

**MINUTES OF THE HEALTH, BUILDING AND PLANNING COMMITTEE
MEETING OF THE COUNCIL OF THE CITY OF RANDWICK
HELD ON TUESDAY, 2ND DECEMBER, 2003 AT 6:36 P.M.**

PRESENT:

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

Councillor M. Daley (South Ward) (Chairperson)

North Ward	-	Crs J. Greenwood and P. Tracey
South Ward	-	Crs C. Matthews (from 6.50 p.m.) and A. White
East Ward	-	Crs F. Backes, B. Notley-Smith and M. Matson
West Ward	-	Crs P. Schick, M. Whitehead and J. Procopiadis
Central Ward	-	Crs T. Seng and A. Andrews (Deputy Chairperson)

OFFICERS PRESENT:

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

1. APOLOGY.

An apology was received from Cr Bastic.

RESOLVED: (Tracey/His Worship the Mayor, Cr D. Sullivan) that the apology be received and accepted and leave of absence be granted to Cr Bastic from the Health, Building & Planning Committee Meeting held on Tuesday, 2nd December, 2003.

2. MINUTES.

CONFIRMATION OF THE MINUTES OF THE HEALTH, BUILDING AND PLANNING COMMITTEE MEETING HELD ON TUESDAY, 18TH NOVEMBER, 2003.

H110 **RESOLUTION:** (Procopiadis/Andrews) that the Minutes of the Meeting of the Health, Building and Planning Committee held on Tuesday, 18th 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: (Tracey/Procopiadis) that the meeting be adjourned at 6.38 p.m. and be further adjourned at 7.55 p.m.

3. ADDRESSES TO THE COMMITTEE BY THE PUBLIC.

Prior to consideration of the Agenda by the Committee, the following deputations were received in respect of the following matters:

5.1 DEVELOPMENT APPLICATION REPORT - 134 BROOK STREET, COOGEE.

The Objector Mr Kevin Nixon 47 Carr Street, Coogee.

5.2 DEVLEOPMENT APPLICATION REPORT - 260 - 260A MAROUBRA ROAD, MAROUBRA.

The Objector Mr Raymond Lim 21 Galvin Street, Maroubra.

The Applicant Mr Lindsay Fletcher PO Box 715, Miranda.

5.3 DEVELOPMENT APPLICATION REPORT - 335 MAROUBRA ROAD, MAROUBRA.

The Objector Mrs Evelyn Harris 88 Haig Street, Maroubra.

The Applicant Mr Murray Wood Level 1, 50 Bronte Road, Bondi Junction.

5.4 DEVELOPMENT APPLICATION REPORT - 34 TORRINGTON ROAD, MAROUBRA.

The Objector Mrs Laura Bullock 36 Torrington Road, Maroubra.

The Applicant Mr Paul Burton 15 Cairo Street, Coogee.

5.5 DEVELOPMENT APPLICATION REPORT - 8 BLOOMFIELD STREET, COOGEE.

The Objector Mr Bruce Peters 41 Denning Street, Coogee.

The Applicant Mr Con Harris 63 Ann Street, Surry Hills.

5.6 DEVELOPMENT APPLICATION REPORT - 6 BLOOMFIELD STREET, COOGEE.

The Objector Mr Paul Cooper 4 Bloomfield Street, Coogee.

The Applicant Ms Silvia Smits PO Box, Q158M QVB PO 1230.

The meeting was resumed at 8.27 p.m.

4. MAYORAL MINUTES.

4.1 MAYORAL MINUTE 70/2003 – COOGEE COMMUNITY CENTRE CLARIFICATION. (98/S/5136)

H111 **RESOLUTION:** *(His Worship the Mayor, Cr D. Sullivan) that:*

- a) *Council authorise the Mayor to address the gross misinformation provided to residents via the “Coogee View” by writing directly to residents and by public notice in the Local Newspaper; and*
- b) *In seeking an apology the Coogee View Newspaper be requested to include the correct proposal in addition to a public apology.*

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

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

RESOLVED: PROCEDURAL MOTION: (His Worship the Mayor, Cr D.Sullivan/White) that the Mayoral Minute No. 71/2003 be dealt with as the last item of business at the meeting.

4.2 MAYORAL MINUTE 71/2003 - LICENSING COURT HEARING - CLOVELLY HOTEL. (D/1062/2003)

H112 **RESOLUTION:** *(His Worship the Mayor, Cr D. Sullivan) that on the condition that the applicant agrees to adjourn the hearing Council direct its solicitors to enter without prejudice discussion with the applicant’s solicitor.*

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

AMENDMENT: (Matson/Greenwood) that the resolution is contingent upon getting less than one month’s extension from the Court. **LOST.**

5. DEVELOPMENT APPLICATIONS.

5.1 DEVELOPMENT APPLICATION REPORT - 134 BROOK STREET COOGEE. (D/0247/2002)

H113 **RESOLUTION:** *(His Worship the Mayor, Cr D. Sullivan/Andrews) 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.0247/02 on property 134 Brook Street, Coogee, in the following manner:*

Amend condition No. 1

1. *The development must be implemented substantially in accordance with the plans prepared by Adriaan Winton Architects Drawing Nos. 1 to 11 and the Landscape Plan dated May 2001 and March 2002 and received by Council on*

22 March 2002, as amended by Drawings 2, 3, 4, 5, 6 and 8 dated 8 July 2002 and dated as received by Council on 11 July 2002, and on the application form and on any supporting information received with the application, as amended by the Section 96 plans numbered 0105-01 010 South & West Elevations, 0105-01 010 Issue 2 East & North Elevations & 0105-01 002 Issue 2 Car parking Floor Plan, dated May 2001 & March 2002 and received by Council on 10 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:

PROCEDURAL MOTION: (Matson/Notley-Smith) that this Section 96 application be deferred to request the provision of updated shadow plans. **LOST.**

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

5.2 DEVELOPMENT APPLICATION REPORT - 260 - 260A MAROUBRA ROAD, MAROUBRA. (D/1068/2002)

H114 **RESOLUTION: (Andrews/Seng)** 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 1068/2002 for demolition of the two existing semi-detached dwellings and the construction of a three-storey multi-unit housing development containing 3 x one-bedroom dwellings and 6 x two-bedroom dwellings with basement car parking for 13 vehicles at 260-260A Maroubra Road, Maroubra for the following reasons:-
1. The proposal does not comply with the Aim of Clauses 2 (g) and the Objectives of Clause 12(1) (c) of Randwick Local Environmental Plan 1998.
 2. The proposal is inconsistent with and contrary to the Objectives and identified Requirements of the following Parts contained in the Randwick Development Control Plan-Multi Unit Housing:
 - Part 3.1- Site Planning
 - Part 3.3- Building Setbacks
 - Part 3.5- Fences
 - Part 4.2- Privacy
 - Part 4.3 – View Sharing
 - Part 4.4-Solar access & Energy Efficiency
 - Part 5.3-Storage
 3. The siting, bulk, scale, design and external appearance of the proposed development are not appropriate for the site.
 4. The proposal would have an adverse impact upon local residential amenity in terms of visual bulk and scale, overshadowing, and privacy.
 5. The proposal does not comply with the principles and provisions SEPP 65 – Design Quality of Residential Flat Development.

6. *The proposal does not adequately address issues/concerns raised in resident submissions regarding overshadowing, privacy, view loss and external appearance.*

PROCEDURAL MOTION: (Matson/Nil) that this application be deferred to seek confidential legal advice. **LAPSED FOR WANT OF A SECONDER.**

MOTION: (Andrews/Seng) SEE RESOLUTION.

5.3 DEVELOPMENT APPLICATION REPORT - 335 MAROUBRA ROAD, MAROUBRA. (D/1209/2002)

H115 **RESOLUTION: (Andrews/Backes) that:**

- A. *Council as the responsible authority grant its development consent under Section 80 and 80A of the Environmental Planning and Assessment Act 1979 (as amended) to Development Application No 1209/02/GG for Section 96 application to vary Condition 1, which relates to the approved plans at 335 Maroubra Road, Maroubra, and subject to the following additional conditions:-*

Amend Condition 1 to read as follows:-

1. *The development must be implemented substantially in accordance with the plans with Project No. 2002 – 24 and numbered ID. G.100. DA-S1 and ID. DA.500 DA-S2, both amendment C, dated 7th April 2003 and received by Council on the 15th April, 2003 and ID. DA. 501, amendment A, dated 15th May 2003 and received by Council on the 16th May, 2003, AS AMENDED by plans with Drawing Nos.A05b and A06a both with revision date 14th October, 2003, prepared by Tectonic Developments, the application form and on any supporting information received with the application, except as may be amended by the following conditions, additional conditions and as may be shown in red on the attached plans:*

Amend Conditions 21 to read as follows:-

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

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

Amend Conditions 22 to read as follows:-

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 development consent.

MOTION: (Andrews/Backes) SEE RESOLUTION.

5.4 DEVELOPMENT APPLICATION REPORT - 34 TORRINGTON ROAD, MAROUBRA. (D/0608/2003)

H116 **RESOLUTION:** *(Andrews/His Worship the Mayor, Cr D. Sullivan) that Council as the responsible authority refuse consent under Section 96 of the Environmental Planning and Assessment Act 1979 (as amended) to Modify Development Consent No. D/0608/2003 for permission to provide for a new air-conditioning unit and the extension of the rear balcony at first floor level by 900mm for 34 Torrington Road, Maroubra as the proposal has an adverse impact upon 36 Torrington Road, Maroubra with respect to overshadowing, privacy and loss of sunlight.*

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

5.5 DEVELOPMENT APPLICATION REPORT - 8 BLOOMFIELD STREET, COOGEE. (D/0677/2003)

H117 **RESOLUTION:** *(Notley-Smith/White) that:*

- A. *Council as the responsible authority grant its development consent under Section 80 and 80A of the Environmental Planning and Assessment Act 1979 (as amended) to Development Application No 677/03/GA for Demolition of existing dwelling and construction of new dwelling house and swimming pool at 8 Bloomfield Street, Coogee subject to the following conditions:-*
1. *The development must be implemented substantially in accordance with all the information/documentation and amended plans drawing number 02, 03, 04, 05 and 06 prepared by C.M.Hairis Architects and received by Council on the 13 October 2003 and the original application form and on any supporting information received with the application (including the statement of environmental effects received and dated 1 August 2003) except as may be amended by the following conditions and as may be shown in red on the attached plans:*
 2. *The amount of permeable landscaped area shall be increased by the use of permeable pavers in the driveway and introducing a garden bed 1m wide along the eastern boundary for the full length of the driveway. These measures will also serve to soften the otherwise large expanse of hard surface provided to the front of dwelling. Details of compliance shall be provided with the lodgement of a construction certificate.*

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

levels of environmental amenity:

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

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

4. *The proposed retaining wall with landscaped planter boxes adjacent to the entry shall be kept to a maximum RL of 36.94 height and the proposed plants shall act as screening devices and shall reach an average height of 1m.*
5. *Any proposed work to the road reserve or public roadway will require Council's consent. It would be desirable if both developments No.s 6 and 8 considered upgrading the public reserve as part of their development since it would be in their and the public interest.*
6. *Metal roof sheeting is to be painted or colour bonded so as to be non reflective and to be sympathetic and compatible with the building and surrounding environment.*
7. *Eaves, gutters, hoods and similar structures or attachments are required to be setback from the side boundaries of the allotment a minimum distance of 675mm and details of compliance are to be included in the construction certificate details.*
8. *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.*
9. *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. If the side boundary fencing is to be solid agreement shall be reached between both neighbours in respect to the nature of the fencing. Details demonstrating compliance shall be submitted prior to the issue of the construction certificate.*
10. *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.*
11. *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.*
12. *All plumbing and drainage pipes, other than rainwater heads, gutters and*

downpipes, must be concealed within the building.

13. *Street numbering must be provided to the premises in a prominent position, to the satisfaction of Council.*
14. *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.*
15. *The enclosure of balconies is prohibited by this consent.*
16. *The premises is to be used as a single residential dwelling only at all times and must not be used for dual or multi-occupancy purposes without obtaining the prior written development consent from the Council.*
17. *No cooking facilities or sanitary fittings other than those indicated on the approved plans are to be installed in the premises without the prior written consent of the Council.*
18. *Power supply and telecommunications cabling to the development shall be underground.*
19. *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.

20. *The provisions of Councils tree preservation order are strictly to be observed and it is a requirement that the applicant or their representative obtain any necessary consent required under the tree preservation order.*

Should compliance require amendment to the plan an amended development application is required to be submitted for consideration and approval prior to work commencing.

21. *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.*
22. *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.*
23. *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.

24. *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.

25. *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 authorised 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 the Construction Certificate.***
26. *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.*
27. *Hot water service pipes are to be provided with insulation, in accordance with the relevant requirements of Building Code of Australia and AS 3500.*
28. *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.

29. *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:

30. *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 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. *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. The report, must demonstrate the suitability of the proposed methods of construction to overcome any potential damage to nearby land/premises and the report is to detail 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, must be fully complied with and incorporated into the documentation for the **construction certificate**.*

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

38. *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**.*

39. *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.

40. *A dilapidation report prepared by a professional engineer or suitably qualified and experienced building surveyor shall be submitted to the certifying authority prior to the commencement of demolition, excavation or building works detailing the current condition and status of all buildings, including ancillary structures (i.e. including dwellings, residential flat buildings, commercial/industrial building, garages, carports, verandah's, fences, retaining walls, swimming pools and driveways etc.) located upon:*
 - a) *all of the premises adjoining the subject site to the east and 6 Bloomfield Street to the west.*

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:

41. *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.***
42. *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.*
43. *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.

44. *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.

45. *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.*

46. *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) *Prior to the pouring of concrete for the swimming pool showing the land, swimming pool and boundary setbacks and verifying that the swimming pool is being constructed at the approved levels.*
- c) *On completion of the erection of the building showing the area of the land, the position of the building and swimming pool and boundary setbacks and verifying the building and swimming pool have been constructed at the approved levels.*

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 final inspection of the building:

- 25 car parking and vehicular access*
 - 26 landscaping*
 - 27 stormwater drainage*
 - 28 external finishes and materials*
 - 29 swimming pool safety fencing/barriers and acoustic enclosure to pool*
- 48. 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.*
- 49. 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. 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.*
- 51. 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.*
- 52. 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.*
- 53. 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.*
- 54. 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

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

60. *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.

61. *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.*

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

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

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

Details of the proposed temporary fences located upon the site are to be submitted to the principal certifying authority and the public safety provisions and temporary fences must be in place prior to the commencement of any demolition, excavation or building works and be maintained throughout construction.

If it is proposed to locate any hoardings, site fencing or amenities upon a footpath or public place, the written consent from Council's Building Services section must be obtained beforehand and detailed plans are to be submitted to Council for consideration, together with payment of the weekly charge in accordance with Council's adopted fees and charges.

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.*
70. *Hazardous dust must not be allowed to escape from the site. The use of fine mesh dust proof screens or other relevant measures is recommended. Any existing accumulations of dust (eg, ceiling voids and wall cavities) must be removed by the use of an industrial vacuum fitted with a high efficiency particulate air (HEPA) filter or equally effective methods. All dusty surfaces and dust created from work is to be suppressed by a fine water spray. Water must not be allowed to enter the street and stormwater systems. Demolition is not to be performed during high winds, which may cause dust to spread beyond site boundaries.*

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

71. *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:

72. *The applicant must meet the full cost for Council or a Council approved contractor to:*
- a. *Construct concrete vehicular crossing opposite the vehicular entrance to the site to the requirements of Council's Asset and Infrastructure Department.*
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.*
74. *Due to the possible failure of the existing blockwork retaining wall located along the western edge of the driveway in Bloomfield St the applicant is to*

reconstruct the existing blockwork retaining. All costs associated with the reconstruction of the blockwork retaining wall are to be at the applicant's expense.

Note: Structural and finish details for the subject retaining wall are to be submitted with the construction certificate.

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

75. *The Council's Department of Asset & Infrastructure Services has inspected the above site and have determined that the design alignment level at the property boundary for driveways, access ramps and pathways or the like, shall be RL34.95, as shown on the survey plan, drawing number 110449001, rev A, dated 23.05.2003, submitted by Consulting Surveyors.*

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

76. *The design alignment levels issued by Council and their relationship to the roadway must be indicated on the building plans for the construction certificate. The design alignment level at the street boundary, as issued by the Council, must be strictly adhered to.*

77. *The above alignment levels and the site inspection by Council's Department of Asset & Infrastructure Services have been issued at a prescribed fee of \$275.00 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 provisions for drainage and associated infrastructure:

78. *Generally all site stormwater shall be piped to Council's sediment/silt arrester pit located to the north of the existing concrete driveway, as shown on the survey plan, drawing number 110449001, rev A, dated 23.05.2003, submitted by Consulting Surveyors.*

The location and details of the proposed internal stormwater pipelines, 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.

79. *Where feasible, the driveway and exterior paving within the development site shall be constructed with a permeable brick paving or other similar material that will allow stormwater to infiltrate to ground (eg Rocla permeable paving)*

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 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.***

81. *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.*
82. *Landscaped areas must include an area dedicated to on-site composting.*
83. *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.*

Tree Management

84. *Approval is granted for the removal of the following trees subject to the planting of 2 x 45 litre replacement trees or palms within the site. The species selected shall be those that will attain a minimum height of 6 metres at maturity.*
 - a. *Two (2) Phoenix canariensis (Canary Islands Date Palms) located within the front yard of the site.*
85. *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 Conditions

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

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 the development consent plans do not indicate compliance with the deemed-to-satisfy provisions of the Building Code of Australia and compliance may necessitate variations to the development consent plans. In this regard, any variations which alter the configuration, size, for, layout or design of the building, may necessitate an amendment to the development consent (or a new*

*development application), and Council's Building Surveyor or an Accredited Certifier should be consulted prior to the lodgement of an application for a **Construction Certificate**.*

MOTION: (Notley-Smith/White) SEE RESOLUTION.

AMENDMENT: (Whitehead/Nil) that a rainwater tank be installed for gardening purposes.
LAPSED FOR WANT OF A SECONDER.

5.6 DEVELOPMENT APPLICATION REPORT - 6 BLOOMFIELD STREET, COOGEE. (D/0044/2003)

H118 **RESOLUTION: (His Worship the Mayor, Cr D. Sullivan/Andrews) that:**

A. *Council, as the responsible authority, grant its development consent under Section 80 and 80A of the Environmental Planning and Assessment Act 1979 (as amended) to Development Application No. 44/03/GA for demolition of the existing dwelling and erection of a new dwelling house swimming pool at 6 Bloomfield Street, Coogee, subject to the following conditions:-*

1. *The development must be implemented substantially in accordance with the plans numbered A1001 and A1002 both Revision B, dated October 03, prepared by Anthony Vavayis and Associates and received by Council on 6 November, 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 rear south facing first floor balcony shall be reconfigured such that it only runs the length of Bedroom 4 with a flat non trafficable roof located on the western side of the building deleted as balcony area by this condition.*
3. *The roof form shall be reconfigured in accordance with the following to reduce the building height and minimise impacts of visual bulk:-*
 - *The angle of the skillion roof over Bedroom 1 and ensuite shall be reduced so that the maximum height above the louvred awning over the first floor northern balcony to the underside of the eave is 400mm, with then north facing clerestory windows deleted and the treatment of this section of wall consistent with the wall treatment on the western side of the building on the northern elevation. The louvred awning shall be deleted such that the only northern projection above the first floor balcony is the reconfigured roof.*

*Details demonstrating compliance with the above shall be shown as such on the construction certificate plans **prior to the issue of the construction certificate.***

4. *The outer eastern edge of the swimming pool surround and associated wall shall be a minimum of 1m from the eastern boundary of the site to minimise the visual impact to the private open space of 8 Bloomfield Street. Details shall be shown as such on the construction certificate plans **prior to the issue of the construction certificate.***
5. *Windows to rooms on the ground floor western elevation of the building shall be opaque glazing or screened by a 1.8m high fence to the south of the front building line in order to ensure satisfactory privacy levels. Details demonstrating compliance shall be shown as such on the construction certificate plans **prior to the issue of the construction certificate.***
6. *Balcony and terrace level balustrades shall be clear glass with no solid features to minimise loss of view from surrounding properties and to ensure consistency in architectural treatment.*
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 & Community Development, in accordance with section 80A (2) of the Environmental Planning and Assessment Act 1979 **prior to the issue of the construction certificate.***

8. *The reflectivity index of glass used in the external façade of the development must not exceed 20 percent. The details and samples of the glass to be used are to be submitted with the colour and material schedule for the approval of Council's Director of Planning & Community Development, **prior to the commencement of works.***
9. *Metal roof sheeting is to be painted or colour bonded so as to be non reflective and to be sympathetic and compatible with the building and surrounding environment.*
10. *Landscaping shall be provided to the site to enhance its amenity and reduce the impact of the development upon neighbouring properties. A landscape plan shall be submitted to and approved by the Director of Planning & Community Development, in accordance with section 80A(2) of the Environmental Planning and Assessment Act 1979, **prior to a construction certificate being issued.** The landscape plan shall include a 900mm wide landscaped garden bed from the front (northern) boundary to the alignment with the front (northern wall) of the garage and permeable pavers of a suitable colour for the extent of the driveway/carparking area and pathway in the front setback of the property.*

Landscaped areas must contain a predominance of indigenous species that require minimal watering once established or indigenous 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.

11. *Eaves, gutters, hoods and similar structures or attachments are required to be setback from the side boundaries of the allotment a minimum distance of 675mm and details of compliance are to be included in the **construction certificate details**.*
12. *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.*
13. *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.*
14. *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.*
15. *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.*
16. *All plumbing and drainage pipes, other than rainwater heads, gutters and downpipes, must be concealed within the building.*
17. *Street numbering must be provided to the premises in a prominent position, to the satisfaction of Council.*
18. *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.*
19. *The enclosure of balconies is prohibited by this consent.*
20. *The premises are to be used as a single residential dwelling only at all times and must not be used for dual or multi-occupancy purposes without obtaining the prior written development consent from the Council.*
21. *No cooking facilities or sanitary fittings other than those indicated on the approved plans are to be installed in the premises without the prior written consent of the Council.*
22. *Power supply and telecommunications cabling to the development shall be*

underground.

23. *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.

24. *The provisions of Councils tree preservation order are strictly to be observed and it is a requirement that the applicant or their representative obtain any necessary consent required under the tree preservation order.*

Should compliance require amendment to the plan an amended development application is required to be submitted for consideration and approval prior to work commencing.

25. *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.*

26. *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.*

27. *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.

28. *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.

29. *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 authorised 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 the Construction Certificate.***

30. *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.*
31. *Hot water service pipes are to be provided with insulation, in accordance with the relevant requirements of Building Code of Australia and AS 3500.*
32. *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.

33. *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:

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

35. *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.

36. *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.*
37. *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.*
38. *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.*
39. *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.

40. *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:

41. *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. The report, must demonstrate the suitability of the proposed methods of construction to overcome any potential damage to nearby land/premises and the report is to detail 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, must be fully complied with and incorporated into the documentation for the **construction certificate**.*

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

42. *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**.*

43. *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.*
44. *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 west (4*

Bloomfield 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:

45. *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.***
46. *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.*
47. *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.

48. *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.

49. *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.*

50. *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) Prior to the pouring of concrete for the swimming pool showing the land, swimming pool and boundary setbacks and verifying that the swimming pool is being constructed at the approved levels.*
- c) On completion of the erection of the building showing the area of the land, the position of the building and swimming pool and boundary setbacks and verifying the building and swimming pool have been constructed at the approved levels.*

51. *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 final inspection of the building:*

- ii) car parking and vehicular access*
- iii) landscaping*
- iv) stormwater drainage*
- v) external finishes and materials*
- vi) swimming pool safety fencing/barriers and acoustic enclosure to pool*

52. *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.*
53. *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*
54. *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.*
55. *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.*
56. *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.

57. *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.*
58. *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

59. *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.*
60. *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.*
61. *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.

62. *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.

63. *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.

64. *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.*

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

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

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

Details of the proposed temporary fences located upon the site are to be submitted to the principal certifying authority and the public safety provisions and temporary fences must be in place prior to the commencement of any demolition, excavation or building works and be maintained throughout construction.

If it is proposed to locate any hoardings, site fencing or amenities upon a footpath or public place, the written consent from Council's Building Services section must be obtained beforehand and detailed plans are to be submitted to Council for consideration, together with payment of the weekly charge in accordance with Council's adopted fees and charges.

66. *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:

67. *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:

68. *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.

69. *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.

70. *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”.*

71. *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*

72. *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.*

73. *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.*

74. *All site works shall comply with the occupational health and safety requirements of WorkCover NSW.*
75. *Hazardous dust must not be allowed to escape from the site. The use of fine mesh dust proof screens or other relevant measures is recommended. Any existing accumulations of dust (eg, ceiling voids and wall cavities) must be removed by the use of an industrial vacuum fitted with a high efficiency particulate air (HEPA) filter or equally effective methods. All dusty surfaces and dust created from work is to be suppressed by a fine water spray. Water must not be allowed to enter the street and stormwater systems. Demolition is not to be performed during high winds, which may cause dust to spread beyond site boundaries.*

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

76. *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) \$5000.00 - 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:

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

a) *Construct a new concrete driveway opposite the vehicular entrance to the site. It is noted that this shall include constructing a turning area, pedestrian access stairs and any required retaining structures, together with any required alterations to the planted/landscaped areas. For pedestrian safety, the access stairs shall be constructed with a landing area adjacent to the turning area.*

b) *Construct a standard stormwater junction pit over Council's stormwater line in the road reserve at the point of connection with the proposed stormwater outlet pipe from the site.*

78. *The applicant must meet the full cost for Council or a Council approved contractor to repair/replace any damaged sections of Council's 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 roadway.*

79. *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.*
80. ***Prior to the issuing of a construction certificate the applicant is to submit to Council's Asset Infrastructure Services Dept and have approved details for the proposed new concrete driveway & turning bay located within Council's road reserve.***

The details shall include:

- c) *Levels and gradients of the new driveway & turning bay in relation to the driveway.*
- d) *Retaining wall details such as footings, finishes, heights etc.*
- e) *Location of all public utility services.*
- f) *Step details with handrails.*
- g) *Landscape planting details including any tree removals. (should the design require the removal of Council trees then the applicant may need to meet costs associated with the trees removal and any replacement planting)*

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

81. *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 the new internal driveway shall match the back of the existing concrete driveway serving the site.*

Any enquiries regarding this matter should be directed to Council's Assets & Infrastructure Services Department on 9399 0919.

82. *The design alignment levels (concrete/paved/tiled level) issued by Council and their relationship to the existing driveway must be indicated on the building plans for the construction certificate. The design alignment level at the street boundary, as issued by the Council, must be strictly adhered to.*
83. *The above alignment levels and the site inspection by Council's Department of Asset & Infrastructure Services have been issued at a prescribed fee of \$177 calculated at \$17.60 (inclusive of GST) per metre of site frontage. This amount is to be paid prior to a construction certificate being issued for the development.*

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

84. *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.*
85. *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.*
86. *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.*

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

87. *All site stormwater shall be discharged into Council underground drainage system located within the road reserve at the front of the site. It is noted that the applicant shall meet the full cost for Council or a Council approved contractor to construct a junction pit at the point of connection with Council's stormwater line.*
88. *All site stormwater shall be taken through a sediment/silt arrestor pit prior to being discharged from the site: The sediment/silt arrestor pit shall be constructed with:-*
 - *The base of the pit located a minimum 300mm under the invert level of the outlet pipe.*
 - *The pit must be constructed from cast in-situ concrete, precast concrete or double brick.*
 - *The grate is to be a galvanised heavy-duty grate that has a provision for a child proof fastening system.*
 - *A minimum of 4 x 90 mm diameter weep holes located in the walls of the pit at the floor level with a suitable geotextile material with a high filtration rating located over the weep holes.*
 - *A galvanised heavy-duty screen (Lysaght RH3030 Maximesh or similar) located over the outlet pipe. (Similar to a Mascot GRC stormwater discharge control pit, product code DS3SDC).*

- A child proof and corrosion resistant fastening system for the access grate (e.g. similar to a Weldlock spring loaded jay-bolt).
- The inlet pipeline located on the side of the pit so that the stormwater will discharge across the face of the screen.
- A sign adjacent to this pit stating that:

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

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

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

89. *That part of the nature strip upon Council's footway which is damaged during the construction of the proposed works shall be excavated to a depth of 150mm, backfilled with topsoil equivalent with 'Organic Garden Mix' as supplied by Australian Native Landscapes, and re-turfed with Kikuyu turf. Such works shall be completed at the applicants expense prior to the issue of a final Occupation Certificate.*
90. *The nature strip 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.*
91. *In order to visually 'soften' the expanses of hard pavement, permeable pavers shall be used throughout the driveway and carpark areas on the site. . Details shall be shown on the detailed engineering documentation and shall include all structural design details including pavement/subgrade thickness.*

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

Tree Management

92. *Approval is granted for the removal of the following trees subject to the planting of 2 x 75 litre broad canopied replacement trees (not palms) within the site. The species selected shall be those that will attain a minimum height of 6 metres at maturity.*
 - a. *One specimen of Melaleuca quinquenervia (Paperbark) located towards the western part of the rear of the site.*
 - b. *One specimen of Banksia species (Banksia) located along the eastern boundary of the rear of the site.*

Tree Protection Measures

93. *In order to ensure the retention of the Araucaria hetrophylla (Norfolk Island Pine) located southern boundary of the site in good health, the following measures are to be undertaken:*

- a. *All detailed architectural, building, demolition, engineering (structural, stormwater & drainage, services), and landscape documentation submitted for the construction certificate application shall show the retention of the existing tree specimen with the position of the tree trunk and full diameter of the tree canopy clearly shown on all drawings.*
- b. *Detailed architectural, building, demolition, engineering (structural, stormwater & drainage, services), and landscape documentation submitted for the construction certificate application shall show no alteration in the existing soil levels or the location of any structures, services, footings, paving, detention tanks, stormwater infiltration systems, pipes, cutting or battering of the existing soil profile, or any excavations within a radius of 2 metres from the outside edge of the tree trunk.*
- c. *The tree is to be physically protected by the installation of protective fencing around the tree using 1.8 metre high steel mesh/chainwire fencing. This fencing shall be located to a minimum radius of 1 metre from the outside edge of the tree trunk.*

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

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

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

- e. *Any excavations required for footings, structures, retaining walls, basement carparks, services, pipes, detention tanks, stormwater infiltration systems, paving etc within 3 metres of the tree trunk shall be undertaken by hand and under the direction of, and to the satisfaction of, a suitably qualified Arborist with all roots being cleanly cut.*
- f. *The installation of woodchip mulch to a depth of 75mm within the fenced off protection area as described in Point c.*
- g. *Watering of the tree (within the fenced off area) three times a week*

for the duration of the period of the refundable deposit described in Point i.

- h. A refundable deposit in the form of cash or cheque of \$2,700.00 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
1	Araucaria hetrophylla (Norfolk Island Pine)	\$2,700.00
	TOTAL	\$2,700.00

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 tree have been retained in good health.

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

ADVISORY 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 changes to the development consent plans to achieve compliance with the deemed-to-satisfy provisions of the Building Code of Australia that may necessitate variations to the development consent plans and that alter the configuration, size, floor layout or design of the building, may also 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: (His Worship the Mayor, Cr D. Sullivan/Andrews) SEE RESOLUTION.

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

For

Against

Andrews
Backes
Daley
Matthews
Notley-Smith
Procopiadis
Schick
Seng
His Worship the Mayor, Cr D. Sullivan
White

Greenwood
Matson
Tracey
Whitehead

6. GENERAL BUSINESS.

6.1 GENERAL BUSINESS – LEGAL ISSUES RELATING TO 35 KNOX STREET, CLOVELLY. (D/0323/2003)

H119 **RESOLUTION:** *(Tracey/Greenwood)* that a report be brought back to Council detailing the current legal situation with respect to 35 Knox Street, Clovelly.

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

7. NOTICE OF RESCISSION MOTIONS.

Nil.

The meeting closed at 9.10 p.m.

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CHAIRPERSON