

**MINUTES OF THE HEALTH, BUILDING AND PLANNING COMMITTEE
MEETING OF THE COUNCIL OF THE CITY OF RANDWICK
HELD ON TUESDAY, 9TH SEPTEMBER, 2003 AT 6:58 P.M.**

PRESENT:

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

North Ward	-	Cr P. Tracey
South Ward	-	Crs C. Matthews and A. White
East Ward	-	Crs F. Backes, B. Notley-Smith and M. Matson
West Ward	-	Crs P. Schick, M. Whitehead and J. Procopiadis
Central Ward	-	Crs C. Bastic, T. Seng and A. Andrews (Deputy Chairperson) (In the Chair)

OFFICERS PRESENT:

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

The meeting was adjourned at 6.59 p.m. and was resumed at 7.02 p.m.

1. APOLOGIES.

Apologies were received from Crs Daley and Greenwood.

RESOLVED: (Schick/Matthews) that the apologies be received and accepted and leave of absence be granted to Crs Daley and Greenwood from the Health, Building and Planning Committee Meeting of the Council held on Tuesday, 9th September, 2003.

2. MINUTES.

CONFIRMATION OF THE MINUTES OF THE HEALTH, BUILDING AND PLANNING COMMITTEE MEETING HELD ON TUESDAY, 12TH AUGUST, 2003.

H72 **RESOLUTION:** *(Schick/His Worship the Mayor, Cr D. Sullivan)* that the Minutes of the Meeting of the Health, Building and Planning Committee held on Tuesday, 12th August, 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: (Procopiadis/White) that the meeting be adjourned at 7.03 p.m. and be further adjourned at 7.27 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:

5.3 257 DONCASTER AVE KENSINGTON

The Objector Mr Brian Greenfield 16 Victoria Street, Waverley

5.5 19 FORREST STREET, CHIFLEY

The Objector Mr Steve Siganakis 21 Forrest Street, Chifley

The Applicant Mr Bill Elbadawi 21 Mawson Parade, Chifley

5.6 259 RAINBOW STREET, SOUTH COOGEE

The Objector Mr Peter Tighe 116 Bundock Street, South Coogee

The Applicant Mrs Lisa Meli 259 Rainbow Street, Coogee

The meeting was resumed at 7.46 p.m.

4. MAYORAL MINUTES.

Nil.

5. DEVELOPMENT APPLICATIONS.

5.1 DIRECTOR GOVERNANCE, MANAGEMENT & INFORMATION SERVICES' REPORT 23/2003 - 53 HELENA STREET, RANDWICK. (D/1219/2002)

H73 **RESOLUTION:** *(Tracey/Backes)* that Council as the responsible authority refuse development consent under Section 80 of the Environmental Planning and Assessment Act 1979 (as amended) to Development Application No. 1219/2002 for Addition of a partial third storey to residential flat building to provide 2 additional units (to make a total of 10 units) and improvements to existing landscaping and carparking provision at 53 Helena Street, Randwick for the following reasons:-

- a) *The aesthetic appearance, bulk and scale of the proposed development are considered to be inconsistent with the streetscape character of the area;*
- b) *The proposal does not comply with the car parking provisions outlined in Council's DCP - Parking and will result in adverse traffic and parking impacts, particularly along the narrow laneway adjacent to the property;*
- c) *The proposal will result in significant overshadowing to surrounding properties, particularly to properties that have their primary address to Canberra Street;*
- d) *The development does not meet the design quality principles of SEPP 65 for residential development;*

- e) *The building will result in removal of outlook to units at 49-51 Helena Street;*
- f) *The building will result in loss of privacy to the rear yards of dwellings on Canberra Street;*
- g) *The proposed additional floor space is considered to be excessive and will constitute an overdevelopment of the site; and*
- h) *The proposed development is unsatisfactory with regard to landscaped area and soft landscaping provision.*

MOTION: (Tracey/Backes) SEE RESOLUTION.

5.2 DEVELOPMENT APPLICATION REPORT - 76-82 ANZAC PARADE, KENSINGTON. (D/1064/2001)

H74 **RESOLUTION: (His Worship the Mayor, Cr D. Sullivan/Bastic) that:**

A. *Council as the responsible authority grant its consent under Section 96 of the Environmental Planning and Assessment Act 1979 (as amended) to Modify Development Consent No. 1064/2001 on property 76-82 Anzac Parade in the following manner:*

1. Amend Condition Nos. 1, 27, 80, 82, 84, 85, 98, 114, 116, 117, 118 to read:

1. *The development must be implemented substantially in accordance with the plans drawn by Nettleton Tribe, numbered 2575 001B to 2575 014B dated June 2003 and received by Council on 25 June 2003, as amended by sketch plan 2575_SK01, stamped received on 28 August 2003, except as may be amended by the following conditions and as may be shown in red on the attached plans:*

27. *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>\$67,019.53</i>
b)	<i>for the provision or improvement of community facilities</i>	<i>\$29,632.82</i>
c)	<i>for car parking</i>	<i>\$23,926.00</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.*

80. *The driveway opening at the Carlton Street frontage of the site must be located at least 1.0 metre clear of the side property boundary.*

82. *Two (2) disabled parking spaces are required to be marked and signposted with minimum dimensions of 3.2m * 5.5 metres.*

84. *The 7 commercial spaces shall be linemarked and signposted accordingly on the Ground Level, (spaces 1 – 7).*

85. *The ten (10) visitor car spaces shall be clearly marked and located on the Ground Level, (spaces 8-12 and 15-19).*
98. *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.*

Any electricity substation required for the site is to be located within the site and is to be screened from view. The proposed location and elevation shall be shown on all detailed landscape drawings and specifications. The applicant is to liaise with Energy Australia prior to lodging the construction certificate to see if an electricity substation will be required for the development.

114. *Prior to the commencement of building/demolition works the applicant is to liaise with the Department of Sustainable Natural Resource (DSNR) regarding the obtaining of a dewatering license for the site, if required.*
116. *The proposed ground floor retail areas are to be constructed at the following minimum floor levels:-*
- a) *Retail Area 1 - RL28.44 AHD*
 - b) *Retail Area 2 - RL28.32 AHD*
 - c) *Retail Area 3 – RL 28.30*

This condition is required to ensure that the proposed retail floor levels are a minimum of 300 mm above the calculated 1 in 100 year storm flood level.

117. *The garbage room area for the residential units will have to be designed so as to be able to contain a minimum of 36 x 240 litre bins (18 garbage bins & 18 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.*
118. *A separate garbage area will have to be provided for the proposed 3 retail areas, (i.e separate to the residential unit's garbage area). The applicant is to liaise with Council's Manager of Waste regarding the required size of this garbage area. Details showing compliance with this requirement are to be shown on the plans submitted to the certifying authority for the construction certificate.*

2. Add the following condition:

126. *A privacy screen having a minimum height of 1.6m measured from the finished floor level of the balconies is to be provided to the eastern end of south facing balconies to Units 32 and 38 and the screen shall be constructed of lightweight materials.*

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

3. Delete Conditions 87 and 89.

MOTION: (Whitehead/Matson) that Council as the responsible authority refuse its consent under Section 96 of the Environmental Planning & Assessment Act, 1979 (as amended) to modify Development Consent No. 1064/2001 on property 76-82 Anzac Parade for the following reasons:-

- a) The podium on level one impacts on the surrounding properties;
- b) The removal of the second basement level parking and its replacement at ground level will result in more noise and pollution for surrounding residents;
- c) The length of the building along Carlton Street is now 34m which is not in accordance with the new DCP; and
- d) The FSR on this site is 1.5:1 and not 2.66:1 which is the FSR on the proposal as it now stands. **LOST.**

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

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

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

5.3 DEVELOPMENT APPLICATION REPORT - 257 DONCASTER AVE KENSINGTON. (D/0404/2003/)

H75 **RESOLUTION: (Backes/His Worship the Mayor, Cr D. Sullivan) that:**

- A. 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 404/2003/GA for Alterations and first floor addition to semi-detached dwelling house including rear balcony at 257 Doncaster Ave Kensington subject to the following conditions:-

Deferred Commencement Condition

The consent is not to operate until the following amendments to the proposal have been submitted to and approved by the Director of Planning and Community Development.

1. *The colours, materials and finishes of the external surfaces of the new work are to be in keeping with the existing dwelling and the adjoining semi detached dwelling at No.255 Doncaster Avenue, to maintain the integrity and of the buildings and the streetscape. All new windows shall be timber framed and roof tiles and brickwork are to match the existing dwelling. A Schedule of the external colours and finishes is to be submitted to Council.*

Development Consent Conditions

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

1. *The development must be implemented substantially in accordance with the plans numbered A02518, dated 11/02 and received by Council on the 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 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.*
3. *The rear first floor balcony is to be reduced in depth from 2.4m to be no greater than 1.7m to match the ground floor patio and to minimise the potential for overlooking and other amenity impacts.*
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 located upon:*

- a) *The premises adjoining at No 255 Doncaster Ave, Kingsford.*

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

The following 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:

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

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

6. *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.

7. *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:

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

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

9. *Prior to the commencement of any building works, a construction certificate must be obtained from the Council or an accredited certifier, in accordance with the provisions of the Environmental Planning & Assessment Act 1979 and Environmental Planning & Assessment Regulation 2000.*
10. *Prior to the commencement of any building work, a principal certifying authority must be appointed and Council is to be notified accordingly and, at least 2 days notice of the intention to commence building work must be given to Council, in accordance with the provisions of the Environmental Planning & Assessment Act 1979 and Environmental Planning & Assessment Regulation 2000.*
11. *A copy of the construction certificate, the approved plans & specifications and*

development consent conditions must be kept on the site at all times and be available to the Council officers upon request.

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

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

13. *Building and demolition works must only be carried out between the hours of 7.00am to 5.00pm on Monday to Friday inclusive, between 8.00am to 5.00pm on Saturdays and all building activities are strictly prohibited on Sundays and public holidays, except with the specific written authorisation of Council's Manager of Environmental Health and Building Services.*

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

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

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

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

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

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

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

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

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

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

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

MOTION: (Matson/Whitehead) that Council refuse development consent on the grounds of aesthetics, setting an undesirable precedent and both structural and maintenance concerns should the adjoining semi mirror this development in the future. **LOST.**

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

AMENDMENT: (Whitehead/Matson) that the angled portion be removed from the front of the building. **LOST.**

5.4 DEVELOPMENT APPLICATION REPORT - 33-149 BUNDOCK STREET & 373A AVOCA STREET, KINGSFORD. (D/0063/2003)

H76 **RESOLUTION: (Tracey/Backes)** that:

- A. *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/0063/2003 for sub-division of land, construction of road and pathway, provision of utility services and minor earthworks at 33-149 Bundock Street and 373A Avoca Street, Kingsford 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. A Site Audit Statement (SAS) together with a Summary Site Audit Report (SSAR) in the format defined by the Contaminated Land Management Regulation 1998 in respect of the entire Part Stages 5 & 6 site as defined in Development Application No. 63/2003 (Part Stages 5 & 6 site). 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. The site Audit Statement must state, where no standard exists, as with asbestos, that the remediated land is at an asbestos free / non detectable level, or to a level where no unacceptable health risk remains as confirmed in writing by NSW Department of Health. The Part Stages 5 & 6 site must be remediated to not less than the National Environmental Health Forum's health based soil investigation level (NEHF A) standard, with the exception of open*

space, which must be remediated to not less than (NEHF E) standard (which is the remediation standard for open space).

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 PlanningNSW, Randwick City Council's Contaminated Land Policy 1999 and the Protection of the Environment Operations Act 1997.*
- c) The remediation of the Part Stages 5 & 6 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 Part Stages 5 & 6 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 Part Stages 5 & 6 site until the receipt by Council of an acceptable site audit statement for that part of the site.*
- e) 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.*
- f) 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.*

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

Conditions of Consent:

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:

- 1. The development must be implemented substantially in accordance with the plans numbered DA1, DA2, 807011-D-401 Issue C, 807011-D-402 Issue C, 807011-D-403 Issue C, 807011-D-404 Issue B, 807011-D-405 Issue B, 807011-D-406 Issue C, 807011-D-407 Issue B, 807011-D-408 Issue B, 807011-D-409 Issue B, 807011-D-410 Issue B, 807011-D-411 Issue B, and L-5&6-01 Issue C, received by Council on 31*

January 2003, the application form, and on any supporting information received with the application, any plans specifications report study or information submitted in relation to the deferred commencement conditions and any conditions of approval of any plan specification report or study, except as may be amended by the following conditions and as may be shown in red on the attached plans:

2. *Before any contaminated material is beneficially reused on-site such material must be certified by an unconditional 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 beneficial re-use of such material on-site for above ground works or works not directly ancillary to a remediation process. 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. Any contaminated material to be beneficially re-used on-site must be remediated to NEHF A for residential use and NEHF E for open space.”*
3. *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).*
4. *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.*
5. *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’.*
6. *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 provide adequate provisions for health/safety:

7. *The proponent shall appoint a suitably qualified Environmental/Construction Management Community Liaison Officer, dedicated to the site to ensure strict compliance onsite with all conditions of consent and in particular to ensure all works*

comply with relevant provisions of the Protection of the Environment Operations Act 1997. The Officer shall also act as a liaison link, first point of contact with the community to act on any complaints arising in relation to environmental or construction site management issues. A monthly summary report shall be submitted to Council, detailing any complaints and the rectification actions.

8. *A 24 hour complaints hot line shall be set up and maintained at all times, the number of which is to be displayed on signage around the perimeter of the site and notified to the surrounding community by newsletter.*
9. *Prior to the issue of any construction certificate in respect of any works permitted by this development consent, the Applicant must procure the execution and delivery to the Council by the Commonwealth of Australia ('Commonwealth') of a Commonwealth Indemnity.*

In this Condition, 'Commonwealth Indemnity' means a covenant by deed in the following terms:

'The Commonwealth irrevocably and unconditionally indemnifies Randwick City Council ('Council') against all legal liability of any nature which the Council may incur for a period of 40 years from 17 September 2002, for or in respect of any death, personal injury, or damage to property, arising from or incurred in connection with any soil or groundwater contamination in, of, or on the Stage 5 & 6 Site or any remediation of any soil or groundwater contamination in, of, or on the Stage 5 & 6 Site, whether or not the Council knew or should have known about a fact or circumstance that gives rise to a liability under this indemnity.'

10. *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 provided to Council in the Site Management Plan.*

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

11. *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.

12. *Prior to the commencement of any building works or subdivision 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.*
13. *Prior to the commencement of any building works or subdivision works, 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.

14. *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.*
15.
 - a) *In accordance with the provisions of section 109E of the Environmental Planning & Assessment Act 1979, Randwick City Council must be appointed as the Principal Certifying Authority (PCA) for this development, prior to any works commencing.*
 - b) *All subdivision and infrastructure works must be carried out in accordance with the conditions of development consent and relevant construction certificate/s, to the satisfaction of the PCA, prior to the issuing of a Subdivision Certificate, or other period which may be subject to an agreement pursuant to section 109J of the Environmental Planning & Assessment Act 1979.*
 - c) *Prior to the commencement of any works, a PCA agreement must be entered into between the Council and the Applicant which identifies the services and obligations of the parties and the relevant PCA service fee must be paid to Council, which may include the appointment of a nominated Council Officer or Independent Consulting Engineer, to carry out these services on behalf of Council.*
 - d) *Certification, detailing compliance with the relevant standards and requirements of the development consent, construction certificate and specification shall be provided to the PCA upon request, to the satisfaction of the PCA.*

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

16. *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.*
17. *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 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.
18. *Temporary toilet facilities are to be provided, at or in the vicinity of the work site throughout the course of subdivision and construction work, 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.*

19. *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.*
20. *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.*
21. *A Construction Site Management Plan is to be submitted to and approved by the principal certifying authority **prior to the commencement of any 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.

22. *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**. This plan shall include a floating boom and silt curtain and/or other equivalent sediment and erosion control measures installed over the western stormwater pipeline outlet into the wetland.*

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.”

23. *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.*

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 stockpiles 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 stockpiles of sand, soil and excavated material.*
- *Minimisation/relocation of stockpiles of materials, to minimise potential for disturbance by prevailing winds.*
- *Revegetation of disturbed areas.*

24. *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.

25. *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.*

26. *Public safety must be maintained at all times and 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.

27. *A temporary timber crossing is to be provided to the construction site entrance/s across the kerb and footway area, with splayed edges, unless access is via an existing concrete crossover.*
28. *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.*
29. *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.

30. *All building, subdivision 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.

31. *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.*
32. *Noise and vibration emissions during the 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.*
33. *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.*
34. *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.

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

The roadway, footpath and nature strip must be maintained in a good, safe condition and free from any obstructions, materials, soils or debris at all times. Any damage caused to the road, footway or nature strip must be repaired immediately, to the satisfaction of Council.

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.

36. *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 dwellings located upon premises bounding stages 5 & 6 and those dwellings located within 30 metres of stages 5 & 6.*

The report is to be supported with photographic evidence of the status and condition of the buildings and a copy of the report must also be forwarded to the Council and to

the owners of each of the abovestated premises, prior to the commencement of any works.

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

37. *The development and the operation of plant and equipment must satisfy the relevant requirements of the Environmental Protection Authority and shall not give rise to the transmission of a vibration nuisance or damage to other premises.*

A report, prepared by a suitably qualified consultant, demonstrating compliance with relevant criteria and standards, must be provided to Council should a vibration nuisance or damage to a premises arise, to the satisfaction of the principal certifying authority.

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:

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

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

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

a) \$ 50,000.00 Security damage deposit

The damage deposit may be provided by way of a cash or cheque, or bank guarantee acceptable under Council policy 3.02.08, with the Council and is refundable upon the applicant advising Council, in writing, of the completion of all site construction works.

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.

- (b) *In the event that the person who implements this development consent is the Commonwealth, as an alternative to the provision of a \$50,000.00 security damage deposit, prior to the issue of any construction certificate in respect of*

any works permitted by this development consent, the Commonwealth may execute and provide to the Council a Commonwealth Public Works Undertaking in the sum of \$50,000.00 in respect of the obligations referred to in condition 40(a). If at any time after the provision of a Commonwealth Public Works Undertaking in accordance with this condition, the Commonwealth ceases to be the person who implements this development consent, the person who implements the consent must comply with Condition 40(a) and the Council must return the Commonwealth Public Works Undertaking to the Commonwealth at which time, except to the extent of any antecedent liability which has by that time arisen and remains unsatisfied, the Commonwealth will be released from any further obligation under the Commonwealth Public Works Undertaking

- (c) *In this Condition, a 'Commonwealth Public Works Undertaking' means a covenant by deed in the following terms:*

'The Commonwealth of Australia ('Commonwealth') hereby undertakes to pay to Randwick City Council ('Council') within 7 days of a written demand from the Council issued following the occurrence of any damage referred to in Condition 40(a) of the Development Consent (actual date of development consent to be inserted here) pursuant to Development Application No. 0063/03 ('Development Consent'), the sum of \$50,000.00 or any part thereof as security for the performance of the obligations referred to in Condition 40(a) of the Development Consent. This undertaking will be released and will be of no further effect upon the Commonwealth advising the Council in writing of the completion of all site construction works authorised by the Development Consent.' ”

41. (a) *Prior to a construction certificate being issued for the development, the applicant must lodge with Council a Bond (i.e. a deposit refundable in terms of the approval) in the form of cash or cheque, or bank guarantee acceptable under Council policy 3.02.08, for the amount of \$500,000. This Bond is to ensure the construction of civil works required by this development consent to be carried out for Holmes Street and Green Street.*

The Bond will be released upon the applicant meeting the costs and conditions for Council to carry out the infrastructure works.

- (b) *In the event that the person who implements this development consent is the Commonwealth, as an alternative to the provision of a \$500,000.00 bond, prior to the issue of any construction certificate in respect of any works permitted by this development consent, the Commonwealth may execute and provide to the Council a Commonwealth Civil Works Undertaking in the sum of \$500,000.00 in respect of the obligations arising under condition 41(a). If at any time after the provision of a Commonwealth Civil Works Undertaking in accordance with this condition, the Commonwealth ceases to be the person who implements this development consent, the person who implements the consent must comply with Condition 41(a) and the Council must return the Commonwealth Civil Works Undertaking to the Commonwealth at which time, except to the extent of any antecedent liability which has by that time arisen*

and remains unsatisfied, the Commonwealth will be released from any further obligation under the Commonwealth Civil Works Undertaking

- (c) *In this Condition, a 'Commonwealth Civil Works Undertaking' means a covenant by deed in the following terms*

'The Commonwealth of Australia ('Commonwealth') hereby undertakes to pay to Randwick City Council ('Council') within 7 days of a written demand from the Council issued following a breach of any conditions of this development consent requiring civil works in Bundock Street and surrounding streets, the sum of \$500,000.00 or any part thereof as security for the performance of the obligations referred to in Condition 41(a) of the Development Consent. This undertaking will be released and will be of no further effect upon the Commonwealth meeting the costs and conditions for the Council to carry out the civil works referred to in Condition 41(a) of the Development Consent.'

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

42. *The design alignment level at the Bundock Street property boundary for driveways, road pavements, access ramps and pathways or the like, must be obtained in writing from Council's Department of Asset and Infrastructure Services prior to the commencement of any site construction works.*

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

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

43. *The above alignment levels have been issued by the Council's Department of Asset & Infrastructure Services at a prescribed fee of \$ 6475.00 calculated at \$17.60 (inclusive of GST) per metre of site frontage. This amount is to be paid prior to the commencement of any site construction works and/or the issuing of alignment levels for the Bundock Street site boundary.*
44. *The design alignment levels issued by Council and their relationship to the roadway/kerb/footpath must be indicated on the civil plans for the proposed development. The design alignment level at the street boundaries, as issued by the Council, must be strictly adhered to.*

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

45. *Prior to the commencement of any construction works within the development site the applicant shall submit to Council for approval, and have approved, engineering details, specifications, plans and quality plans for all filling/excavation works, drainage construction works, roadworks, kerb and gutter construction, footpath construction, construction of earth retaining structures, play equipment, landscaping works and site regrading, (including detailed levels, contours and cross sections that make reference to both existing and proposed surface levels). The engineering details and specifications shall include level and survey information, materials to be used,*

construction techniques and testing procedures and shall be prepared in consultation with Council and to the satisfaction of the Principal Certifying Authority. Note: specifications for any road construction shall be generally in accordance with the Council approved specifications for Stage 1A road construction works.

46. *The drainage construction specification and details referred to in the previous condition shall include the following:*

- *Supply, laying and backfilling of the stormwater pipelines.*
- *Construction of stormwater pits and other associated structures.*

The applicant shall note the following when preparing the specification:

a) *All future Council stormwater pipelines shall be constructed with spigot and socket rubber ringed jointed, steel reinforced concrete pipeline (RRRCP). The Council stormwater pipelines shall be a minimum of 375mm diameter. Prior to backfilling, the pipeline shall be inspected and approved by the Certifying Authority.*

Generally backfill material for the pipeline trench shall be:-

- *clean sand.*
- *watered in.*
- *compacted in 150 mm layers with a minimum 97% relative compaction.*

Note that should Council be the Certifying Authority, the applicant shall liaise with Council's Director of Asset and Infrastructure regarding payment for the required inspections (2 working days clear notice shall be given prior to the required inspection/s)

b) *All standard extended kerb inlet pits shall be constructed:-*

- (i) *in "situ" (a precast pit will be acceptable only in a park or reserve).*
- (ii) *in accordance with Council's drawings SD 3 or SD 8 (subject to the depth and/or the size of the pipeline).*
- (iii) *with a minimum concrete strength of 32 Mpa.*

c) *All standard junction pits shall be constructed:-*

- (i) *in "situ" (a precast pit will be acceptable only in a park or reserve).*
- (ii) *in accordance with Council's drawing SD 4.*
- (iii) *with a minimum concrete strength of 32 Mpa.*

d) *All other pits that cannot be constructed to the above details shall be designed by a structural engineer. The detail of the pit/s shall in general, be similar to SD 3 (for an inlet pit) or SD 4 (for a junction pit). Note that all pits shall be:-*

- (i) *benched with a minimum 75 mm concrete.*
- (ii) *constructed with a minimum concrete strength of 32 Mpa.*

47. *All civil construction works within/associated with the development site shall be constructed in accordance with the approved engineering details and specifications referred to above and shall be undertaken and paid for by the applicant.*
48. *The applicant must delete any reference to permeable paving from the Construction Certificate application for the roads. The parking lanes shall be constructed in general accordance with the approved design specification for the proposed travel lanes. The applicant shall liaise with Council's Development Engineer regarding the parking lanes prior to lodgement of a Construction Certificate for the roads.*
49. *All civil construction works within/associated with the development site shall be constructed in accordance with the approved engineering details and specifications referred to above and shall be undertaken and paid for by the applicant.*
50. (a) *That the applicant submit to Council an Unconditional Bank guarantee in a form specified by Council in the amount of \$500,000 for the proper performance of the infrastructure transferred to Council pursuant to the requirements of this development consent for the full period of the defects liability period. A fifty-two week defects liability period shall apply, commencing from the date of Councils Acceptance of the public roads and lands and the provision of the abovementioned unconditional bank Guarantee.*
- (b) *In the event that the person who implements this development consent is the Commonwealth, as an alternative to the provision of a \$500,000.00 bond, prior to the issue of any construction certificate in respect of any works permitted by this development consent, the Commonwealth may execute and provide to the Council a Commonwealth Infrastructure Undertaking in the sum of \$500,000.00 in respect of the obligations arising under condition 50(a). If at any time after the provision of a Commonwealth Infrastructure Undertaking in accordance with this condition, the Commonwealth ceases to be the person who implements this development consent, the person who implements the consent must comply with Condition 50(a) and the Council must return the Commonwealth Infrastructure Undertaking to the Commonwealth at which time except, to the extent of any antecedent liability which has by that time arisen and remains unsatisfied, the Commonwealth will be released from any further obligation under the Commonwealth Infrastructure Undertaking*
- (c) *In this Condition, a 'Commonwealth Infrastructure Undertaking' means a covenant by deed in the following terms:*
- 'The Commonwealth of Australia ('Commonwealth') hereby undertakes to pay to Randwick City Council ('Council') within 7 days of a written demand from the Council issued after any infrastructure transferred to the Council fails to perform properly, the sum of \$500,000.00 or any part thereof as security for the performance of the obligations referred to in Condition 50(a) of the Development Consent. This undertaking will be released and will be of no further effect upon the expiration of a period of 52 weeks from date of the Council's acceptance of the public roads and lands required to be transferred to the Council by this Development Consent.'*

51. *All Energy Australia Service Turrets shall be recessed wholly into the property boundaries/behind the prevailing property alignment, so that the turrets do not cause a trip hazard and the turrets do not hinder or obstruct the movement, access and enjoyment of the road reserve. The applicant is advised that should Energy Australia require the turrets to be located within the road reserve the applicant will be required to dedicate land to Council, the dimensions of such dedication/s shall be as required to satisfy all of Energy Australia's requirements.*
52. *Road intersections shall be designed with a minimum turning radius of 10.5 metres. Larger trucks such as 12.5 metre removalist trucks must be able to navigate the intersections without mounting kerbs but may mount medians provided that the medians are reinforced to the satisfaction of Council. Plans detailing the adequacy of all intersection with respect to truck movements must be submitted to Council for approval prior to the issuing of a Construction Certificate for the construction of roads.*
53. *The applicant shall provide asset data to Council in a suitable form for incorporation into Council's asset management systems. The applicant is advised to contact Council's Assets Co-Ordinator to discuss Council's requirements for the asset data.*
54. *All quality tests and infrastructure certifications shall be submitted for Council's acceptance prior to Council releasing the plan of subdivision and the acceptance of infrastructure that is to be transferred to Council's care and control.*
55. *Where the approved specification requires concrete roads to have an asphaltic wearing course, the asphaltic wearing course shall be stone mastic asphalt 10mm nominal aggregate size with a wearing course depth of 30mm.*
56. *Prior to the commencement of any site construction works, a detailed traffic management plan shall be submitted to Council for approval, and shall address the potential adverse impact of traffic generated by the future development of the proposed Part Stages 5 and 6 site, (the subject of this application), and the redevelopment of Lot 3 DP 1009660 as proposed in the Master Plan submission adopted by Council. The applicant shall meet the full cost for the construction of all traffic facilities as required to comply with the recommendations of the approved Traffic Management Plan.*
57. *The applicant shall meet the full cost for Council, or a Council approved contractor, to construct the following:*
 - a) *Traffic calming works in Holmes Street, between Avoca Street and Henning Avenue.*
 - b) *Traffic calming works at the approach to Holmes Street from the south in Benvenue Street, Ian Street, Loch Maree Street, Garrett Street, Garden Street and Cooper Street.*
 - c) *Channelisation in Benvenue Street, on the northern approach to Holmes Street, to restrict movement to and from Benvenue Street to left turns only.*

- d) *A one-lane roundabout at the intersection of Moverly Road and Loch Maree Street.*

The construction staging for the above works shall be determined by Council based on increased vehicle movements in Holmes Street generated by this and future developments within the Defence Master Plan site.

58. *The applicant shall undertake the design of all traffic related facilities referred to above and designs shall be submitted to Council for approval, and be approved, prior to their construction. The applicant shall liaise with Council to obtain Council's general design requirements for the above traffic facilities prior to undertaking design of same. The applicant shall note that a checking fee in the order of 10% of the Council approved quotation for construction of the facilities will be payable to Council by the applicant.*
59. *A Construction Traffic Management Plan for this application must be prepared and approved by Council and RTA/Regional Traffic Committee (if required) prior to the commencement of any site construction works. The approved Construction Traffic Management Plan shall be complied with at all times. All construction traffic must enter and exit the site using Avoca Street. Exiting traffic must make right turn movements from the site in order to access Rainbow Street (west of Avoca Street) to the Nine Ways roundabout.*
60. *All kerb ramps must be designed and constructed to RTA Technical Direction TDT 2002/08.*
61. *The design traffic for the flexible pavement design for all internal roads in Stage 1B of the development shall be 1,500,000 ESAs.*
62. *The applicant must meet the full cost for Council, or a Council approved contractor, to construct a minimum 1.8m wide concrete footpath along both sides of Garden Street going from Holmes Street to the development site.*

Note: Any unpaved areas on the nature strip must be turfed and landscaped, (including street tree planting), to Council's specification. The applicant shall maintain the naturestrip to Council's satisfaction for a minimum of 12 months following completion of all civil construction works.

63. *The applicant must meet the full cost for Council, or a Council approved contractor, to construct minimum 1.8m wide concrete footpaths along the northern side of Holmes Street going from Avoca Street to Henning Avenue.*

Note: Any unpaved areas on the nature strip must be turfed and landscaped, (including street tree planting), to Council's specification. The applicant shall maintain the naturestrip to Council's satisfaction for a minimum of 12 months following completion of all civil construction works.

64. *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 construction works being carried out at the above site. This includes the removal of cement slurry from Council's footpath and roadway.

65. *All external work carried out on Council property shall be in accordance with Council's Policy for "Vehicular Access and Road and Drainage Works".*

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

66. *The design alignment level at the Garden Street property boundaries for driveways, road pavements, access ramps and pathways or the like, must be obtained in writing from Council's Department of Asset and Infrastructure Services prior to the commencement of any site construction works.*

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

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

67. *The design alignment levels issued by Council and their relationship to the roadway/kerb/footpath must be indicated on the civil plans for the proposed development. The design alignment level at the street boundaries, as issued by the Council, must be strictly adhered to.*

The following conditions are applied to provide adequate consideration for excavating Council's footpath

68. *Details of any cutting or filling works required within the road reserve in order to gain access to the site to carry out the excavation and building works must be submitted to and approved by the Director of Asset and Infrastructure Services, in accordance with section 80A (2) of the Environmental Planning and Assessment Act 1979, prior to the commencement of such construction works on the development site. The cutting and filling work must be carried out by the Council, or by a contractor appointed by the applicant with the approval of the Council, at the applicant's cost.*

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

69. *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.*
70. *All public utility services located within the development site shall be suitably located underground and in compliance with the requirements/conditions imposed by the various service authorities.*
71. *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.*

Suitable easements for the utility services and documentation from the associated utility service provider that all services have been installed to their requirements and satisfaction shall be submitted to the Principal Certifying Authority prior to the release of the linen plans and prior to Council accepting dedication of any part of infrastructure in which the services are located.

Note: there shall be no kiosks located within the future or existing Council road reserve. Any kiosk shall be located to the satisfaction and approval of Council and Energy Australia.

72. *Prior to issuance of a construction certificate for any relevant part of the development, the applicant must submit to the certifying authority documentary evidence from each relevant public utility authority confirming that those requirements which the public utility authority requires to be satisfied prior to issue of a construction certificate, have been satisfied.*

73. *All street lighting and lighting within reserves shall be installed in accordance with the relevant Australian Standards and Roads and Traffic Authority standards for lighting of residential streets, collector roads, intersections, pedestrian and cycle ways and public reserves.*

74. *Prior to relevant construction works, the applicant shall submit and have approved by Council a compilation plan of all the public utilities.*

Note that all public utilities that are parallel to the existing or proposed Council stormwater drainage pipelines shall be located a minimum of 1.5 metres from the centreline of the stormwater pipeline.

All site services shall be provided underground.

75. *Any electricity substation required for the site must be located within the site and is to be screened from view. The location of the substation within the site, together with the required screening, shall be subject to requirements of Energy Australia. The proposed location and elevation shall be shown on all detailed landscape drawings and specifications.*

The following conditions are applied to make adequate provision for the collection of domestic waste.

76. *Prior to the commencement of any road construction works the applicant shall submit to the Principal Certifying Authority for approval, and have approved, the proposed method for collection of domestic waste for the development site. The applicant shall note that satisfactory collection of domestic waste may require alterations/modifications to the proposed road network and or travel lane/footpath/parking lane configuration of the road network.*

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

77. *Prior to the commencement of any road construction works the applicant shall submit to the Principal Certifying Authority for approval, and have approved, a detailed*

stormwater drainage plan. The applicant must liaise with Council, prior to preparation of the drainage plan, to obtain Council's requirements for drainage works within, and adjacent to the development site. The applicant must also liaise with Sydney Water, prior to preparation of the drainage plan, to obtain Sydney Water's requirements for drainage works within, and adjacent to the development site. Details shall include, but not be limited to:

- *A detailed drainage study/analysis identifying the catchment areas upstream of the site and the stormwater flows generated from these catchments, together with the catchment areas within the site and the flows generated from same. The study/analysis shall identify the overland flow rates and depths of flow from storm events up to the 1 in 100 year annual recurrence interval within the streets of the subdivision. Information submitted shall be generally in accordance with the flood study requirements of the latest draft "FLOODPLAIN MANAGEMENT MANUAL" (ISBN 07313 0370 9).*
- *Confirmation of the existing and proposed finished surface levels within the development site. Documentation of the change in surface levels is required together with volumes of material imported or exported from the site.*
- *Gross pollutant trap details (GPT). Note that any proposed GPT shall be designed in accordance Council's specification and guidelines for determining Gross Pollutant Trap/s. The GPT's are to be located within the road carriageway.*
- *Stormwater drainage plans, pipeline longitudinal sections and calculations in general accordance with the recommendations of the Floodplain Management Manual" and " Australian Rainfall and Runoff, 1997 Edition).*
- *A hydraulic grade line analysis of the outlet pipeline that will drain the Wetland, such analysis is to include:-*
 - *the proposed junction pit immediately downstream of the weir/outlet pit for the Wetland.*
 - *the relocated weir/outlet pit, (refer to the development consent for Stage 1B)*
 - *the 1200 mm diameter stormwater pipeline*
- *Typical cross sections for all roads, laneways, private laneways/right of carriageways.*

Prior to the final inspection or the release of the linen plans, a copy of the above approved plans and details shall be submitted to Council.

78. *The calculations, drawings, plans, longitudinal sections and details for the roads and stormwater drainage shall be submitted to and approved by the Principal Certifying Authority. The details shall include the following information:*
- a) *A detailed drainage design at a scale of 1:200 and a catchment area plan at a scale of 1:1000 or as considered acceptable by the Certifying Authority, 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.*

Note: Generally all proposed stormwater drainage pipelines that:

- i. *drain a low point and/or are located within an existing or proposed drainage easement shall be capable of discharging a minimum 1 in 20 year storm flow.*
 - ii. *drain an on grade road inlet pit shall be capable of discharging a minimum 1 in 10 year storm flow.*
- c) *Proposed finished surface levels and grades of roads, parks, internal driveways and access aisles, which are to be related to Council's design alignment levels.*
- d) *Details of all stormwater overland flowpaths, (volume, depth, width and safety factor).*
- e) *The details of any special features that will affect the drainage design eg. the nature of the soil in the site and/or the presence of rock etc.*
- f) *A drainage plan and longitudinal section with all utility services accurately plotted for this stormwater pipeline must be provided. It should be noted that notwithstanding the calculations, the minimum pipe diameter acceptable within Council's street system and/or easement is 375mm.*
- g) *the proposed relocation of the stormwater pipeline that drains the wetland.*
- h) *All public utility services, where they are to be laid parallel to the Council stormwater pipeline, shall be located a minimum of 1.5 metres from the centreline of the stormwater pipeline.*
- i) *The applicant's engineer shall also determine and describe the probable maximum flood event that would occur from the overflow of the wetland. Calculations and are to be submitted to and approved by the Certifying Authority.*

The drainage calculations shall use the "DRAINS" Urban Drainage Simulation Models in combination with "HEC-RAS" model.

The engineer shall determine safety issues that may need to be addressed and recommend what works will be required to address these issues. The applicant shall include in this detail a fail-safe (ie scour protection) overland flow route for storm water that would be generated from a Probable Maximum Flood event.

Prior to the final inspection or the release of the linen plan, or as may be agreed with the Principal Certifying Authority, a copy of the approved plans and details shall be submitted to Council.

79. *The proposed internal roadways, drainage easements and overland flow routes shall be designed to drain the 1 in 100 year storm event and to consider personal and structure safety and the hazard factor, (product of velocity and depth of flow) This safety factor shall not exceed a value of 0.4 at any location. (ie $VD < 0.4$).*
80. *A work-as-executed plan, prepared and signed by a registered surveyor and a suitably qualified hydraulic engineer, must be submitted to the Principal Certifying Authority, and be approved, prior to the release of the linen plans or as otherwise may be agreed with the Principal Certifying Authority pursuant to Section 109J of the Environmental Planning and Assessment Act 1979. The work-as-executed plan shall be submitted with documentary evidence demonstrating compliance with the stormwater drainage development conditions and the plans approved by the Principal Certifying Authority and Council's Director of Assets and Infrastructure Services.*

The work-as-executed plan shall detail the location and finished surface levels of all civil works within and adjacent to the site including (but not limited to)

- *the roads,*
- *stormwater drainage pits (including the internal dimensions, surface and invert levels, lintel size etc)*
- *pipelines (including the invert levels. pipeline diameters)*
- *overland flow paths, (including the volume, depth and width of the flow path) etc. with finished surface level contours at 0.2 metre intervals.*
- *utility services locations size and depths/levels*
- *levels of the resultant lot/s*

For the overland flow paths the following details must be included:-

- a) *cross sections showing the 1 in 100 year water level and the extent (depth and width)*
- b) *resultant gradients*

Note: Prior to the final inspection and release of the linen plan, or the period as may be agreed with the Principal Certifying Authority, a copy of all WAE civil drawings, approved civil drawings, stormwater calculations (on hard copy and on disk) are to be submitted to Council.

81. *The applicant's engineer shall carry out site inspections and certify that all civil structural works within Council's road reserve (eg all steel reinforcement, concrete works, laying of pipelines, pavements, etc.) have been constructed and inspected under his/her supervision.*

The engineer must also certify that the civil and stormwater drainage works, (including GPT's) have been constructed:-

- (i) *in accordance with the approved plans and conditions of consent and Master Plan*

- (ii) *to the requirements of the Council approved specification. in a workman like manner.*
- (iii) *to his/her requirements and satisfaction.*
- (iv) *to the manufacturer's requirements and conditions, (eg GPT's)*

82. *The existing Council controlled stormwater pipelines that burden the site, shall be fully protected during all excavation and construction works. Details of how it is proposed to protect and maintain Council controlled pipelines during the construction works shall be submitted to the Principal Certifying Authority for approval, and be approved, prior to the commencement of any site construction works. Design/construction details for any pipeline reconstruction works deemed necessary by Council, in consultation with the applicant, shall be submitted to the Principal Certifying Authority for approval, and be approved, prior to the commencement of any site construction works. in Garden Street.*

The applicant shall liaise with Council's Development Engineer to reach an agreed position on the need for existing Council stormwater pipelines that are located under a road pavement to be reconstructed with a new stormwater drainage pipeline.

83. *Prior to the finalisation of works, the applicant shall submit to the Principal Certifying Authority CCTV videos of all existing and to be dedicated Council stormwater pipelines for the drainage of stormwater through the site and the northern extension of Cooper Street from Holmes Street. Such CCTV shall inspect all stormwater pipes for any construction damage.*

The applicant shall note that should this pipeline be damaged, Council will require that the damaged pipeline be reconstructed together with junction pits at each end where the pipeline reconstruction works are located. All costs associated with removing and constructing the pipeline and associated works shall be met by the applicant.

84. *The applicant shall survey the southern and western perimeter of the wetland located within Lot 6 DP 1009660 to determine the existing surface levels. Surface levels should be above RL32.50 metres A.H.D. at all locations, however should any portion be below this level the applicant shall submit and have approved by the Principal Certifying Authority, details of how it is proposed to suitably fill/regrade this area. The applicant is advised that any filling/regrade details will need to be designed by a suitably qualified and experienced geotechnical engineer together with a landscape architect.*

85. *Any Gross Pollutant Traps (GPTs) shall be regularly inspected, maintained and cleaned by the applicant, to the Council's satisfaction for a minimum period of 12 months from the date of completion of all civil works.*

86. *Construction zone run-off controls (haybales, sedimentation basins etc.) are to be inspected regularly and during and after rainfall to assess performance. Weekly reports on effectiveness/maintenance of all sedimentation controls and practices are to be provided to the Principal Certifying Authority.*

Open Space/Public Domain Conditions

87. *Prior to the commencement of any road construction works a Public Domain Plan for the site, (generally in accordance with the Public Domain and Landscape Plan in Drawing L-5&6-01 in Volume 3 Of the Statement of Environmental Effects), is to be submitted to Council for approval, and be approved. Such a plan shall demonstrate the strategies that are proposed for the urban design of the public domain (including open space reserves) and the provision of good pedestrian access, recreational diversity and environmental sustainability. These strategies shall be consistent with the Master Plan that has already been accepted by Council and Council's management requirements. The strategies will include*

- *tree planting strategy,*
- *water management strategies,*
- *footpath strategy,*
- *Park planning strategy*

Further to this, the Public Domain Plan shall also include details of individual treatments throughout the site. These treatments shall be consistent with Council's management requirements. The details shall be a detailed design showing plans elevations, sections, the materials and finishes for the following elements, (where relevant):

- *Street tree planting*
- *Design of public parks*
- *Park planting*
- *Footpath treatments*
- *Street furniture*
- *Street lighting*
- *Street signs*
- *Kerb ramps*
- *Park lighting*
- *Automatic irrigation systems*
- *Water features*
- *Playgrounds*
- *Pavements*
- *Retaining walls and balustrades*
- *Bicycle facilities*
- *Bus shelters*
- *Shade structures*

The Public Domain Plan shall be complied with.

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

88. *Council will not accept dedication/care and control of any public reserve, road or other asset, (eg stormwater pipeline), until it is satisfied that all civil construction works, building works and landscape works have been carried out in accordance with the approved design plans and specifications and that all conditions of development consent relating to the area to be dedicated have been complied with.*

89. *The dedication and transfer to the Council of roads and drainage within the Part Stages 5 and 6 Site is to occur before the issuance of a construction certificate for any habitable building within the Part Stages 5 and 6 Site. The dedication and transfer is to occur at no cost to the Council.*

The following conditions are applied to provide adequate provisions for the Randwick Environment Plan:

90. *The Applicant shall provide a written report of any breaches of the Randwick Environmental Park 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 be limited to:*
- *The date of the breach;*
 - *The nature, extent (including in time and area and a map) 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 Randwick Environmental Park 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.

91. *Council officers shall be allowed access to all parts of the site, including the proposed Randwick Environmental Park, on request.*
92. *All personnel employed in relation to the development shall receive a site induction prior to commencement of work, which shall include relevant information regarding the proposed Randwick Environmental Park, including, but not limited to:*
- *the exact location of the proposed Randwick Environmental Park;*
 - *the presence of nationally significant and threatened vegetation, a sensitive wetland and other native vegetation within the proposed Randwick Environmental Park;*
 - *that the proposed Randwick Environmental Park area shall not be entered without written authorisation of the Applicant's Project Manager;*
 - *that no disturbance to vegetation or soils shall occur within the proposed Randwick Environmental Park, except as 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 the proposed Randwick Environmental Park, except as in accordance with these conditions;*
 - *that, in any case, access to, disturbance to vegetation and soils in, and placement or storage of items in the proposed Randwick Environmental Park, where these conditions allow, shall be minimised;*

- *that no other foreign matter, including concrete, bitumen, road base, fill, soils, mulch, water, cement wash, chemicals, paint, etc., shall be placed in or allowed to enter the proposed Randwick Environmental Park;*
- *the penalties for damaging threatened items and their habitats without authorisation;*
- *relevant contact numbers, including the Applicant's Project Manager;*
- *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.*

93. *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.*

94. *No disturbance or removal shall occur to any Eastern Suburbs Banksia Scrub or Acacia terminalis subsp. terminalis or their habitats, without the concurrence of both National Parks and Wildlife Service NSW and Environment Australia.*

95. *No disturbance to or removal of any vegetation or soils shall occur within the proposed Randwick Environmental Park as a result of the proposed development. The only exception to this shall be installation of protective fencing, as identified elsewhere in these conditions.*

In the case of this exception, disturbance to and removal of vegetation or soils shall be minimised. In any case, no disturbance to or removal of vegetation or soils shall occur more than 2 metres into the proposed Randwick Environmental Park from the protective fence. In locations where disturbance to or removal of soils has occurred, the area shall be immediately repaired to its state prior to commencement of development, as far as possible. The location, design and specifications of the protective fencing shall be approved by the Council prior to the commencement of any construction.

96. *No vehicular or pedestrian access relating to the proposed development shall be allowed to the proposed Randwick Environmental Park without the written authorisation of the Applicant's Project Manager and/or Council. The only exception to this shall be installation of protective fencing as identified elsewhere in these conditions.*

In the case of this exception, access shall be avoided whenever possible. In any case, there shall be no access more than 2 metres into the proposed Randwick Environmental Park from the protective fence. All persons who have received written authorisation to enter the proposed Randwick Environmental Park by the Applicant's Project Manager shall sign an Access Register. The Access Register shall include the following information for every person each day he or she enters the proposed Randwick Environmental Park:

- *full first and last names;*
- *organisation;*
- *address;*
- *contact telephone numbers;*

- *signature;*
 - *date;*
 - *detailed reason for access;*
 - *description of all areas accessed, including by vehicles, machinery and plant, using management zone codes in the draft Plan of Management.*
 - *Acknowledgment that this condition has been read and understood.*
97. *The Access Register shall be available for inspection and reproduction at all times by Council. Council shall receive a full copy of the Access Register immediately after ownership of the Randwick Environmental Park is transferred to Council.*
98. *No liquids, semi-liquids or chemicals, including unset concrete, water, cement wash, paint, petroleum-based products, etc., shall be disposed of, placed in or where it may enter the proposed Randwick Environmental Park.*
99. *No temporary or permanent placement or storage of any items of plant, materials, tools, equipment, vehicles, etc. shall occur within the proposed Randwick Environmental Park in relation to the proposed development. The only exception to this shall be in relation to installation of protective fencing, as identified elsewhere in these conditions.*

In the case of this exception, placement and storage of any items shall avoided whenever possible. In any case, no placement and storage of any items shall occur more than 2 metres into the proposed Randwick Environmental Park from the protective fence. In locations where items have been placed or stored, the area shall be immediately repaired to its state prior to commencement of development, as far as possible.

100. *An 1800mm high cyclone wire protection fence shall be installed along the entire boundary of the proposed Randwick Environmental Park, where this is adjacent to the proposed development, prior to commencement of any site construction works. Installation and removal of the protection fence shall be overseen by Council's Bushland Management Technician.*

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

101. (a) *The applicant shall submit a detailed landscape design for all street frontages of the development in accordance with Council's Urban Design Guidelines for Randwick. The landscape design shall include trees, pavements, seat installations, bins and tree grates as required by Council's Landscape Architect – 9399 0786.*

The Part Stages 5 & 6 Landscape Concept Plan Street Tree Layout & Details, drawing number L-5&6-01, issue C shows permeable paving along the parking lanes. The permeable paving must be deleted from the proposed street frontage works.

The Landscape Design plans shall be submitted to and approved by Council's Director A & I Services prior to the issuing of a Subdivision Certificate in accordance with Section 80A(2) of the Environmental Planning and Assessment Act 1979.

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.

102. *Approval is granted for the removal of the following trees.*

- a) *Two Eucalyptus maculata (Spotted Gums) located within the site.*
- b) *One Phoenix canariensis (Canary Islands Date Palm) located within the site.*

Tree Protection Measures

103. *In order to ensure the retention of the Ficus rubiginosa (Port Jackson Fig) located within 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. *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 5 metres from the outside edge of the tree trunk.*
- c. *The tree is to be physically protected by the installation of protective fencing around the tree using 1.8 metre high steel mesh/chainwire fencing. This fencing shall be located to a minimum radius of 5 metres from the outside edge of the tree trunk.*

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

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

Any works required within this zone (only as approved on the construction certificate) shall be under the direction of, and to the satisfaction of, a suitably qualified Arborist.

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

Advisory Matters

1. *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.

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

MOTION: (Tracey/Backes) SEE RESOLUTION.

5.5 DEVELOPMENT APPLICATION REPORT - 19 FORREST STREET, CHIFLEY. (D/0383/2003)

H77 **RESOLUTION: (White/Bastic)** *that Council as the consent authority, grant development consent under Section 80 and 80A of the Environmental Planning and Assessment Act 1979 (as amended) to Development Application No.383/03 for permission to demolish the existing dwelling and erect a new three storey dwelling at 19 Forrest Street Chifley subject to the following conditions:*

1. *The development must be implemented substantially in accordance with the plans numbered 1 to 7, dated 4/2003 and received by Council on the 14th 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 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.*

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

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

- 5 *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.

- 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 noted in the **construction certificate** plans or specifications.*

- 7 *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.*

- 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 *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 provisions are made for vehicular access, parking and public infrastructure:

- 10 *All crossings, repairs and ancillary works on the footway and roadway are to be carried out by the Council and the cost borne by the applicant. A statement, prepared by the applicant or owner of the premises is to be obtained and submitted to the Council, detailing the condition and status of the roadway, footway, vehicular crossings, nature strip and public place adjacent to the premises, **prior to the commencement of any works on the site and also upon completion of the works.***

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

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

- 11 *Surface water/stormwater must be drained and discharged to the street gutter or suitable 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.***

- 12 *The finished ground level outside of the building is required to be a minimum of:*

- *150mm below the internal floor level of the building, or,*
- *100mm below the internal floor level of the building in sandy, well drained areas, or,*
- *50mm below the internal floor level of the building where an external paved area or slab is provided adjacent to the building, which is graded not less than 50mm over the first 1m away from the building,*

*Details of stormwater drainage are to be provided in the plans / specifications for the **construction certificate.***

- 13 *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:

- 14 *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.*

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.

- 15 *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.*
- 16 *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.*
- 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.

- 18 *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.*

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:

- 19 *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.***
- 20 *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.*
- 21 *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.

- 22 *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:*
- *car parking and vehicular access*
 - *landscaping*
 - *stormwater drainage*
 - *external finishes and materials*
- 23 *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.*
- 24 *Building and demolition works must only be carried out between the hours of 7.00am to 5.00pm on Monday to Friday inclusive, between 8.00am to 5.00pm on Saturdays and all building activities are strictly prohibited on Sundays and public holidays,*

except with the specific written authorisation of Council's Manager of Environmental Health and Building Services.

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

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

- 26 *Noise and vibration 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.*

- 27 *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.*

- 28 *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.*

- 29 *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.*

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

- 31 *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.

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

- 32 *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.

- 33 *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.*

- 34 *Public safety must be maintained at all times and public access to the site and building works, materials and equipment on the site is to be restricted, when work is not in progress or the site is unoccupied.*

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

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

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

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

- 35 *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:

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

- a) \$1000.00 - Vehicular crossing deposit

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

Traffic conditions/Civil Works Conditions

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

- 37 *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 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.

- 38 *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.*

39 *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:

40 *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.

41 *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.*

42 *The above alignment levels and the site inspection by Council's Department of Asset & Infrastructure Services have been issued at a prescribed fee of \$257.00 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:

43 *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.*

44 *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 drainage and associated infrastructure:

- 45 *Should a pump out system be adopted, all pump out water must pass through a stilling pit prior to being discharged by gravity to the kerb and gutter.*

All site stormwater which is discharged into an infiltration/absorption tank and/or discharged from the site via a private drainage easement, must be taken through a sediment/silt arrester pit. The sediment/silt arrester pit shall be constructed with:-

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

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

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

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

- 46 *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.*
- 47 *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

- 48 *The applicant shall submit a total payment of \$400.00 to Council,*

- a. *Being the cost for Council to remove the existing Melaleuca quinquenervia (Broad-leaved Paperbark) street tree.*

*The contribution shall be paid into Fee Code 525 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.

- 49 *Approval is granted for the removal of the following trees subject to the planting of 1 x 75 litre broad canopied replacement tree (not palm) within the site. The species selected shall be one that will attain a minimum height of 6 metres at maturity.*

- a) *One Eucalyptus species (Gum Tree) located within the front yard of the property.*

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.

PROCEDURAL MOTION: (Procopiadis/Matthews) that this application be deferred to allow the applicant and his architect to meet with Council Officers to address the issue of the excessive bulk of the design. **LOST.**

MOTION: (White/Bastic) SEE RESOLUTION.

Cr Matson requested that his name be recorded as being opposed to the resolution.

5.6 DEVELOPMENT APPLICATION REPORT - 259 RAINBOW STREET, SOUTH COOGEE. (D/0169/2003)

H78 **RESOLUTION: (His Worship the Mayor, Cr D. Sullivan/Notley-Smith) that:**

- A. *Council as the responsible authority grant its development consent under Section 80 and 80A of the Environmental Planning and Assessment Act 1979 (as amended) to Development Application No D/00169/03 for Two lot Torrens Title subdivision and alterations and additions to the existing dwelling at 259 Rainbow Street, South Coogee subject to the following conditions:-*

- 1. The development must be implemented substantially in accordance with the plans numbered da -01 and da -19, dated 25.02.03 and received by Council on 6 March 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:*

Security Deposit Condition

- 2. The following security deposit requirements are to be complied with **prior to the commencement of any 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 and defect on such public works, in accordance with section 80A(6) of the Environmental Planning and Assessment Act 1979:

- a) \$600.00 - Security damage deposit
- b) \$450.00 - Vehicular crossing 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 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:

- 3 *The proposed subdivision and dwelling fronting Bundock Lane are not approved and shall be deleted from the development plans.*
- 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 lodgement of the construction certificate.***

- a. *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.*
- b. *The east facing dining room windows located on the ground floor are to either a) be obscure glazed, b) contain privacy louvres or c) be reduced in size by deleting the northern and southern window panels.*
- c. *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. The kitchenette and bbq area in the internal lower ground floor shall be deleted.*
- d. *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.***

- e. *The swimming pool shown on the plans is not approved and a separate development application is required to be submitted to and approved by the Council or a complying development certificate obtained from the Council or an accredited certifier (as applicable) for the proposed swimming pool before any work is carried out on the construction of the pool, as insufficient information is provided with this application to enable a full and proper evaluation of the pool.*
- f. *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.*

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 and details are to be included in the **construction certificate details** for the development.*

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

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

- 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.*

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

- 22 *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) *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.*
- 23 *Building and demolition works must only be carried out between the hours of 7.00am to 5.00pm on Monday to Friday inclusive, between 8.00am to 5.00pm on Saturdays and all building activities are strictly prohibited on Sundays and public holidays, except with the specific written authorisation of Council's Manager of Environmental Health and Building Services.*
- 24 *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*
- 25 *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.*
- 26 *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.*
- 27 *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:

- 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 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**.*

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**.*

- A3 *It is unlikely that a full height two storey dwelling would be acceptable on the proposed lot to the south. It is considered that only a dwelling in accordance with the pre-lodgement advice will be acceptable, ie any proposed new dwelling be single storey with first floor bedroom accommodation being provided within a roof space punctuated by dormers, with external materials, finishes and colours being compatible with existing structures along the lane.*

PROCEDURAL MOTION: (Matthews/Schick) that this application be deferred until the receipt of the subdivision report at the next Ordinary Council Meeting. **LOST.**

MOTION: (Matthews/Bastic) that this application be approved in accordance with the standard conditions contained in the Director Planning & Community Development's Report dated 1st September, 2003 subject to the deletion of condition No. 3. **LOST.**

A division was called for by Crs Matthews & Bastic. Voting was as follows:-

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

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

6. MISCELLANEOUS.

6.1 DIRECTOR PLANNING & COMMUNITY DEVELOPMENT'S REPORT 70/2003 - MASTERPLAN FOR THE GROCON SITE AT 133 TO 149 BEAUCHAMP ROAD, MATRAVILLE. (98/S/5028)

H79 **RESOLUTION: (Bastic/His Worship the Mayor, Cr D. Sullivan) that:**

- a) *The Master plan determination for the Grocon site, 133-149 Beauchamp Road, Matraville, be deferred at the applicant's request, pending further information and details to be submitted; and*
- b) *A further report be brought to Council following receipt of satisfactory additional information.*

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

7. GENERAL BUSINESS.

7.1 GENERAL BUSINESS – PUBLIC & COUNCILLOR PERCEPTIONS – CLAIMS OF REPORT CHANGES PRIOR TO COUNCIL AND COMMITTEE MEETINGS. (98/S/1078 xr 98/S/0685)

H80 **RESOLUTION:** *(Backes/Procopiadis) that a report from the relevant Council officer be prepared for the next Ordinary Council Meeting detailing the process of how, in relation to development applications, officers' reports are brought before Council, including the level of availability of Council officers to the public.*

MOTION: (Backes/Procopiadis) SEE RESOLUTION.

8. NOTICE OF RESCISSION MOTIONS.

Nil.

The meeting closed at 8.56 p.m.

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CHAIRPERSON