad canopied replacement trees (not palms) within the site. The species selected shall be those that will attain a minimum height of 6 metres at maturity.*
138. *The applicant shall be required to ensure the retention and long-term health of all trees located on adjoining properties adjacent to the proposed development. As a general guide there shall be minimal excavation or root pruning within the driplines of the subject trees.*

Tree Protection Measures

139. *In order to ensure the retention of trees numbered 1, 3, 5-8, 9a, 10, 15-18, 27-29, 30-31, 33-36, 42-43, 46, 47-48, 50, 52, 57, and 66-72 65 on the landscape plan, LA01, revision C, dated 16.06.03, drawn by Taylor Brammer Landscape Architects Pty Ltd, in good health, the following measures are to be undertaken:*
140. *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.*
141. *Detailed architectural, building, demolition, engineering (structural, stormwater & drainage, services), and landscape documentation submitted for the construction certificate application shall show the use of contiguous bored piers for the construction of the basement car park along the entire southern wall, adjacent to trees numbered 1-10, and the entire southern wall, adjacent to tree number 30 and the entire northern wall, as well as the retaining wall adjacent to trees numbered 42, 43 & 46-48. There shall be no alteration in the existing soil levels or cutting or battering of the existing soil profile for the construction of the basement car park, retaining wall or any services, pipes or detention tanks in these areas.*
142. *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 3 metres from the outside edge of the tree trunks of the following trees; 27-29, 33-36, 50, 52, 57 & 66-72, nor within a radius of 2 metres from the outside edge of the following trees; 1, 16-17, 42-43, 46, 47-48.*
143. *The trees are to be physically protected by the installation of protective fencing around the trees 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 trunks of trees numbered 1, 3, 5, 6-10, 30, 42, 43 & 46-48 and a minimum radius of three metres from the outside edge of the trunks of the trees numbered 27-29, 33-36, 50, 52, 57 & 66-72.*
- This fencing shall be installed prior to the commencement of demolition and construction works and shall remain in place until all works are completed. Council's Landscape Technician is to be contacted to inspect the installed fencing prior to the commencement of any works 9399 0913.*
144. *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 Points b or c.*
145. *Any excavations required for footings, structures, retaining walls, basement car parks, services, pipes, detention tanks, stormwater infiltration systems, paving etc within 5 metres of the tree trunks shall be undertaken under the direction of,*

and to the satisfaction of, a suitably qualified Arborist and Council's Landscape Technician 9399 0913.

146. The installation of woodchip mulch to a depth of 75mm within the fenced off protection area as described in Point c.
147. Watering of the trees (within the fenced off area) three times a week for the duration of the period of the refundable deposit described in Point j.
148. The erection of signage on the fences with the following words clearly displayed: "TREE PROTECTION ZONE", "DO NOT ENTER".
149. A refundable deposit in the form of cash, cheque or bank guarantee of \$253,900.00 shall be lodged with Council prior to issue of a construction certificate for the proposed development in order to ensure the preservation of the tree in accordance with the requirements described in this condition.

<i>TREE SPECIES</i>	TREE NUMBER IN PSB TREE ASSESSMENT	AMOUNT
<i>Eucalyptus scoparia</i> (Willow Gum)	1	\$3,900.00
<i>Eucalyptus saligna</i> (Sydney Blue Gum)	3	\$9,900.00
<i>Eucalyptus citriodora</i> (Lemon Scented Gum)	5	\$8,200.00
<i>Eucalyptus citriodora</i> (Lemon Scented Gum)	6	\$6,800.00
<i>Eucalyptus citriodora</i> (Lemon Scented Gum)	7	\$10,100.00
<i>Eucalyptus citriodora</i> (Lemon Scented Gum)	8	\$10,200.00
<i>Eucalyptus citriodora</i> (Lemon Scented Gum)	9a	\$5,200.00
<i>Eucalyptus citriodora</i> (Lemon Scented Gum)	10	\$15,800.00
<i>Eucalyptus grandis</i> (Flooded Gum)	28	\$22,300.00
<i>Eucalyptus grandis</i> (Flooded Gum)	30	\$44,800.00
<i>Eucalyptus grandis</i> (Flooded Gum)	31	\$22,300.00
<i>Eucalyptus botryoides</i> (Southern Mahogany)	36	\$10,100.00
<i>Eucalyptus microcorys</i> (Tallowwood)	42	\$10,900.00
<i>Eucalyptus species</i> (Gum Tree)	43	\$6,600.00
<i>Eucalyptus microcorys</i> (Tallowwood)	46	\$13,300.00
<i>Eucalyptus microcorys</i> (Tallowwood)	47	\$12,500.00

<i>Eucalyptus saligna</i> (Sydney Blue Gum)	48	\$19,500.00
<i>Melia azedarach</i> var. <i>australasica</i> (White Cedar)	57	\$21,500.00
TOTAL		\$253,900.00

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 twenty four (24) 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 for the affected tree or trees.

150. *A refundable deposit in the form of cash, cheque or bank guarantee for the amount of \$20,000.00 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 the Principal Certifying Authority.*

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.*

151. *In order to organise for an inspection for the release of the security deposit, the applicant shall contact the Principal Certifying Authority for the development to liaise with Council's Asset & Infrastructure Department to arrange for an inspection of the landscaping 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.

152. *The deletion of parking spaces A15, A16, A27 and A28.*
153. *No mail deliveries or letterboxes shall be provided along the Tramway Lane frontage of the development.*
154. *The pedestrian entrance points to Block A townhouses shall be from Dangar Street with the exception of those townhouses that front Tramway Lane. The pedestrian entrance point to Block B to be in Wentworth Street and Block C shall be in King Street.*
155. *Barriers – low walls, terraces, garden beds, landscaping etc shall be provided to actively discourage the use of the setback between Building A and B as a pedestrian entrance point for residents, visitors, trades and business people.*
156. *All townhouses in Building A shall have Dangar Street as their street address. Townhouses with pedestrian entrances in Tramway Lane not only be designated by townhouse and street numbers but also to include the words “Dangar Street.”*
157. *Units in Block B to have Wentworth Street as their street address and units in Block C to have either King Street or Wentworth Street as their street address.*

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.*
- A2. *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 E1 - Fire fighting equipment*
- b) *Part E2 - Smoke Hazard Management*
- c) *Part E4 - Emergency lighting, exit signs and warning systems*
- d) *Clause C3.2&C3.4 - Protection of openings in external walls*

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

5.8 DEVELOPMENT APPLICATION REPORT - 31 FISCHER STREET, KINGSFORD. (D/0327/2003)

H68 **RESOLUTION:** (*Whitehead/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 327/2003 for the construction of alterations and additions to the rear of the existing dwelling and construction of a second dwelling at 31 Fischer Street, Kingsford subject to the following conditions:-

1. The development must be implemented substantially in accordance with the plans numbered 03.173 (Sheets 1 and 2) dated June 2003 and received by Council on 12 June 2003 for alterations and additions to the existing dwelling, and amended plans numbered 703708 (Sheets 1 to 15) dated 19.05.03 and received by Council on 20 May 2003, 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 sill height of the following window/s are to be increased to be a minimum height of 1.5 metres;
 - a) The living room window on the ground floor.
 - b) The family room on the first floor.

above floor level, or alternatively, the window/s are to be fixed and provided with translucent, obscured, frosted or sandblasted glazing below the specified level.

3. The landscaping strip outside the living room windows being increased to a minimum width of one (1) metre and planted so as to assist in overcoming privacy impacts on the adjoining property.
4. The fence on the street alignment is to be a maximum height of 1.8 metres at any point and be designed so that the upper two thirds of the fence is at least 50% open, to maintain reasonable levels of amenity to the adjoining residential development and the streetscape. The fence is to be constructed on the existing sandstone retaining wall as advised in the letter from the applicant to Council dated 17 June 2003.
5. Street numbering for the new dwelling must be provided to the premises in a prominent position, to the satisfaction of Council.
6. 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.

7. *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 noted in the **construction certificate** plans or specifications.*
8. *External timber or metal framed and brick veneer walls and roofs are to be provided with insulation (i.e. bulk insulation and a reflective building membrane/reflective sarking/foil insulation), having a minimum total thermal resistance R-value of 3.0 in roofs and 1.5 in external walls. The insulation and reflective building membrane is to be installed in accordance with the relevant requirements of the Building Code of Australia and the manufacturers details.*

*Details of compliance with the requirements for insulation are to be included in the **construction certificate** application.*

9. *Hot water service pipes are to be provided with insulation, in accordance with the relevant requirements of Building Code of Australia and AS 3500.*

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

10. *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.*
11. *In accordance with clause 98 of the Environmental Planning and Assessment Regulation 2000, it is a prescribed condition, that in the case of residential building work, a contract of insurance must be obtained and in force, in accordance with the requirements of the Home Building Act 1989.*

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

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

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

- *has been informed of the person's name and owner-builder permit number, or*
- *has been given a declaration, signed by the owner of the land that states that the market cost of the labour and materials involved in the work does not exceed \$5,000.*

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

The following 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:

12. *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.*
13. *The building works are to be inspected by the Principal Certifying Authority (or other suitably qualified person approved by the Principal Certifying Authority), to monitor compliance with the relevant standards of construction and Council's development consent.*

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

Documentary evidence of the building inspections carried out and details of compliance with Council's approval is to be maintained by the Principal Certifying Authority. Details of critical phase inspections carried out and copies of certification relied upon, shall be forwarded to Council with the occupation certificate or, upon finalisation of works if no occupation certificate is issued.

14. *All building, demolition and associated site 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.*
15. *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.

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

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

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

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

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

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

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

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

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

19. *The following vehicular crossing 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) \$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:

20. *The applicant must meet the full cost for Council or a Council approved contractor to:*
 - a) *Construct a 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.*
21. *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.*
22. *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:

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

Driveway Entrance – Match the existing Council kerb levels in Smith St opposite the vehicular entrance to the site..

Remainder of Smith St Frontage – 30mm above the existing kerb levels in Smith St.

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

24. *The design alignment levels issued by Council and their relationship to the kerb must be indicated on the building plans for the construction certificate. The design alignment level at the street boundary, as issued by the Council, must be strictly adhered to.*
25. *The above alignment levels and the site inspection by Council's Department of Asset & Infrastructure Services have been issued at a prescribed fee of \$546.00 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.

26. *The top of footings of any structures constructed on the boundary alignment must be at least 100mm below the existing kerb levels in Smith St. 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:

27. *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.*
28. *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.*
29. *A Section 73 Compliance Certificate under the Sydney water Act 1994 must be obtained. Application must be made through an authorised Water Servicing Coordinator. Please refer to “Your Business” section of Sydney Water’s web site at www.sydneywater.com.au then the “e-developer” icon or telephone 13 20 92.*

Following application a “Notice of Requirements” will detail water and sewer extensions to be built and charges paid. Please make early contact with the Coordinator, since 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 the Construction Certificate being issued.

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

30. *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.*
- 31. On-site detention must be provided to ensure that the maximum discharge from the above site is not to exceed that which would occur during a 1 in 5 year storm of 1 hour duration for the existing site conditions. All other stormwater run-off from the above site for all storms up to the 1 in 20 year storm is to be retained on the site for gradual release to the kerb and gutter or drainage system as required by the Director of Assets and Infrastructure Services. Provision is to be made for satisfactory overland flow should a storm in excess of the above parameters occur.*

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

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

- 32. 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.*

OR

by gravity via a private drainage easement through an adjoining private property (or properties) to the kerb and gutter or drainage system. This condition is required to provide a satisfactory overland flow route should a storm in excess of the above parameters occur.

Should the applicant demonstrate that all reasonable attempts to procure the private drainage easement referred to in the previous condition have failed, a pump system (or infiltration system subject to Council's requirements and a satisfactory Geotechnical Engineers report) will be permitted. However the detention required must have a minimum factor of safety of 1.5 larger than the volume required for a 1 in 100 year storm event under these circumstances. The pump 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.

- 33. 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.*
- 34. A "restriction as to user and positive covenant" shall be placed on the title of the subject property prior to the issuing of a final 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.

- 35. The detention area must be regularly cleaned and maintained to ensure it functions as required by the design.*
- 36. The stormwater detention area must be suitably signposted where required, warning people of the maximum flood level.*
- 37. The floor level of all habitable and storage areas must be at a minimum AHD RL27.730.*
- 38. A childproof and corrosion resistant fastening system shall be installed on access grates over pits/trenches where water is permitted to be temporarily stored.*
- 39. 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.

40. 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)

41. A sediment/silt arrester pit must be provided:-

- a) within the site at or near the street boundary prior to the site stormwater discharging by gravity to the kerb/street drainage system; and
- b) prior to stormwater discharging into any 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.

42. *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.*
43. *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:

44. *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 with Kikuyu Turf or similar. Such works shall be installed prior to the issue of a final Occupation Certificate.*
45. *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.*
46. *All detention tanks and stormwater infiltration systems located within the landscaped areas shall have a minimum soil cover of 600mm to ensure sufficient soil depth to permit the establishment of landscaping on top of these services as stipulated by these conditions of development consent.*

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

Tree Management

47. *Approval is granted for the removal of the following trees subject to the planting of 1 x 45 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 Jacaranda mimosifolia (Jacaranda) located within the rear yard of the site, close to the western property boundary.*

Tree Protection Measures

48. *In order to ensure the retention of the Lophostemon confertus (Brush Box) tree located within the rear yard of the site, close to the western property boundary 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. *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 2 metres from the outside edge of the tree trunk, except for along the existing property boundary.*

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

- c. *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 nor any 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.

- d. *Watering of the tree (within the fenced off area) three times a week for the duration of the construction period.*
- e. *The erection of signage on the fence with the following words clearly displayed: "TREE PROTECTION ZONE", "DO NOT ENTER".*

Advisory Conditions

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

MOTION: (Whitehead/Procopiadis) SEE RESOLUTION.

5.9 DEVELOPMENT APPLICATION REPORT - 14 BYNG STREET, MAROUBRA. (D/0322/2003)

(Note: This matter was considered earlier in the Meeting immediately after Item 5.1.)

H69 **RESOLUTION: (Matthews/White)** that:

A. Council as the responsible authority grant its development consent under Section 80 and 80A of the Environmental Planning and Assessment Act 1979 (as amended) to Development Application No D/0322/2003 for Ground and first floor additions to the existing dwelling house including new swimming pool, new double garage and associated landscaping at 14 Byng Street, Maroubra subject to the following conditions: -

1. The development must be implemented substantially in accordance with the plans comprising three (3) sheets numbered 1/3 (a), 2/3 (a), 3/3 (a) dated March 03 and received by Council on 24 April 2003, 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 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 & Community Development, in accordance with section 80A (2) of the Environmental Planning and Assessment Act 1979 prior to:

- a) **a construction certificate being issued for the proposed development.**
 - b) **commencement of any building works.**
3. The driveway for the double carport is to be splayed so that it is no greater than 3.0m at the front boundary in order to reduce the paved areas and increase the landscape area at the front yard. Details are to be shown on the Construction Certificate application.
 4. Street numbering must be provided to the premises in a prominent position, to the satisfaction of Council.
 5. Lighting to the premises shall be designed so as not to cause a nuisance to nearby residents or motorists and to ensure that light overspill does not affect the amenity of the area.
 6. 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.
 7. The provisions of Councils tree preservation order are strictly to be observed and it is a requirement that the applicant or their representative obtain any necessary consent required under the tree preservation order.

Should compliance require amendment to the plan an amended development

*application is required to be submitted for consideration and approval **prior to work commencing***

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:

8. *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 Councils Director of Planning and Environment prior to commencement of works.

9. *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:

10. *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:

11. *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.*
12. *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:

13. *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 **construction certificate being issued for the development**, certifying the structural adequacy of the existing structure to support the additional storey.*

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

14. *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.*
15. *A copy of the construction certificate, the approved plans & specifications and development consent conditions must be kept on the site at all times and be available to the Council officers upon request.*
16. *The building works are to be inspected by the principal certifying authority (or other suitably qualified person on behalf of the applicant) to monitor compliance with Councils approval and the relevant standards of construction.*

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

17. *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 Councils 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.*

18. *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 Councils Manager of Environmental Health & Building Services.*
19. *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.

20. *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.*
21. *Noise emissions during the construction of the building and associated site works must comply with the relevant provisions of the Protection of the Environment Operations Act 1997 & the Noise Control Manual published by the Environment Protection Authority, except as may be amended by the conditions of this approval.*
22. *Building materials, sand, waste materials or construction equipment must not be placed upon the footpath, roadway or nature strip at any time.*
23. *Bulk bins/waste containers must not be located upon the footpath, roadway or nature strip at any time without the prior written consent of the Council, unless the waste container is located upon the road in accordance with the Roads & Traffic Authority Guidelines and Requirements, and the container is exempt from an approval under Council's Local Approvals Policy.*
24. *During construction stages, sediment laden stormwater run-off shall be controlled using the sediment control measures outlined in the manual for managing Urban Stormwater - Soils and Construction, published by the NSW Department of Housing.*

*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.*

25. *Stockpiles of soil, sand, aggregate or other materials must not be located on any drainage line, natural watercourse, footpath, roadway or any public place*

and the stockpiles must be protected with adequate sediment control measures.

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

26. *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 Councils Customer Service Centre for a nominal fee.*

27. *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.

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

28. *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 AS 3786 - 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 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**.*

29. *All excavations and back filling associated with the erection of a swimming pool must be executed safely in accordance with appropriate professional standards and excavation are to be properly guarded and protected to prevent them from being dangerous to life or property.*

The following conditions are applied to ensure compliance with the Swimming Pools Act 1992 and to maintain public safety and amenity:

30. *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.

31. *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:

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

a) \$700.00 - Vehicular crossing deposit

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

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

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

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

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

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

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

36. *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.*

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.

37. *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.*
38. *The above alignment levels and the site inspection by Council's Department of Asset & Infrastructure Services have been issued at a prescribed fee of \$68.20 (inclusive of GST). 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:

39. *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.*
40. *The applicant must meet the full cost for telecommunication companies, gas providers, Energy Australia and Sydney Water 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 landscaping and to maintain reasonable levels of environmental amenity:

41. *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.

42. *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.

Advisory Conditions

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

MOTION: (Andrews/Tracey) that Council as the responsible authority grant its development consent under Section 80 and 80A of the Environmental Planning and Assessment Act 1979 (as amended) to Development Application No D/0322/2003 for Ground and first floor additions to the existing dwelling house including new swimming pool, new double garage and associated landscaping at 14 Byng Street subject to the standard conditions outlined in the Director Planning & Community Development's Report dated 1st August, 2003.

AMENDMENT: (Matthews/White) SEE RESOLUTION.

FURTHER AMENDMENT: (Whitehead/Greenwood) that the toilet and laundry on the western side of 14 Byng Street be relocated into the existing framework of the house.
RULED OUT OF ORDER BY THE CHAIRPERSON.

A division on the amendment of Crs Matthews and White was called for by Crs Matson and Greenwood. Voting was as follows:-

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

6. MISCELLANEOUS.

6.1 ACTING DIRECTOR PLANNING & COMMUNITY DEVELOPMENT'S REPORT 60/2003 - 379 - 401 CLOVELLY ROAD, CLOVELLY - CLOVELLY HOTEL EXTENSION OF SUNDAY TRADING HOURS - LICENSING COURT PROCEEDINGS NO. 218797.00. (P/003175)

H70 **RESOLUTION:** (*His Worship the Mayor, Cr D.Sullivan/Andrews*) that:

1. *Council file and serve an objection pursuant to s.46 of the Liquor Act 1982, to the grant of the application by Robert Tate of 381 Clovelly Road, Clovelly to vary the Sunday licensed trading hours for premises situated at 379 – 401 Clovelly Road, Clovelly known as the Clovelly Hotel on the grounds that that, the quiet and good order of the neighbourhood in which are situated the premises to which the application relates will be disturbed if the application is granted, and*
2. *Should Council determine to object against the application, that an environmental and amenity assessment be undertaken by a suitably qualified and experienced professional to identify the potential impacts of the proposal.*

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

6.2 ACTING DIRECTOR PLANNING & COMMUNITY DEVELOPMENT'S REPORT 59/2003 – 15 BUMBORAH POINT ROAD, MATRAVILLE. (D/0358/2003 xr 98/S/4888)

H71 **RESOLUTION:** (*His Worship the Mayor, Cr D. Sullivan/Andrews*) that:

- A. *Council as the responsible authority adopt the master plan accompanying Development Application No 358/2003 for the establishment of a waste management facility for the purposes of recycling and beneficial re-use of construction and demolition materials, processing of green waste and stockpiling of recycled asphalt profiling material at 15 Bumborah Point Road.*
- B. *THAT Council as the responsible authority grant its development consent as a Deferred Commencement under Section 80(3) of the Environmental Planning and Assessment Act 1979 (as amended) to Development Application No 358/2003 for the establishment of a waste management facility for the purposes of recycling and beneficial re-use of construction and demolition materials, processing of green waste and stockpiling of recycled asphalt profiling material at 15 Bumborah Point Road subject to the following conditions:-*

Deferred Commencement Conditions

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

1. *The applicant shall submit for approval and have approved by the Director of Asset & Infrastructure Services, a flood study (including plans and drainage calculations compiled by a suitably experienced and qualified Civil Engineer) that determines **the 1 in 100 year overland flows through the site** using either the “DRAINS” or “ILSAX” Urban Drainage Simulation Model.*

Notes:- *Rainfall intensities are to be calculated following the procedure demonstrated in chapter 2 Australian Rainfall & Runoff-1987 edition.*

The following information must be submitted to the Council for checking and record purposes:

- a) All "DRAINS" or "ILSAX" data files on 3 1/2" MS-DOS formatted diskettes together with a suitable index to relate data files to the various run parameters.
- b) Plans showing:
- Total catchment area.
 - "DRAINS" or "ILSAX" sub-catchments and areas and nomenclature used to define the various piped reaches.
 - Overland flow paths.
 - Location and sections of all drainage lines showing:
Pipe sizes and grades
 - Pit/gully surface levels as well as invert levels of inlet and outlet pipe.
 - Proposed finished surface levels and 0.2m contours over the development site.
 - All levels to Australian Height Datum.

Should the flood study determine that the swale along the eastern property boundary is unable to contain the 1 in 100 year overland flows, the applicant shall either:

1. *Determine the resultant flood level on the site and raise the levels of all habitable/storage and stockpile areas a minimum of 300 mm above the 1 in 100 year flood level;*

OR

2. *Construct a wall/bund along the edge of the easement to contain the flows within the easement.*

It is noted that the any works associated with the proposed development must not increase the extent of flooding on the adjoining allotments.

Evidence required to satisfy the above conditions must be submitted to Council within 12 months of the date of this consent.

Development Consent Conditions

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

REFERENCED PLANS:

1. *The development must be implemented substantially in accordance with the plans numbered Sk1a, Sk2b, Sk3b and Sk1c, dated 15 April 2003 and received by Council on 6 May 2003, the application form and on any supporting information received with the application, except as may be amended by the following conditions and as may be shown in red on the attached plans:*

ENVIRONMENTAL PROTECTION AUTHORITY GENERAL TERMS OF APPROVAL:

The following conditions are applied as required by the New South Wales Environmental Protection Authority (EPA) to satisfy the relevant pollution control criteria and to maintain reasonable levels of health, safety and amenity to the locality:

Administrative Conditions

Note: Mandatory conditions for all general terms of approval

2. *Information supplied to the EPA*

Except as expressly provided by these general terms of approval, works and activities must be carried out in accordance with the proposal contained in:

- *The development application 358/03 submitted to Randwick Council on 6 May 2003.*
- *The Environmental Impact Statement and Master plan May 2003 relating to the development; and*
- *All additional documents supplied to the EPA in relation to the development, including the additional Air Quality and Noise Assessment Information.*

3. *Fit and Proper Person*

- *The applicant must, in the opinion of the EPA, be a fit and property person to hold a licence under the Protection of the Environment Operations Act, 1997, having regard to the matters in s.83 of that Act.*

Limit Conditions

4. *Pollution of Waters*

- *Except as may be expressly provided by a licence under the Protection of the Environment Operations Act 1997 in relation of the development, section 120 of the Protection of the Environmental Operations Act 1997 must be complied with in and in connection with the carrying out of the development.*

5. *Waste*

5.1 *The licensee must not cause, permit or allow any waste generated outside the premises to be received at the premises for storage, treatment, processing, reprocessing or disposal or any waste generated at there premises to be disposed of at the premises, except as expressly permitted by a licence under the Protection of the Environment Operations Act 1997.*

5.2 *Except as provided by any other condition of this license, only the inert and/or solid waste listed below may be stored or transferred, recovered by way of separating or processing at the premises:*

- a) *Green Waste*
- b) *Concrete*

- c) Sand
- d) Asphalt
- e) Sandstone
- f) Virgin Excavated Natural Material (VENM)
- g) Recycled Asphalt Profiling (RAP)

6. Noise Limits

6.1 Noise from the premises must not exceed the sound pressure level (noise) limits presented in the Table below. Note the limits represent the sound pressure level (noise) contribution, at the nominated receiver locations in the table, as a result of the Recycling Facility activities.

Noise Limits (dB(A))

Location	Morning Shoulder			Daytime	Evening	Night-time
	$L_{Aeq}(15\text{ minute})$	$L_{Aeq}(\text{period})$	$L_{A1}(1\text{ minute})$	$L_{Aeq}(15\text{ minute})$	$L_{Aeq}(15\text{ minute})$	$L_{Aeq}(15\text{ minute})$
Residences affected by noise from the premises	38 dB(A)	38 dB(A)	55 dB(A)	46 dB(A)	N/A	N/A
Eastern suburbs cemetery	50 dB(A)	50 dB(A)	N/A	50 dB(A)	N/A	N/A
State Transit bus depot when in use	65 dB(A)	65 dB(A)	N/A	65 dB(A)	N/A	N/A
Industrial premises when in use	70 dB(A)	70 dB(A)	N/A	70 dB(A)	N/A	N/A

6.2 For the purpose of Condition 6.1:

- Morning shoulder is defined as the period from 5.30am to 7.00am Monday to Saturday,
- Day is defined as the period from 7am to 6pm Monday to Saturday and 8am to 6pm Sundays and Public Holidays,
- Evening is defined as the period from 6pm to 10pm.
- Night is defined as the period from 10pm to 7am Monday to Saturday and 10pm to 8am Sundays and Public Holidays.

- 6.3 *Noise from the premises is to be measured at the most affected point on or within the residential, cemetery, industrial or commercial boundary to determine compliance with the $L_{Aeq(15\text{ minute})}$ noise limit in Condition 6.1.*

Where it can be demonstrated that direct measurement of noise from the premises is impractical, the EPA may accept alternative means of determining compliance. See Chapter 11 of the NSW Industrial Noise Policy.

The modification factors presented in Section 4 of the NSW Industrial Noise Policy shall also be applied to the measured noise level where applicable.

- 6.4 *Noise from the premises is to be measured at 1m from the dwelling façade to determine compliance with the $L_{A1}(1\text{ minute})$ noise limited in condition 6.1*

- 6.5 *The noise emission limits identified in condition 6.1 apply under metrological conditions of:*

- *Wind speeds up to 3 m/s at 10 metres above ground level; or*
- *Temperature inversion conditions of up to 3⁰C/100m and wind speeds up to 2 m/s at 10 metres above ground level.*

Definition

$L_{A10(15\text{ minute})}$ is the sound pressure level that is exceeded for 10% of the time when measured over a 15 minute period.

Operating Conditions

7. *The processing of Green Waste and crushing of C&D materials shall not be conducted simultaneously.*

8. *Hours of Operation*

On-site processing activities associated with the recycling facility are permitted to be carried out between 7.00am and 5.30pm Monday to Saturday and at no time on Sundays or Public Holidays. Receival and distribution of materials are permitted between 5.30am and 5.30pm Monday to Saturday only.

9. *Noise Management Plan*

The proponent must prepare a Noise Management Plan for the facility prior to commencing operations. The Plan should address and implement the following elements:

- a) *Identification of noise affected properties and the relevant noise limits consistent with those in the EPA Licence;*
- b) *Identification of general activities that will be carried out and associated noise sources;*
- c) *assessment of site noise impacts at the relevant receivers;*
- d) *details of overall management methods and procedures that will be implemented to control noise from the site;*

- e) *a pro-active and reactive strategy for dealing with complaints including achieving the noise limits, particularly with regard to verbal and written responses;*
- f) *noise monitoring, reporting and response procedures;*
- g) *internal audits of compliance of all plant and equipment; and*
- h) *regular review of the Plan to achieve continuous improvement.*

10. *Odour*

The applicant must not cause or permit the emission of offensive odours from the premises, as defined under section 129 of the Protection of the Environment Operations Act 1997.

11. *Dust*

11.1 *The premises must be maintained in a condition which minimises or prevents the emission of dust from the premises.*

11.2 *Activities occurring in or on the premises must be carried out in a manner that will minimise the generation, or emission from the premises, of wind blown or traffic generated dust.*

11.3 *Trucks entering and leaving the premises that are carrying loads must be covered at all times, except during loading and unloading.*

11.4 *There must be no visible emissions of dust from the premises.*

12. *Processes and Management*

12.1 *The licensee must ensure that any inert and/or solid waste for storage or transfer.*

Reporting Conditions

13. *The applicant must provide an annual return to the EPA in relation to the development required by any licence under the Protection of the Environment Operations Act 1997 in relation to the development. In the return the applicant must report on the annual monitoring undertaken (where the activity results in pollutant discharges), provide a summary of complaints relating to the development, report on compliance with licence conditions and provide a calculation of licence fees (administrative fees and, where relevant, load based fees) that are payable. If load based fees apply to the activity the applicant will be required to submit load-based fee calculation worksheets with the return.*

Mandatory Conditions for all EPA Licenses

Administrative Conditions

14. *Other Activities*

This licence applies to all other activities carried on at the premises, including

- *Processing of green waste*
- *Crushing and screening of concrete and demolition waste*
- *Stockpiling of Recycled Asphalt Profiling (RAP) for recycling.*

Operating Conditions

15. Activities must be carried out in a competent manner

Licensed activities must be carried out in a competent manner.

- *This includes:*
 - a) *the processing, handling, movement and storage of materials and substances used to carry out the activity, and*
 - b) *the treatment, storage, processing, reprocessing, transport and disposal of waste generated by the activity.*

16. Maintenance of plant and equipment

All plant and equipment installed at the premises or used in connection with the licensed activity:

- a) *must be maintained in a proper and efficient condition; and*
- b) *must be operated in a proper and efficient manner.*

Monitoring and Recording Conditions

17. Recording of Pollution Complaints

The licensee must keep a legible record of all complaints made to the licensee or any employee or agent of the licensee in relation to pollution arising from any activity to which this licence applied.

- *The record must include details of the following:*
 - a) *the date and time of the complaint;*
 - b) *the method by which the complaint was made;*
 - c) *any personal details of the complainant which were provided by the complainant or, if no such details were provided, a note to that effect;*
 - d) *the nature of the complaint;*
 - e) *the action taken by the licensee in relation to the complaint, including any follow-up contact with the complainant; and*
 - f) *if no action was taken by the licensee, the reasons why no action was taken.*

The record of a complaint must be kept for at least 4 years after the complaint was made.

The record must be produced to any authorised officer of the EPA who asks to see them.

18. *Telephone Complaints Line*

The licensee must operate during its operating hours a telephone complaints line for the purpose of receiving any complaints from members of the public in relation to activities conducted at the premises or by the vehicle or mobile plant, unless otherwise specified in the licence.

The licensee must notify the public of the complaints line telephone number and the fact that is a complaints line so that the impacted community knows how to make a complaint.

This condition does not apply until 3 months after this condition takes effect.

Reporting Conditions

19. *Annual Return documents*

What documents must an Annual Return contain?

- *The licensee must complete and supply to the EPA an Annual Return in the approved form comprising:*
 - a) *a Statement of Compliance; and*
 - b) *a Monitoring and Complaints Summary*

A copy of the form in which the Annual Return must be supplied to the EPA accompanies this licence. Before the end of each reporting period, the EPA will provide to the licensee a copy of the form that must be completed and returned to the EPA.

Period covered by Annual Return

An Annual Return must be prepared in respect of each reporting, except as provided below.

Note: The term “reporting period” is defined in the dictionary at the end of this licence. Do not complete the Annual Return until after the end of the reporting period.

- *Where this license is transferred from the licensee to a new licensee;*
 - a) *the transferring licensee must prepare an annual return for the period commencing on the first day of the reporting period and ending on the date the application for the transfer of the licence to the new licensee is granted; and*
 - b) *the new licensee must prepared an annual return for the period commencing on the date the application for the transfer of the licence is granted and ending on the last day of the reporting period.*

Note: An application to transfer a licence must be made in the approved form for this purpose.

- *Where this licence is surrendered by the licensee or revoked by the EPA or Minister, the licensee must prepare an annual return in respect of the period commencing on the first day of the reporting period and ending on:*
 - a) *in relation to the surrender of a licence – the date when notice in writing or approval of the surrender is given; or*
 - b) *in relation to the revocation of the licence – the date from which notice revoking the licence operates.*

Deadline for Annual Return

The Annual Return for the reporting period must be supplied to the EPA by registered post not later than 60 days after the end of each reporting or in the case of a transferring licence not later than 60 days after the date the transfer was granted (the 'due date').

Notification where actual load cannot be calculated

(Licences with assessable pollutants)

Where the licensee is unable to complete a part of the Annual Return by the due date because the licensee was unable to calculate the actual load of a pollutant due to circumstances beyond the licensee's control, the licensee must notify the EPA in writing as soon as practicable, and in any event not later than the due date.

- *The notification must specify:*
 - a) *the assessable pollutants for which the actual load could not be calculated; and*
 - b) *the relevant circumstances that were beyond the control of the licensee.*

Licensee must retain copy of Annual Return

The licenses must retain a copy of the annual return supplied to the EPA for a period of at least 4 years after the annual return was due to be supplied to the EPA.

Certifying of Statement of Compliance and Signing of Monitoring and Complaints Summary

Within the Annual Return, the Statement of Compliance must be certified and the Monitoring and Complaints Summary must be signed by:

- a) *the licence holder; or*
- b) *by a person approved in writing by the EPA to sign on behalf of the licence holder.*

A person who has been given written approval to certify a Statement of Compliance under a licence issued under the Pollution Control Act 1970 is taken to be approved for the purpose of this condition until the date of first review this licence.

Notification of environmental harm

Note: The licensee or its employees must notify the EPA of incidents causing or threatening material harm to the environment as soon as practicable after the person becomes aware of the incident in accordance with the requirements of Part 5.7 of the Act.

Notifications must be made by telephoning the EPA's Pollution Line Service on 131 555.

The licensee must provide written details of the notification to the EPA within 7 days of the date on which the incident occurred.

Written Report

Where an authorised officer of the EPA suspects on reasonable grounds that:

- a) where this licence applies to premises, an event has occurred at the premises; or*
- b) where this licence applies to vehicles or mobile plant, an event has occurred in connection with the carrying out of the activities authorised by this licence, and the event has caused, is causing or is likely to cause material harm to the environment (whether the harm occurs on or off premises to which the licence applies), the authorised officer may request a written report of the event.*

The licenses must make all reasonable inquiries in relation to the event and supply the report to the EPA within such time as may be specified in the request

- *The request may require a report which includes any or all of the following information:*
 - a) the cause, time and duration of the event;*
 - b) the type, volume and concentration of every pollutant discharged as a result of the event;*
 - c) the name, address and business hours telephone number of employees or agents of the licensee, or a specified class of them, who witnessed the event; and*
 - d) the name, address and business hours telephone number of every other person (of whom the licensee is aware) who witnessed the event, unless the licensee has been unable to obtain that information after making reasonable effort;*
 - e) action taken by the licensee in relation to the event, including any follow-up contact with any complainants;*
 - f) details of any measure taken or proposed to be taken to prevent or mitigate against a recurrence of such an event;*
 - g) any other relevant matters.*

The EPA may make written request for further details in relation to any of the above matters if it is not satisfied with the report provided by the licensee. The licensee must provide such further details to the EPA within the time specified in the request.

General Conditions

20. *Copy of licence kept at the premises or on the vehicle or mobile plant.*

A copy of this licence must be kept at the premises or on the vehicle or mobile plant to which the licence applies.

The licence must be produced to any authorised officer of the EPA who asks to see it.

The licence must be available for inspection by any employee or agent of the licensee working at the premises or operating the vehicle or mobile plant.

ENVIRONMENTAL AMENITY:

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

21. *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.*
22. *Power supply and telecommunications cabling to the development shall be underground.*

COMMERCIAL / INDUSTRIAL:

The following conditions are applied to maintain reasonable levels of environmental amenity:

23. *All loading and unloading associated with the use or operation of the premises shall be carried out within the site.*
24. *At no time shall any vehicles associated with the use or operation of the premises be parked on any adjacent or nearby streets, lanes or reserves.*
25. *The use of the premises is not to commence until all terms and conditions of this development consent have been satisfied.*

CIVIL WORKS/TRAFFIC:

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

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

- a) *Construct a full width industrial strength vehicular crossing opposite the proposed vehicular/truck entrance to the site. It is noted that this shall include all associated works required to facilitate the new crossing i.e. line marking, signage, pavement reconstruction, etc*
27. *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.*
28. *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.*
29. *All new walls adjacent to the vehicular crossing must be lowered to a height of 600mm above the internal driveway level, splayed 1.5 metre by 1.5 metre or suitably setback from the alignment 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. This requirement will also improve sight distance between the new access road and the existing driveway serving the bus depot to the north. Details showing compliance with this requirement are to be submitted to the Certifying Authority prior to the release of the construction certificate.*
30. *The access driveway off Bumborah Point Road shall be restricted to a left in/left out operations, and shall be designed in such a manner as to ensure that articulated trucks are able to safely enter and exit the site.*
31. *Prior to the issuing of an occupation certificate, the applicant shall meet the full cost for 'No Parking' signage to be provided around the vehicular access point in Bumborah Point Road to the satisfaction of the Randwick Traffic Committee.*
32. *The proposed security gates must be setback a minimum of 20 metres from the property line so that semi-trailers accessing the site can queue wholly within the site (without disrupting flows on Bumborah Point Road) while the gates are being opened.*
33. *The shaker pad and weigh bridge shall not be located directly over the stormwater culvert system or associated pipelines. The plans submitted for the construction certificate shall be amended to demonstrate compliance with this requirement.*
34. *The carpark shall comply with the requirements of AS 2890.1 (1993) (Off Street Car Parking). The plans submitted for the construction certificate shall demonstrate compliance with this requirement.*

Alignment Level Conditions:

The following conditions are applied to provide adequate provisions for future civil works

in the road reserve:

35. *The design alignment level at the street boundary for driveways, access ramps and pathways or the like, must be:*
 - ***100mm above the top of kerb at all points opposite the along the full site frontage.***
36. *The above alignment levels and the site inspection by Council's Department of Asset & Infrastructure Services have been issued at a prescribed fee of \$785.40 calculated at \$27.50 (inclusive of GST) per metre of site frontage. This amount is to be paid prior to a construction certificate being issued for the development.*
37. *The design alignment levels and their relationship to the roadway must be indicated on the building plans for the construction certificate. The design alignment level at the street boundary must be strictly adhered to.*
38. *The top of footings of any structures constructed on the boundary alignment must be at least 150mm below the alignment level specified. This condition has been attached to accommodate future footpath construction at this location.*
39. *The proposed internal driveway (and associated landscape areas) adjacent to Bumborah Point Road shall be designed with a high point 150 mm above the issued alignment levels and in such a manner as to help reduce floodwater from Bumborah Point Road from entering the site.*

SERVICE AUTHORITY CONDITIONS:

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

40. *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.*
41. *The applicant must meet the full cost for telecommunication companies, gas providers, Energy Australia and Sydney Water to adjust/repair/relocate their services as required. The applicant must make the necessary arrangements with the service authority.*
42. *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. **It is noted that the applicant shall comply with Sydney Water's requirements in relation to construction near the Sydney Water sewer line.***
43. *A Section 73 Compliance Certificate under the Sydney water Act 1994 must be obtained. Application must be made through an authorised Water Servicing*

Coordinator. Please refer to “Your Business” section of Sydney Water’s web site at www.sydneywater.com.au then the “e-developer” icon or telephone 13 20 92.

Following application a “Notice of Requirements” will detail water and sewer extensions to be built and charges paid. Please make early contact with the Coordinator, since 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 the Construction Certificate being issued.

DRAINAGE CONDITIONS:

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

44. Prior to the issuing of a construction certificate, engineering calculations and plans with levels reduced to Australian Height Datum in relation to site drainage must be submitted to and **approved by Sydney Ports and 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, and drainage calculations prepared in accordance with the Institution of Engineers publication, Australian Rainfall and Run-off, 1998 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 the existing stormwater system.
 - 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. up to a 1 in 100 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
 - f. Proposed finished surface levels and grades of car parks, internal driveways and access aisles which are to be related to the 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.*
- 45. Onsite detention shall be provided to ensure that all stormwater runoff from the site (up to the 100 year ARI storm) is retained on the site and gradually discharged to the trunk drainage system (located adjacent to the western property boundary) at a rate not exceeding the runoff from the site during a 20 year ARI storm.*
- 46. The site shall be suitably graded and a vee-drain or other suitable structure shall be constructed along the perimeter of the proposed development site to contain and direct any overflows for up to a 100-year ARI storm to the onsite retention/detention system and the trunk drainage culvert system.*
- 47. A "restriction as to user and positive covenant" shall be placed on the title of the subject property prior to the issuing of a final occupation certificate. Such restriction and positive covenant shall relate to any 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.

- 48. Any detention area must be regularly cleaned and maintained to ensure it functions as required by the design.*
- 49. Any stormwater detention area must be suitably signposted where required, warning people of the maximum flood level.*
- 50. The floor level of all habitable and storage areas adjacent to any 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).

- 51. A childproof and corrosion resistant fastening system shall be installed on access grates over pits/trenches where water is permitted to be temporarily stored.*
- 52. 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 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.

53. *The applicant shall provide Stormwater Pollution Control device/s (SWPC) over the outlet pipelines that discharge from the site/into the box culvert system. The SWPCs shall be capable of collection and containment of liquids, sediments and trash and shall treat all runoff up to the 3 month ARI magnitude for liquid, litter and sediments.*

The SWPCs shall be constructed with a sign adjacent to this pit stating that:

"This Pollution Control pit shall be regularly inspected and cleaned."

All details of the proposed SWPC Devices are to be submitted to the Sydney Ports Corporation and the certifying authority for approval and approved, prior to the issuing of a construction certificate.

54. *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 Sydney Ports and Council's Director of Asset and Infrastructure Services prior to the issuing of an occupation certificate. The plan shall detail:*
- i) *The location of the drainage easement/s, the associated pipelines within the easements including the pipe diameters, invert levels and finished surface levels.*
 - ii) *Details of the stormwater drainage pipelines within the development site. These details shall include location, diameters, gradients, etc*
 - iii) *The location of the detention basin with finished surface levels, contours at 0.2 metre intervals and volume of storage available.*
55. *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.*
56. *Any seepage water must be drained directly into an absorption pit within the site. Seepage water must **not** be drained from the site.*

LANDSCAPE CONDITIONS:

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

57. *Detailed landscape drawings and specifications, are to be submitted to, and approved by, the certifying authority, prior to the issue of a construction certificate. The landscape drawings and specifications are to be prepared by a qualified Landscape Architect who is eligible for membership with the Australian Institute of Landscape Architects (AILA). The documentation is to include:*

- a. *A site plan at an appropriate scale showing existing site boundaries, existing street trees (clearly identified as being retained or removed), features on adjoining sites within 6 metres of the common property boundary (buildings, trees, other structures etc), council's footway, existing and proposed ground levels shown as spot heights and/or contours over the site and at site boundaries, 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 adjoining sites within 6 metres of the common property boundary which are likely to be affected by the development.
- b. *A planting plan at a scale of 1:100 or 1:200 indicating the location of all proposed planting. 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. *The landscape plan shall show a minimum number of 6 x 100 litre broad canopied trees (not palms) suitably located within the site. The trees selected shall be of a species that attain a minimum height of 6 metres at maturity.*
- 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 plans.*
- h. *The plan shall respect the prevailing coastal influences and the coast's special design considerations and requirements, and shall be designed accordingly. Generally, species selection shall be restricted to local indigenous coastal species that require minimal watering once established or species with water needs that match rainfall and drainage conditions.*
- i. *Porous paving shall be used in all pathways. Details are to provided with the construction certificate application.*
- j. *Location of easements within the site and upon adjacent sites.*

58. *The landscaping shall be installed in accordance with the approved documentation prior to the issue of a final occupation certificate and shall be maintained in accordance with those plans.*
59. *In order to prevent the encroachment of motor vehicles into the landscaped areas a 150mm high concrete edge shall be constructed between the landscaped areas and roadway. Such works shall be installed prior to the issue of a final Occupation Certificate.*
60. *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.

61. *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 or similar. Such works shall be completed at the applicants expense prior to the issue of a final Occupation Certificate.*
62. *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.*
63. *Any substation required shall be screened from view. The proposed location and elevation shall be shown on all detailed landscape drawings and specifications.*
64. *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.

65. *A refundable deposit in the form of cash or cheque, 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 the Principal Certifying Authority.

- 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.*

BUSHLAND PROTECTION CONDITIONS:

The following conditions are applied to provide adequate provisions for the protection of bushland, including, but not limited to, Eastern Suburbs Banksia Scrub and its habitat:

66. *No disturbance to, or removal of, any part of the dune (located to the east of the development site) or its vegetation shall occur as a result of the proposed development. In all instances where disturbance to, or removal of, any part of the dune or its vegetation has occurred, all affected areas shall be immediately repaired to their state prior to commencement of development, as far as possible.*
67. *The proposed permanent cyclone security fence along the eastern boundary of the site shall be at least 1800mm high and shall be immediately repaired, as necessary, for the life of the Recycling Facility. The cyclone fencing shall be installed prior to any other works being carried out on the site.*
68. *Permanent warning signs shall be attached to the security fence at a maximum of 30 metre intervals and within 24 hours of any given section of the protection fence being installed or repaired. Such warning signs shall be immediately repaired or replaced as necessary for the life of the Recycling Facility. Warning signs shall include at least all the following information:*
- *The presence of significant vegetation on the dune to the east;*
 - *That no disturbance to, or removal of, any part of the dune or its vegetation shall occur;*
 - *That no temporary or permanent placement or storage of any items of materials, tools, equipment, etc. shall occur on any part of the dune or its vegetation;*
 - *That no foreign matter, including water, cement wash, concrete, bitumen, fill, soils, mulch, building materials, chemicals, petroleum-based products, etc., shall be disposed on, or placed on, any part of the dune or its vegetation;*
 - *Relevant contact numbers, including Council's Bushland Management Technician (Tel:9399-0683);*
 - *That contravention of any of the above shall be reported immediately to Council's Bushland Management Technician.*
69. *Council's Bushland Management Technician shall inspect and, when satisfied, provide written confirmation that the security fencing and warning signs have been appropriately installed, prior to the issuing of an occupation certificate for the recycling facility.*

70. *No water, including that used to reduce fugitive dust, shall be directed onto any part of the dune or its vegetation.*
71. *All unsealed roads and stockpiles, except stockpiles of green waste, shall be adequately watered or covered at all times so as to ensure that no fugitive dust moves onto the dune and native vegetation.*
72. *All non-green waste truck loads shall be adequately covered at all times, except when loading or unloading, so as to ensure that no fugitive dust moves onto the dune and native vegetation.*
73. *Egress and ingress points shall be sealed.*
74. *Waste spills on trafficked areas shall be promptly cleaned up.*
75. *A maximum vehicle speed of 20km/hr shall apply to the whole site, both during the development and for the life of the Recycling Facility. Appropriate signage indicating this speed limit shall be installed prior to the issuing of an occupation certificate.*
76. *The screening and crushing process line shall be positioned in a location protected from wind or the screen and crusher shall be semi-enclosed or covered.*
77. *Non-green waste operations, such as material transfers, screening or crushing, which result in fugitive dust reaching the dune and native vegetation due to winds, shall cease until wind conditions change such that fugitive dust does not reach the dune and native vegetation.*
78. *All material capable of producing fugitive dust shall be watered prior to processing.*
79. *No species, which have been recorded as naturally occurring on adjacent Sydney Ports Corporation or Energy Australia lands, shall be used in landscape planting. This includes: *Acacia longifolia* var. *sophorae*, *Leptospermum laevigatum*, *Hibbertia scandens* and *Lomandra longifolia*, as is proposed in the development application.*
80. *Ongoing weed control shall be undertaken, as necessary, to control all noxious and environmental weeds prior to seedset, for the life of the proposed recycling facility.*
81. *Site induction shall be provided to all personnel employed at the recycling facility and shall include information regarding the adjacent bushland: its location, significance and threats posed by fugitive dust, direct watering and direct access to the dune.*

PARKING:

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

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

SECURITY DEPOSITS:

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

83. *The following security deposits requirements are to be complied with prior to commencement of any site construction works, 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.

84. *The following vehicular crossing deposit requirement is to be complied with prior to a commencement of site construction works, as security for Council or a Council approved subcontractor to construct the vehicular crossing to the proposed carpark.*

a) \$2000.00 - 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.

CONTAMINATED LAND:

The following conditions are applied to maintain reasonable levels of environmental amenity and public health safety:

85. *Prior to the commencement of any works or excavations as part of this consent, a copy of the Site Audit Statement (SAS) and Summary Site Audit Report (SSAR) is to be submitted to and accepted by the Councils Manager of Health and Building Services. This SAS and SSAR are to comply and satisfy the requirements as specified as part of the Development Consent 02/00995/GL dated 8 May 2003 Condition No. 8(a) and 8(b) as detailed below:*

a) *A Site Audit Statement (SAS) and Summary Site Audit Report (SSAR) in the format defined and specified by the Contaminated Land Management Regulation 1998. The SAS must be unconditional in that it requires no further monitoring, ongoing review (with the exception of the SMP) or remedial action for the property to be used for commercial or industrial purposes. The SAS must clearly state that, where no standard exists (as with asbestos), that the land has been remediated to a level where no significant risk to human health or the environment remains for use of the land for commercial or industrial purposes. The SSAR must include written confirmation by a duly*

qualified professional (with expertise of asbestos and its related impacts on human health) that the risks to human health arising from the site are not significant; and

- b) *A Site Management Plan (SMP) prepared by a suitably qualified and experienced consultant. The SMP must specify that:*
- i. *all services are to be installed within the capping layer with the exception of stormwater and sewer works; and*
 - ii. *in the event that any service(s) are required to be provided or installed beneath the capping layer, that is within land/soil/water which contains or potentially contains contaminants including asbestos, there must be full compliance with the SMP; and*
 - iii. *an Independent Peer Review Report (IPRR) by a suitably qualified and experienced consultant as approved by Council which must contain a written recommendation of acceptance of the SMP”.*

86. *The requirements of the approved Site Management Plan (SMP) are to be complied with at all times, to the satisfaction of Council.*

ENVIRONMENTAL POLLUTION & CONTROL:

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:

87. *An Acid Sulphate Soils Management Plan (ASSMP) is to be prepared by a suitably qualified and experienced consultant and shall be submitted and approved to the Council’s Director of Planning and Community Development **prior to a construction certificate being issued** for the development in accordance with Section 80A of The Environmental Protection and Assessment Act 1979. The ASSMP is to be based on the Acid Sulphate Soils Management Advisory Committee. Manual, Acid Sulphate Soils Management Guidelines, 1998 and should be prepared in conjunction with the Site Management Plan and remediation of the site.*
88. *Prior to the commencement of works adequate sediment and stormwater control measures shall be in place and maintained on site at all times. Sediment laden stormwater shall be controlled using measures outlined in the manual Managing Urban Stormwater Soils and Construction produced by the NSW Department of Housing.*
89. *The use of the premises and the operation of plant and equipment shall not give rise to the transmission of a vibration nuisance or damage to other premises.*
90. *The use and operation of the site shall not give rise to an environmental health or public nuisance.*
91. *There are to be no emissions or discharges from the site which will give rise to a public nuisance or result in an offence under the Protection of the Environment Operations Act 1997 and Regulations.*

92. *All vehicular trafficable areas and other areas, which may be the subject of damage to the capping layer, are to be provided with an appropriate hard sealed surface such as concrete, asphalt or alternative material to the satisfaction to the Director of Planning and Community Development. **Details of the areas and surface finishes shall be provided to the Director of Planning and Community Development prior to issuing of the construction certificate.***
93. *Pollution control devices shall be installed and maintained to ensure there will be no water borne pollutants discharging or are likely to discharge into any natural water course or the stormwater or sewerage drainage systems.*
94. *Any liquid trade waste materials are to be disposed of in accordance with the requirements of Sydney Water, Trade Waste Department and details of compliance are to be submitted to the certifying authority **prior to the commencement of works.***

PRESCRIBED CONDITIONS & FIRE SAFETY:

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

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

Failure to comply with these legislative requirements is an offence and may result in the commencement of legal proceedings, issuing of `on-the-spot` penalty infringements or service of a notice and order by Council.

96. *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.*
97. *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.*
98. *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.*
99. *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.*

STRUCTURAL:

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

100. *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.*

CONSTRUCTION MANAGEMENT:

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:

101. *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.*
102. *The building works are to be inspected by the Principal Certifying Authority (or other suitably qualified person approved by the Principal Certifying Authority), to monitor compliance with the relevant standards of construction and Council's development consent.*

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

Documentary evidence of the building inspections carried out and details of compliance with Council's approval is to be maintained by the Principal Certifying Authority. Details of critical phase inspections carried out and copies of certification relied upon, shall be forwarded to Council with the occupation certificate or, upon finalisation of works if no occupation certificate is issued.

103. *All building, demolition and associated site 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.*
104. *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.*
105. *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 *ADVISORY MATTERS:*

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.

A2 In order to organise for an inspection for the release of the security deposit, the applicant shall contact the Principal Certifying Authority for the development to liaise with Council's Asset & Infrastructure Department to arrange for an inspection of the landscaping 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.

A3 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.

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

7. GENERAL BUSINESS.

Nil.

8. NOTICE OF RESCISSION MOTIONS.

Nil.

The meeting closed at 8.58 p.m.

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CHAIRPERSON