

**MINUTES OF ORDINARY COUNCIL MEETING
OF THE COUNCIL OF THE CITY OF RANDWICK
HELD ON TUESDAY, 9TH DECEMBER, 2003 AT 6:24 P.M.**

PRESENT:

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

Councillor M. Daley (South Ward) (Deputy Mayor)

North Ward	-	Crs J. Greenwood and P. Tracey
South Ward	-	Crs C. Matthews and A. White
East Ward	-	Crs F. Backes, B. Notley-Smith and M. Matson
West Ward	-	Crs P. Schick, M. Whitehead and J.Procopiadis
Central Ward	-	Crs C. Bastic (from 8.00 p.m.), T. Seng and A. Andrews (from 6.28 p.m.)

OFFICERS PRESENT:

General Manager	Mr. G. Messiter.
Acting Director Asset & Infrastructure Services	Mr. T. McCarthy.
Director Planning & Community Development	Ms. S. Truuvvert.
Director Governance Management & Information Services	Mr. M. Hummerston.
Public Officer	Mr. P. Smith.
Communications Manager	Ms. D. Brien.
Manager Development Assessment	Mr. K. Kyriacou.

1. COUNCIL PRAYER

The Council Prayer was read by His Worship the Mayor, Cr D. Sullivan.

2. APOLOGY.

Nil.

3. MINUTES

**CONFIRMATION OF THE MINUTES OF THE ORDINARY COUNCIL MEETING
HELD ON TUESDAY, 25TH NOVEMBER, 2003.**

292 **RESOLUTION:** *(Daley/Procopiadis)* that the Minutes of the Ordinary Council Meeting held on Tuesday, 25th November, 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: (His Worship the Mayor, Cr D. Sullivan/Daley) that the meeting be adjourned at 6.25 p.m. to permit members of the public entitled and wishing to address the assembled Councillors.

4. ADDRESSES TO THE COUNCIL BY THE PUBLIC.

1. Ms Barbara Crawford, 15 Waverley Street, Randwick on Item 7.1, Director Planning & Community Development's Report No. 98/2003 – 15 Waverley Street, Randwick.

(Cr Andrews attended the meeting at this stage the time being 6.28 p.m.)

2. Ms Beverly Smith, 2 Stephen Street, Randwick on Item 7.2, Director Planning & Community Development's Report No. 99/2003 – 2A Stephen Street, Randwick.
3. Mr Tony Moody, Suite 102, 25 Berry Street, North Sydney, on Item 7.2, Director Planning & Community Development's Report No. 99/2003 – 2A Stephen Street, Randwick.
4. Mr Joe Bevacqua, Level 1, 1 Rich Street, Marrickville, on Item 7.3, Director Planning & Community Development's Report No. 100/2003 – 2-4 Frances Street, Randwick.
5. Mr Tony Moody, 25 Berry Street, North Sydney, on Item 7.4, Director Planning & Community Development's Report No. 101/2003 – 96-98 St Pauls Street, Randwick.
6. Ms Antonia Barila, 14C Dudley Street, Randwick, on Item 7.4, Director Planning & Community Development's Report No. 101/2003 – 96-98 St Pauls Street, Randwick.
7. Mr Alex Smith, Suite 309, 203-233 New South Head Road, Edgecliffe, on Item 7.5, Director Planning & Community Development's Report No. 103/2003 – 308-310 Arden Street & 3 Alexander Street, Coogee.
8. Mr Don McQualter, 304 Arden Street, Coogee, on Item 7.5, Director Planning & Community Development's Report No. 103/2003 – 308-310 Arden Street & 3 Alexander Street, Coogee.
9. Mr Robert Rollason, 19 Castle Street, Randwick, on Item 7.6. Director Planning & Community Development's Report No. 104/2003 – 17 Castle Street, Randwick.
10. Ms Annabelle James, 17 Castle Street, on Item 7.6, Director Planning & Community Development's Report No. 104/2003 – 17 Castle Street, Randwick.
11. Ms Leanna Brennan, 63 Denning Street, South Coogee, on Item 9.6, Motion Pursuant to Notice by Crs Notley-Smith & Seng – Telecommunication Installations and Item 9.7, Motion Pursuant to Notice Cr Matson – Telstra Towers – 175-177 Malabar Road, South Coogee.
12. Ms Clare Raffan, 9 Garden Street, Kingsford, on Item 9.9, Motion Pursuant to Notice by Cr Greenwood – Development of Memorandum of Understanding with N.S.W Labor Council.

The meeting was further adjourned at 7.36 p.m.

The meeting was resumed at 8.00 p.m. with Cr Bastic in attendance.

5. MAYORAL MINUTES.

5.1 MAYORAL MINUTE 73/2003 - USE OF ARTHUR BYRNE RESERVE BY KYTHERIAN 4WD & RECREATION CLUB - REQUEST FOR WAIVING OF FEES. (98/S/0740)

293 *RESOLUTION: (His Worship the Mayor, Cr D. Sullivan) that Council vote \$130.00 to cover the associated fees for the use of Arthur Byrne Reserve on Sunday 7 December, 2003, and that funds be allocated from the Councillors' Request Vote, and that the event organisers undertake to appropriately and prominently acknowledge and promote Council's contribution prior to and during the event.*

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

5.2 MAYORAL MINUTE 74/2003 - RANDWICK COUNCIL SOLAR HOT WATER & SOLAR POWER INITIATIVES. (98/S/1242)

294 *RESOLUTION: (His Worship the Mayor, Cr D. Sullivan) that Council prepare a Solar Power Fact Sheet for customers and arrange for a public Solar Power display.*

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

5.3 MAYORAL MINUTE 75/2003 - WAIVING OF FEES - DEPARTMENT OF SPORT AND RECREATION. (98/S/0636)

295 *RESOLUTION: (His Worship the Mayor, Cr D. Sullivan) that the filming and administration fees of \$687.50 be waived and funds be allocated from the Councillor Requested Works Vote and the Department of Sport and Recreation undertake to appropriately and prominently acknowledge and promote Council's contribution during the announcement.*

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

5.4 MAYORAL MINUTE 76/2003 - WAIVING OF FEES - PRINCE OF WALES AND PRINCE HENRY HOSPITALS. (98/S/0740)

296 *RESOLUTION: (His Worship the Mayor, Cr D. Sullivan) that Council vote \$130.00 to cover the associated fees for the use of Arthur Byrne Reserve on Sunday 30th November, 2003, and that funds be allocated from the Councillors' Request Vote, and that the event organisers undertake to appropriately and prominently acknowledge and promote Council's contribution prior to and during the event.*

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

5.5 MAYORAL MINUTE 77/2003 - WAIVING OF FEES - SOUTH MAROUBRA VILLAGE GREEN CAROLS BY CANDELIGHT. (98/S/1720)

297 *RESOLUTION: (His Worship the Mayor, Cr D. Sullivan) that Council vote \$1,209.70 to cover the fees associated with the event and funds be allocated from the Councillor*

Requested Works Vote and Mr Walsh undertake to appropriately and prominently acknowledge and promote Council's contribution during the event

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

5.6 MAYORAL MINUTE 78/2003 - WAIVING OF FEES - EPIPHANY CELEBRATION. (98/S/1393)

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

- a) *Council vote \$1,365.00 to cover the fees associated with the event and funds be allocated from the Councillors' Donations Vote for 2003/04; and*
- b) *The event organiser undertake to appropriately and prominently acknowledge and promote Council's contribution prior to and during the event including the displaying of Council's banner which advises of Council's sponsorship of the event.*

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

5.7 MAYORAL MINUTE 79/2003 - MALABAR HEADLAND PROPOSED AMENDMENT NO 35 RANDWICK LEP 1998. (98/S/0976)

299 **RESOLUTION: (His Worship the Mayor, Cr D. Sullivan) that Council resolve under section 54 of the Environmental Planning and Assessment Act to prepare an amendment to LEP 1998 amendment No 35, bringing the development potential of the private open space zoned land in the centre of the Headland into line with that of other private open space zoned land in the City, by omitting the provision allowing tourist accommodation.**

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

6. DIRECTOR ASSET & INFRASTRUCTURE SERVICES' REPORT.

6.1 DIRECTOR ASSET & INFRASTRUCTURE SERVICES' REPORT 77/2003 - MAROUBRA BEACH PLAN OF MANGEMENT - MCKEON STREET UPGRADE. (98/S/3014)

300 **RESOLUTION: (Backes/Bastic) that the proposed streetscape improvement works for McKeon Street, Maroubra, be delayed to coincide with the completion of the redevelopment of the former Maroubra Bay Hotel site as described in *OPTION 3*.**

MOTION: (Backes/Bastic) SEE RESOLUTION.

7. DIRECTOR PLANNING & COMMUNITY DEVELOPMENT'S REPORTS.

7.1 DIRECTOR PLANNING & COMMUNITY DEVELOPMENT'S REPORT 98/2003 – 15 WAVERLEY STREET, RANDWICK. (D/0810/2003)

301 **RESOLUTION: (Tracey/Procopiadis) that Council as the responsible authority grant its development consent as a Deferred Commencement under Section 80(3) of the Environmental Planning and Assessment Act 1979 (as amended) to Development Application No D/810/2003 for permission to carry out alterations and additions to the dwelling at 15 Waverley Street, Randwick subject to the following conditions:**

Deferred Commencement Conditions

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

1. *The colours, materials and finishes of the external surfaces to the building are to be compatible with the existing building and surrounding buildings in the heritage conservation area. Details of the proposed colours, materials and textures (ie- a schedule and brochure/s or sample board) are to be submitted to and approved by Council's Director of Planning and Community Development.*
2. *Details of the proposed paint scheme are to be submitted to and approved by Council's Director of Planning and Community Development. Unpainted surfaces, eg- brickwork/stonework are to remain unpainted.*

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

Development Consent Conditions

Subject to compliance with the deferred commencement conditions, to the satisfaction of the Director Planning and Community Development, 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 42/03, dated 30th July 2003 and received by Council on the 9th September 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 overall height of the first floor addition is to be reduced by 300mm to RL 16.5 and the ceiling height of the first floor addition is to be reduced by 300mm to 2400mm in order to reduce the overall impact of the height of the building with respect to the adjoining premises. The plans accompanying the Construction Certificate are to be amended accordingly.*
- 3 *The consumption of water within the building shall be minimised by the use of triple A rated water efficient plumbing fixtures (taps and shower roses) and water efficient dual flush toilets. Details of compliance are to be noted in the construction certificate plans or specifications.*
- 4 *Hot water service pipes are to be provided with insulation, in accordance with the relevant requirements of Building Code of Australia and AS 3500.*
- 5 *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 noted 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:

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

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

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

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

- 7 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.

- 8 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.

- 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 In accordance with clause 98 of the Environmental Planning and Assessment

Regulation 2000, it is a prescribed condition, that in the case of residential building work, a contract of insurance must be obtained and in force, in accordance with the requirements of the Home Building Act 1989.

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

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

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

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

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

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

- 13 *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:

- 14 *All demolition work is to be carried out in accordance with the provisions of AS2601-1991. The Demolition of Structures, as in force at 1 July, 1993.*
- 15 *A copy of the construction certificate, the approved plans & specifications and development consent conditions must be kept on the site at all times and be available to the Council officers upon request.*
- 16 *The building works are to be inspected by the Principal Certifying Authority (or other suitably qualified person 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.

- 17 *Noise and vibration emissions during the construction of the building and associated site works must not result in damage to nearby premises or result in an unreasonable loss of amenity to nearby residents and the relevant provisions of the Protection of the Environment Operations Act 1997 must be satisfied at all times.*
- 18 *All building, demolition and associated site works must only be carried out between the hours of 7.00am to 5.00pm on Monday to Friday inclusive, between 8.00am to 5.00pm on Saturdays and all building activities are strictly prohibited on Sundays and public holidays, except with the specific written authorisation of Council's Manager of Environmental Health and Building Services.*
- 19 *A sign must be erected on the site in a prominent, visible position, prior to commencing any demolition, excavation or building works, stating that 'unauthorised entry to the site is prohibited' and showing the name of the person in charge of the work site and a telephone number at which the person may be contacted outside working hours.*

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

- 20 *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.*
- 21 *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:

- 22 *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: (Tracey/Procopiadis) SEE RESOLUTION.

**7.2 DIRECTOR PLANNING & COMMUNITY DEVELOPMENT'S REPORT
99/2003 – 2A STEPHEN STREET, RANDWICK. (D/0290/2003)**

302 **RESOLUTION: (Backes/Bastic) 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 290/03/GA for demolition of existing house and structures and construction of a new dwelling house, double garage and swimming pool at 2A Stephen Street, Randwick, subject to the following deferred commencement conditions:-*

Deferred Commencement Conditions

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

- 1 *The colours, materials and finishes of the external surfaces to the building are to be compatible with the existing building and surrounding buildings in the heritage conservation area. Details of the proposed colours, materials and textures (i.e.- a schedule and brochure/s or sample board) are to be submitted to and approved by Council’s Director of Planning and Community Development.*
- 2 *The awning over the rear ground floor terrace shall be toughened glass to minimise safety hazards and the reflectivity index of glass used in the external façade of the development must not exceed 20 per cent in order to minimise glare to adjoining properties. The details and samples of the glass to be used are to be submitted with the colour and material schedule for the approval of Council’s Director of Planning and Community Development.*
- 3 *Details of the design, height, materials and structure of the front fence and gates to are to be submitted to and approved by Council’s Director of*

Planning and Community Development. Fencing and gates are to be compatible with the architectural style of the building and streetscape.

- 4 *Details of the design and finish of the proposed garage doors are to be submitted for approval of the Director of Planning and Community Development.*

B. *Subject to compliance with the deferred commencement conditions, to the satisfaction of the Director Planning and Community Development, development consent is granted under Section 80 and 80A of the Environmental Planning and Assessment Act 1979 (as amended) to Development Application No 290/03/GA for demolition of existing house and structures and construction of a new dwelling house, double garage and swimming pool at 2A Stephen Street, Randwick, subject to the following conditions:-*

1. *The development must be implemented substantially in accordance with the plans numbered with Job No. 1516-03 and drawing numbers 01C-04C with amendment date 29 August, 2003 and received by Council on 12 September, 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 kitchen and dining room western windows shall have opaque glass to a height of 1.5m above the ground floor level to minimise privacy impacts to 2 Stephen Street. Amended plans in compliance with the above shall be submitted with the construction certificate application.*
3. *The stairs along the western boundary of the site and the water feature on the western boundary shall be deleted and a 1.8m masonry wall shall be located on the western side of the courtyard 1m (minimum) from the western boundary. This condition has been imposed to minimise privacy impacts to 2 Stephen Street. Amended plans in compliance with the above shall be submitted with the construction certificate application.*
4. *Privacy screening to front and rear balconies shall be to a minimum height of 1.5m from the balcony floor level. Details demonstrating compliance shall be submitted with the construction certificate application.*
5. *The northern balcony located off the bathroom balcony shall be deleted and a roof shall be located over the kitchen below. Amended plans in compliance with the above shall be submitted with the construction certificate application.*
6. *The corner western and southern windows of Bedroom 1 shall be opaque glass to a height of 1.5m from the first floor level to minimise overlooking to the ground floor eastern windows of 2 Stephen Street. Amended plans in compliance with the above shall be submitted with the construction certificate application.*

7. *The pool and spa surrounds shall be the same RL as the proposed rear terrace level (RL 60.50), with the deck replaced by permeable pavers at the same level to minimise overlooking to adjoining properties. Amended plans in compliance with the above shall be submitted with the construction certificate application.*
8. *The first floor eastern wall of Bedroom 4 shall be in alignment of the first floor eastern wall of Bedroom 3, with the length of the window to Bedroom 4 reduced to 1.6m (maximum) from the northern end of Bedroom 4 to minimise privacy impacts to 4 Stephen Street and improve the streetscape appearance of the new building. Amended plans in compliance with the above shall be submitted with the construction certificate application.*
9. *Demolition materials shall be recycled wherever practicable to promote environmental sustainability.*
10. *Adequate provisions are to be made within the premises for the storage, collection and disposal of waste and recyclable materials, to the satisfaction of the certifying authority.*
11. *The fence on the street alignment and on the side boundaries in front of the building line are to be a maximum height of 1.8m and designed so that the upper two thirds are at least 50% open at any point, to maintain reasonable levels of amenity to the adjoining residential development and the streetscape. Details demonstrating compliance shall be submitted prior to the issue of the construction certificate.*
12. *There must be no encroachment of any part of the structure/s onto the adjoining premises or onto Council's road reserve, footway or public place.*
13. *Any gate openings shall be constructed so that the gates, when hung, will be fitted in such a manner that they will not open over the footway or public place.*
14. *All plumbing and drainage pipes, other than rainwater heads, gutters and downpipes, must be concealed within the building.*
15. *Street numbering must be provided to the premises in a prominent position, to the satisfaction of Council.*
16. *A single common television aerial, and/or satellite dish (having a maximum diameter of 700mm and not located on the front or street elevation of the building) is to be installed to serve the development.*
17. *All existing outbuildings on the site must be demolished and removed in conjunction with the development.*
18. *Internal or external clothes drying facilities are to be provided in accordance with the provisions of the Building Code of Australia.*

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

to the satisfaction of the certifying authority.

19. *Landscaping shall be provided to the site to reduce the impact of the development upon the amenity of the environment and 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 the commencement of any works.*
20. *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.*
21. *Lighting to the premises shall be designed so as not to cause a nuisance to nearby residents or motorists and to ensure that light overspill does not affect the amenity of the area.
The following conditions are imposed to promote ecologically sustainable development and energy efficiency.*
22. *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.*
23. *A rainwater tank shall be provided at ground level for the collection and reuse of roof water designed and constructed in accordance with Council's Rainwater Tank Policy and shall be connected for the internal purpose of toilet flushing and clothes washing (cold water only) and also allow for other authorised uses such as landscape watering. The rainwater tanks shall be located at the rear of the premises only, have a maximum height of 2.4m above ground level, have a maximum diameter or width of 2.4m and be located not less than 500mm from a side or rear boundary. Overflow shall be directed to Council's approved Stormwater System or a suitable absorption area (design by professional engineer). Details of the location of the pump, and colour of the tank, structural engineer's specifications for installation and plumbing shall be provided to the Director Planning & Community Development, in accordance with Section 80A (2) of the Environmental Planning & Assessment Act 1979, **prior to the issue of the construction certificate.***
24. *Hot water service pipes are to be provided with insulation, in accordance with the relevant requirements of Building Code of Australia and AS 3500.*
25. *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 noted in the construction certificate application.

26. *The hot water system installed in the development must achieve a minimum greenhouse score of 3.5 as detailed SEDA's Energy Smart Homes Policy. Any electric clothes dryers to be provided in the development must also have a minimum 2 star energy rating.*

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

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

In this regard, the operation of the premises shall not give rise to a sound pressure level at any affected premises that exceeds the background LA90, 15 min noise level, measured in the absence of the noise source/s under consideration by more than 5dB(A). The source noise level shall be assessed as a LAeq, 15 min descriptor and adjusted in accordance with NSW Environmental Protection Authority's Industrial Noise Policy 2000 and Environmental Noise Control Manual (sleep disturbance).

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:

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

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

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

29. *The finished ground levels outside of the building are required to be not less than:*
- *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 documentation for the construction certificate.

30. *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:

31. *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.

32. *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.*

33. *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.*

34. *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.*

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

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

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

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

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

Details of the builder and compliance with the provisions of the Home Building Act

1989 are to be submitted to Council prior to the commencement of works, on the Notice of appointment of the PCA / Notice of Intention to commence building work.

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

37. *Driven type piles/shoring must not be provided unless a geotechnical engineer's report is submitted to the certifying authority, prior to the issuing of a construction certificate, which demonstrates that damage should not occur to any adjoining premises and public place as a result of the works.*

Any practices or recommendations specified in the engineer's report in relation to the avoidance or minimisation of structural damage to nearby premises or land must be fully complied with and incorporated into the documentation for the construction certificate.

38. *The installation of ground or rock anchors underneath any adjoining premises including (a public roadway or public place) must not be carried out without specific written consent of the owners of the affected adjoining premises and (where applicable) details of compliance must be provided to the certifying authority prior to the commencement of any excavation or building works.*

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

- a) *all of the premises adjoining the subject site to the east (4 Stephen Street and the west/rear (2 Stephen Street).*

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 above stated premises, prior to the commencement of any works.

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:

40. *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.*
41. *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.

42. *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.

43. *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.

44. *If an excavation associated with the erection or demolition of a building extends below the level of the base of the footings of a building on an adjoining allotment of land, the person causing the excavation must:*

- *preserve and protect the building/s on the adjoining land from damage; and*
- *if necessary, underpin and support the building and excavation in an approved manner; and*
- *at least seven (7) days before excavating below the level of the base of the footings of a building on an adjoining allotment of land (including a public road or public place), give notice of the intention to do so to the owner of the adjoining land. Particulars of the excavation are to be provided to the owner of the adjoining land and also the owner of the land where the building is being erected or demolished.*

45. *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 garages and boundary setbacks and verifying that the building and garages are being construction at the approved levels.*
 - b) *Prior to the pouring of concrete for the swimming pool [i.e. specified floor levels) showing the land, building and boundary setbacks and verifying that the pool is being constructed at the approved levels and in the correct location as conditioned by this consent.*
 - c) *On completion of the erection of the building and pool showing the area of the land, the position of the building, garages and pool and boundary setbacks and verifying the building, garages and pool have been constructed at the approved levels.*
46. *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:*
- b) *car parking and vehicular access*
 - c) *landscaping*
 - d) *stormwater drainage*
 - e) *external finishes and materials*
 - f) *swimming pool safety fencing/barriers and acoustic enclosure to pool*
47. *Noise and vibration emissions during the construction of the building and associated site works must not result in damage to nearby premises or result in an unreasonable loss of amenity to nearby residents and the relevant provisions of the Protection of the Environment Operations Act 1997 must be satisfied at all times.*
48. *All building, demolition and associated site works must only be carried out between the hours of 7.00am to 5.00pm on Monday to Friday inclusive, between 8.00am to 5.00pm on Saturdays and all building activities are strictly prohibited on Sundays and public holidays, except with the specific written authorisation of Council's Manager of Environmental Health and Building Services.*
49. *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.*

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.

50. *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.*
51. *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.

52. *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.*
53. *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

54. *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.*
55. *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.*
56. *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".*
57. *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.

58. *Stockpiles of soil, sand, aggregate or other materials must not be located on any footpath, roadway, nature strip, drainage line 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, nature strips, in any public place or any location which may lead to the discharge of materials into the stormwater drainage system.

59. *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.*

60. *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 throughout construction.*

61. *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.

62. *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”.*

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

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

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

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

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

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

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

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

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

Gates to pool area shall be a maximum width of 1 metre, and be self-closing and latching; the gate is required to open outwards from the pool area and prevent a

small child opening the gate or door when the gate or door is closed.

Temporary pool safety fencing is to be provided pending the completion of all building work and the pool must not be filled until a fencing inspection has been carried out and approved by the principal certifying authority.

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

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

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

The following conditions are applied to ensure adequate environmental protection and occupational health and safety.

66. *All hazardous or intractable wastes and materials (including asbestos) shall be removed and disposed of in accordance with the requirements of WorkCover NSW and the Environmental Protection Authority, and with the provisions of:*

- *Occupational Health and Safety Act 2000*
- *Occupational Health and Safety (Hazardous Substances) Regulation 2001*
- *Occupational Health and Safety (Asbestos Removal Work) Regulation 2001; and*
- *The Protection of the Environment Operations Act 1997 and relevant Environmental Protection Authority Guidelines*

67. *Prior to demolition of any building constructed before 1970, the person acting on this consent shall submit a Work Plan prepared in accordance with Australian Standards AS260-2001, Demolition of Structures by a suitably qualified person. The Work Plan shall outline the identification of any hazardous materials, including materials containing asbestos and surfaces coated with lead paint and the plan should detail the method of demolition, the*

precautions to be employed to ensure public safety and to minimise any dust nuisance and methods of disposal of any hazardous materials. A copy of the work plan is to be forwarded to the Council prior to commencing such works.

68. *The removal, cleaning and disposal of any lead-based paints must be carried out in accordance with the relevant provisions of AS2601-2001, Demolition of Structures, The Protection of the Environment Operations Act 1997 and the requirements and guidelines of the Environmental Protection Authority.*
69. *All site works shall comply with the occupational health and safety requirements of WorkCover NSW.*

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

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

a) \$1000.00 - Vehicular crossing deposit

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

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

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

- a) *Construct concrete vehicular crossing and layback at kerb opposite the vehicular entrance to the site.*
- b) *Remove the redundant concrete vehicular crossing and layback and to reinstate the area with concrete footpath, turf and integral kerb and gutter to Council's specification.*

72. *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.*

73. *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:

74. *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.

75. *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.*
76. *The above alignment levels and the site inspection by Council's Department of Asset & Infrastructure Services have been issued at a prescribed fee of \$277 calculated at \$27.50 (inclusive of GST) per metre of site frontage. This amount is to be paid prior to a construction certificate being issued for the development.*

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

77. *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.*
78. *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:

79. *Generally all site stormwater shall be piped to a sediment/silt arrester pit that drains to a 5 metre square base infiltration area. An overflow pipe shall be provided from the silt arrester pit to drain to Council's kerb and gutter.*

The location and details of the proposed internal stormwater pipelines, silt arrester pit and the infiltration area shall be submitted to and approved by the certifying

authority prior to a construction certificate being issued for the development. A copy of the plans are to be forwarded to Council, prior to a construction certificate being issued, if the Council is not the certifying authority.

Notes:

- a. The sediment/silt arrestor pit shall be constructed:-
- i. within the site at or near the street boundary.
 - ii. with a child proof and corrosion resistant fastening system (e.g. spring loaded jay-bolt).
 - iii. with a minimum of 4 x 90 mm diameter weep holes (preferably located in the walls of the pit at the floor level) and with a suitable geotextile material **with a high filtration rating** located around the weep holes.
 - iv. with the pit floor being a minimum 300mm below the invert level of the outlet pipelines.
 - v. with a **galvanised** heavy duty screen (Lysaght RH3030 Maximesh or similar) located over the outlet pipes draining to the infiltration pit and the kerb. (Similar to a Mascot GRC stormwater discharge control pit, product code DS3SDC).

- b. The infiltration/rubble pit shall:-

- i. have a minimum 300 mm of soil cover (600 mm where the pit is located under a garden/landscaping area).
- ii. be located a minimum of 3.0 metres from the dwelling or other structure (closer if a structural engineer certifies that the infiltration area will not adversely affect the structure) and 2.1 metres from the adjacent side or rear boundaries.
- iii. be constructed with a minimum 200 mm thick layer of 20 mm basalt/blue metal (or similar) that is wrapped in a suitable geotextile material covering with a high filtration rating (Geofabrics Bidim "A" range of filtration fabrics or equivalent). A suitable means of dispersing the stormwater over the area of infiltration is to be constructed.

Note: other equivalent methods of infiltration may be adopted.

- iv. have a minimum base area of 5.0 square metres (m²).

The outlet from the silt arrestor pit to the infiltration area shall be located at least 50 mm below the outlet from the silt arrestor pit to the kerb and gutter.

- c. The requirement for an infiltration/rubble pit will not be enforced should the underground soil conditions preclude the construction of the infiltration pit (eg rock is located within 300 mm of the base of the infiltration area). If the infiltration/rubble pit is not constructed then all site stormwater shall be discharged to the kerb and gutter via a sediment/silt arrestor pit (as detailed in note a. above).

All works shall be to the satisfaction of the certifying authority.

Note:

Sketch details of a standard sediment/silt arrestor 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:

80. *Landscaping shall be provided to the site to enhance its amenity and reduce the impact of the development upon neighbouring properties. A landscape plan prepared by a qualified landscape architect or horticulturalist 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.** The landscaping plan shall reflect the amended architectural plans as conditioned by this consent and shall include the following:-*
1. *Landscaping beds with a minimum clear width of 1m along the east and west boundaries of the rear yard from the southern end of the rear terrace to the rear southern boundary and along the length of the (rear) southern boundary.*
 2. *A planter box with a width of 1.5m from the western boundary of the garage roof with appropriate screening species to soften the junction between the garages at 2 and 2a Stephen Street and minimise overlooking.*
 3. *A planting schedule that utilises predominantly local indigenous species that require minimal watering once established or species with water needs that match rainfall and drainage conditions, their mature heights, supply size and planting details.*
 4. *An area and facilities dedicated for onsite composting.*
 5. *Porous paving in all pathways, wherever practicable, and in the rear yard to maximize on-site absorption of rainwater.*
81. *The landscaping shall be installed in accordance with the approved documentation prior to the issue of a final occupation certificate and shall be maintained in accordance with those plans.*

In order to ensure a satisfactory level of privacy and screening between adjacent properties, a screen/hedge attaining a minimum height at maturity of 3 metres is to be provided along the southern, western and eastern sides of the rear yard, as has been shown on the plans provided.

82. *To ensure satisfactory maintenance of the landscaped areas, an automatic irrigation system shall be installed throughout all the landscaped areas. Such system shall provide full coverage to all the landscaped areas with no overspray onto driveways and pathways.*

Details of the automatic irrigation system shall be shown on the detailed landscape plans and specifications. The system shall comply with all Sydney Water requirements, and relevant Australian Standards.

83. *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.

84. *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.*
85. *In order to visually 'soften' the expanses of hard pavement, brick unit pavers, stenciled concrete (or similar) shall be used throughout the driveway areas on the site. Such details shall be shown on the detailed engineering documentation and shall include all structural design details including pavement/subgrade thickness.*

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

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

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

87. *The applicant shall be required to ensure the retention and long term health of all trees located on adjoining properties adjacent to the proposed development. As a general guide there shall be minimal excavation or root pruning within the driplines of the subject trees.*

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.*

*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 compliance with the deemed-to-satisfy provisions of the Building Code of Australia may necessitate variations to the development consent plans. In this regard, any variations which alter the configuration, size, floor layout or design of the building, may necessitate an amendment to the development consent (or a new development application), and Council's Building Surveyor or an Accredited Certifier should be consulted prior to the lodgement of an application for a **Construction Certificate**.*

- A3. *The applicant is to advise Council in writing and/or photographs of any signs of existing damage to the Council roadway, footway, or verge prior to the commencement of any building/demolition works.*

MOTION: (Backes/Bastic) SEE RESOLUTION.

**7.3 DIRECTOR PLANNING & COMMUNITY DEVELOPMENT'S REPORT
100/2003 - 2-4 FRANCES ST RANDWICK. (D/1230/01/2001)**

303 **RESOLUTION: (Andrews/White) 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. 1230/01 on property 2-4 Frances St Randwick in the following manner:*

- *Amend Condition No. 1 to read:*

1. *The development must be implemented substantially in accordance with the plans numbered DA01, DA02 & DA05 issue G, DA03 issue H, DA04 issue I, DA06 & DA08 issue F, DA07 issue E DA12 issue B dated Sept 2001 and submitted to Council by 19 July 2002, the application form and on any supporting information received with the application, as amended by the Section 96 plans dated Nov 2003 and received by Council on 28 November 2003, only in so far as they relate to the modifications highlighted on the Section 96 plans and detailed in the Section 96 application, except as may be amended by the following conditions and as may be shown in red on the attached plans:*

- *Add condition No. 104*

104. *The northern balcony to Unit No. 15 shall have a maximum depth of 1900mm to ensure privacy impacts are minimised to neighbouring properties.*

MOTION: (Greenwood/Whitehead) that the application be refused due to the excessive bulk of the building and the inadequate setbacks. LOST.

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

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

FURTHER MOTION: (Andrews/White) SEE RESOLUTION.

**7.4 DIRECTOR PLANNING & COMMUNITY DEVELOPMENT'S REPORT
101/2003 - 96-98 ST PAULS STREET, RANDWICK. (D/0865/2003)**

304 **RESOLUTION:** (*Backes/Bastic*) that

- A. 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. 865/2003 for demolition of existing motel and construction of a 4-5 storey multi-unit housing development containing 23 dwellings and 2 levels of basement parking at 96-98 St Pauls Street, Randwick for the following reasons:-
1. *'Existing-use-rights' have not been established for the subject site, and as such the proposed use of the site for multi-unit housing is a prohibited development.*
 2. *The proposed floor space ratio of the development is excessive and will constitute an overdevelopment of the site.*
 3. *The height of the proposed building results in adverse amenity impacts on surrounding properties and is excessive in relation to the established streetscape and scale of surrounding development.*
 4. *The aesthetic appearance, bulk and scale of the proposed development are inconsistent with the streetscape character of the area, intent of the 2(a) zone and location of the site in the vicinity of neighbouring Heritage Conservation Areas and Heritage items.*
 5. *The proposal is inconsistent with the objectives of the Residential 2A zone pursuant to Randwick Local Environmental Plan 1998 and as such will adversely affect the character and amenity of the immediate locality.*
 6. *The proposal does not comply with Council's DCP – Parking in relation to the carpark layout and does not provide bicycle parking in order to minimise the impact of the proposal on on-street parking in the area.*
 7. *The proposal has significant design deficiencies in relation to compliance with the Building Code of Australia (BCA) and Disability Discrimination Act (DDA).*
 8. *The development does not meet the design quality principles of context, scale, built form, density, security, social dimensions and aesthetics under SEPP 65 – Design Quality of Residential Flat Development.*
 9. *The building will result in removal of outlook to properties to the rear of the site along Howard Place and Hardiman Avenue and adequate steps to minimise its impact have not been incorporated in the design of the development.*
 10. *The building will result in the loss of privacy to dwellings on Howard Place and adequate steps to minimise its impact have not been incorporated into the design of the development.*
 11. *The proposal has poor internal site amenity and will result in dwellings within the development overlooking private open spaces of adjacent dwellings.*
 12. *The performance of the building with regard to overshadowing is unclear from submitted information. The solar access to proposed dwellings appears deficient and the development will have an adverse impact on the solar access*

of adjoining properties.

13. *The proposed side and rear setbacks do not allow adequate separation between buildings to ensure reasonable levels of amenity to neighbouring properties.*
14. *The documentation submitted with the application is inadequate, in that details of the development of the whole of the site have not been provided and the site analysis has not adequately addressed the opportunities and constraints on the site.*
15. *Sufficient detail (preliminary site contamination investigation) has not been provided with respect to the potential for contamination on the site. The lack of information has not enabled a clear assessment under SEPP55 - Remediation of Land.*

MOTION: (Backes/Bastic) SEE RESOLUTION.

**7.5 DIRECTOR PLANNING & COMMUNITY DEVELOPMENT'S REPORT
103/2003 - 308-310 ARDEN ST AND 3 ALEXANDER ST, COOGEE.
(D/0420/2003)**

305 **RESOLUTION: (Andrews/Daley) that:**

- A. *The Council support the objection under State Environmental Planning Policy No. 1 (SEPP No. 1) in respect to non-compliance with Clause 32(1) of the Randwick Local Environmental Plan 1998 (relating to floor space ratio) on the grounds that the proposed development complies with the objective of the clause and will not adversely affect the amenity of the surrounding locality as follows, and that Department of Infrastructure, Planning and Natural Resources be advised accordingly.*
- B. *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. 420/03 for a proposed four storey multi unit development containing 17 dwellings with basement car parking for 27 vehicles and a detached two storey studio dwelling including parking for two vehicles addressing Alexander St, at 308-310 Arden St and 3 Alexander St Coogee 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. *Unit 16 shall be deleted from the plans. The unit contributes unreasonably to the bulk of the development and the variation from the permissible floor space ratio. An alternative roof treatment shall be provided where unit 16 is deleted and replaced with either flat or skillion in design.*
2. *The void areas to units 10, 11 and 12 located on the third floor are to be deleted from the plans. The voids contribute unreasonably to the bulk of the development. The roof form over this section of the development needs to be redesigned. It is recommended that a skillion form be considered similar to*

what is provided over the rear section of the development. This could provide additional light and ventilation to the units below but should not be higher than 1000m at the maximum height.

3. *Reference to the roof terrace as accessed from unit 10, 11 and 12 is to be deleted. This area is to be roof only and in no way be accessed, trafficable or used for recreational purposes.*
4. *The basement car park needs to be redesigned so that the driveway and car park ramps grades, aisle widths, internal circulation and all car spaces to generally comply with the requirements of AS 2890.1. Vehicle manoeuvring needs to be readdressed for spaces 8, 15, 18 and 25 to comply with the DCP-Parking. One of the surplus spaces is to be converted into an additional visitor space to comply with the DCP Parking requirements.*
5. *Additional detail is to be submitted for approval for the proposed front fences to both Arden St and Alexander St frontages, mailboxes, dividing walls between all adjoining properties and any required retaining walls.*
6. *Units 3, 4, 6 and 11 are to be re-configured to provide improved solar access and internal amenity. Unit 3, 6, and 11 are to have Bedroom 1 and ensuite to be repositioned to the rear in exchange for the living and kitchen areas, which will benefit from a northerly aspect. Unit 4 bedroom 2 is to be repositioned to allow for a habitable room to be placed in this location to enjoy a northerly aspect.*
7. *The colours, materials and finishes of the external surfaces to the building are to be compatible with the adjacent development to maintain the integrity and amenity of the building and the streetscape. Details of the proposed colours, materials and textures (i.e. a schedule and brochure/s or sample board) are to be submitted to and approved by Council's Director of Planning and Community Development.*

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

Subject to compliance with the deferred commencement requirement, approval be granted subject to the following conditions:

1. *The development must be implemented substantially in accordance with the plans numbered M-Arden-02B dated 29/4/03 and received 24/11/03, M-Arden- 00, 01, 03, 04, 05, 06 & 07, dated 29/4/03 and received by Council on 6/11/03, LA01-A dated 18/5/03 and received 26/5/03 the application form and on any supporting information received with the application, except as may be amended by the details approved with the deferred commencement conditions and the following conditions and as may be shown in red on the attached plans:*

ENVIRONMENTAL AMENITY:

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

2. *A rainwater tank shall be provided for the collection and reuse of roof water designed and constructed in accordance with Council's Rainwater Tank Policy and shall be connected for the internal purpose of toilet flushing and clothes washing (cold water only) and also allow for other uses such as landscape watering. Details of the location of the pump, and colour of the tank, structural engineer's specifications for installation and plumbing shall be provided to the Principal Certifying Authority **prior to the issue of a construction certificate.***
3. *Public access to the visitor's carparking spaces is to be maintained at all times and an intercom system is to be provided adjacent to the vehicular entrance to the carpark, together with appropriate signage providing instructions for use.*
4. *All plumbing and drainage pipes, other than rainwater heads, gutters and downpipes, must be concealed within the building.*
5. *Street numbering must be provided to the premises in a prominent position, to the satisfaction of Council.*
6. *The enclosure of balconies is prohibited by this consent. A single common television aerial, and/or satellite dish (having a maximum diameter of 700mm and not located on the front or street elevation of the building) is to be installed to serve the development.*
7. *Internal or external clothes drying facilities are to be provided in accordance with the provisions of the Building Code of Australia.*

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

8. *Where access is required to adjoining premises for construction purposes, the consent of the owner/s of the subject adjoining premises must be provided to the satisfaction of the Principal Certifying Authority, prior to carrying out any construction works from or upon the adjoining premises.*
9. *Lighting to the premises shall be designed so as not to cause a nuisance to nearby residents or motorists and to ensure that light overspill does not affect the amenity of the area.*
10. *Upon completion of the development and **prior to the issuing of the strata subdivision**, documentary evidence is to be submitted to the Council by the Principal Certifying Authority (or other suitably qualified person on behalf of the owner of the premises, to the satisfaction of Council) which confirms that the development has been carried out in accordance with the relevant development consent conditions.*

Details of critical phase inspections carried out by or on behalf of the principal certifying authority together with any certification relied upon and the occupation certificate for the building must also be provided to Council prior to approval of the strata subdivision plans.

11. *The relevant requirements of the Sydney Water Act 1994 must be complied with and a Section 73 Compliance Certificate under the Sydney Water Act 1994 must be obtained from Sydney Water. Application must be made through an authorised Water Servicing Co-ordinator. For details, please refer to the “Your Business” section of Sydney Water’s web site www.sydneywater.com.au then the “e-developer” icon or telephone 13 20 92.*

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

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

12. *The fence on the street alignment is to be a maximum height of 1.8m and be designed so that the upper two thirds of the fence is at least 50% open, to maintain reasonable levels of amenity to the adjoining residential development and the streetscape.*
13. *Adequate lighting shall be provided to car parking areas to provide a good level of security.*
14. *One accessible unit shall be provided within the development complying with DCP Multi Unit Housing requirement Part 5.4 Barrier Free Access. This unit is to comply with AS 1428.1 and AS 4299. Amended plans are to be submitted as part of an application for a construction certificate.*

ECOLOGICALLY SUSTAINABLE DEVELOPMENT & ENERGY EFFICIENCY:

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

14. *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.

15. *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.*
16. *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.*

17. *Hot water service pipes are to be provided with insulation, in accordance with the relevant requirements of Building Code of Australia and AS 3500.*
18. *The hot water system installed in the development must achieve a minimum greenhouse score of 3.5 as detailed SEDA's Energy Smart Homes Policy. Any electric clothes dryers to be provided in the development must also have a minimum 2 star energy rating.*
19. *Landscaped areas must contain a predominance of species that require minimal watering once established or species with water needs that match rainfall and drainage conditions.*

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

20. *Facilities to enable composting shall be provided within the common property garden area.*

SECTION 94:

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

21. *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> | \$9436.20 |
| b) | <i>for the provision or improvement of community facilities</i> | \$3487.05 |
| c) | <i>Administration fee</i> | \$425.00 |

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

SUBDIVISION:

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

21. *The consolidation of the separate lots into a single lot must take place, prior to the use or the occupation of the development. Details of the consolidation of lots are to be provided to Council prior to **occupation** of the development.*

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

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

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

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

24. *A report prepared by a suitably qualified and experienced consultant in acoustics shall be submitted to Council **prior to***

*a) **the commencement of works,***

certifying that noise and vibration emissions from the development will comply with the provisions of the Protection of the Environment Operations Act 1997 and relevant conditions of approval.

25. *A report, prepared by a suitably qualified and experienced consultant in acoustics, shall be submitted to the Council **prior to an occupation certificate being issued** for the development, certifying that noise and vibration emissions from the development comply with the provisions of the Protection of the Environment Operations Act 1997 and conditions of Council's approval.*

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

26. *The use and operation of the premises shall not give rise to an environmental health or public nuisance.*

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

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

AS 1668.

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

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

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

29. *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.*
30. *In accordance with clause 98 of the Environmental Planning and Assessment Regulation 2000, it is a prescribed condition, that in the case of residential building work, a contract of insurance must be obtained and in force, in accordance with the requirements of the Home Building Act 1989.*

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

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

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

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

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

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

31. *Documentary evidence prepared by a suitably qualified professional geotechnical engineer shall be submitted to the certifying authority **prior to the issuing of a construction certificate**, certifying the suitability and stability of the site for the proposed building and certifying the suitability and adequacy of the proposed design and construction of the building for the site.*

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

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

A copy of the engineer's report is to be submitted to the Council, if the Council is not the certifying authority.

33. Driven type piles/shoring must not be provided unless a geotechnical engineer's report is submitted to the certifying authority, **prior to the issuing of a construction certificate**, which states that damage should not occur to any adjoining premises and public place as a result of the works.

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

a. all of the premises adjoining the subject site

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

35. The installation of ground or rock anchors underneath any adjoining premises including (a public roadway or public place) must not be carried out without specific written consent of the owners of the affected adjoining premises and (where applicable) details of compliance must be provided to the certifying authority **prior to the commencement of any excavation or building works**.

36. A Certificate of Adequacy prepared by a professional engineer shall be submitted to the certifying authority (and the Council, if the Council is not the certifying authority) **prior to occupation of the building**, certifying the structural adequacy of the building and that the building works satisfy the relevant structural design requirements of the Building Code of Australia.

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

37. *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.***
38. *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.*
39. *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.*
40. *The building works are to be inspected by the Principal Certifying Authority (or other suitably qualified person, to the satisfaction of the Principal Certifying Authority), to monitor compliance with the relevant standards of construction and Council's development consent.*

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

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

Upon inspection of each stage of construction, the Principal Certifying Authority (or other suitably qualified person, to the satisfaction of the Principal Certifying Authority) is also required to ensure that adequate provisions are made for the following measures (as applicable), to ensure compliance with the terms of Council's consent:

- *Sediment control measures.*
- *Provision of perimeter fences or hoardings for public safety and restricted access to building sites.*
- *Maintenance of the public place free from unauthorised materials, sand, soil, debris, waste containers or other obstructions.*

41. *All excavations and backfilling associated with the erection or demolition of a building must be executed safely in accordance with appropriate professional standards and excavations are to be properly guarded and protected to prevent them from being dangerous to life or property.*
42. *Retaining walls or shoring must be provided to support land which is excavated in association with the erection or demolition of a building, to prevent the movement of soil and to support the adjacent land, if the soil conditions require it, and adequate provisions are to be made for drainage.*
43. *Retaining walls and shoring are to be designed and installed in accordance with*

- the relevant requirements of the Building Code of Australia and Australian Standards and details of any proposed retaining walls are to be submitted to the Principal Certifying Authority for consideration prior to installation.*
44. *If an excavation associated with the erection or demolition of a building extends below the level of the base of the footings of a building on an adjoining allotment of land, the person causing the excavation must:*
- *preserve and protect the building /s on the adjoining land from damage; and*
 - *if necessary, underpin and support the building in an approved manner; and*
 - *at least seven (7) days before excavating below the level of the base of the footings of a building on an adjoining allotment of land (including a public road or public place), give notice of the intention to do so to the owner of the adjoining land. Particulars of the excavation are to be provided to the owner of the adjoining land and also the owner of the land where the building is being erected or demolished.*
45. *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.*
46. *An Occupation Certificate must be obtained from the principal certifying authority prior to any occupation of the building work encompassed in this development consent in accordance with the relevant provisions of the Environmental Planning & Assessment Act 1979.*
47. *In addition to the matters contained in the Environmental Planning and Assessment Regulation 2000, the following matters are to be completed in accordance with the terms and conditions of this development consent, **prior to the occupation** of the building:*
- a) *car parking and vehicular access*
 - b) *landscaping*
 - c) *stormwater drainage*
48. *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.*

49. *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.*
50. *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.

51. *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.*
52. *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.*
53. *Public safety and convenience must be maintained at all times during demolition, excavation and construction works.*

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

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

54. *Building materials, sand, soil, waste materials or construction equipment must not be placed upon the footpath, roadway or nature strip at any time and the footpath, nature strip and road must be maintained in a clean condition and free from any obstructions and debris at all times.*
55. *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.*
56. *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".*

57. *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.

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

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

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

59. *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.

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

61. *Public access to the site and building works, materials and equipment on the site is to be restricted, when work is not in progress or the site is unoccupied.*

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

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

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

62. *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.

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

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

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

65. Access, facilities and car parking for people with disabilities must be provided in accordance with Council's development control plan for multi-unit housing and in accordance with the relevant provisions of Part D3 of the Building Code of Australia and AS1428.1, AS4299 and 2890.1. Details of the proposed access, facilities and carparking for people with disabilities are to be submitted to and approved by Council's Director of Planning and Community Development in accordance with Section 80 A (2) of the Environmental Planning and Assessment Act 1979 **prior to a construction certificate being issued for the development.**

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

66. The building is required to be provided with a smoke alarm system complying with Clause 3 of Specification E2.2a of the B.C.A. or a smoke detection system complying with Clause 4 of Specification E2.2a of the B.C.A. or a combination of a smoke alarm system within the sole-occupancy units and a smoke detection system in areas not within the sole-occupancy units.

The following conditions are applied to ensure adequate environmental protection.

67. All hazardous or intractable wastes (including asbestos) shall be removed and disposed of in accordance with the requirements of WorkCover and the Environmental Protection Authority, and with the provisions of:

- Occupational health and Safety Act 1983 (NSW)
- Construction Safety Act 1912; Regulation 84A-J Construction Work Involving Asbestos or Asbestos Cement 1983 (NSW)
- Occupational Health and Safety (Hazardous Substances) Regulation 1996 (NSW).
- Occupational Health and Safety (Asbestos Removal Work) Regulation 1996 (NSW); and
- Waste Minimisation and Management Act 1995 and Regulations (NSW).

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

Security Deposit Conditions

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

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

a) \$2000.00 - Security damage deposit

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

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

69. *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:

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

The Alexander Street Frontage:

- a. *Construct a full width concrete heavy-duty vehicular crossing and layback at kerb opposite the vehicular entrance to the site.*
- b. *Remove the redundant concrete vehicular crossing and layback and to reinstate the area with concrete footpath, turf and integral kerb and gutter to Council's specification.*
- c. *Re-construct a kerb and gutter for the full site frontage except opposite the vehicular entrance and exit points.*
- d. *Carry out a full depth, 2 metre wide road construction in front of the kerb and gutter along the full site frontage.*
- e. *Reconstruct the concrete footpath along the full site frontage. Any unpaved*

areas on the nature strip must be turfed and landscaped to Council's specification.

- f. Upgrade the existing inlet capacity of Council's stormwater gully pit at the intersection of Alexander Street and Dudley Street, to the satisfaction of the Director Asset and Infrastructure Services;

OR

Extend Council's stormwater line from the Council stormwater gully pit at the intersection of Alexander Street and Dudley Street to the development site frontage; to the satisfaction of the Director Asset and Infrastructure Services.

The Arden Street Frontage

- g. Re-construct the damaged sections of the kerb and gutter.
- h. Re-construct the damaged sections of the footpath.
71. 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.
72. 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.
73. All new walls adjacent to vehicular crossings must be lowered to a height of 600mm above the internal driveway level or splayed 1.5 metres by 1.5 metres so that a driver of a stopped vehicle 2 metres behind the street boundary line can observe pedestrians up to 2 metres from the crossings. Details are to be submitted to the Certifying Authority prior to the release of the construction certificate showing compliance with this condition.
74. The driveway opening at the Alexander Street frontage must be 5.5 metres wide and located at least 1.5 metres clear of the side property.
75. The internal driveway must be a minimum 5.50m wide (clear width) for the first 5 metres inside the property so as to allow entering & exiting vehicles to pass within the site. Should the driveway narrow after this point it is then to be designed with a minimum 1.5m x 1.5m splay to allow the passing to work.

76. *A work zone is to be provided in Alexander Street for the duration of the construction works. The 'work zone' shall be provided to the satisfaction of the Randwick Traffic Committee and shall have a minimum length of 12 metres. The prescribed fee for the work zone must be paid to Council at least four (4) weeks prior to the commencement of work on the site.*

Alignment Level Conditions

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

77. *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 Alexander Street and Arden Street frontages.

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.

78. *The design alignment levels (concrete/paved/tiled level) issued by Council and their relationship to the existing concrete footpath must be indicated on the building plans for the construction certificate.*
79. *The above alignment levels and the site inspection by Council's Department of Asset & Infrastructure Services have been issued at a prescribed fee of \$671 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.*

Service Authority Conditions

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

80. *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.*
81. *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.*
82. *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.

83. *Any electricity substation required for the site as a consequence of this development shall be located within the site and shall be screened from view. The applicant must liaise with Sydney Electricity prior to lodging the construction certificate whether or not an electricity substation is required for the development.*

Drainage Conditions

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

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

- e) *Where buildings abut higher buildings and their roofs are "flushed in" to the higher wall, the area contributing must be taken as: the projected roof area of the lower building, plus one half of the area of the vertical wall abutting, for the purpose of determining the discharge from the lower roof.*
 - f) *Proposed finished surface levels and grades of car parks, internal driveways and access aisles which are to be related to Council's design alignment levels.*
 - g) *The details of any special features that will affect the drainage design eg. the nature of the soil in the site and/or the presence of rock etc.*
 - h) *All stormwater run-off naturally draining to the site must be collected and discharged through this property's stormwater system. Such drainage must, if necessary, be constructed prior to the commencement of building work.*
85. *All site stormwater leaving the site must be discharged by gravity to the kerb and gutter or drainage system at the front of the property.*
86. *The applicant will have the option of limiting the stormwater discharge from the site so it will not to exceed 25 litres per/second for the 1 in 20 year storm and upgrading the inlet capacity of Council's stormwater gully pit at the intersection of Alexander Street and Dudley Street, to the satisfaction of the Director Asset and Infrastructure Services.*

OR

Extending Council's stormwater line from the Council stormwater gully pit at the intersection of Alexander Street and Dudley Street to the development site frontage.

All future Council stormwater pipelines shall be constructed with a spigot and socket, rubber ringed steel reinforced concrete pipeline (RRRCP). Other pipelines maybe considered however the selected pipeline must have a minimum equivalent or superior qualities to that of the RRRCP. Such qualities shall include (but not limited to):-

- *Life expectancy minimum 80 years (including abrasion wear)*
- *Vehicular loadings.*
- *Resistance to chemical or biological attack.*
- *Hydraulic capacity*

Notes

- *Prior to backfill, the pipeline shall be inspected and approved by the Director Assert and Infrastructure Services.*
- *The minimum internal diameter for a future Council stormwater pipeline shall be 375 mm.*
- *Generally backfill material for the pipeline trench shall be:-*

Clean sand, watered in, compacted in 150 mm layers with a minimum 97% relative compaction.

All standard extended kerb inlet pits shall be constructed in accordance with Council's standard drawing SD3; (Minimum concrete strength of 32 Mpa).

87. *Should a pump system be required to drain any portion of the site the system must be designed with a minimum of two pumps being installed, connected in parallel (with each pump capable of discharging at the permissible discharge rate) and connected to a control board so that each pump will operate alternatively. The pump wet well shall be sized for the 1 in 100 year, 2 hour storm assuming both pumps are not working.*

The pump system must also be designed and installed strictly in accordance with "Section 8.4 PUMP SYSTEMS" as stipulated in Randwick City Council's Private Stormwater Code.

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

- 1. Within the site at or near the street boundary prior to the site stormwater discharging by gravity to the kerb/street drainage system; and*
- 2. Prior to stormwater discharging into any absorption/infiltration system.*

The sediment/silt arrester pit shall be constructed with:-

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

- *A sign adjacent to this pit stating that:*

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

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

89. *Any Absorption Trenches/Pits must be designed in accordance with "Section 8.5 ABSORPTION TRENCHES" as stipulated in Randwick City Council's Private Stormwater Code.*
90. ***Two*** covered car washing bays shall be provided for this development.
- a) *The car washing bays must be drained to sewer to the requirements of Sydney Water and proof of compliance is to be submitted to the certifying authority, prior to a construction certificate being issued for the proposed development.*
 - b) *The car washing bays must be located outside any required/approved stormwater detention system and must be suitably signposted.*
 - c) *The car washing bays must be signposted with ‘Exclusive Carwash Bay Use Sat 2:00pm – 5:00pm and Sunday 10:00am – 2:00pm, Visitor parking at other times’*
 - d) *The car washing bays must be constructed with a minimum 20mm bund around the perimeter of the car washing bay/s (or equivalent)*

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

91. *All drainage details for the site shall be prepared by a suitably qualified hydraulic consultant who shall, at the completion of the works, certify that the drainage works have been constructed in accordance with the approved drainage plans.*
92. *As the above site may be present within a fluctuating water table the basement carpark or similar structures are to be suitably tanked and waterproofed. A Structural Engineer\Geotechnical Engineer shall certify the tanking & waterproofed has been carried out to an acceptable standard and a copy of the certification is to be forwarded to Council.*

Notes:-

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

Waste Management Conditions

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

93. *The garbage storage areas are to be provided with a tap and hose and the floor is to be graded and drained to an approved floor waste to the requirements of the Sydney Water Corporation.*
94. *Prior to the issuing of a construction certificate for the proposed development the applicant is to submit to Council and have approved by Council's Manager of Waste a Waste Management Plan detailing waste and recycling storage and disposal of materials during the demolition and construction phase of the development.*

Strata Subdivision Conditions

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

95. *The applicant shall create suitable right of carriageway, easements for services and internal stormwater lines, as required. The applicant shall be advised that the minimum easement width for any internal stormwater line is 0.9 metres.*
96. *The conditions of development consent must be satisfied and all public roads and reserves must be satisfactorily restored prior to the finalisation of the strata subdivision.*
97. *The applicant shall provide Council with a survey plan of the property prior to receiving strata subdivision approval.*

Landscape Conditions

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

98. *The landscaped areas shown on the plan number LA01 dated 18/05/03 shall be the subject of detailed landscape drawings and specifications, which are to be submitted to, and approved by, the certifying authority, prior to the issue of a construction certificate. The landscape drawings and specifications are to be prepared by a qualified Landscape Architect who is eligible for membership with the Australian Institute of Landscape Architects (AILA). The documentation is to include:*
99. *A site plan at an appropriate scale showing existing site boundaries, existing trees within the property (clearly identified as being retained or removed), existing street trees (clearly identified as being retained or removed), features on adjoining sites within 6 metres of the common property boundary (buildings, trees, other structures etc), council's footway, existing and proposed ground levels shown as spot heights and/or contours over the site, at site boundaries, and at the base of the tree/s to be retained, proposed building envelope, proposed areas of pavement, and proposed landscaped areas.*

The plan shall clearly show the position, canopy spread (location of dripline),

trunk diameter, height and names of all existing trees upon the site and adjoining sites within 6 metres of the common property boundary which are likely to be affected by the development.

- b. A planting plan at a scale of 1:100 or 1:200 indicating the location of all proposed planting and existing trees to be retained. All plants are to be drawn at their mature size with a dense planting of shrubs, accent plants and ground covers within all garden beds so that a continuous planted cover is achieved. Plant spacings are to be clearly indicated for all accent and groundcovers.*
- c. A planting schedule listing all plants by botanic & common names, plant numbers, plant spacings for groundcovers and accent planting, pot sizes, the estimated size of the plant at maturity (height & spread) and proposed staking methods when applicable.*
- d. Additional notation showing soil and mulch details, irrigation details, edging, paving, fencing details, surface finishes, retaining wall details, and any other landscape elements in sufficient detail to fully describe the proposed landscape works.*
- e. Position of existing and proposed site services including water, gas, electricity, sewer, stormwater, etc.*
- f. Sectional elevations through the site showing the existing and proposed groundlines, building elevations, and mature height of proposed planting.*
- g. The landscape plan shall show a minimum number of 10 x 75 litre broad canopied trees (not palms) suitably located along the southern part of the site. The trees selected shall be of a species that attain a minimum height of 6 metres at maturity.*

The landscape plan shall show a minimum number of 10 x 75 litre broad canopied trees (not palms) located along the northern part of the site. The trees selected shall be of a species that attain a minimum height of 6 metres at maturity.

- h. All planter boxes and garden beds constructed on slab must have a minimum soil depth of 600mm and all lawn areas must have a minimum soil depth of 300mm. Planter box details shall be submitted with the detailed landscape plans.*
 - i. Porous paving shall be used in all pathways. Details are to provided with the construction certificate application.*
 - j. Location of easements within the site and upon adjacent sites (if any).*
- 100. Documentary evidence is to be obtained from a suitably qualified Landscape Architect and submitted to the principal certifying authority (PCA) (and the Council, if the Council is not the PCA) prior to the issuing of a final occupation certificate which confirms that the landscaping works have been completed in accordance with the approved landscaping plans and relevant conditions of*

development consent, to the satisfaction of the PCA.

101. *To ensure satisfactory maintenance of the landscaped areas, an automatic irrigation system shall be installed throughout all the landscaped areas. Such system shall provide full coverage to all the landscaped areas with no overspray onto driveways and pathways.*

Details of the automatic irrigation system shall be shown on the detailed landscape plans and specifications. The system shall comply with all Sydney Water requirements, and relevant Australian Standards.

The naturestrip upon Council's footway shall be excavated to a depth of 150mm, backfilled with topsoil equivalent with 'Organic Garden Mix' as supplied by Australian Native Landscapes, and re-turfed with Kikuyu Turf or similar. Such works shall be installed prior to the issue of a final Occupation Certificate.

102. *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.*

103. *In order to visually 'soften' the expanses of hard pavement, brick unit pavers (or similar) shall be used throughout the driveway and ground level carpark areas on the site. Such details shall be shown on the detailed engineering documentation and shall include all structural design details including pavement/subgrade thickness.*

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

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

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

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

Tree Management

106. *The applicant shall submit a total payment of \$2360.00 to Council,*
- a. Being the cost for Council to remove the existing street tree specimens of Melaleuca quinquenervia (Paperbark) (\$1480.00), and*
 - b. Being the cost for Council to supply and install 2 x 75 litre street trees (along Alexander Street) and 2 x 75 litre street trees (along Arden Street) at the completion of all works (\$880.00), and*

*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.

107. *Approval is granted for the removal of the following trees subject to the planting of 2 x75 and 2 x 100 litre broad canopied replacement trees (not palms) within the site. The species selected shall be those that will attain a minimum height of 6 metres at maturity.*
- a. *One (1) Eucalyptus species (Gum Tree) located towards the western part of the site.*
 - b. *Three (3) Casuarina species (Swamp Oak) located within the western part of this site.*
 - c. *One (1) Araucaria hetrophylla (Norfolk Island Pine) located within the southern part of the site.*
108. *Permission is granted for the removal of only those trees falling within the area occupied by the approved works. Removal of the remaining trees on the site are subject to separate application under the Tree Preservation Order.*
109. *The applicant shall be required to ensure the retention and long term health of all trees located on adjoining properties adjacent to the proposed development. As a general guide there shall be minimal excavation or root pruning within the driplines of the subject trees.*

Tree Protection Measures

110. *In order to ensure the retention of the two Archontophoenix species (Bangalow) located towards the western part of the site and the Banksia species (Banksia) located within the adjoining property to the north of the site in good health, the following measures are to be undertaken:*
- a. *All detailed architectural, building, demolition, engineering (structural, stormwater & drainage, services), and landscape documentation submitted for the construction certificate application shall show the retention of the existing tree specimens with the position of the tree trunks and full diameter of the tree canopies clearly shown on all drawings.*
 - b. *Any excavations required for footings, structures, retaining walls, basement carparks, services, pipes, detention tanks, stormwater infiltration systems, paving etc within 2 metres of the tree trunks shall be undertaken by hand and under the direction of, and to the satisfaction of, a suitably qualified Arborist with all roots being cleanly cut.*
 - c. *A refundable deposit in the form of cash or cheque of \$2,960.00 shall be lodged with Council prior to issue of a construction*

certificate for the proposed development in order to ensure the preservation of the tree in accordance with the requirements described in this condition.

QUANTITY	SPECIES	AMOUNT
2	Archontophoenix species (Bangalow)	\$2,160.00
1	Banksia species (Banksia)	\$ 800.00
	TOTAL	\$2,960.00

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

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

111. *A refundable deposit in the form of cash or cheque, or bank guarantee for the amount of \$18,000.000 shall be lodged with Council prior to a construction certificate being issued for the proposed development to ensure the implementation and maintenance of the landscape works in accordance with the approved landscape documentation.*

a. *The refundable deposit will be released twelve (12) months after the issue of a final occupation certificate by the principle certifying authority providing the landscape works have been successfully implemented and maintained in accordance with the approved landscape documentation. Throughout the maintenance/bond period, the applicant shall be responsible for all routine maintenance such as grass cutting, weeding, watering, fertilising, spraying, staking and replacement of all failed plant stock. There must be no alteration to the original design, including substitution of trees and shrubs, without the prior approval of the Principal Certifying Authority.*

b. *Any contravention of Council's landscape conditions at any time during the construction period or prior to the expiration of a period of twelve (12) months from the date a final occupation certificate is issued will result in the Council claiming all or part of the lodged security.*

Advisory Matters

A1. *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.

- A2. *The applicant is advised that the Construction Certificate plans and specification must comply with the provisions of the Building Code of Australia (BCA).*

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

- a) *Part E1 - Fire fighting equipment*
- b) *Part E2 - Smoke Hazard Management*
- c) *Part E3 - Lift Installations*
- d) *Part E4 - Emergency lighting, exit signs and warning systems*
- e) *Part F2 - Sanitary and other facilities*

- A3. *The applicant is to advise Council in writing and/or photographs of any signs of existing damage to the Council roadway, footway, or verge prior to the commencement of any building/demolition works.*

PROCEDURAL MOTION: (Matson/Greenwood) that this application be deferred for mediation. **LOST.**

FURTHER MOTION: (Andrews/Daley) SEE RESOLUTION.

7.6 DIRECTOR PLANNING & COMMUNITY DEVELOPMENT'S REPORT 104/2003 – 17 CASTLE STREET, RANDWICK. (D/0672/2002)

- 306 **RESOLUTION: (Backes/Bastic)** that Council, as the responsible authority, grant its consent under Section 96 of the Environmental Planning and Assessment Act 1979 (as amended) to vary conditions of Development Consent No.0672/02 for permission to make alterations and additions to an existing residential flat building and its conversion to two (2) attached dwellings each with a double garage and a new front fence for 17 Castle Street, Randwick, as follows: -

Condition No.1 is altered to read as follows:

1. *The development must be implemented substantially in accordance with the plans numbered DA01B and DA03B both with revision date the 6th April 2003; DA02B with revision date 7th April 2003, and the Colour Scheme Drawing all prepared by Gelder Architect Group, stamp received by Council on 5th June 2003, the application form and on any supporting information received with the application, as amended by the Section 96 plans numbered DA01 to DA03, Issue C, dated 14 October 2003, and received by Council on 23 October 2003, only in so far as they relate to the*

modifications highlighted on those Section 96 plans and detailed in the Section 96 application, except as may be amended by the following conditions and as may be shown in red on the attached plans:

New Conditions 71 and 72 to read as follows:

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:

71. *The addition to the southern side of the building shall have a maximum height of RL 55.44 AHD. Details of compliance are to be provided in the **construction certificate plans**.*
72. *The overall length of the addition to the southern side of the building is to be shortened by approximately 0.5 metres so that its western end is flush with the west-facing return wall of the courtyard of the approved building footprint on the adjoining property to the south, as shown on drawing No.DA02 submitted with the Section 96 application received by Council on 23 October 2003. Details of compliance are to be provided in the **construction certificate plans**.*

MOTION: (Backes/Bastic) SEE RESOLUTION.

8. PETITIONS.

Nil.

9. MOTIONS PURSUANT TO NOTICE.

9.1 BY COUNCILLOR MATSON – CALL FOR RESTORATION OF COMMONWEALTH FUNDING TO BOTANY MIGRANT RESOURCE CENTRE. (98/S/1196 xr 98/S/0178)

307 **RESOLUTION: (Bastic/Andrews)** *that Council endorse the actions of the Mayor who has previously on two occasions written to the Federal Government at the request of the Botany Migrant Resource Centre, asking it to continue the funding to that Centre, owing to the tremendous work which is undertaken by the Centre in our community.*

MOTION: (Matson/Schick) that Council will write to the Commonwealth Government calling for the full restoration of funding to the Botany Migrant Resource Centre and that further, Council will notify the Inner and Eastern Sydney Migrant Interagency of its support on this issue.

AMENDMENT: (Bastic/Andrews) SEE RESOLUTION.

9.2 BY COUNCILLOR MATSON – FREE RICC ACCESS TO THE VONNIE YOUNG AUDITORIUM. (98/S/1803 xr 98/S/0178)

This motion was withdrawn by Cr Matson with the consent of Council.

9.3 BY COUNCILLOR MATSON – COUNCIL NOTES INCORRECT INTERPRETATION OF AMENDMENT AT HEALTH, BUILDING &

This Motion was Ruled out of Order by the Mayor.

DISSENT MOTION: (Matson/Greenwood) on the Ruling of the Chairperson. **LOST.**

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

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

9.4 BY COUNCILLORS NOTLEY-SMITH & SENG – COUNCIL ELECTION SEMINARS. (98/S/4495 xr 98/S/0178)

308 **RESOLUTION: (Bastic/Daley)** that this Council support the NSW Local Government Association's Seminars for prospective candidates for election at the forthcoming Council elections.

MOTION: (Seng/Notley-Smith) that Council engage the services of the NSW Local Government Association to conduct a seminar for the public on elections in local government so as to attract and encourage more participation and to maintain a robust democracy to serve the residents and ratepayers more effectively.

AMENDMENT: (Bastic/Daley) SEE RESOLUTION

9.5 BY COUNCILLOR NOTLEY-SMITH & SENG – DUDLEY'S CORNER. (D/0434/1998 xr 98/S/0178)

309 **RESOLUTION: (Andrews/Daley)** that Council notes that Dudley's Corner is presently on the heritage list in accordance with the Randwick LEP.

MOTION: (Seng/Notley-Smith) that Council commits to the retention of the façade of the "Dudley's Corner" heritage item in Maroubra Junction, recognising its significant historical value and interest to the local community, as noted in Randwick's LEP 1998.

AMENDMENT: (Andrews/Daley) SEE RESOLUTION.

PROCEDURAL MOTION: (Daley/Backes) that items 9.6 & 9.7 be dealt with jointly.

9.6 BY COUNCILLOR NOTLEY-SMITH & SENG – MOBILE TELECOMMUNICATIONS INSTALLATIONS. (98/S/4839 xr 98/S/0178)

**AND 9.7 BY COUNCILLOR MATSON – TELSTRA TOWERS.
(D/0322/2003 xr 98/S/0178)**

310 **RESOLUTION:** (*Bastic/Daley*) that:

- a) *Council endorses the comments of the speaker (Ms. L. Brennan) at this evening's meeting and views with great seriousness the issues that were raised;*
- b) *The Mayor lead a delegation of residents to meet with the Hon. Laurie Brereton, Member for Kingsford-Smith, so that they can express to him their concerns and, also, put to him their arguments that they would like him to take to the appropriate Federal Minister (and the regulators);*
- c) *Telstra be requested to meet with the residents and be able to explore the places where such antenna facilities should be located and Council supply a meeting room for that purpose; and*
- d) *Council calls on Telstra to remove the mobile phone antenna at 175-177 Malabar Road, South Coogee.*

MOTION: (*Bastic/Daley*) **SEE RESOLUTION.**

(Cr Backes & Whitehead declared a non-pecuniary interest in this item as shareholders of Telstra.)

9.8 BY COUNCILLOR MATSON – COMPLAINT CONCERNING BREAM STREET CROCKET CLUB. (W/000083 xr 98/S/0178)

Cr Matson withdrew this motion with consent of the Council.

9.9 BY COUNCILLOR GREENWOOD – DEVELOPMENT OF MEMORANDUM OF UNDERSTANDING WITH NSW LABOR COUNCIL. (98/S/4722 xr 98/S/0178)

MOTION: (*Greenwood/Matson*) that Council will work with the NSW Labor Council to develop a Memorandum of Understanding that would ensure that Council enters into major commercial dealings with only those businesses which, as employers, meet benchmarks on industrial relations responsibilities and fulfil all related statutory requirements. **LOST.**

9.10 BY COUNCILLOR GREENWOOD – MALABAR HEADLAND DEVELOPMENT APPLICATION. (98/S/0976 xr 98/S/0178)

This motion, that Council writes to the NSW Premier noting the rumoured development proposal for the Commonwealth owned Malabar Headland site, requesting further information and reiterating its preference for the site's transference to national park status. That further, Council likewise write to the relevant Commonwealth Minister noting its preferences, **LAPSED FOR WANT OF A MOVER AND SECONDER.**

10. URGENT BUSINESS.

Nil.

11. CONFIDENTIAL REPORTS.

Nil.

12. COMMITTEE-OF-THE-WHOLE.

Nil.

13. REPORT OF THE COMMITTEE-OF-THE-WHOLE.

Nil.

14. NOTICE OF RESCISSION MOTIONS.

Nil

There being no further business, His Worship the Mayor, Cr D. Sullivan, declared the meeting closed at 8.58 p.m.

THE MINUTES OF THIS MEETING WERE CONFIRMED AT THE ORDINARY MEETING OF THE COUNCIL OF THE CITY OF RANDWICK HELD ON TUESDAY, 24TH FEBRUARY, 2004.

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CHAIRPERSON