

**MINUTES OF HEALTH BUILDING AND PLANNING COMMITTEE MEETING OF
THE COUNCIL OF THE CITY OF RANDWICK
HELD ON TUESDAY, 7TH SEPTEMBER 2004 AT 6:42 PM**

PRESENT:

His Worship the Mayor, Cr M. Matson (East Ward)

North Ward	-	Crs J. Kenny, P. Tracey & M. Woodsmith
South Ward	-	Crs R. Belleli, M. Daley & A. White
East Ward	-	Crs B. Notley-Smith & D. Sullivan
West Ward	-	Crs B. Hughes (Deputy Chairperson) (In the Chair), S. Nash & J. Procopiadis
Central Ward	-	Cr C. Bastic

OFFICERS PRESENT:

Acting General Manager	Ms. S. Truuvert.
Director Assets & Infrastructure Services	Mr. M. Savage.
Acting Director Planning & Community Development	Ms. K. Armstrong.
Director Governance Management & Information Services	Mr. M. Hummerston.
Manager Development Assessment	Mr. K. Kyriacou.
Assistant Public Officer	Mr. D. Kelly.
Communications Manager	Ms. D. Brien.
Manager Waste	Mr. R. Wade.

1. APOLOGY.

An apology was received from Cr Seng.

RESOLVED: (Nash/Kenny) that the apology be received and accepted and leave of absence be granted to Cr Seng from the Health, Building and Planning Committee Meeting of the Council held on Tuesday, 7th September, 2004.

LEAVE OF ABSENCE

Leave of Absence had previously been granted to Cr Andrews, Minute No.185/2004.

2. MINUTES.

CONFIRMATION OF THE MINUTES OF THE HEALTH, BUILDING AND PLANNING COMMITTEE MEETING HELD ON TUESDAY, 10TH AUGUST, 2004.

H54 **RESOLUTION:** (*His Worship the Mayor, Cr M. Matson/Notley-Smith*) that the Minutes of the Meeting of the Health, Building and Planning Committee held on Tuesday, 10th August, 2004 (*copies of which were circulated to all Councillors*) be and are hereby confirmed as a

correct record of the proceedings of that meeting, subject to the inclusion of the entire resolution for the Section 96 consent granted to 126-130 Barker Street, Randwick which was inadvertently omitted from the original minutes.

3. DECLARATION OF PECUNIARY & NON-PECUNIARY INTERESTS

Nil.

RESOLVED: (Notley-Smith/Kenny) that the meeting be adjourned at 6.44 p.m. and be further adjourned at 7.29 p.m.

4. 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:

6.1 ACTING DIRECTOR PLANNING & COMMUNITY DEVELOPMENT'S REPORT - 67/2004 - 73 FERN STREET, CLOVELLY.

The Objector Mr Tom Morrow 75 Fern Street, Clovelly.

The Applicant Mr Adrian Van Dam 73 Fern Street, Clovelly.

6.3 DEVELOPMENT APPLICATION REPORT - 9 DACRE STREET, MALABAR.

The Objector Mr Steven Layman 7 Dacre Street, Malabar.
(on behalf of owner of No.7)

The Objector Mr Doug Seiffert 5 Dacre Street, Malabar.

The Applicant Mr Cameron Habler 10A Nix Avenue, Malabar

6.4 DEVELOPMENT APPLICATION REPORT - 7 HINKLER STREET, MAROUBRA.

The Applicant Mr Sol Wilk 117 Ebley Street, Bondi Junction.
(Architect on behalf of owner)

6.7 DEVELOPMENT APPLICATION REPORT - 126 MARINE PARADE, MAROUBRA.

The Objector Ms Lindsay Shurey 8 Chapman Avenue, Maroubra.

The Applicant Mr Cameron Donald 397 Riley Street, Surry Hills
(on behalf of applicant)

The meeting was resumed at 7.56 p.m.

5. MAYORAL MINUTES.

Nil.

6. DEVELOPMENT APPLICATIONS.

**6.1 DIRECTOR PLANNING & COMMUNITY DEVELOPMENT'S REPORT
67/2004 - 73 FERN STREET, CLOVELLY. (DA597/2003A)**

H55 **RESOLUTION:** *(Tracey/His Worship the Mayor, Cr M. Matson)* that Council as the responsible authority refuse its consent under Section 96 of the Environmental Planning and Assessment Act 1979 (as amended) to Modify Development Consent No. 597/2003 on property 73 Fern Street, Clovelly for the following reasons:-

1. *the proposed FSR for the development is excessive and does not meet the performance requirements of the DCP;*
2. *the proposed upper level extension adds unreasonably to the visual bulk and scale of the building to the detriment of the visual amenity of adjoining properties;*
3. *the proposal will adversely impact on the adjoining property to the south in terms of overshadowing; and*
4. *the proposal will result in the loss of views from the property at 71 Fern Street, Clovelly.*

MOTION: *(Tracey/His Worship the Mayor, Cr M. Matson)* SEE RESOLUTION.

**6.2 DEVELOPMENT APPLICATION REPORT - 1-81 LITTLE BAY ROAD,
LITTLE BAY. (D/1107/2003)**

H56 **RESOLUTION:** *(Sullivan/Procopiadis)* that:

- A. *Council as the responsible authority grant its development consent under Section 80 and 80A of the Environmental Planning and Assessment Act 1979 (as amended) to Development Application No DA 1107/2003 for Construction of 14 two storey attached townhouses above basement garaging on Lot 34 of the approved community title subdivision at 1-81 Little Bay Road, Little Bay subject to the following conditions:-*
 1. *The development must be implemented substantially in accordance with the plans numbered P6.01 to P6.11 drawn by Wolski Lycenko Brecknock Architects, plot date 01DEC03 and stamped received by Council on 2 December 2003 and Issue B of the Landscaping Plans drawn by HASSELL Pty Ltd numbered 3142B/CD-001 to 3142B/CD-011, dated Nov 03 and stamped received by Council on 2 December 2003, stamped received on the 15 June 2004, and the colour schemes provided as Appendix C to the Statement of Environmental Effects (SEE) ,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 front fence to the northern boundary is not to exceed 1.5m in height. Fences to secondary frontages to Bunnerong Road and roads within the development may be up to 1.5 metres in height. All other fences may have a maximum height of 1.8m. This condition is imposed ensure surveillance and the desired future character of the street can be maintained. Details required by this condition are to be provided with the Construction Certificate application.*
3. *The floor to ceiling height of the ground floor of each of the dwellings is to be 2.7 metres and the floor to ceiling height of the first floor level of each dwelling is to be 2.6 metres in accordance with the approved master plan for the site. This condition is imposed to ensure compliance with the adopted master plan. Details are to be provided on the plans submitted with the Construction Certificate application.*
4. *A roller door or gate with an open grille design is to be provided to the carparking to maintain security to the carparking area with a facility for remote access for residents.*

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

5. *Garbage storage areas are to be provided in accordance with condition 83 in the front yards of each of the dwellings. These garbage storage areas are to be a maximum of 1.5 metres in height and are to be incorporated into the fencing design so that they are screened from the street and their location does not interfere with use of the north facing courtyard areas to the front of each dwelling.*

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

6. *The consumption of water within the building shall be minimised by the use of triple A rated water efficient plumbing fixtures (taps and shower roses) and water efficient dual flush toilets. Details of compliance are to be noted in the construction certificate plans or specifications.*
7. *Hot water service pipes are to be provided with insulation, in accordance with the relevant requirements of Building Code of Australia and AS 3500.*
8. *Each dwelling is to be provided with a gas-boosted 5-star solar hot water heating system.*
9. *A rainwater tank, of sufficient size to provide water for irrigation of landscaped areas within the development, is to be provided to the development in accordance with Council's Rainwater Tank Policy*

The tank is to be located a minimum of 500mm from the side boundaries and is to have a maximum height of 2.4 metres. The tank is to be installed behind the front

building line and is to be located at ground level and be incorporated into the relevant construction certificate plans, to the satisfaction of the Certifying Authority.

The noise level from the pump is not to exceed 5dBA above ambient background noise, measured at the property boundary and the pump must not be audible within any dwelling located upon any other premises between 10pm and 8am.

10. *External drying areas are to be available and readily accessible to all dwellings and sited to receive good winter sun and breezes.*
11. *In-sink food and waste disposal systems are not to be installed.*
12. *A maximum of 50% of lighting should be incandescent or low voltage.*
13. *Water flow reducing fittings or flow reduction valves are to be installed to all service outlets.*
14. *The use of PVC is to be minimised.*
15. *The design of landscaped areas is to provide for on-site composting.*
16. *External timber or metal framed and brick veneer walls and roofs are to be provided with insulation (i.e. bulk insulation and a reflective building membrane/reflective sarking/foil insulation), having a minimum total thermal resistance R-value of 3.0 in roofs and 1.5 in external walls. The insulation and reflective building membrane is to be installed in accordance with the relevant requirements of the Building Code of Australia and the manufacturers details.*

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

17. *Street numbering must be provided to the premises in a prominent position, to the satisfaction of Council. The site will require submission of a Changing Address application to Council, prior to installation of any numbering to ensure that the premises is numbered appropriately and relevant authorities are notified of any changes.*

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

18. *In accordance with Council's Section 94 Contributions Plan effective from 2 September 1999, the following monetary contribution is to be paid to Council.*
 - a) *for the provision or improvement of open space* \$ 38,248.00
 - b) *for the provision or improvement of community facilities* \$ 16,912.00
 - c) *Administration fee* \$425.00 \$ 425.00

*The contribution must be paid in cash or by bank cheque **prior to a construction certificate being issued** for the proposed development, together with payment of the required **Section 94 Administration Fee of \$425.00**. Council's Section 94*

Contribution Plans may be inspected at the Customer Service Centre, Administrative Centre, 30 Frances Street, Randwick.

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

19. *The applicant is to engage an Environment Protection Authority (EPA) Accredited Site Auditor. The Site Auditor is to assess the suitability of the site for its intended development and use. A Site Audit Statement and Summary Site Audit Report is to be submitted to and accepted by Council, **prior to works commencing**, stating that the site is suitable for the intended development and use.*

*The Site Audit Statement **must be unconditional**, in that, it must not include any conditions requiring or recommending any works or monitoring after the commencement of building works.*

20. *The site audit statement shall be developed and prepared in accordance with the following:*
- a. *The proponent shall engage the services of a site auditor holding current accreditation in accordance with sections 49 and 50 of the Contaminated Land Management Act 1997.*
 - b. *All remediation works shall be carried out in accordance with the requirements of the Contaminated Land Management Act 1997, environmental planning instruments applying to the site, guidelines made by the NSW Environment Protection Authority and Planning NSW, Randwick City Council's Contaminated Land Policy 1999 and the Protection of the Environment Operations Act 1997.*
 - c. *The remediation of the site including ground water must fully comply with all relevant Commonwealth and State Legislation, Regulations and Standards.*
 - d. *Site remediation for any part of the site must be completed prior to the issue of a subdivision certificate for that part of the site. No subdivision certificate will be issued for any part of the site until the receipt by Council of an acceptable site audit statement for that part of the site.*
 - e. *Any beneficial reuse of material onsite is to be monitored and classified by a suitably experienced environmental specialist, together with the site auditor. Such material must be certified by a Site Audit Statement (SAS) together with a Summary Site Audit Report (SSAR) in the format defined by the Contaminated Land Management Regulation 1998 and shall be furnished to Council **prior to the commencement of building works**. The site audit statement issued to Council shall be unconditional, in that it requires no further monitoring, on going review or remedial actions, and shall cover both land and groundwater.*
 - f. *The Consultant and Auditor, in their assessment of appropriate soil investigation levels, must take into account all environmental concerns (for*

example, the potential effects on wildlife) and the protection of ground and surface water.

- g. Any new information which comes to light during remediation, demolition or construction works, which has the potential to alter previous conclusions about site contamination, shall be notified to the Council and the Principal Certifying Authority immediately.*
- 21. Any new information which comes to light during remediation, demolition or construction works, which has the potential to alter previous conclusions about site contamination, shall be notified to the Council and the Principal Certifying Authority immediately.*

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

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

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

- 24. 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.*
- 25. 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.*
- 26. 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.*
- 27. Prior to the commencement of any building works, a construction certificate must be obtained from the Council or an accredited certifier, in accordance with the provisions of the Environmental Planning & Assessment Act 1979 and Environmental Planning & Assessment Regulation 2000.*
- 28. Prior to the commencement of any building work, a principal certifying authority must be appointed and Council is to be notified accordingly and, at least 2 days notice of the intention to commence building work must be given to Council, in accordance with the provisions of the Environmental Planning & Assessment Act 1979 and Environmental Planning & Assessment Regulation 2000.*

29. *An Occupation Certificate must be obtained from the principal certifying authority prior to any occupation of the building work encompassed in this development consent in accordance with the relevant provisions of the Environmental Planning & Assessment Act 1979.*
30. *In accordance with clause 98 of the Environmental Planning and Assessment Regulation 2000, it is a prescribed condition, that in the case of residential building work, a contract of insurance must be obtained and in force, in accordance with the requirements of the Home Building Act 1989.*

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

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

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

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

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

31. *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:

32. *A report shall be prepared by a professional engineer and submitted to the certifying authority **prior to the issuing of a construction certificate**, detailing the proposed methods of excavation, shoring or pile construction, including details of vibration emissions. 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.

33. *Driven type piles/shoring must not be provided unless a geotechnical engineer's report is submitted to the certifying authority, **prior to the issuing of a construction certificate**, which states that damage should not occur to any adjoining premises and public place as a result of the works.*
34. *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**.*
35. *A Certificate of Adequacy prepared by a professional engineer is to be submitted to the principal certifying authority (and the Council, if the Council is not the principal certifying authority) **prior to occupation of the building**, certifying the structural adequacy of the building and that the building works satisfy the relevant structural design requirements of the Building Code of Australia.*

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

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

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

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

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

38. *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.

39. *A works-as-executed fire services plan is to be submitted to the Council **prior to occupation** of the development, detailing the location of the essential fire safety measures installed within the building premises.*
40. *A Registered Surveyor's check survey certificate or compliance certificate is to be forwarded to the principal certifying authority (and a copy is to be forwarded to the Council, if the Council is not the principal certifying authority), detailing compliance with Council's approval at the **following stage/s of construction**:*
 - a) *Prior to construction of the footings or first completed floor slab (prior to the pouring of concrete), showing the area of the land, building and boundary setbacks and verifying that the building is being constructed at the approved levels.*
 - b) *On completion of the erection of the building showing the area of the land, the position of the building and boundary setbacks and verifying the building has been constructed at the approved levels.*
41. *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.*
42. *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.*
43. *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.*
44. *Noise and vibration from any rock excavation machinery and pile drivers (or the like) must be minimised by using appropriate plant and equipment and silencers and a*

construction noise and vibration minimisation strategy, prepared by a suitably qualified consultant is to be implemented during the works, to the satisfaction of the Principal Certifying Authority.

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

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

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

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

47. *Temporary toilet facilities are to be provided, at or in the vicinity of the work site throughout the course of demolition and construction, at the rate of one toilet for every 20 persons or part of 20 persons employed at the site and the toilet facilities must be connected to a public sewer or other sewage management facility approved by Council.*
48. *Public safety and convenience must be maintained at all times during demolition, excavation and construction works.*

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.

49. *Building materials, sand, soil, waste materials or construction equipment must not be placed upon the footpath, roadway or nature strip at any time and the footpath, nature strip and road must be maintained in a clean condition and free from any obstructions and debris at all times.*
50. *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.

51. *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".*
52. *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.

53. *During demolition excavation and construction works, dust emissions must be minimised, so as not to result in a nuisance to nearby residents or result in a potential pollution incident.*

Adequate dust control measures must be provided to the site prior to the works commencing and the measures and practices must be maintained throughout the demolition, excavation and construction process, to the satisfaction of Council.

Dust control measures and practices may include:-

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

- *Revegetation of disturbed areas.*

54. *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.

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

*A soil and water management plan (SWMP) must be submitted to and approved by the principal certifying authority and implemented **prior to the commencement of any site works or activities**.*

The soil and water management plan must contain a site plan, detailing:

- *the slope of the land*
- *site access points and access control measures*
- *location and type of all sediment and erosion control measures*
- *location of existing vegetation, to be retained*
- *material stockpile or storage areas and methods of sediment control*
- *location of existing and proposed drainage systems*
- *proposed disposal of site water*
- *location of building operations and equipment*
- *proposed re-vegetation details*

All soil and water management measures must be maintained at all times throughout demolition, excavation, building and site works and a copy of the soil and water

management plan is to be kept on-site and be made available to Council officers upon request.

56. *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

57. *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.*
58. *A temporary timber crossing is to be provided to the site entrance across the kerb and footway area, with splayed edges, to the satisfaction of Council, unless access is via an existing concrete crossover.*
59. *The applicant/builder is required to hold Public Liability Insurance, with a minimum liability of \$5 million and a copy of the Insurance cover is to be provided to Council prior to commencement of works.*

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

60. *The building is required to be provided with a smoke alarm system complying with Clause 3 of Specification E2.2a of the B.C.A. or a smoke detection system complying with Clause 4 of Specification E2.2a of the B.C.A. or a combination of a smoke alarm system within the sole-occupancy units and a smoke detection system in areas not within the sole-occupancy units. The smoke detectors located within the stairway, corridors or the like must be interconnected.*

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

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

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

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

62. *The applicant shall construct a concrete vehicular crossing and layback at the kerb opposite the proposed vehicular entrance to the site. The works are to be in accordance with Australian Standard specifications for domestic driveways.*

63. *All new walls adjacent to vehicular crossings must be lowered to a height of 600mm above the internal driveway level for a distance of 1.50m within the site or splayed 1.5 metre by 1.5 metre to provide satisfactory sight lines. Details are to be submitted to the Certifying Authority prior to the release of the construction certificate showing compliance with this condition.*
64. *The driveway opening at the street frontage must be 5.50 metres wide and located at least 1.5 metres clear of the side property.*
65. *The internal driveway must be a minimum 5.50m wide (clear width) for the first 5 metres inside the property so as to allow entering & exiting vehicles to pass within the site.*
66. *The basement carpark shall generally conform to the requirements of AS2890.1 – 2004.*

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

67. *The Council's Department of Asset & Infrastructure Services have determined that the design alignment level (concrete/paved/tiled level) at the property boundary of each Lot for driveways, access ramps and pathways or the like shall be:*
 - ***Generally 2.5% above the top of the kerb at all points opposite the kerb, along the full site frontage.***

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

The design alignment levels at the property boundaries must be strictly adhered to.

68. *The design alignment levels (concrete/paved/tiled level) issued by Council must be indicated on the building plans for the construction certificate.*

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

69. *A public utility impact assessment must be carried out on all public utility services on the site, roadway, nature strip, footpath, public reserve or any public areas associated with and/or adjacent to the development/building works and include relevant information from public utility authorities and exploratory trenching or pot-holing, if necessary, to determine the position and level of service.*
70. *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.*

71. *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.*
72. *Any electricity substation required for the site as a consequence of this development shall be located within the site and shall be screened from view. The location of the substation within the site, together with the required screening, shall be subject to the requirements of Energy Australia. The proposed location and elevation shall be shown on all detailed landscape drawings and specifications.*
73. *All site services shall be provided underground.*
74. *A Section 73 Compliance Certificate under the Sydney water Act 1994 must be obtained. Application must be made through an authorised Water Servicing Coordinator. Please refer to “Your Business” section of Sydney Water’s web site at www.sydneywater.com.au then the “e-developer” icon or telephone 13 20 92.*

Following application a “Notice of Requirements” will detail water and sewer extensions to be built and charges paid. Please make early contact with the Coordinator, since building of water/sewer extensions can be time consuming and may impact on other services and building, driveway or landscape design.

The Section 73 Certificate must be submitted to the Principal Certifying Authority prior to occupation of the development.

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

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

from a surface inlet pit must be 150mm diameter. The site must be graded to direct any surplus run-off (ie. above the 1 in 20 year storm) to the proposed drainage system.

- d) *The separate catchment areas within the site, draining to each collection point or surface pit are to be classified into the following categories:*
- i. *Roof areas*
 - ii. *Paved areas*
 - iii. *Grassed areas*
 - iv. *Garden areas*
- e) *Where buildings abut higher buildings and their roofs are "flushed in" to the higher wall, the area contributing must be taken as: the projected roof area of the lower building, plus one half of the area of the vertical wall abutting, for the purpose of determining the discharge from the lower roof.*
- f) *Proposed finished surface levels and grades of car parks, internal driveways and access aisles which are to be related to Council's design alignment levels.*
- g) *The details of any special features that will affect the drainage design eg. the nature of the soil in the site and/or the presence of rock etc.*
76. *All stormwater run-off naturally draining to the site must be collected and discharged through this property's stormwater system. Such drainage must, if necessary, be constructed prior to the commencement of building work.*
77. *All site stormwater must be discharged by gravity to the proposed community title drainage system adjacent to the southern boundary of the site.*

It is noted that the proposed community title drainage system (referred to above), does not form part of this development approval, however, the system must be completed prior to the issuing of the construction certificate. This is to ensure that stormwater runoff from the development site may be safely conveyed to Council's external drainage system via the internal community title system.

78. *Stormwater pipes shall be located in accessible locations.*
79. *A sediment/silt arrester pit must be provided:-*
- a) *within the site at or near the street boundary prior to the site stormwater discharging by gravity to the kerb/street drainage system; and*
 - b) *prior to stormwater discharging into any absorption/infiltration system.*

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

- *The base of the pit located a minimum 300mm under the invert level of the outlet pipe.*
- *The pit must be constructed from cast in-situ concrete, precast concrete or double brick.*

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

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

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

80. *Any Absorption Trenches/Pits must be designed in accordance with "Section 8.5 ABSORPTION TRENCHES" as stipulated in Randwick City Council's Private Stormwater Code.*
81. *Prior to the issuing of an occupation certificate, the applicant shall submit to the Principal Certifying Authority (PCA) and Council’s Director of Asset and Infrastructure Services, certification from a suitably qualified and experienced Hydraulic Engineer confirming that the design and construction of the stormwater drainage system complies with the conditions of development consent. The certification must be provided to the satisfaction of the PCA.*
82. *Should groundwater/seepage water be encountered within the depth of the basement excavation, the basement carpark or similar structures are to be suitably tanked and waterproofed. A Structural Engineer\Geotechnical Engineer shall certify the tanking & waterproofing has been carried out to an acceptable standard and a copy of the certification is to be forwarded to Council.*

Notes:-

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

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

83. *Provision shall be made for the storage of 1 x 120L garbage bin and 1 x 240L recycling bin within the front yard of each individual townhouse. Details showing compliance with this requirement are to be shown on the plans submitted to the certifying authority for the construction certificate.*

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

84. *The landscaped areas shown on the plan numbers CD-001 – 011, dated November 2003, job number 3142B, for Lots 33 - 46 drawn by Hassell Pty Ltd, shall be the subject of detailed landscape drawings and specifications, which are to be submitted to, and approved by, the certifying authority or {the Director of Assets & Infrastructure in accordance with Section 80A(2) of the Environmental Planning and Assessment Act 1979}, prior to the issue of a construction certificate. The landscape drawings and specifications are to be prepared by a qualified Landscape Architect who is eligible for membership with the Australian Institute of Landscape Architects (AILA). The documentation is to include:*
- a. A site plan at an appropriate scale showing existing site boundaries, features on adjoining sites within 6 metres of the common property boundary (buildings, trees, other structures etc), council's footway, existing and proposed ground levels shown as spot heights and/or contours over the site, at site boundaries, proposed building envelope, proposed areas of pavement, and proposed landscaped areas.*
 - b. A planting plan at a scale of 1:100 or 1:200 indicating the location of all proposed planting, with all plants to be drawn at their mature size with a dense planting of shrubs, accent plants and ground covers within all garden beds so that a continuous planted cover is achieved. Plant spacings are to be clearly indicated for all accent and groundcovers.*
 - c. A planting schedule listing all plants by botanic & common names, plant numbers, plant spacings for groundcovers and accent planting, pot sizes, the estimated size of the plant at maturity (height & spread) and proposed staking methods when applicable.*
 - d. Additional notation showing soil and mulch details, irrigation details, edging, paving, fencing details, surface finishes, retaining wall details, and any other landscape elements in sufficient detail to fully describe the proposed landscape works.*
 - e. Position of existing and **proposed site services** including water, gas, electricity, sewer, **stormwater**, etc.*
 - f. Sectional elevations through the site showing the existing and proposed groundlines, building elevations, and mature height of proposed planting.*
 - g. The landscape plan shall show a minimum number of 14 x 75 litre broad*

canopied trees, and a minimum number of 14 x 25 litre broad canopied trees (not palms) suitably located within the site. The trees selected shall be of a species that attain a minimum height of 6 metres at maturity.

- h. All planter boxes and garden beds constructed on slab must have a minimum soil depth of 600mm and all lawn areas must have a minimum soil depth of 300mm. Planter box details shall be submitted with the detailed landscape plans.
- i. The plan shall respect the prevailing coastal influences and the coast's special design considerations and requirements, and shall be designed accordingly. Generally, species selection shall be restricted to local indigenous coastal species that require minimal watering once established or species with water needs that match rainfall and drainage conditions.
- j. In order to reduce the amount of stormwater generated by the site, porous paving shall be used in all pathways. Details are to be provided with the construction certificate application.
- k. Location of easements within the site and upon adjacent sites (if any).

85. The landscaping plans require the following amendments, which are to be submitted for the construction certificate application.

- c) Lots 33-34, drawing CD-001. Proposed trees have not been shown at their true size at maturity, which will likely lead to overcrowding and encroachment onto the dwelling at a later date. In light of this, the plan needs to be reviewed and amended for the construction certificate application.
- d) Lots 35-36, drawing CD-002. Due to its self seeding properties, Council's Landscape Technician does not support the proposed use of *Sapium sebiferum* (Chinese Tallowood). As such, this species shall be replaced with a suitable alternative on the plans submitted for the construction certificate application. In addition, proposed trees have not been shown at their true size at maturity, and as such, a review of the plans should be undertaken, and the necessary amendments made, to reflect this requirement.
- e) Lot 37, drawing CD-003. The proposed use of *Podocarpus elatus* (Brown Pine) in the rear yard is considered excessive given its huge size at maturity, the relatively small size of yard it would be growing in and the fact that there are several other trees proposed for this area. In addition, proposed trees have not been shown at their true size at maturity, and as such, a review of the plans should be undertaken, and the necessary amendments made, to reflect this requirement. 1 'SYC' is shown to be planted along the eastern boundary but has not been included in the planting schedule. This needs to be clarified.
- f) Lot 38, drawing CD-004. It would seem more appropriate to relocate the proposed *Lagerstroemia indica* (Crepe Myrtle) at the front of the site closer towards the street frontage in order to maximize the amount of usable open space in the front yard that is available to the occupants of this dwelling.
- g) Lot 39-40, drawing CD-005. The proposed use of *Acer negundo* (Box Elder) in the front yard is considered excessive given its large size at maturity, the relatively small size of yard it would be growing in and the fact that there are several other trees proposed for this area. In addition, proposed trees have not been shown at their true size at maturity, and as such, a review of the plans

should be undertaken, and the necessary amendments made, to reflect this requirement. 1 'STP' is shown for the front yard of Lot 40 but is not included on the planting schedule. This needs to be clarified.

- h) Lot 41-42, drawing CD-006. The proposed use of *Ulmus parvifolia* (Chinese Elm) in the front yard of Lot 41 is not favoured due to this species large size at maturity, relatively small sized yard it would be growing within as well as its excessive leaf fall. As such, this tree shall be replaced with a suitable alternative. Proposed trees have not been shown at their true size at maturity, and as such, a review of the plans will be necessary in order to reflect this requirement.*
- i) Lot 43-44, drawing CD-007. Due to its self seeding properties, Council's Landscape Technician does not support the proposed use of *Sapium sebiferum* (Chinese Tallowood). As such, this species shall be replaced with a suitable alternative on the plans submitted for the construction certificate application. In addition, proposed trees have not been shown at their true size at maturity, and as such, a review of the plans should be undertaken, and the necessary amendments made, to reflect this requirement. The proposed planting of two trees in the rear yard of Lot 43 is considered excessive as it will restrict the amount of usable open space available to the occupants. The plans should be amended to show the planting of 1 'ACS' only.*
- j) Lot 45-46, drawing CD-008. The proposed planting of *Jacaranda mimosifolia* (Jacaranda) in the front yard of Lot 45 is considered inappropriate given the size of this tree at maturity and the relatively small space it is growing with. The plans should be amended to show the selection of a more appropriately sized alternative. Proposed trees have not been shown at their true size at maturity, and as such, a review of the plans will be necessary in order to reflect this requirement.*

86. *The applicant shall submit a total payment of \$1760.00 + GST to Council,*

- i. Being the cost for Council to supply and install 8 x 75 litre street trees, *Corymbia maculata*, Spotted Gum, comprising two along the eastern nature strip of Lot 33, and six along the main street frontage at the completion of all works (\$1760.00 + GST).*

*The contribution shall be paid into Fee Code 525 at the Cashier on the Ground Floor of the Administrative Centre **prior to an occupation certificate being issued for the development.***

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

87. *A refundable deposit in the form of cash or cheque for the amount of \$12,000.00 shall be lodged with Council prior to a construction certificate being issued for the proposed development to ensure the implementation and maintenance of the landscape works in accordance with the approved landscape documentation.*

- a. The refundable deposit will be released twelve (12) months after the issue of a final occupation certificate by the principle certifying authority providing the landscape works have been successfully implemented and maintained in accordance with the approved landscape documentation. Throughout the*

maintenance/bond period, the applicant shall be responsible for all routine maintenance such as grass cutting, weeding, watering, fertilising, spraying, staking and replacement of all failed plant stock. There must be no alteration to the original design, including substitution of trees and shrubs, without the prior approval of the Principal Certifying Authority.

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

88. In order to organise for an inspection for the release of the security deposit, the applicant shall contact the Principal Certifying Authority for the development to liaise with Council's Asset & Infrastructure Department to arrange for an inspection of the landscaping to be carried out. Should the landscaping be found to be unsatisfactory, thus necessitating further inspections, the applicant is advised that each additional inspection will be charged at \$55.00 (incl.GST) and that this amount shall be paid into Account Number 41901939, Code RGJ at the Cashier on the Ground Floor of the Administrative Centre prior to any further inspection being carried out.

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

ADVISORY MATTERS:

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

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

- a) Part B1 - Structural provisions*
- b) Part C3 - Protection of openings*
- e) Part E1 - Fire fighting equipment*
- f) Part E2 - Smoke Hazard Management*
- g) Part E4 - Emergency lighting, exit signs and warning systems*
- h) Part F2 - Sanitary and other facilities, in particular, a W/C for employees*
- i) Part F4 - Light and ventilation*

*Details of compliance with the relevant provisions of the Building Code of Australia and conditions of development consent are to be provided in the plans and specifications for the **construction certificate**.*

A2 The applicant is to advise Council in writing and/or photographs of any signs of existing damage to the Council roadway, footway, or verge prior to the commencement of any building/demolition works.

MOTION: (Sullivan/Procopiadis) SEE RESOLUTION.

**6.3 DEVELOPMENT APPLICATION REPORT - 9 DACRE STREET, MALABAR.
(D/0138/2004)**

H57 **RESOLUTION:** (*Notley-Smith/His Worship the Mayor, Cr M. Matson*) that:

- A. Council support the objection under State Environmental Planning Policy No. 1 to vary the provisions of Clauses 32(1), 33(1) of the Randwick Local Environmental Plan 1998 (as amended) relating to maximum floor space ratio and maximum external wall height on the grounds that the proposed development complies with the objectives of the clause and will not adversely affect the amenity of the locality and the Director of Infrastructure Planning and Natural Resources be notified accordingly,

AND

- B. Council as the consent authority, grant development consent as a Deferred Commencement under Section 80(3) of the Environmental Planning and Assessment Act 1979 (as amended) to Development Application No. 138/2004 for Demolition of existing residence and associated structures and construction of new two storey attached dual occupancy, swimming pool and attached double garage to each dwelling. at 9 Dacre Street, Malabar subject to the following conditions:-

Deferred Commencement Conditions

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

- 1. The patio to bedroom 3 of the rear dwelling is to be deleted. A balustrade and door arrangement may be provided to maximise the area of operable wall to this room, however any alternative arrangement is not to project beyond the general line of the external face of this elevation. This condition is imposed to preserve the existing view corridor through the centre of the site.*
- 2. The floor to floor height of the garage to the front dwelling is to be reduced in height by 1 metre and floor levels of upper floors lowered accordingly so that the maximum RL of the front dwelling is RL27.83.*
- 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 (ie. a schedule and brochure/s or samples affixed to a board keyed to coloured elevations), are to be submitted to and approved by Council's Director of Planning and Community Development, prior to the operation of this consent.

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

Development Consent Conditions

Subject to compliance with the deferred commencement conditions, to the satisfaction of

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

- 1. The development must be implemented substantially in accordance with the architectural plans drawn by Level 5 Design drawing numbers, A201/C, A002/C, A003/C dated 30/07/04 and drawing number A001B dated 13.05.04 of Job No. 3303 stamped received by Council on 2 August 2004, and drawing number A301/C dated 30.07.04 and stamped received by Council on 20 August 2004, the application form and on any supporting information received with the application, except as may be amended by the details submitted to satisfy the deferred commencement conditions and 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. Fences located on the side or rear boundaries of the premises shall not exceed a maximum height of 1.8 metres. Where ground levels differ across the boundary the fencing is not to exceed a maximum of 2.1 metres in height measured from the lowest adjoining ground level to maintain reasonable levels of amenity to the adjoining premises.*
- 3. The height of planter boxes to the street alignment is not to exceed 900mm in height for a minimum depth of 2 metres (as shown on the development application plans to the eastern side) to allow for tree and shrub plantings at the street frontage to the development. Details required by this condition are to be provided with the Construction Certificate application.*
- 4. Porous paving is to be used in all pathways, to maximize on-site absorption of rainwater and details are to be provided on the landscape plans submitted with the Construction Certificate application.*
- 5. Metal roof sheeting is to be painted or colour bonded to minimise reflection and to be sympathetic and compatible with the building and surrounding environment.*
- 6. The external walls of the front dwelling above garage level are to be setback 7.8 metres from the street alignment to maintain the amenity of the streetscape. This condition is imposed to clarify the development application plans.*
- 7. There must be no encroachment of any part of the structures onto the adjoining premises or onto Council's road reserve, footway or public place.*
- 8. 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.*
- 9. All plumbing and drainage pipes, other than rainwater heads, gutters and downpipes, must be concealed within the building.*
- 10. Street numbering must be provided to the premises in a prominent position, to the satisfaction of Council.*

In this regard, prior to occupation of the building, an application must be submitted to and approved by Council's Director Planning & Community Development, together with the required fee, for the allocation of an appropriate street number/s to the development.

11. *Power supply and telecommunications cabling to the development shall be underground.*
12. *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.*
13. *Internal or external clothes drying facilities are to be provided in accordance with the provisions of the Building Code of Australia.*

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

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

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

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

15. *The consumption of water within the building shall be minimised by the use of triple A rated water efficient plumbing fixtures (taps and shower roses) and water efficient dual flush toilets. Details of compliance are to be noted in the construction certificate plans or specifications.*
16. *External timber or metal framed and brick veneer walls and roofs are to be provided with insulation (i.e. bulk insulation and a reflective building membrane/reflective sarking/foil insulation), having a minimum total thermal resistance R-value of 3.0 in roofs and 1.5 in external walls. The insulation and reflective building membrane is to be installed in accordance with the relevant requirements of the Building Code of Australia and the manufacturers details.*

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

17. *Hot water service pipes are to be provided with insulation and must also satisfy any relevant requirements of Building Code of Australia and AS 3500.*

18. *The hot water system installed in the development must achieve a minimum greenhouse score of 3.5 as detailed SEDA's Energy Smart Homes Policy. Any electric clothes dryers to be provided in the development must also have a minimum 2 star energy rating.*
19. *A rainwater tank, of sufficient size to provide water for irrigation of landscaped areas within the development, is to be provided to the development in accordance with Council's Rainwater Tank Policy*

The tank is to be located a minimum of 500mm from the side boundaries and is to have a maximum height of 2.4 metres. The tank is to be installed behind the front building line and is to be located at ground level and be incorporated into the relevant construction certificate plans, to the satisfaction of the Certifying Authority.

The noise level from the pump is not to exceed 5dBA above ambient background noise, measured at the property boundary and the pump must not be audible within any dwelling located upon any other premises between 10pm and 8am.

The following condition is applied to satisfy the increased demand for public amenities and public services:

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

- | | |
|--|-------------------|
| a) <i>for the provision or improvement of open space</i> | <i>\$2,732.00</i> |
| b) <i>for the provision or improvement of community facilities</i> | <i>\$1,208.00</i> |
| c) <i>Administration fee</i> | <i>\$425.00</i> |

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

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

21. *All site works shall comply with the occupational health and safety requirements of WorkCover NSW.*
22. *All hazardous or intractable wastes and materials (including asbestos) shall be removed and disposed of in accordance with the requirements of WorkCover NSW, the Environmental Protection Authority and the relevant requirements:*
 - *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*

23. *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 have been applied to ensure that noise emissions from the development satisfy legislative requirements and maintain reasonable levels of amenity to the area:

24. *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 plant and equipment shall not give rise to an LAeq, 15 min 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) in accordance with relevant NSW Department of Environment & Conservation Noise Control Guidelines.

25. *Pool plant and equipment is to be enclosed in a sound absorbing enclosure or installed within a building, to minimise noise emissions and possible nuisance to nearby residents.*
26. *The operation of swimming pool/spa pool pump and equipment is restricted, if the noise emitted can be heard within a habitable room in any other residential premises, the equipment shall not be operated during the following hours, or, as otherwise specified in relevant Noise Control Regulations:*

- *before 8.00am or after 8.00pm on any Sunday or public holiday; or*
- *before 7.00am or after 8.00pm on any other day.*

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

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

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

28. *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.

29. *All new building work must be carried out in accordance with the provisions of the Building Code of Australia (BCA), in accordance with Clause 98 of the Environmental Planning and Assessment Regulation 2000.*
30. *Prior to the commencement of any building works, a construction certificate must be obtained from the Council or an accredited certifier, in accordance with the provisions of the Environmental Planning & Assessment Act 1979 and Environmental Planning & Assessment Regulation 2000.*
31. *Prior to the commencement of any building works, the person having the benefit of the development consent must:-*
- i) appoint a Principal Certifying Authority for the building work, and*
 - ii) appoint a principal contractor for the building work, or in relation to residential building work, obtain an owner-builder permit in accordance with the requirements of the Home Building Act 1989, and notify the Principal Certifying Authority and Council accordingly in writing, and*
 - iii) unless the person having the benefit of the consent is the principal contractor (i.e. owner-builder), notify the principal contractor of the required critical stage inspections and other inspections to be carried out, as specified by the Principal Certifying Authority, and*
 - iv) give at least two days notice to the Council, in writing, of the persons intention to commence building works.*

In relation to residential building work, the principal contractor must be the holder of a contractor licence, in accordance with the provisions of the Home Building Act 1989.

32. *The building works must be inspected by the Principal Certifying Authority (or another certifying authority if the Principal Certifying Authority agrees), in accordance with sections 109 E (3) of the Environmental Planning & Assessment Act 1979 and clause 162A of the Environmental Planning & Assessment Regulation 2000, to monitor compliance with the relevant standards of construction, Council's development consent and the construction certificate.*

The Principal Certifying Authority must specify the relevant stages of construction to be inspected in accordance with section 81A (2) (b1) (ii) of the Environmental Planning & Assessment Regulation 2000 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 consent is to be maintained by the Principal Certifying Authority. Details of critical stage inspections carried out and copies of certification relied upon must also be forwarded to Council with the occupation certificate.

The principal contractor or owner-builder (as applicable) must ensure that the required critical stage and other inspections, as specified in the Principal Certifying Authority's "Notice of Critical Stage Inspections", are carried out to the satisfaction of the Principal Certifying Authority and at least 48 hours notice (excluding weekends and public holidays) is to be given to the Principal Certifying Authority, to carry out

the required inspection, before carrying out any further works.

33. *A sign must be erected and maintained in a prominent position on the site, which contains the following details:*
- *name, address, contractor licence number and telephone number of the principal contractor, including a telephone number at which the person may be contacted outside working hours, or owner-builder permit details (as applicable)*
 - *name, address and telephone number of the Principal Certifying Authority,*
 - *a statement stating that “unauthorised entry to the work site is prohibited”.*
34. *An Occupation Certificate must be obtained from the Principal Certifying Authority prior to any occupation of the building work encompassed in this development consent (including alterations and additions to existing buildings), in accordance with the relevant provisions of the Environmental Planning & Assessment Act 1979.*

The relevant requirements of the Environmental Planning & Assessment Regulation 2000 and relevant conditions of development consent must be satisfied prior to the issuing of an occupation certificate.

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 provisions 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 principal building contractor and compliance with the provisions of the Home Building Act 1989 (i.e. Details of the principal licensed building contractor and a copy of the Certificate of Insurance) are to be submitted to Council **prior to the commencement of works**, with 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.*

At the time of this development consent, Long Service Levy payment is applicable on building work having a value of \$25,000 or more, at the rate of 0.2% of the cost of the works.

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

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

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

Smoke alarms are not to be located in ‘dead-air-spaces’, in the corner junction of walls and ceilings between exposed rafters/joists or at the apex of raked ceilings, as detailed in Part 3.7.2 of the Building Code of Australia – 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 group of conditions have been applied to ensure the structural adequacy and integrity of the proposed building and adjacent premises:

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

39. *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**.*

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.*

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

The following conditions 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.*
42. *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".*
43. *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 made available to the Council officers and all building contractors for assessment.*
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. *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.*
46. *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.*
47. *Noise and vibration emissions during the construction of the building and associated site works must not result in damage to nearby premises or result in an unreasonable*

loss of amenity to nearby residents and the relevant provisions of the Protection of the Environment Operations Act 1997 must be satisfied at all times.

48. *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.*
49. *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 stages of construction:***
 - a) *Prior to construction of the footings or first completed floor slab (prior to the pouring of concrete), showing the area of the land, building and boundary setbacks.*
 - b) *On completion of the erection of the building showing the area of the land, the position of the building and boundary setbacks.*
50. *Temporary toilet facilities are to be provided, at or in the vicinity of the work site throughout the course of demolition and construction, to the satisfaction of WorkCover NSW and the toilet facilities must be connected to a public sewer or other sewage management facility approved by Council.*
51. *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.
52. *Building materials, sand, soil, waste materials or construction equipment must not be placed upon the footpath, roadway or nature strip at any time and the footpath, nature strip and road must be maintained in a clean condition and free from any obstructions, soil and debris at all times.*
53. *Bulk bins/waste containers must not be located upon the footpath, roadway or nature strip at any time without the prior written approval 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 Development Control Plan for Exempt & Complying Development and Council's Local Approvals Policy. Applications to place a waste container in a public place can be made to Council's Building Services section.*

54. *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 are to be detailed in a soil and water management plan and 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 be maintained throughout construction. A copy of the approved details must be forwarded to the Council and a copy is to be maintained on-site and 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, methods of sediment control, details of drainage systems and details of existing and proposed vegetation.

55. *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.

56. *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.*

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

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

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

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

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

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 compliance with the Swimming Pools Act 1992 and to maintain public safety and amenity:

59. *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.

60. *Swimming pools are to be designed, installed and operated 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.*

61. *Pool plant and equipment is to be enclosed in a sound absorbing enclosure or installed within a building, to minimise noise emissions and possible nuisance to nearby residents.*

The operation of swimming pool/spa pool pump and equipment is restricted, if the noise emitted can be heard within a habitable room in any other residential premises, the equipment shall not be operated during the following hours, or, as otherwise specified in relevant Noise Control Regulations:

- *before 8.00am or after 8.00pm on any Sunday or public holiday; or*
- *before 7.00am or after 8.00pm on any other day.*

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

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

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

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

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

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

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

- a) *Construct a concrete vehicular crossing and layback at kerb opposite the vehicular entrance to the site in Dacre St and in Dacre Lane at the rear of the site.*
- b) *Construct concrete kerb and gutter with associated roadworks along the Dacre Lane frontage.*
- c) *Reconstruct the Council concrete footpath along the Dacre Street site frontage to meet Council's issued alignment levels for the driveway entrance in Dacre St. Any unpaved areas on the nature strip must be turfed and landscaped to Council's specification.*

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

65. *The applicant shall note that all external work, carried out on Council property, shall be in accordance with Council's Policy for "Vehicular Access and Road and Drainage Works". An application for the cost of the Council civil works is to be submitted to*

Council at the completion of the internal building works. An application fee shall be payable to Council for the quotation of the required works. The applicant may elect to use his contractor for the required works, subject to Council approval, however a design and supervision fee based on the lowest quotation from Council's nominated contractor will be required to be paid prior to the commencement of any works.

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

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

Dacre Street Driveway Entrance – 50mm above the existing Council kerb level.

Dacre Lane Driveway Entrance – 60mm above the edge of the asphalt road at both the eastern and western edge of the driveway opening.

Dacre Lane Pedestrian Gate Entrance – 130mm above the edge of the asphalt road opposite the pedestrian gate entrance.

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

67. *The design alignment levels issued by Council and their relationship to the roadway/kerb must be indicated on the building plans for the construction certificate. The design alignment level at the street boundary, as issued by the Council, must be strictly adhered to.*
68. *The above alignment levels and the site inspection by Council's Department of Asset & Infrastructure Services have been issued at a prescribed fee of \$664.00 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.*
69. *The top of footings of any structures constructed on the boundary alignment must be at least 150mm below the alignment level as specified for the vehicular access. This condition has been attached to accommodate future footpath construction at this location.*

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

70. *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.*
71. *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.*
72. *A Section 73 Compliance Certificate under the Sydney water Act 1994 must be*

obtained. Application must be made through an authorised Water Servicing Coordinator. Please refer to “Your Business” section of Sydney Water’s web site at www.sydneywater.com.au then the “e-developer” icon or telephone 13 20 92.

Following application a “Notice of Requirements” will detail water and sewer extensions to be built and charges paid. Please make early contact with the Coordinator, since building of water/sewer extensions can be time consuming and may impact on other services and building, driveway or landscape design.

The Section 73 Certificate must be submitted to the Principal Certifying Authority prior to occupation of the development.

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

73. *Engineering calculations and plans with levels reduced to Australian Height Datum in relation to site drainage shall be submitted to and approved by the certifying authority prior to a construction certificate being issued for the development. A copy of the engineering calculations and plans are to be forwarded to Council, prior to a construction certificate being issued, if the Council is not the certifying authority. The drawings and details shall include the following information:*
 - a) *A layout of the proposed drainage system including pipe sizes, type, grade, length, invert levels, etc., dimensions and types of all drainage pipes and the connection into Council's stormwater system. This may involve either connection to the Council's street gutter, or into a Council stormwater pit.*
 - b) *Generally all internal pipelines must be capable of discharging a 1 in 20 year storm flow. However the minimum pipe size for pipes that accept stormwater from a surface inlet pit must be 150mm diameter. The site must be graded to direct any surplus run-off (ie. above the 1 in 20 year storm) to the proposed drainage system.*
74. *All site stormwater leaving the site must be discharged by gravity to the kerb and gutter or drainage system at the front of the property.*
75. *A sediment/silt arrester pit must be provided within the site at or near the street boundary prior to the site stormwater discharging by gravity to the kerb/street drainage system. Details of the sediment/silt arrester pit can be obtained from Council’s Drainage Engineer on 9399 0919.*

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

76. *Prior to the accredited certifier issuing an occupation certificate for the proposed development the applicant is to contact Council’s Manager of Waste in regards to meeting Council’s requirements for waste services to the additional residence/dual occupancy.*

The following conditions are applied to provide adequate provisions for landscaping and to

maintain reasonable levels of environmental amenity:

77. *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.*
78. *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.*
79. *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.*
80. *The naturestrip upon Council's footway shall be excavated to a depth of 150mm, backfilled with topsoil equivalent with 'Organic Garden Mix' as supplied by Australian Native Landscapes, and re-turfed with Kikuyu Turf or similar. Such works shall be installed prior to the issue of a final Occupation Certificate.*
81. *The naturestrip upon Council's footway shall be maintained by the applicant in accordance with Council guidelines. Such maintenance shall include, but not be limited to, watering, mowing, fertilising, and the removal of weeds.*
82. *In order to visually 'soften' the expanses of hard pavement, brick unit pavers or similar shall be used throughout the driveway and carpark areas on the site. Such details shall be shown on the detailed engineering documentation and shall include all structural design details including pavement/subgrade thickness.*

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

Advisory Conditions

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

MOTION: (His Worship the Mayor, Cr M. Matson/Woodsmith) that the recommendation contained in the Director Planning and Community Development's Report dated 16th August, 2004 be adopted.

AMENDMENT: (White/Daley) that the recommendation contained in the Director Planning and Community Development's Report dated 16th August, 2004 be adopted subject to the deletion of deferred commencement conditions 1 and 2 and Development Consent conditions 2, 3 and 4.

RESOLVED: (PROCEDURAL MOTION): (Daley/Notley-Smith) that the recommendation contained in the Director Planning and Community Development's Report

dated 16th August, 2004 be adopted subject to each proposed deletion being considered individually.

PROCEDRUAL MOTION: (White/Daley) that the recommendation contained in the Director Planning and Community Development's Report dated 16th August, 2004 be adopted subject to the deletion of deferred commencement condition 1. **LOST.**

PROCEDRUAL MOTION: (White/Daley) that the recommendation contained in the Director Planning and Community Development's Report dated 16th August, 2004 be adopted subject to the deletion of deferred commencement condition 2. **LOST.**

A division on the amendment was called for by Crs Bastic and Daley. Voting was as follows:-

For	Against
Bastic	Belleli
Daley	Hughes
Procopiadis	Kenny
Sullivan	His Worship the Mayor, Cr M. Matson
Tracey	Nash
White	Notley-Smith
	Woodsmith

PROCEDRUAL MOTION: (White/Daley) SEE RESOLUTION.

(Note: Development Consent conditions 2, 3 and 4 were considered individually.)

6.4 DEVELOPMENT APPLICATION REPORT - 7 HINKLER STREET, MAROUBRA. (D/095/2004)

H58 **RESOLUTION:** *(Notley-Smith/His Worship the Mayor, Cr M. Matson)* that this matter be deferred to the next Ordinary Council meeting to allow Councillors to further investigate certain issues, including the finish of the fence and its impact on the rest of the street.

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

6.5 DEVELOPMENT APPLICATION REPORT - 33-149 BUNDOCK STREET, KINGSFORD. (D/0348/2004)

H59 **RESOLUTION:** *(Sullivan/Procopiadis)* that:

- A. *Council support the objection under State Environmental Planning Policy No.1 (SEPP No. 1) in respect to non-compliance with Clauses 30A of the Randwick Local Environmental Plan 1998 (relating to maximum floor space ratio) on the grounds that the proposed use complies with the objectives of the clause and will not adversely affect the amenity of the surrounding locality and that the Department of Infrastructure, Planning and Natural Resources be advised accordingly.*
- B. *Council as the responsible authority grant its development consent under Section 80 and 80A of the Environmental Planning and Assessment Act 1979 (as amended) to*

Development Application No 384/2004 for construction of 11 four-bedroom terrace-style dwellings with associated basement carparking, landscaping and strata title subdivision at 33–149, Bundock Street, Kingsford, subject to the following conditions:-

REFERENCED PLANS:

1. *The Development must be implemented substantially in accordance with the plans numbered DA 001A Issue A, DA 002A Issue A, DA 003A Issue A, DA 004A Issue A, DA 005A Issue A, DA 006A Issue A, and DA 007A Issue A, dated received by Council on 25 May 2004 and the application form, and on any supporting information received with the application, except as may be amended by the following conditions and as may be shown in red on the attached plans:*

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

2. *The external colours, materials and finishes of the proposed development and the landscaping plans shall be in accordance with the sample board details and elevations prepared by HPA Architects, Planners & Interior Designers submitted to and received by Council on 8 June 2004.*
3. *The floor to ceiling height of all first floor levels of the subject development shall be 2.7m high. The submission plans are to be amended accordingly, prior to the issuing of the construction certificate.*
4. *The applicant shall prepare a wild-life management plan containing appropriate measures and procedures for treating any wildlife that may be affected by the proposed development or that may wander into the site from the neighbouring Randwick Environmental Park and elsewhere, and these provisions shall form part of induction points for workers and staff on-site. The induction points shall include contact details of WIRES for rescue and retrieval. Details are to be submitted to Council for approval, prior to the issuing of the construction certificate.*
5. *Street numbering must be provided to the premises in a prominent position, to the satisfaction of Council.*

In this regard, prior to occupation of the building, an application must be submitted to and approved by Council's Director Planning & Community Development, together with the required fee, for the allocation of an appropriate street number/s to the development.

6. *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.*

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

7. *Upon completion of the development and prior to the issuing of the strata subdivision, documentary evidence is to be submitted to the Council by the Principal Certifying Authority (or other suitably qualified person on behalf of the owner of the premises, to the satisfaction of Council) which confirms that the development has been carried out in accordance with the relevant development consent conditions.*

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

(Sydney Water compliance cert. i.e. additional dwellings, MUH or new industrial dev.)

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

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

A copy of Sydney Water's 'Notice of Requirements' must be submitted to the Certifying Authority prior to issuing a Construction Certificate.

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

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:

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

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

10. *The operation of air conditioning unit/s is restricted, if the noise emitted can be heard within a habitable room in any other residential premises, the air conditioning unit/s*

shall not be operated during the following hours, or, as otherwise specified in relevant Noise Control Regulations:

- *before 8.00am or after 10.00pm on any Saturday, Sunday or public holiday; or*
 - *before 7.00am or after 10.00pm on any other day.*
11. *All building, construction and associated site works must only be carried out between the hours of 7.00am to 5.00pm on Monday to Saturday and all building activities are strictly prohibited on Sundays, and Public Holidays, except with specific written authorisation of Councils Manager.*
12. *The use of any rock excavation machinery or any mechanical pile drivers, concrete pumping, compactors, pneumatic hammering plant and backhoes is restricted to the hours of 8.00am to 5.00pm (maximum), Monday to Saturday, to minimise the noise levels during construction and loss of amenity to nearby residents.*

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

13. *The works shall not give rise to environmental pollution or public nuisance or, result in an offence under the Protection of the Environment Operations Act 1997 or NSW Occupational Health & Safety Act (2000) & Regulations (2001).*

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

14. *The basement car park shall be ventilated in accordance with the Building Code of Australia, Australian Standard 1668 parts 1 and 2.*
15. *The location of the discharge point serving the car park mechanical ventilation system is to be not less than 6m from a property boundary and it must discharge vertically and satisfy the relevant provisions of the Building Code of Australia and AS 1668.*

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

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

16. *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.

17. *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.

18. *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.*
19. *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.*
20. *An Occupation Certificate must be obtained from the principal certifying authority prior to any occupation of the building work encompassed in this development consent in accordance with the relevant provisions of the Environmental Planning & Assessment Act 1979.*
21. *In accordance with clause 98 of the Environmental Planning and Assessment Regulation 2000, it is a prescribed condition, that in the case of residential building work, a contract of insurance must be obtained and in force, in accordance with the requirements of the Home Building Act 1989.*

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

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

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

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

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

22. *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:

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

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

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

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

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

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

26. *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.

27. *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 footings or first completed floor slab (prior to the pouring of concrete), showing the area of the land, building and boundary setbacks and verifying that the building is being constructed at the approved levels.*
 - b) *On completion of the erection of the building showing the area of the land, the position of the building and boundary setbacks and verifying the building has been constructed at the approved levels.*
28. *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.*
29. *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.*
30. *Building materials, sand, soil, waste materials or construction equipment must not be placed upon the footpath, roadway or nature strip at any time and the footpath, nature strip and road must be maintained in a clean condition and free from any obstructions and debris at all times.*
31. *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.*
32. *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.

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

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

34. *The building is required to be provided with a smoke alarm system complying with Clause 3 of Specification E2.2a of the B.C.A. or a smoke detection system complying with Clause 4 of Specification E2.2a of the B.C.A. or a combination of a smoke alarm system within the sole-occupancy units and a smoke detection system in areas not within the sole-occupancy units. The smoke detectors located within the stairway, corridors or the like must be interconnected.*

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

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

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

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

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

a) \$15000.00 - *Damage / Civil Works Security Deposit*

The damage/civil works security deposit may be provided by way of a cash or cheque with the Council and is refundable upon a satisfactory inspection by Council that no damage has occurred to the Council assets such as roadway, kerb, guttering,

drainage pits footway, or verge and upon the completion of the civil works as conditioned in this development consent by Council. The applicant is to advise Council, in writing, of the completion of all building works and/or obtaining an occupation certificate, if required.

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

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

37. *The applicant must meet the full cost for Council or a Council approved contractor to:
 - a) *Construct a heavy-duty concrete vehicular crossing and layback at kerb opposite the vehicular entrance to the site.*
 - b) *Construct a 1.50m wide concrete footpath along the full site frontage, offset 0.30m from the boundary and any pram ramps required by Council's AIS Dept. Any unpaved areas on the nature strip must be turfed and landscaped to Council's specification.**
38. *The applicant must meet the full cost for Council or a Council approved contractor to repair/replace any damaged sections of Council's footpath, kerb & gutter, nature strip etc which are due to building works being carried out at the above site. This includes the removal of cement slurry from Council's footpath and roadway.*
39. *The applicant shall note that all external work, carried out on Council property, shall be in accordance with Council's Policy for "Vehicular Access and Road and Drainage Works". An application for the cost of the Council civil works is to be submitted to Council at the completion of the internal building works. An application fee shall be payable to Council for the quotation of the required works. The applicant may elect to use his contractor for the required works, subject to Council approval, however a design and supervision fee based on the lowest quotation from Council's nominated contractor will be required to be paid prior to the commencement of any works.*
40. *All new walls adjacent to vehicular crossings must be lowered to a height of 600mm above the internal driveway level for a distance of 1.50m within the site or splayed 1.5 metre by 1.5 metre to provide satisfactory sight lines. Details are to be submitted to the Certifying Authority prior to the release of the construction certificate showing compliance with this condition.*
41. *The driveway opening at the Hendy Ave frontage must be 5.50m metres wide and located at least 1.0 metres clear of the side property.*

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

42. *The Council's Department of Asset & Infrastructure Services has inspected the above site and have determined that the design alignment level (concrete/paved/tiled level)*

at the property boundary for driveways, access ramps and pathways or the like, shall be:

2.5% above the top of the kerb level at all points opposite the kerb, along the full site frontage.

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

- 43. The design alignment levels (concrete/paved/tiled level) issued by Council and their relationship to the kerb must be indicated on the building plans for the construction certificate. The design alignment level at the street boundary, as issued by the Council, must be strictly adhered to.*
- 44. The above alignment levels and the site inspection by Council's Department of Asset & Infrastructure Services have been issued at a prescribed fee of \$3,702.00 calculated at \$33.00 (inclusive of GST) per metre of site frontage. This amount is to be paid prior to a construction certificate being issued for the development.*
- 45. The top of footings of any structures constructed on the boundary alignment must be at least 150mm below the issued alignment level. This condition has been attached to accommodate future footpath construction at this location.*

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

- 46. 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.*
- 47. 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.*
- 48. Any electricity substation required for the site as a consequence of this development shall be located within the site and shall be screened from view. The proposed location and elevation shall be shown on all detailed landscape drawings and specifications. The applicant must liaise with Energy Australia prior to lodging the construction certificate whether or not an electricity substation is required for the development.*
- 49. All electricity and telecommunication cables/wires to service the development site across the road carriageway and/or the Council nature reserve (footpath area) are to be located underground to the satisfaction of the relevant service utility authority*
- 50. A Section 73 Compliance Certificate under the Sydney water Act 1994 must be obtained. Application must be made through an authorised Water Servicing Coordinator. Please refer to "Your Business" section of Sydney Water's web site at*

www.sydneywater.com.au then the “e-developer” icon or telephone 13 20 92.

Following application a “Notice of Requirements” will detail water and sewer extensions to be built and charges paid. Please make early contact with the Coordinator, since building of water/sewer extensions can be time consuming and may impact on other services and building, driveway or landscape design.

The Notice must be issued to the Principal Certifying Authority prior to the construction certificate being issued.

The Section 73 Certificate must be submitted to the Principal Certifying Authority prior to release of the plan of subdivision.

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

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

gutter or drainage system at the front of the property.

54. *A childproof and corrosion resistant fastening system shall be installed on access grates over pits/trenches where water is permitted to be temporarily stored.*
55. *Stormwater pipes shall be located in accessible locations.*
56. *Pump out systems will only be considered if the applicant can demonstrate to the Principal Certifying Authority that it is not possible to manage stormwater runoff in any other manner.*

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

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

57. *A sediment/silt arrester pit must be provided within the site at or near the street boundary prior to the site stormwater discharging by gravity to the kerb/street drainage system.*

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

The base of the pit located a minimum 300mm under the invert level of the outlet pipe.

The pit must be constructed from cast in-situ concrete, precast concrete or double brick.

The grate is to be a galvanised heavy-duty grate that has a provision for a child proof fastening system.

A minimum of 4 x 90 mm diameter weep holes located in the walls of the pit at the floor level with a suitable geotextile material with a high filtration rating located over the weep holes.

A galvanised heavy-duty screen (Lysaght RH3030 Maximesh or similar) located over the outlet pipe. (Similar to a Mascot GRC stormwater discharge control pit, product code DS3SDC).

A child proof and corrosion resistant fastening system for the access grate (e.g. similar to a Weldlock spring loaded jay-bolt).

The inlet pipeline located on the side of the pit so that the stormwater will discharge across the face of the screen.

A sign adjacent to this pit stating that:

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

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

58. *As the above site may encounter groundwater/seepage water within the depth of the basement excavation, the basement carpark or similar structures are to be suitably tanked and waterproofed. A Structural Engineer\Geotechnical Engineer shall certify the tanking & waterproofing has been carried out to an acceptable standard and a copy of the certification is to be forwarded to Council.*

Notes:-

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

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

60. *The garbage room areas will have to be designed so as to be able to contain a total of 12 x 240 litre bins (6 garbage bins & 6 recycle bins) whilst providing satisfactory access to these bins. Details showing compliance with this requirement are to be shown on the plans submitted to the certifying authority for the construction certificate.*
61. *The waste storage areas are to be provided with a tap and hose and the floor is to be graded and drained to the sewer to the requirements of Sydney Water.*
62. *Prior to the credited certifier issuing an occupation certificate for the proposed development the applicant is to contact Council’s Manager of Waste in regards to meeting Council’s requirements for waste services to the development.*

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

63. *The applicant shall create suitable right of carriageway, easements for services and internal stormwater lines, as required. The applicant shall be advised that the minimum easement width for any internal stormwater line is 0.9 metres.*
64. *The conditions of development consent must be satisfied and all public roads and reserves must be satisfactorily restored prior to the finalisation of the strata subdivision.*

65. *Prior to release of the Plan of Subdivision the applicant shall provide Council with a subdivider/developer certificate for the proposed lots. The certificate is obtained from Sydney Water.*
66. *The applicant shall provide Council with a survey plan of the property prior to receiving strata subdivision approval.*

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

67. *The landscaped areas shown on the concept plan, superlot 1A7, drawing number DA-011A, issue A, job 1515, drawn by PSB Landscape Architects, and dated April 2004 shall be the subject of detailed landscape drawings and specifications, which are to be submitted to, and be approved by, the certifying authority prior to the issue of a construction certificate. Should Council not be the certifying authority, a copy of the approved plans will still be forwarded to Council for our records. The landscape drawings and specifications are to be prepared by a qualified Landscape Architect who is eligible for membership with the Australian Institute of Landscape Architects (AILA). The documentation is to include:*
 - a. *A site plan at an appropriate scale showing existing site boundaries, features on adjoining sites within 6 metres of the common property boundary (buildings, trees, other structures etc), council's footway, existing and proposed ground levels shown as spot heights and/or contours over the site, at site boundaries, the proposed building envelope, proposed areas of pavement, and proposed landscaped areas.*
 - b. *A planting plan for each proposed dwelling at a scale of 1:100 or 1:200 indicating the location of all proposed planting. All plants are to be drawn at their mature size with a dense planting of shrubs, accent plants and ground covers within all garden beds so that a continuous planted cover is achieved. Plant spacings are to be clearly indicated for all accent and groundcovers.*
 - c. *A planting schedule listing all plants by botanic & common names, plant numbers, plant spacings for groundcovers and accent planting, pot sizes, the estimated size of the plant at maturity (height & spread) and proposed staking methods when applicable.*
 - d. *Additional notation showing soil and mulch details, irrigation details, edging, paving, fencing details, surface finishes, lighting details, retaining wall details, and any other landscape elements in sufficient detail to fully describe the proposed landscape works.*
 - e. *Position of existing and proposed site services including water, gas, electricity, sewer, stormwater, etc.*
 - f. *Sectional elevations through the site showing the existing and proposed groundlines, building elevations, and mature height of proposed planting.*
 - g. *The landscape plan shall show a minimum number of 11 x 75 litre broad*

canopied trees (not palms), and a minimum number of 22 x 25 litre broad canopied shrubs or small trees (not palms) suitably located within the site. The trees selected shall be of a species that attain a minimum height of 6 metres at maturity, and the shrubs/small trees shall be of a species that can attain a minimum height of 3 metres at maturity.

- h. In order to provide reasonable levels of screening and privacy between each dwelling, as well as to soften the appearance of boundary walls and fences, perimeter planting shall be provided around each proposed dwelling using a species that is capable of attaining a minimum height of 3 metres at maturity.*
 - i. All planter boxes and garden beds constructed on slab must have a minimum soil depth of 600mm and all lawn areas must have a minimum soil depth of 300mm. Planter box details shall be submitted with the detailed landscape plans.*
 - j. The plan shall respect the prevailing coastal influences and the coast's special design considerations and requirements, and shall be designed accordingly. Generally, species selection shall be restricted to local indigenous coastal species that require minimal watering once established or species with water needs that match rainfall and drainage conditions.*
 - k. In order to reduce the amount of stormwater generated by the site, porous paving shall be used in all paved areas not over slab. Details are to be provided with the construction certificate application.*
 - l. Location of easements within the site and upon adjacent sites (if any).*
- 68. The landscaping shall be installed in accordance with the approved documentation prior to the issue of a final occupation certificate and shall be maintained in accordance with those plans.*

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

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

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

- 70. The naturestrip upon Council's footway shall be excavated to a depth of 150mm, backfilled with topsoil equivalent with 'Organic Garden Mix' as supplied by Australian Native Landscapes, and re-turfed with Kikuyu Turf. Such works shall be*

installed prior to the issue of a final Occupation Certificate.

71. *The naturestrip upon Council's footway shall be maintained by the applicant in accordance with Council guidelines. Such maintenance shall include, but not be limited to, watering, mowing, fertilising, and the removal of weeds.*
72. *In order to visually 'soften' the expanses of hard pavement, brick unit pavers, stencilled concrete (or similar) shall be used throughout the driveway areas on the site. Such details shall be shown on the detailed engineering documentation and shall include all structural design details including pavement/subgrade thickness.*

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

73. *Any substation required shall be screened from view. The proposed location and elevation shall be shown on all detailed landscape drawings and specifications.*
74. *All detention tanks and stormwater infiltration systems located within the landscaped areas shall have a minimum soil cover of 600mm to ensure sufficient soil depth to permit the establishment of landscaping on top of these services as stipulated by these conditions of development consent.*

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

75. *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.*

Tree Management

76. *Detailed discussions held between Council and the applicant regarding street tree selection for Stage 1 has resulted in the approved use of *Waterhousia floribunda* (Weeping Lilly Pilly). As such, the applicant will be required to liaise with Council to ensure that Council's requirements, such as, but not limited to, planting location, preparation and maintenance for these street trees are met, prior to the issue of a construction certificate.*
77. *The applicant will be required to provide a detailed plan for Council's approval, showing the agreed species in their agreed locations, together with all other required additional information, prior to the issue of the construction certificate. The applicant shall be responsible for all routine maintenance such as weeding, watering, fertilising, re-staking and replacement of all failed street trees.*
78. *A refundable deposit in the form of cash or cheque, or bank guarantee for the amount of \$11,000.00 shall be lodged with Council prior to a construction certificate being issued for the proposed development to ensure the implementation and maintenance of the landscape works in accordance with the approved landscape documentation.*

- a. *The refundable deposit will be released twelve (12) months after the issue of a*

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

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

Advisory Matters

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

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

- | | | |
|-----------|-----------------|---|
| <i>a)</i> | <i>Part D1-</i> | <i>Provision for escape</i> |
| <i>b)</i> | <i>Part E1</i> | <i>- Fire fighting equipment</i> |
| <i>c)</i> | <i>Part E2</i> | <i>- Smoke Hazard Management</i> |
| <i>d)</i> | <i>Part E4</i> | <i>- Emergency lighting, exit signs and warning systems</i> |
| <i>e)</i> | <i>Part F2</i> | <i>- Sanitary and other facilities</i> |
| <i>f)</i> | <i>Part F4</i> | <i>- Light and ventilation</i> |

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.

- 2. In order to organise for an inspection for the release of the security deposit, the applicant shall contact the Principal Certifying Authority for the development to liaise with Council's Asset & Infrastructure Department to arrange for an inspection of the landscaping to be carried out. Should the landscaping be found to be unsatisfactory, thus necessitating further inspections, the applicant is advised that each additional inspection will be charged at \$55.00 (incl.GST) and that this amount shall be paid into Account Number 41901939, Code RGJ at the Cashier on the Ground Floor of the Administrative Centre prior to any further inspection being carried out.*

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

Advisory Conditions

- 1. 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: (Sullivan/Procopiadis) SEE RESOLUTION.

6.6 DEVELOPMENT APPLICATION REPORT - 33-149 BUNDOCK STREET, KINGSFORD. (D/0474/2004)

H60 **RESOLUTION: (Sullivan/Procopiadis) that:**

- A. *Council as the responsible authority grant its development consent under Section 80 and 80A of the Environmental Planning and Assessment Act 1979 (as amended) to Development Application No 474/2004 for construction of 13 three bedroom terrace-style dwellings (9 with study rooms) with associated basement carparking, landscaping, earthworks and strata title sub-division at 33 – 149, Bundock Street, Kingsford, subject to the following conditions:-*

REFERENCED PLANS:

1. *The Development must be implemented substantially in accordance with the plans numbered DA 001B Issue A, DA 002B Issue A, DA 003B Issue A, DA 004B Issue A, DA 005B Issue A, DA 006B Issue A, DA 007B Issue A, DA 008B Issue A, DA 009B Issue A, and DA 010B Issue A, dated received by Council on 16 June 2004 and the application form, and on any supporting information received with the application, except as may be amended by the following conditions and as may be shown in red on the attached plans:*

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

2. *The external colours, materials and finishes of the proposed development and the landscaping plans shall be in accordance with the sample board details and elevations prepared by HPA Architects, Planners & Interior Designers submitted to and received by Council on 8 June 2004.*
3. *The floor to ceiling height of all first floor levels of the subject development shall be 2.7m high. The submission plans are to be amended accordingly, prior to the issuing of the construction certificate.*
4. *The applicant shall prepare a wild-life management plan containing appropriate measures and procedures for treating any wildlife that may be affected by the proposed development or that may wander into the site from the neighbouring Randwick Environmental Park and elsewhere, and these provisions shall form part of induction points for workers and staff on-site. The induction points shall include contact details of WIRES for rescue and retrieval. Details are to be submitted to Council for approval, prior to the issuing of the construction certificate.*
5. *Appropriate turning templates for carparking spaces in the carpark and any other supporting information shall be submitted to Council for approval demonstrating that there will be adequate turning area for cars to access parking spaces from the proposed aisles and exit/enter the site in a forward direction, prior to issuing of the construction certificate.*

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

In this regard, prior to occupation of the building, an application must be submitted to and approved by Council's Director Planning & Community Development, together with the required fee, for the allocation of an appropriate street number/s to the development.

7. *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.*

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

8. *Upon completion of the development and prior to the issuing of the strata subdivision, documentary evidence is to be submitted to the Council by the Principal Certifying Authority (or other suitably qualified person on behalf of the owner of the premises, to the satisfaction of Council) which confirms that the development has been carried out in accordance with the relevant development consent conditions.*

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

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

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

A copy of Sydney Water's 'Notice of Requirements' must be submitted to the Certifying Authority prior to issuing a Construction Certificate.

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

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:

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

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

11. *The use of the premises and the operation of plant and equipment shall not give rise to the transmission of a vibration nuisance or damage to other premises.*
12. *The operation of air conditioning unit/s is restricted, if the noise emitted can be heard within a habitable room in any other residential premises, the air conditioning unit/s shall not be operated during the following hours, or, as otherwise specified in relevant Noise Control Regulations:*
- *Before 8.00am or after 10.00pm on any Saturday, Sunday or public holiday; or*
 - *Before 7.00am or after 10.00pm on any other day.*

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

13. *There are to be no emissions or discharges from the premises which will give rise to a public nuisance or result in an offence under the Protection of the Environment Operations Act 1997 and Regulations.*
14. *All building, construction and associated site works must only be carried out between the hours of 7.00am to 5.00pm on Monday to Saturday and all building activities are strictly prohibited on Sundays and public holidays, except with the specific written authorisation of Council's Manager of Environmental Health and Building Services.*
15. *The use of any rock excavation machinery or any mechanical pile drivers, concrete pumping, compactors, pneumatic hammering plant and backhoes is restricted to the hours of 8.00am to 5.00pm (maximum), Monday to Saturday, to minimise the noise levels during construction and loss of amenity to nearby residents.*
16. *The location of the discharge point serving the car park mechanical ventilation system is to be not less than 6m from a property boundary and it must discharge vertically and satisfy the relevant provisions of the Building Code of Australia and AS 1668.*
17. *Details of compliance are to be provided in the relevant documentation for the construction certificate.*
18. *The basement car park shall be ventilated in accordance with the Building Code of*

Australia, Australian Standard 1668 parts 1 and 2.

19. *The location, height and design of the mechanical ventilation system serving must satisfy the Building code of Australia, Australian Standard 1668 parts 1 and 2.*

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

20. *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.*
21. *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.*
22. *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.*
23. *Prior to the commencement of any building works, a construction certificate must be obtained from the Council or an accredited certifier, in accordance with the provisions of the Environmental Planning & Assessment Act 1979 and Environmental Planning & Assessment Regulation 2000.*
24. *Prior to the commencement of any building works, the person having the benefit of the development consent must:-*
- i) appoint a Principal Certifying Authority for the building work, and*
 - ii) appoint a principal contractor for the building work, or in relation to residential building work, obtain an owner-builder permit in accordance with the requirements of the Home Building Act 1989, and notify the Principal Certifying Authority and Council accordingly in writing, and*
 - iii) unless the person having the benefit of the consent is the principal contractor (i.e. owner-builder), notify the principal contractor of the required critical stage inspections and other inspections to be carried out, as specified by the Principal Certifying Authority, and*
 - iv) give at least two days notice to the Council, in writing, of the persons intention to commence building works.*

In relation to residential building work, the principal contractor must be the holder of a contractor licence, in accordance with the provisions of the Home Building Act 1989.

25. *The building works must be inspected by the Principal Certifying Authority (or another certifying authority if the Principal Certifying Authority agrees), in accordance with sections 109 E (3) of the Environmental Planning & Assessment Act 1979 and clause 162A of the Environmental Planning & Assessment Regulation 2000,*

to monitor compliance with the relevant standards of construction, Council's development consent and the construction certificate.

The Principal Certifying Authority must specify the relevant stages of construction to be inspected in accordance with section 81A (2) (b1) (ii) of the Environmental Planning & Assessment Regulation 2000 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 consent is to be maintained by the Principal Certifying Authority. Details of critical stage inspections carried out and copies of certification relied upon must also be forwarded to Council with the occupation certificate.

The principal contractor or owner-builder (as applicable) must ensure that the required critical stage and other inspections, as specified in the Principal Certifying Authority's "Notice of Critical Stage Inspections", are carried out to the satisfaction of the Principal Certifying Authority and at least 48 hours notice (excluding weekends and public holidays) is to be given to the Principal Certifying Authority, to carry out the required inspection, before carrying out any further works.

26. *A sign must be erected and maintained in a prominent position on the site, which contains the following details:*
- *name, address, contractor licence number and telephone number of the principal contractor, including a telephone number at which the person may be contacted outside working hours, or owner-builder permit details (as applicable)*
 - *name, address and telephone number of the Principal Certifying Authority,*
 - *a statement stating that "unauthorised entry to the work site is prohibited".*
27. *An Occupation Certificate must be obtained from the Principal Certifying Authority prior to any occupation of the building work encompassed in this development consent (including alterations and additions to existing buildings), in accordance with the relevant provisions of the Environmental Planning & Assessment Act 1979.*

The relevant requirements of the Environmental Planning & Assessment Regulation 2000 and relevant conditions of development consent must be satisfied prior to the issuing of an occupation certificate.

28. *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 provisions 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 principal building contractor and compliance with the provisions of the Home Building Act 1989 (i.e. Details of the principal licensed building contractor and a copy of the Certificate of Insurance) are to be submitted to Council **prior to the commencement of works**, with the notice of appointment of the PCA / notice of intention to commence building work.*

29. *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.*

At the time of this development consent, Long Service Levy payment is applicable on building work having a value of \$25,000 or more, at the rate of 0.2% of the cost of the works.

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

30. *A report shall be prepared by a professional engineer and submitted to the certifying authority **prior to the issuing of a construction certificate**, detailing the proposed methods of excavation, shoring or pile construction, including details of potential vibration emissions. The report, must demonstrate the suitability of the proposed methods of construction to overcome any potential damage to nearby land/premises.*

*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.

31. *Driven type piles/shoring must not be provided unless a geotechnical engineer's report is submitted to the certifying authority, **prior to the issuing of a construction certificate**, which 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**.*

32. *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.***

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:

33. *A copy of the construction certificate, the approved plans & specifications and development consent conditions must be kept on the site at all times and be made available to the Council officers and all building contractors for assessment.*
34. *All excavations and backfilling associated with the erection or demolition of a building must be executed safely in accordance with appropriate professional standards and excavations are to be properly guarded and 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.

35. *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.*
36. *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.*

37. *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.*
38. *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.*
39. *A Registered Surveyor's check survey certificate or compliance certificate is to be forwarded to the principal certifying authority (and a copy is to be forwarded to the Council, if the Council is not the principal certifying authority), detailing compliance with Council's approval at the **following stage/s of construction**:*
- a) *Prior to construction of the first completed floor/floor slab (prior to pouring of concrete), showing the area of land, building and boundary setbacks and verifying that the building is being construction at the approved levels.*
 - b) *On completion of the erection of the building showing the area of the land, the position of the building and boundary setbacks and verifying the building has been constructed at the approved levels.*
40. *A sign must be erected and maintained in a prominent position on the site, which contains the following details:*
- *name, address, contractor licence number and telephone number of the principal contractor, including a telephone number at which the person may be contacted outside working hours, or owner-builder permit details (as applicable)*
 - *name, address and telephone number of the Principal Certifying Authority,*
 - *a statement stating that "unauthorised entry to the work site is prohibited".*
41. *Temporary toilet facilities are to be provided, at or in the vicinity of the work site throughout the course of demolition and construction, to the satisfaction of WorkCover NSW and the toilet facilities must be connected to a public sewer or other sewage management facility approved by Council.*
42. *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.*
43. *Building materials, sand, soil, waste materials or construction equipment must not be*

placed upon the footpath, roadway or nature strip at any time and the footpath, nature strip and road must be maintained in a clean condition and free from any obstructions, soil and debris at all times.

44. *Bulk bins/waste containers must not be located upon the footpath, roadway or nature strip at any time without the prior written approval 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 Development Control Plan for Exempt & Complying Development and Council's Local Approvals Policy. Applications to place a waste container in a public place can be made to Council's Building Services section.*
45. *A Construction Site Management Plan is to be submitted to and approved by the principal certifying authority prior to the commencement of demolition, excavation or building works. The site management plan must include the following measures, as applicable to the type of development:*
- *location and construction of protective fencing / hoardings to the perimeter of the site;*
 - *location of site storage areas/sheds/equipment;*
 - *location of building materials for construction;*
 - *provisions for public safety;*
 - *dust control measures;*
 - *site access location and construction*
 - *details of methods of disposal of demolition materials;*
 - *protective measures for tree preservation;*
 - *provisions for temporary sanitary facilities;*
 - *location and size of waste containers/bulk bins;*
 - *details of proposed sediment and erosion control measures;*
 - *construction noise and vibration management.*

The site management measures are to be implemented prior to the commencement of any site works and be maintained throughout the works, to maintain adequate levels of public health and safety. A copy of the approved Construction Site Management Plan must be maintained on site and be made available to Council officers upon request.

46. *During demolition excavation and construction works, dust emissions must be minimised, so as not to result in a nuisance to nearby residents or result in a potential pollution incident.*

Adequate dust control measures must be provided to the site prior to the works commencing and the measures and practices must be maintained throughout the demolition, excavation and construction process, to the satisfaction of Council.

Dust control measures and practices may include:-

- *Provision of geotextile fabric to all perimeter site fencing (attached on the prevailing wind side of the site fencing).*
- *Covering of stockpiles of sand, soil and excavated material with adequately secured tarpaulins or plastic sheeting.*

- *Installation of a water sprinkling system or provision hoses or the like.*
- *Regular watering-down of all loose materials and stockpiles of sand, soil and excavated material.*
- *Minimisation/relocation of stockpiles of materials, to minimise potential for disturbance by prevailing winds.*
- *Revegetation of disturbed areas.*

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

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

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

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

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.

48. *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 are to be detailed in a soil and water management plan and 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 be maintained throughout construction. A copy of the approved details must be forwarded to the Council and a copy is to be maintained on-site and 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, methods of sediment control, details of drainage systems and details of existing and proposed vegetation.

49. *The applicant/builder is required to hold Public Liability Insurance, with a minimum liability of \$5 million and a copy of the Insurance cover is to be provided to Council.*

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

50. *The building is required to be provided with a smoke alarm system complying with Clause 3 of Specification E2.2a of the Building Code of Australia or a smoke detection system complying with Clause 4 of Specification E2.2a of the Building Code of Australia or a combination of a smoke alarm system within the sole-occupancy units and a smoke detection system in areas not within the sole-occupancy units. The smoke detectors located within the stairway, corridors or the like must be interconnected.*

Additional requirements regarding the design and installation of the smoke detection and alarm system may be specified in the construction certificate for the development.

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

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

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

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

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

- a) \$30000.00 - *Damage / Civil Works Security Deposit*

The damage/civil works security deposit may be provided by way of a cash or cheque with the Council and is refundable upon a satisfactory inspection by Council that no damage has occurred to the Council assets such as roadway, kerb, guttering, drainage pits footway, or verge and upon the completion of the civil works as conditioned in this development consent by Council. The applicant is to advise Council, in writing, of the completion of all building works and/or obtaining an occupation certificate, if required.

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

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

53. *The applicant must meet the full cost for Council or a Council approved contractor to:*
- a) *Construct a heavy-duty concrete vehicular crossings and laybacks at kerb opposite the vehicular entrances to the site.*
 - b) *Construct a 1.50m wide concrete footpath along the full site frontages, offset 0.30m from the boundary and any pram ramps required by Council's AIS Dept. Any unpaved areas on the nature strip must be turfed and landscaped to Council's specification.*
54. *The applicant must meet the full cost for Council or a Council approved contractor to repair/replace any damaged sections of Council's footpath, kerb & gutter, nature strip etc which are due to building works being carried out at the above site. This includes the removal of cement slurry from Council's footpath and roadway.*
55. *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.*
56. *All new walls adjacent to vehicular crossings must be lowered to a height of 600mm above the internal driveway level for a distance of 1.50m within the site or splayed 1.5 metre by 1.5 metre to provide satisfactory sight lines. Details are to be submitted to the Certifying Authority prior to the release of the construction certificate showing compliance with this condition.*
57. *The driveway openings at both the Xyris St & Lomandra St frontages frontage must be at least 5.50m metres wide and located at least 1.00 metres clear of the side property boundary. Plans submitted for the construction certificate are to show compliance with this condition.*

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

58. *The Council's Department of Asset & Infrastructure Services has inspected the above site and have determined that the design alignment level (concrete/paved/tiled level) at the property boundary for driveways, access ramps and pathways or the like, shall be:*
- 2.5% above the top of the kerb level at all points opposite the kerb, along the full site frontages.*

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

59. *The design alignment levels (concrete/paved/tiled level) issued by Council and their relationship to the kerb must be indicated on the building plans for the construction certificate. The design alignment level at the street boundary, as issued by the Council, must be strictly adhered to.*
60. *The above alignment levels and the site inspection by Council's Department of Asset & Infrastructure Services have been issued at a prescribed fee of \$7,448.00 calculated at \$33.00 (inclusive of GST) per metre of site frontage. This amount is to be paid prior to a construction certificate being issued for the development.*
61. *The top of footings of any structures constructed on the boundary alignment must be at least 150mm below the issued alignment level. This condition has been attached to accommodate future footpath construction at this location.*

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

62. *A public utility impact assessment must be carried out on all public utility services on the site, roadway, nature strip, footpath, public reserve or any public areas associated with and/or adjacent to the development/building works and include relevant information from public utility authorities and exploratory trenching or pot-holing, if necessary, to determine the position and level of service.*
63. *The applicant must meet the full cost for telecommunication companies, gas providers, Energy Australia and Sydney Water to adjust/repair/relocate their services as required. The applicant must make the necessary arrangements with the service authority.*
64. *Any electricity substation required for the site as a consequence of this development shall be located within the site and shall be screened from view. The proposed location and elevation shall be shown on all detailed landscape drawings and specifications. The applicant must liaise with Energy Australia prior to lodging the construction certificate whether or not an electricity substation is required for the development.*
65. *All electricity and telecommunication cables/wires to service the development site across the road carriageway and/or the Council nature reserve (footpath area) are to be located underground to the satisfaction of the relevant service utility authority*
66. *A Section 73 Compliance Certificate under the Sydney water Act 1994 must be obtained. Application must be made through an authorised Water Servicing Coordinator. Please refer to "Your Business" section of Sydney Water's web site at www.sydneywater.com.au then the "e-developer" icon or telephone 13 20 92.*

Following application a "Notice of Requirements" will detail water and sewer extensions to be built and charges paid. Please make early contact with the Coordinator, since building of water/sewer extensions can be time consuming and may impact on other services and building, driveway or landscape design.

The Notice must be issued to the Principal Certifying Authority prior to the construction certificate being issued.

The Section 73 Certificate must be submitted to the Principal Certifying Authority prior to release of the plan of subdivision.

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

67. *Engineering calculations and plans with levels reduced to Australian Height Datum in relation to site drainage shall be submitted to and approved by the certifying authority prior to a construction certificate being issued for the development. A copy of the engineering calculations and plans are to be forwarded to Council, prior to a construction certificate being issue, if the Council is not the certifying authority. The drawings and details shall include the following information:*
 - a) *A detailed drainage design supported by a catchment area plan, at a scale of 1:100 or as considered acceptable to the Council or an accredited certifier, and drainage calculations prepared in accordance with the Institution of Engineers publication, Australian Rainfall and Run-off, 1987 edition.*
 - b) *A layout of the proposed drainage system including pipe sizes, type, grade, length, invert levels, etc., dimensions and types of all drainage pipes and the connection into Council's stormwater system. This may involve either connection to the Council's street gutter, or into a Council stormwater pit. Note: All proposals should indicate the location of the closest Council stormwater pit and line regardless of the point of discharge. This information can be obtained by a visual inspection of the area and perusing Council's drainage plans.*
 - c) *Generally all internal pipelines must be capable of discharging a 1 in 20 year storm flow. However the minimum pipe size for pipes that accept stormwater from a surface inlet pit must be 150mm diameter. The site must be graded to direct any surplus run-off (ie. above the 1 in 20 year storm) to the proposed drainage system.*
 - d) *Proposed finished surface levels and grades of car parks, internal driveways and access aisles which are to be related to Council's design alignment levels.*
68. *All stormwater run-off naturally draining to the site must be collected and discharged through this property's stormwater system. Such drainage must, if necessary, be constructed prior to the commencement of building work.*
69. *All site stormwater leaving the site must be discharged by gravity to the kerb and gutter or drainage system at the front of the property.*
70. *A childproof and corrosion resistant fastening system shall be installed on access grates over pits/trenches where water is permitted to be temporarily stored.*
71. *Stormwater pipes shall be located in accessible locations.*

72. *Pump out systems will only be considered if the applicant can demonstrate to the Principal Certifying Authority that it is not possible to manage stormwater runoff in any other manner.*

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

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

73. *A sediment/silt arrester pit must be provided within the site at or near the street boundary prior to the site stormwater discharging by gravity to the kerb/street drainage system.*

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

The base of the pit located a minimum 300mm under the invert level of the outlet pipe.

The pit must be constructed from cast in-situ concrete, precast concrete or double brick.

The grate is to be a galvanised heavy-duty grate that has a provision for a child proof fastening system.

A minimum of 4 x 90 mm diameter weep holes located in the walls of the pit at the floor level with a suitable geotextile material with a high filtration rating located over the weep holes.

A galvanised heavy-duty screen (Lysaght RH3030 Maximesh or similar) located over the outlet pipe. (Similar to a Mascot GRC stormwater discharge control pit, product code DS3SDC).

A child proof and corrosion resistant fastening system for the access grate (e.g. similar to a Weldlock spring loaded jay-bolt).

The inlet pipeline located on the side of the pit so that the stormwater will discharge across the face of the screen.

A sign adjacent to this pit stating that:

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

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

74. *As the above site may encounter groundwater/seepage water within the depth of the basement excavation, the basement carpark or similar structures are to be suitably tanked and waterproofed. A Structural Engineer\Geotechnical Engineer shall certify the tanking & waterproofing has been carried out to an acceptable standard and a copy of the certification is to be forwarded to Council.*

Notes:-

- a) *Any subsoil drainage is to be disposed of within the site and is not to be discharged to Council's kerb & gutter and/or underground drainage system.*
- b) *Adequate provision is to be made for the ground water to drain around the basement carpark (to ensure that the basement will not dam or slow the movement of the ground water through the development site).*
75. *Any seepage water must be drained directly into an absorption pit within the site. Seepage water must not be drained from the site.*

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

Lots 47-53

76. *The garbage room areas will have to be designed so as to be able to contain a total of 14 x 240 litre bins (7 garbage bins & 7 recycle bins) whilst providing satisfactory access to these bins. Details showing compliance with this requirement are to be shown on the plans submitted to the certifying authority for the construction certificate.*

Lots 66-71

77. *The garbage room areas will have to be designed so as to be able to contain a total of 12 x 240 litre bins (6 garbage bins & 6 recycle bins) whilst providing satisfactory access to these bins. Details showing compliance with this requirement are to be shown on the plans submitted to the certifying authority for the construction certificate.*
78. *The waste storage areas are to be provided with a tap and hose and the floor is to be graded and drained to the sewer to the requirements of Sydney Water.*
79. *Prior to the credited certifier issuing an occupation certificate for the proposed development the applicant is to contact Council's Manager of Waste in regards to meeting Council's requirements for waste services to the development.*

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

80. *The applicant shall create suitable right of carriageway, easements for services and internal stormwater lines, as required. The applicant shall be advised that the minimum easement width for any internal stormwater line is 0.9 metres.*
81. *The conditions of development consent must be satisfied and all public roads and*

reserves must be satisfactorily restored prior to the finalisation of the strata subdivision.

82. *Prior to release of the Plan of Subdivision the applicant shall provide Council with a subdivider/developer certificate for the proposed lots. The certificate is obtained from Sydney Water.*
83. *The applicant shall provide Council with a survey plan of the property prior to receiving strata subdivision approval.*

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

84. *The landscaped areas shown on the concept plan, drawing number DA-017A, issue A, job 1515, drawn by PSB Landscape Architects, and dated April 2004 shall be the subject of detailed landscape drawings and specifications, which are to be submitted to, and be approved by, the certifying authority prior to the issue of a construction certificate. Should Council not be the certifying authority, a copy of the approved plans will still be forwarded to Council for our records. The landscape drawings and specifications are to be prepared by a qualified Landscape Architect who is eligible for membership with the Australian Institute of Landscape Architects (AILA). The documentation is to include:*
 - a. *A site plan at an appropriate scale showing existing site boundaries, features on adjoining sites within 6 metres of the common property boundary (buildings, trees, other structures etc), council's footway, existing and proposed ground levels shown as spot heights and/or contours over the site, at site boundaries, the proposed building envelope, proposed areas of pavement, and proposed landscaped areas.*
 - b. *A planting plan for each proposed dwelling at a scale of 1:100 or 1:200 indicating the location of all proposed planting. All plants are to be drawn at their mature size with a dense planting of shrubs, accent plants and ground covers within all garden beds so that a continuous planted cover is achieved. Plant spacings are to be clearly indicated for all accent and groundcovers.*
 - c. *A planting schedule listing all plants by botanic & common names, plant numbers, plant spacings for groundcovers and accent planting, pot sizes, the estimated size of the plant at maturity (height & spread) and proposed staking methods when applicable.*
 - d. *Additional notation showing soil and mulch details, irrigation details, edging, paving, fencing details, surface finishes, lighting details, retaining wall details, and any other landscape elements in sufficient detail to fully describe the proposed landscape works.*
 - e. *Position of existing and proposed site services including water, gas, electricity, sewer, stormwater, etc.*
 - f. *Sectional elevations through the site showing the existing and proposed groundlines, building elevations, and mature height of proposed planting.*

- g. *The landscape plan shall show a minimum number of 13 x 75 litre broad canopied trees (not palms), and a minimum number of 26 x 25 litre broad canopied shrubs or small trees (not palms) suitably located within the site. The trees selected shall be of a species that attain a minimum height of 6 metres at maturity, and the shrubs/small trees shall be of a species that can attain a minimum height of 3 metres at maturity.*
 - h. *In order to provide reasonable levels of screening and privacy between each dwelling, as well as to soften the appearance of boundary walls and fences, perimeter planting shall be provided around each proposed dwelling using a species that is capable of attaining a minimum height of 3 metres at maturity.*
 - i. *All planter boxes and garden beds constructed on slab must have a minimum soil depth of 600mm and all lawn areas must have a minimum soil depth of 300mm. Planter box details shall be submitted with the detailed landscape plans.*
 - j. *The plan shall respect the prevailing coastal influences and the coast's special design considerations and requirements, and shall be designed accordingly. Generally, species selection shall be restricted to local indigenous coastal species that require minimal watering once established or species with water needs that match rainfall and drainage conditions.*
 - k. *In order to reduce the amount of stormwater generated by the site, porous paving shall be used in all paved areas not over slab. Details are to be provided with the construction certificate application.*
 - l. *Location of easements within the site and upon adjacent sites (if any).*
85. *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.*
86. *Documentary evidence is to be obtained from a suitably qualified Landscape Architect and submitted to the principal certifying authority (PCA) (and the Council, if the Council is not the PCA) prior to the issuing of a final occupation certificate which confirms that the landscaping works have been completed in accordance with the approved landscaping plans and relevant conditions of development consent, to the satisfaction of the PCA.*
87. *To ensure satisfactory maintenance of the landscaped areas, an automatic irrigation system shall be installed throughout all the landscaped areas. Such system shall provide full coverage to all the landscaped areas with no overspray onto driveways and pathways.*
88. *Details of the automatic irrigation system shall be shown on the detailed landscape plans and specifications. The system shall comply with all Sydney Water requirements, and relevant Australian Standards.*
89. *The naturestrip upon Council's footway shall be excavated to a depth of 150mm,*

backfilled with topsoil equivalent with 'Organic Garden Mix' as supplied by Australian Native Landscapes, and re-turfed with Kikuyu Turf. Such works shall be installed prior to the issue of a final Occupation Certificate.

90. *The naturestrip upon Council's footway shall be maintained by the applicant in accordance with Council guidelines. Such maintenance shall include, but not be limited to, watering, mowing, fertilising, and the removal of weeds.*
91. *In order to visually 'soften' the expanses of hard pavement, brick unit pavers, stencilled concrete (or similar) shall be used throughout the driveway areas on the site. Such details shall be shown on the detailed engineering documentation and shall include all structural design details including pavement/subgrade thickness.*

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

92. *Any substation required shall be screened from view. The proposed location and elevation shall be shown on all detailed landscape drawings and specifications.*
93. *All detention tanks and stormwater infiltration systems located within the landscaped areas shall have a minimum soil cover of 600mm to ensure sufficient soil depth to permit the establishment of landscaping on top of these services as stipulated by these conditions of development consent.*

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

94. *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.*

Tree Management

95. *Detailed discussions held between Council and the applicant regarding street tree selection for Stage 1 has resulted in the approved use of *Waterhousia floribunda* (Weeping Lilly Pilly). As such, the applicant will be required to liaise with Council to ensure that Council's requirements, such as, but not limited to, planting location, preparation and maintenance for these street trees are met, prior to the issue of a construction certificate.*
96. *The applicant will be required to provide a detailed plan for Council's approval, showing the agreed species in their agreed locations, together with all other required additional information, prior to the issue of the construction certificate. The applicant shall be responsible for all routine maintenance such as weeding, watering, fertilising, re-staking and replacement of all failed street trees.*
97. *A refundable deposit in the form of cash or cheque or bank guarantee for the amount of \$13,000.00 shall be lodged with Council prior to a construction certificate being issued for the proposed development to ensure the implementation and maintenance*

of the landscape works in accordance with the approved landscape documentation.

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

Advisory Conditions

- 1. 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:

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

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

- | | | | |
|-----------|--------------------|----------|---|
| <i>a)</i> | <i>Part B1</i> | <i>-</i> | <i>Structural provisions</i> |
| <i>b)</i> | <i>Part C2</i> | <i>-</i> | <i>Compartmentation and separation</i> |
| <i>c)</i> | <i>Part C3</i> | <i>-</i> | <i>Protection of openings</i> |
| <i>d)</i> | <i>Clause D1.4</i> | <i>-</i> | <i>Exit travel distances</i> |
| <i>e)</i> | <i>Part E1</i> | <i>-</i> | <i>Fire fighting equipment</i> |
| <i>f)</i> | <i>Part E2</i> | <i>-</i> | <i>Smoke Hazard Management</i> |
| <i>g)</i> | <i>Part E4</i> | <i>-</i> | <i>Emergency lighting, exit signs & warning systems</i> |
| <i>h)</i> | <i>Part F1</i> | <i>-</i> | <i>Damp and weatherproofing</i> |
| <i>i)</i> | <i>Part F2</i> | <i>-</i> | <i>Sanitary and other facilities</i> |
| <i>j)</i> | <i>Part F4</i> | <i>-</i> | <i>Light and ventilation</i> |
| <i>k)</i> | <i>Part F5</i> | <i>-</i> | <i>Sound Transmission and Insulation</i> |

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.

You are therefore advised to consult with Council's Building Certification Services or an accredited certifier prior to submitting your construction certificate application to enable these matters to be addressed accordingly.

2. *In order to organise for an inspection for the release of the security deposit, the applicant shall contact the Principal Certifying Authority for the development to liaise with Council's Asset & Infrastructure Department to arrange for an inspection of the landscaping to be carried out. Should the landscaping be found to be unsatisfactory, thus necessitating further inspections, the applicant is advised that each additional inspection will be charged at \$55.00 (incl.GST) and that this amount shall be paid into Account Number 41901939, Code RGJ at the Cashier on the Ground Floor of the Administrative Centre prior to any further inspection being carried out.*

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

MOTION: (Sullivan/Procopiadis) SEE RESOLUTION.

6.7 DEVELOPMENT APPLICATION REPORT - 126 MARINE PARADE, MAROUBRA. (D/0576/2004)

H61 **RESOLUTION: (Bastic/White) that:**

- A. *Council assume the concurrence of the Department of Infrastructure, Planning and Natural Resources to vary the provisions of Clauses 31(2), 32(2), 33(2) and 33(4), of the Randwick Local Environmental Plan 1998 (as amended) relating to Landscaped Area, Floor Space Ratio, Overall and External Wall Height under State Environmental Planning Policy No. 1.*

AND

- B. *Council as the responsible authority grant its development consent as a Deferred Commencement under Section 80(3) of the Environmental Planning and Assessment Act 1979 (as amended) to Development Application No. 27/2004 for the demolition of the existing building and the construction of a new multi-unit housing building containing four (4) x three(3) bedroom apartments, parking for 6 vehicles at 126 Marine Parade, Maroubra subject to the following conditions:-*

Deferred Commencement Conditions

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

1. *Details of the proposed colours, materials and textures (ie. a schedule and brochure/s or sample board and coloured elevations) are to be submitted to and approved by Council's Director of Planning and Community Development.*
2. *The external wall of the ground floor parking area which fronts the eastern and southern boundaries of the property shall be setback from the boundary in accordance with the sketch plans provided to Council by fax on 24.8.2004 and to be no higher than RL 14.85. A set of finalised architectural plans which reflect this amendment are to be submitted to and approved by Council's Director of Planning and Community Development.*

Subject to compliance with the deferred commencement conditions, to the satisfaction of the

Director Planning and Community Development, development consent is granted under Section 80 & 80A of the Environmental Planning and Assessment Act 1979 subject to the following conditions:

Development Consent Conditions

REFERENCED PLANS:

1. *The development must be implemented substantially in accordance with the plans numbered A:100, dated 17.11.03, A:001D, A:002D, A:003D, A:004D, A:005D, A:006D, A:100B, A:101B, A:102B, A:103B A:104B, A:200D A:201D, A:202D, A:203D, A:204A, A:300BA:301D dated 07.11.03 and stamp as received by Council 15 July 2004 as drawn by Smart Design Studio, the plans provided to Council by faxed on 24.8.04 showing amendments to the basement and landscaping, the application form, the landscape plan by ASPECT Sydney dated as received on 15 July 2004, and on any supporting information received with the application, except as may be amended by the following conditions and as may be shown in red on the attached plans.*
2. *This consent does not extend to the proposed strata subdivision. A separate development being required for the strata subdivision.*
3. *A storage area in the car park is to be allocated as part of the entitlement to each unit on the final strata plans submitted to Council. Details are to be provided with the strata subdivision application.*

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

4. *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.*
5. *External timber or metal framed and brick veneer walls and roofs are to be provided with insulation (i.e. bulk insulation and a reflective building membrane/reflective sarking/foil insulation), having a minimum total thermal resistance R-value of 3.0 in roofs and 1.5 in external walls. The insulation and reflective building membrane is to be installed in accordance with the relevant requirements of the Building Code of Australia and the manufacturers details.*

*Details of compliance with the requirements for insulation are to be included in the **construction certificate** application.*
6. *Hot water service pipes are to be provided with insulation and must also satisfy any relevant requirements of Building Code of Australia and AS 3500.*
7. *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.*

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

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

The following condition is applied to satisfy the increased demand for public amenities and public services:

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

a) <i>for the provision or improvement of open space</i>	<i>\$ 170.00</i>
b) <i>for the provision or improvement of community facilities</i>	<i>\$ 74.00</i>
c) <i>Administration fee</i>	<i>\$425.00</i>

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

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

10. *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.

11. *All new building work must be carried out in accordance with the provisions of the Building Code of Australia (BCA), in accordance with Clause 98 of the Environmental Planning and Assessment Regulation 2000.*
12. *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.*
13. *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.*

14. *An Occupation Certificate must be obtained from the principal certifying authority prior to any occupation of the building work encompassed in this development consent in accordance with the relevant provisions of the Environmental Planning & Assessment Act 1979.*
15. *In accordance with clause 98 of the Environmental Planning and Assessment Regulation 2000, it is a prescribed condition, that in the case of residential building work, a contract of insurance must be obtained and in force, in accordance with the requirements of the Home Building Act 1989.*

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

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

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

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

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

16. *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:

17. *A dilapidation report prepared by a professional engineer or suitably qualified and experienced building surveyor shall be submitted to the certifying authority prior to the commencement of demolition, excavation or building works detailing the current condition and status of all buildings, including ancillary structures located upon:*

- *All of the premises adjoining the subject site*

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

18. *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.

19. *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.*
20. *A Certificate of Adequacy prepared by a professional engineer is to be submitted to the principal certifying authority (and the Council, if the Council is not the principal certifying authority) prior to occupation of the building, certifying the structural adequacy of the building and that the building works satisfy the relevant structural design requirements of the Building Code of Australia.*

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

21. *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.*
22. *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.*
23. *The building works are to be inspected by the Principal Certifying Authority (or other suitably qualified person approved by the Principal Certifying Authority), to monitor compliance with the relevant standards of construction and Council's development consent.*

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

Documentary evidence of the building inspections carried out and details of

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

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

24. *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.

25. *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.*

26. *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 footings or first completed floor slab (prior to the pouring of concrete), showing the area of the land, building and boundary setbacks and verifying that the building is being constructed at the approved levels.*
- b) *On completion of the erection of the building showing the area of the land, the position of the building and boundary setbacks and verifying the building has*

been constructed at the approved levels.

27. *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.*
28. *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.*
29. *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.

30. *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.*
31. *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.

32. *Building materials, sand, soil, waste materials or construction equipment must not be placed upon the footpath, roadway or nature strip at any time and the footpath, nature strip and road must be maintained in a clean condition and free from any obstructions and debris at all times.*
33. *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.*

34. *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”.*
35. *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.

36. *During demolition excavation and construction works, dust emissions must be minimised, so as not to result in a nuisance to nearby residents or result in a potential pollution incident.*

Adequate dust control measures must be provided to the site prior to the works commencing and the measures and practices must be maintained throughout the demolition, excavation and construction process, to the satisfaction of Council.

Dust control measures and practices may include:-

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

37. *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.

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

A soil and water management plan measures must be maintained at all times throughout demolition, excavation, building and site works and a copy of the soil and water management plan is to be kept on-site and be made available to Council officers upon request.

39. *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.

40. *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.*

41. *The applicant/builder is required to hold Public Liability Insurance, with a minimum liability of \$5 million and a copy of the Insurance cover is to be provided to Council prior to commencement of works.*

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

42. *The building is required to be provided with a smoke alarm system complying with Clause 3 of Specification E2.2a of the B.C.A. or a smoke detection system complying with Clause 4 of Specification E2.2a of the B.C.A. or a combination of a smoke alarm system within the sole-occupancy units and a smoke detection system in areas not within the sole-occupancy units. The smoke detectors located within the stairway, corridors or the like must be interconnected.*

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

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

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

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

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

a) \$1000.00 - *Damage / Civil Works Security Deposit*

The damage/civil works security deposit may be provided by way of a cash or cheque with the Council and is refundable upon a satisfactory inspection by Council that no damage has occurred to the Council assets such as roadway, kerb, guttering, drainage pits footway, or verge and upon the completion of the civil works as conditioned in this development consent by Council. The applicant is to advise Council, in writing, of the completion of all building works and/or obtaining an occupation certificate, if required.

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

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

45. *The applicant must meet the full cost for Council or a Council approved contractor to:
 - a) *Construct concrete vehicular crossing and layback at kerb opposite the proposed vehicular entrance to the site.*
 - b) *Remove the redundant concrete vehicular crossing and layback and to reinstate the area with concrete footpath, turf and integral kerb and gutter to Council's specification.*
 - c) *Reconstruct any damaged sections of concrete footpath along the full site frontage. Any unpaved areas on the nature strip must be turfed and landscaped to Council's specification.*
 - d) *Reconstruct any damaged sections of kerb and gutter for the full site frontage except opposite the vehicular entrance and exit points.**
46. *The applicant must meet the full cost for Council or a Council approved contractor to repair/replace any damaged sections of Council's footpath, kerb & gutter, nature strip etc which are due to building works being carried out at the above site. This includes the removal of cement slurry from Council's footpath and roadway.*
47. *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.*
48. *All new walls adjacent to vehicular crossings must be lowered to a height of 600mm above the internal driveway level for a distance of 1.50m within the site or splayed 1.5 metre by 1.5 metre to provide satisfactory sight lines. Details are to be submitted to the Certifying Authority prior to the release of the construction certificate showing compliance with this condition.*
49. *The driveway opening at the Marine Parade frontage must be minimum 5.50 metres wide and located at least 1.5 metres clear of the side property.*
50. *A work zone is to be provided in Marine Parade for the duration of the construction works. The 'work zone' shall be provided to the satisfaction of the Randwick Traffic Committee and shall have a minimum length of 12 metres. The prescribed fee for the work zone must be paid to Council at least four (4) weeks prior to the commencement of work on the site.*

It is noted that the requirement for a work zone may be waived if it can be demonstrated (to the satisfaction of Council's Traffic Engineer) that all construction related activities (including all loading and unloading operations) may be undertaken wholly within the site.

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

51. *The Council's Department of Asset & Infrastructure Services has inspected the above site and have determined that the design alignment level (concrete/paved/tiled level) at the property boundary for driveways, access ramps and pathways or the like, must match the back of the existing footpath along the full site frontage.*

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

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

52. *The design alignment levels (concrete/paved/tiled level) issued by Council and their relationship to the footpath must be indicated on the building plans for the construction certificate.*
53. *The above alignment levels and the site inspection by Council's Department of Asset & Infrastructure Services have been issued at a prescribed fee of \$88.00 (inclusive of GST). This amount is to be paid prior to a construction certificate being issued for the development.*

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

54. *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.*
55. *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.*
56. *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.*
57. *Any electricity substation required for the site as a consequence of this development shall be located within the site and shall be screened from view. The proposed location and elevation shall be shown on all detailed landscape drawings and specifications. The applicant must liaise with Energy Australia prior to lodging the construction certificate whether or not an electricity substation is required for the development.*

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

Following application a “Notice of Requirements” will detail water and sewer extensions to be built and charges paid. Please make early contact with the Coordinator, since building of water/sewer extensions can be time consuming and may impact on other services and building, driveway or landscape design.

The Notice must be issued to the Principal Certifying Authority prior to the construction certificate being issued.

The Section 73 Certificate must be submitted to the Principal Certifying Authority prior to occupation of the development.

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

59. *Engineering calculations and plans with levels reduced to Australian Height Datum in relation to site drainage shall be submitted to and approved by the certifying authority prior to a construction certificate being issued for the development. A copy of the engineering calculations and plans are to be forwarded to Council, prior to a construction certificate being issue, if the Council is not the certifying authority. The drawings and details shall include the following information:*

- a) *A detailed drainage design supported by a catchment area plan, at a scale of 1:100 or as considered acceptable to the Council or an accredited certifier, and drainage calculations prepared in accordance with the Institution of Engineers publication, Australian Rainfall and Run-off, 1987 edition.*
- b) *A layout of the proposed drainage system including pipe sizes, type, grade, length, invert levels, etc., dimensions and types of all drainage pipes and the connection into Council's stormwater system. This may involve either connection to the Council's street gutter, or into a Council stormwater pit. Note: All proposals should indicate the location of the closest Council stormwater pit and line regardless of the point of discharge. This information can be obtained by a visual inspection of the area and perusing Council's drainage plans.*
- c) *Generally all internal pipelines must be capable of discharging a 1 in 20 year storm flow. However the minimum pipe size for pipes that accept stormwater from a surface inlet pit must be 150mm diameter. The site must be graded to direct any surplus run-off (ie. above the 1 in 20 year storm) to the proposed drainage system.*
- d) *The separate catchment areas within the site, draining to each collection point or surface pit are to be classified into the following categories:*
 - i. *Roof areas*
 - ii. *Paved areas*
 - iii. *Grassed areas*

iv. Garden areas

- e) *Where buildings abut higher buildings and their roofs are "flushed in" to the higher wall, the area contributing must be taken as: the projected roof area of the lower building, plus one half of the area of the vertical wall abutting, for the purpose of determining the discharge from the lower roof.*
- f) *Proposed finished surface levels and grades of car parks, internal driveways and access aisles which are to be related to Council's design alignment levels.*
- g) *The details of any special features that will affect the drainage design eg. the nature of the soil in the site and/or the presence of rock etc.*
60. *All stormwater run-off naturally draining to the site must be collected and discharged through this property's stormwater system. Such drainage must, if necessary, be constructed prior to the commencement of building work.*
61. *All site stormwater leaving the site must be discharged by gravity to the kerb and gutter or drainage system at the front of the property.*
62. *Stormwater pipes shall be located in accessible locations.*
63. *A sediment/silt arrester pit must be provided:-*
- a) *within the site at or near the street boundary prior to the site stormwater discharging by gravity to the kerb/street drainage system; and*
- b) *prior to stormwater discharging into any absorption/infiltration system.*
64. *The sediment/silt arrester pit shall be constructed with:-*
- *The base of the pit located a minimum 300mm under the invert level of the outlet pipe.*
 - *The pit must be constructed from cast in-situ concrete, precast concrete or double brick.*
 - *The grate is to be a galvanised heavy-duty grate that has a provision for a child proof fastening system.*
 - *A minimum of 4 x 90 mm diameter weep holes located in the walls of the pit at the floor level with a suitable geotextile material with a high filtration rating located over the weep holes.*
 - *A galvanised heavy-duty screen (Lysaght RH3030 Maximesh or similar) located over the outlet pipe. (Similar to a Mascot GRC stormwater discharge control pit, product code DS3SDC).*
 - *A child proof and corrosion resistant fastening system for the access grate (e.g. similar to a Weldlock spring loaded jay-bolt).*
 - *The inlet pipeline located on the side of the pit so that the stormwater will discharge across the face of the screen.*
 - *A sign adjacent to this pit stating that:*

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

Note: *Sketch details of a standard sediment/silt arrester pit can be obtained*

from Council's Drainage Engineer.

65. *Any Absorption Trenches/Pits must be designed in accordance with "Section 8.5 ABSORPTION TRENCHES" as stipulated in Randwick City Council's Private Stormwater Code.*
66. *One covered car washing bay shall be provided for this development.*
- a) *The car washing bay must be drained to sewer to the requirements of Sydney Water and proof of compliance is to be submitted to the certifying authority, prior to a construction certificate being issued for the proposed development.*
 - b) *The car washing bay must be located outside any required/approved stormwater detention system.*
 - c) *The car washing bay must be signposted with 'Exclusive Carwash Bay Use Sat 2:00pm – 5:00pm and Sunday 10:00am – 2:00pm, Visitor parking at other times'*
 - c) *The car washing bay must be constructed with a minimum 20mm bund around the perimeter of the car washing bay (or equivalent)*
 - d) *A water tap shall be located adjacent to the car washing bay.*
67. *Prior to the issuing of an occupation certificate, the applicant shall submit to the Principal Certifying Authority (PCA) and Council's Director of Asset and Infrastructure Services, certification from a suitably qualified and experienced Hydraulic Engineer confirming that the design and construction of the stormwater drainage system complies with the conditions of development consent. The certification must be provided to the satisfaction of the PCA.*
68. *As the above site may be present with seepage water / ground water, the basement car park or similar structures are to be suitably tanked and waterproofed. A Structural Engineer / Geotechnical Engineer shall certify the tanking & waterproofing has been carried out to an acceptable standard and a copy of the certification is to be forwarded to Council.*

Notes:-

- a) *Any subsoil drainage is to be disposed of within the site and is not to be discharged to Council's kerb & gutter and/or underground drainage system.*
 - b) *Adequate provision is to be made for the ground water to drain around the basement car park (to ensure that the basement will not dam or slow the movement of the ground water through the development site).*
69. *Any seepage water must be drained directly into an absorption pit within the site. Seepage water must not be drained from the site.*

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

70. *The garbage room areas will have to be designed so as to be able to contain a total of 4 x 240 litre bins (2 garbage bins & 2 recycle bins) whilst providing satisfactory access to these bins.*
71. *The waste storage areas are to be provided with a tap and hose and the floor is to be graded and drained to the sewer to the requirements of Sydney Water.*

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

72. *The landscaped areas shown on the plan number 23055-PRE DA01 dated 19/11/03 shall be the subject of detailed landscape drawings and specifications, which are to be submitted to, and approved by, the certifying authority or {the Director of Assets & Infrastructure in accordance with Section 80A(2) of the Environmental Planning and Assessment Act 1979}, prior to the issue of a construction certificate. The landscape drawings and specifications are to be prepared by a qualified Landscape Architect who is eligible for membership with the Australian Institute of Landscape Architects (AILA). The documentation is to include:*
 - a. *A site plan at an appropriate scale showing existing site boundaries, features on adjoining sites within 6 metres of the common property boundary (buildings, trees, other structures etc), council's footway, existing and proposed ground levels shown as spot heights and/or contours over the site, at site boundaries, proposed building envelope, proposed areas of pavement, and proposed landscaped areas.*
 - b. *A planting plan at a scale of 1:100 or 1:200 indicating the location of all proposed planting. All plants are to be drawn at their mature size with a dense planting of shrubs, accent plants and ground covers within all garden beds so that a continuous planted cover is achieved. Plant spacings are to be clearly indicated for all accent and groundcovers.*
 - c. *The applicant is advised that due to its prolific self-seeding properties, Council's Landscape Technician does not support the proposed use of Acacia sophorae (Coastal Wattle). As such, this plant is to be deleted from the species list and planting schedule for the construction certificate application, with a suitable alternative to be provided in its place.*
 - d. *A planting schedule listing all plants by botanic & common names, plant numbers, plant spacings for groundcovers and accent planting, pot sizes, the estimated size of the plant at maturity (height & spread) and proposed staking methods when applicable.*
 - e. *Additional notation showing soil and mulch details, irrigation details, edging, paving, fencing details, surface finishes, retaining wall details, and any other landscape elements in sufficient detail to fully describe the proposed landscape works.*
 - f. *Position of existing and proposed site services including water, gas, electricity, sewer, stormwater, etc.*

- g. *Sectional elevations through the site showing the existing and proposed groundlines, building elevations, and mature height of proposed planting.*
 - h. *The landscape plan shall show a minimum of 1 x 75 litre broad canopied tree (not a palm) suitably located within the site. The tree selected shall be of a species that attain a minimum height of 6 metres at maturity.*
 - i. *All planter boxes and garden beds constructed on slab must have a minimum soil depth of 600mm and all lawn areas must have a minimum soil depth of 300mm. Planter box details shall be submitted with the detailed landscape plans.*
 - j. *The plan shall respect the prevailing coastal influences and the coast's special design considerations and requirements, and shall be designed accordingly. Generally, species selection shall be restricted to local indigenous coastal species, that require minimal watering once established or species with water needs that match rainfall and drainage conditions.*
 - k. *In order to reduce the amount of stormwater generated by the site, porous paving shall be used in all paved areas not over slab. Details are to be provided with the construction certificate application.*
 - l. *Location of easements within the site and upon adjacent sites (if any).*
 - m. *The provision of a low-key maintenance access, using stepping stones or similar, in the densely planted area around the existing sandstone outcrop.*
73. *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.*
74. *To ensure satisfactory maintenance of the landscaped areas, an automatic irrigation system shall be installed throughout all the landscaped areas. Such system shall provide full coverage to all the landscaped areas with no overspray onto driveways and pathways.*
- Details of the automatic irrigation system shall be shown on the detailed landscape plans and specifications. The system shall comply with all Sydney Water requirements, and relevant Australian Standards.*
75. *The naturestrip upon Council's footway shall be excavated to a depth of 150mm, backfilled with topsoil equivalent with 'Organic Garden Mix' as supplied by Australian Native Landscapes, and re-turfed with Kikuyu Turf or similar. Such works shall be installed prior to the issue of a final Occupation Certificate.*
76. *The naturestrip upon Council's footway shall be maintained by the applicant in accordance with Council guidelines. Such maintenance shall include, but not be limited to, watering, mowing, fertilising, and the removal of weeds.*

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

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

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

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

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

80. *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.*

81. *The proposed mass planted garden along the Marine Parade frontage needs to be amended to include an area that is capable of being used as a communal open space, eg Kikuyu lawn or similar, with planting to be generally limited to the perimeter of this area. This condition is included to ensure that an area of usable open space is available to occupants. This detail is to be submitted with the construction certificate application.*

82. *The proposed mass planting at the northwest corner of the site needs to be amended to include a pedestrian access, eg stepping stones or similar, to enable maintenance of the plants in this area, the details of which are to be submitted for the construction certificate application.*

83. *A refundable deposit in the form of cash, cheque or bank guarantee for the amount of \$4,000.00 shall be lodged with Council prior to a construction certificate being issued for the proposed development to ensure the implementation and maintenance of the landscape works in accordance with the approved landscape documentation.*

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

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

Advisory Conditions

- A1. The applicant is to advise Council in writing and/or photographs of any signs of existing damage to the Council roadway, footway, or verge prior to the commencement of any building/demolition works.
- A2. The applicant is advised that the Construction Certificate plans and specification must comply with the provisions of the Building Code of Australia (BCA). In this regard, the development consent plans do not show compliance with the deemed-to-satisfy provisions of the BCA, including:
- a) Part E1 - Fire fighting equipment
 - b) Part E2 - Smoke Hazard Management
 - c) Part E4 - Emergency lighting, exit signs and warning systems
 - d) Part F4 - Light and ventilation ,in particular, car park ventilation.

Details of compliance with the relevant provisions of the Building Code of Australia and conditions of development consent are to be submitted with the Construction Certificate application.

- A3. In order to organise for an inspection for the release of the security deposit, the applicant shall contact the Principal Certifying Authority for the development to liaise with Council's Asset & Infrastructure Department to arrange for an inspection of the landscaping to be carried out. Should the landscaping be found to be unsatisfactory, thus necessitating further inspections, the applicant is advised that each additional inspection will be charged at \$55.00 (incl.GST) and that this amount shall be paid into Account Number 41901939, Code RGJ at the Cashier on the Ground Floor of the Administrative Centre prior to any further inspection being carried out.

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

MOTION: (Bastic/White) SEE RESOLUTION.

A division was called for by Councillors Daley and Procopiadis. Voting was as follows:-

For	Against
Bastic	Belleli
Daley	Hughes
Kenny	Matson
Nash	Woodsmith
Notley-Smith	
Procopiadis	
Sullivan	

Tracey
White

7. MISCELLANEOUS.

**7.1 ACTING DIRECTOR PLANNING & COMMUNITY DEVELOPMENT'S
REPORT 68/2004 - REGIONAL HOUSING COORDINATOR
EMPLOYMENT. (98/S/2424)**

H62 **RESOLUTION:** *(Sullivan/Procopiadis)* that Council receive and note this progress report on the regional housing study.

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

**7.2 ACTING DIRECTOR PLANNING & COMMUNITY DEVELOPMENT'S
REPORT 69/2004 - AFFORDABLE HOUSING DRAFT LEP NO. 22.
(98/S/3763)**

H63 **RESOLUTION:** *(Sullivan/Procopiadis)* that Council:

- (a) *endorse draft Local Environmental Plan 1998 (Amendment No. 22), as exhibited, and amended to address submissions;*
- (b) *agree to forward the draft LEP to the Minister for Infrastructure and Planning requesting that the draft LEP be made, once the opinion of the parliamentary counsel is received; and*
- (c) *endorse the attached draft letter to the Minister for Infrastructure and Planning, the Hon. Craig Knowles, M.P., requesting that the review of SEPP No. 70 and the Sydney Metropolitan Strategy recognises affordable housing needs across Sydney.*

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

**7.3 ACTING DIRECTOR PLANNING & COMMUNITY DEVELOPMENT'S
REPORT 70/2004 – 1430 ANZAC PARADE, LITTLE BAY. (PRINCE HENRY
SITE) (290/2004)**

H64 **RESOLUTION:** *(Sullivan/Procopiadis)* that:

- A. *Council as the responsible authority grant its development consent as a Deferred Commencement under Section 80(3) of the Environmental Planning and Assessment Act 1979 (as amended) to Development Application No D/0290/2004 for the erection of a new three storey building for use as Aboriginal Health and Medical Research Centre at 1430 Anzac Parade, Little Bay, subject to the following conditions:-*

Deferred Commencement Conditions

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

1. *The colours, materials and finishes of the external surfaces to the building are to be submitted with, and linked to, coloured elevations. 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.*

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

Conditions of Consent:

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

1. *The development must be implemented substantially in accordance with the plans numbered DA01 D, DA02 D, DA03 E, DA04 E, DA05 G, DA06 F, DA07 F, DA08 E, DA09 E, DA10 E, and DA11 B, received by Council on 22 April 2004, the application form, and on any supporting information received with the application, any plans, specifications, report, study or information submitted in relation to the deferred commencement conditions and any conditions of approval of any plan specification report or study, except as may be amended by the following conditions and as may be shown in red on the attached plans:*

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

2. *The colours, materials and finishes of the external surfaces to the building are to be submitted with, and linked to, coloured elevations.*
3. *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.*
4. *Street numbering must be provided to the premises in a prominent position, to the satisfaction of Council.*

In this regard, prior to occupation of the building, an application must be submitted to and approved by Council's Director Planning & Community Development, together with the required fee, for the allocation of an appropriate street number/s to the development.

5. *The hours of operation of the facility shall be limited to 8.00 am to 6.00 pm Monday to Friday.*
6. *Public access to the visitor's carparking spaces is to be maintained at all times and in this regard any security gates or roller door shall be located so as to provide*

unimpeded public access to the visitor carparking spaces, and an appropriate system, including but not limited to an intercom system, is to be provided adjacent to the vehicular entrance to the carpark, together with appropriate signage providing instructions for use, to facilitate access to the visitor carpark.

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

7. *The applicant is to engage an Environment Protection Authority (EPA) Accredited Site Auditor. This Site Auditor is to assess the suitability of the site for its intended development and use and review contamination assessment and Validation Report/s for the site.*

*The Site Auditor is to issue a Site Audit Statement and prepare Summary Site Audit Report for the site, (proposed Lot 33A) which shall be submitted to Council for written acceptance, **prior to a construction certificate being issued.** The Site Audit Statement shall state that the site is suitable for the intended zoning, development and use: Health Based Investigation Level NEHF A Criteria.*

Any proposed conditions to be included in the Site Audit Statement are to be agreed to by Councils Manager of Health and Building Services, prior to their inclusion on the Site Audit Statement.

8. *The Site Audit Statement/s shall be developed and prepared in accordance with the following requirements:*
 - a. *The proponent shall engage the services of a Site Auditor holding current accreditation in accordance with Sections 49 and 50 of the Contaminated Land Management Act.*
 - b. *All remediation works shall be carried out in accordance with the requirements of the Contaminated Land Management Act 1997, environmental planning instruments applying to the site, guidelines made by the NSW Environment Protection Authority and Planning NSW, Randwick City Council's Contaminated Land Policy 1999 and the Protection of the Environment Operations Act 1997.*
 - c. *The remediation of the site, including groundwater, must fully comply with all relevant Commonwealth and State Legislation, Regulations and Standards.*
 - d. *Any beneficial reuse of material on-site is to be monitored and classified by a suitably experienced environmental specialist, together with the Site Auditor. Such material must be confirmed as suitable for reuse on the Prince Henry site by the environmental consultant prior to placement where it is to be reused.*
 - e. *The Consultant and Auditor, in their assessment of appropriate soil investigation levels, must take into account all environmental concerns (for example, the potential effects on wildlife) and the protection of ground and surface water.*
 - f. *The Site Audit Statement must clearly state, where no standard exists, as with asbestos that the remediated land is at an asbestos free level or to a level where*

no known unacceptable health risk remains (as confirmed in writing by NSW Department of Health) and be accepted by Council in writing.

9. *The applicant is to submit to Council a Final Site Audit Statement (SAS) for the whole of the site, the site being the land comprising Lot 1 in DP 1002512 and R87551 known as 1430 Anzac Parade Little Bay on or before 31 March 2006 to the Councils written satisfaction. Any proposed conditions on the Site Audit Statement are to be accepted by Councils Manager for Health and Building Services, prior to their inclusion on any Site Audit Statement.*
10. *Prior to commencing any excavation or building works on the subject land, the land must be remediated to meet the appropriate Health Based Investigation Level NEHF A Criteria and the following requirements must be complied with:*
 - a) *A Remediation Action Plan (RAP) if required is to be submitted to and concurred to by Council prior to commencing any remediation works or excavation works. The RAP is also required to be reviewed and be accepted by the appointed NSW Accredited Site Auditor.*

Any RAP is to be prepared in accordance with the NSW Environmental Protection Authority Guidelines for Consultants Reporting on Contaminated Sites.

This RAP is to include procedures for the following:

- g. *Excavation of Hydrocarbon-contaminated soil,*
- h. *On-site treatment by land farming,*
- i. *Validation sampling and analysis,*
- j. *Ground water monitoring,*
- k. *Contingency groundwater remediation and validation,*
- l. *Asbestos identification, remediation and validation in accordance with NSW Department of Health review.*

A copy of the RAP and written concurrence by the Site Auditor must be provided to Council

11. *All remediation works shall be carried out in accordance with the requirements of the Contaminated Land Management Act 1997, environmental planning instruments applying to the site, guidelines made by the NSW Environment Protection Authority and Planning NSW, Randwick City Council's Contaminated Land Policy 1999 and the Protection of the Environment Operations Act 1997 and Remedial Action Plans for the whole site, as reviewed and accepted by the appointed site auditor and if required, the NSW Health Department.*
12. *Validation Report/s shall be submitted to Council upon completion of any remedial works. The Validation report/s shall be prepared with reference to the NSW Environment Protection Authority Guidelines for Consultant's Reporting on Contaminated Sites, and shall include:*
 - *Description and documentation of all works performed;*
 - *Results of validation testing and monitoring;*
 - *Validation results of any imported fill onto the site;*

- *Demonstrate how all agreed clean-up criteria and relevant regulations have been satisfied;*
- *Clear justification as to the suitability of the site for the proposed use and the potential for off-site migration of any residual contaminants.*

The Validation Report is also required to be reviewed and be accepted by the appointed NSW Accredited Site Auditor and written details are to be forwarded to Council accordingly.

- 13. Any fill importation to the site is to be monitored and classified by the Site Auditor appointed for remediation of the site or a person with his qualifications. Only Virgin Excavated Natural Material (VENM) is to be imported to the site, as defined within the NSW EPA 'Environmental Guidelines: Assessment, Classification and Management of Liquid and Non-Liquid Wastes' 1999.*
- 14. A Site Health and Safety Plan being prepared prior to the commencement of hazardous materials removal or ground and/or groundwater remediation works shall be prepared by a suitably qualified and experienced environmental consultant. All works are to be carried out in accordance with this plan. This plan shall include:*
 - *hazard identification and control;*
 - *site security;*
 - *personal protective equipment;*
 - *work zones and decontamination procedures;*
 - *contingency plans and incident reporting;*
 - *environmental monitoring.*
- 15. Any new information which comes to light during remediation, demolition or construction works, which has the potential to alter previous conclusions about site contamination, shall be notified to the Site Auditor and to the Council immediately.*
- 16. All trucks and service vehicles leaving the site shall go through a suitably constructed "on site" truck wash down area, to ensure no tracking of material occurs from the site onto roads adjoining the site. Details are to be submitted to Council in the Site Management Plan (ie the Work Plan).*
- 17. On site land farming of contaminated soil is only permitted with the prior approval of Council's Manager of Environmental Health and Building Services, following the submission of a detailed works program.*
- 18. Any odours from excavated materials shall be mitigated by the use of an odour suppressant, (such as Biosolve), and shall not give rise to an offensive odour as defined in the Protection of the Environment Operations Act 1997. Stockpiles shall also be covered and dampened down to reduce odour and dust impacts.*
- 19. A Site Management Plan (SMP) is to be developed for the site, detailing strategies and mechanisms to be used to ensure cross contamination between the remediated and the un-remediated land does not occur. The SMP is to be developed by a suitably qualified and experienced environmental consultant, reviewed by the appointed Site Auditor and submitted to Council. The SMP and the Site Auditors written acceptance of the SMP are to be submitted to Council for its records, **prior to commencement of any building***

works. All reasonable and adequate measures are to be undertaken and maintained to prevent any cross contamination of the land and water.

20. *Prior to the commencement of works adequate sediment and stormwater control measures shall be in place and maintained on site at all times. Sediment laden stormwater shall be controlled using measures outlined in the manual Managing Urban Stormwater Soils and Construction produced by the NSW Department of Housing.*

21. *All remediation work shall be conducted within the following hours:*

Monday – Friday 7am – 5pm

Saturday 8am – 5pm

No work permitted on Sundays or Public Holidays

22. *A sign displaying the contact details of the remediation contractor (and the site manager if different to remediation contractor) shall be displayed on the site adjacent to the site access. This sign shall be displayed throughout the duration of the remediation works.*

23. *The works shall not give rise to environmental pollution or public nuisance or, result in an offence under the Protection of the Environment Operations Act 1997 or NSW Occupational Health & Safety Act (2000) & Regulations (2001).*

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:

24. *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 and plant and equipment shall not give rise to a sound pressure level at any affected premises that exceeds the background (L_{A90}), 15_{min} noise level, measured in the absence of the noise source/s under consideration by more than 5dB(A). The source noise level shall be assessed as an $L_{Aeq, 15_{min}}$ and adjusted in accordance with the NSW Environmental Protection Authority's Industrial Noise Policy 2000 and Environmental Noise Control Manual (sleep disturbance).

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

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

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

The following conditions are applied to ensure compliance with the Food Act 2003 and to ensure public health and safety:

27. *The Kitchen and associated areas are to be designed, constructed and operated in accordance with the Food Act 2003, Food Regulation 2004 and Food Standards Code and details of compliance are to be included in the documentation for the construction certificate to the satisfaction of the certifying authority.*
28. *Food safety practices and operation of the food premises must be in accordance with the Food Act 2003, Food Regulation 2004, Food Standards Code and Food Safety Standards at all times, including the requirements and provisions relating to:*
- ***Food handling – skills, knowledge and controls.***
 - ***Health and hygiene requirements.***
 - ***Requirements for food handlers and businesses.***
 - ***Cleaning, sanitising and maintenance.***
 - ***Design and construction of food premises, fixtures, fitting and equipment.***
29. *The design and construction of the Kitchen and the associated areas must comply with the following requirements, as applicable:-*
- *The floors of kitchens, food preparation areas and the like are to be constructed of materials which are impervious, non slip and non abrasive. The floor is to be finished to a smooth even surface, graded and drained to a floor waste connected to the sewer.*
 - *The intersection of walls with floor and plinths is to be coved, to facilitate cleaning.*
 - *Walls of the kitchen preparation areas and the like are to be of suitable construction finished in a light colour with glazed tiles, stainless steel, laminated plastics or similar approved material adhered directly to the wall adjacent to cooking and food preparation **facilities or areas, to provide a smooth even surface.***
 - *The glazed tiling or other approved material should extend up to the underside of any mechanical exhaust ventilation hoods and a minimum of 450mm above bench tops or other facilities and equipment.*
 - *Walls where not tiled are to be cement rendered or be of rigid smooth faced non-absorbent material (i.e. fibrous cement sheeting, plasterboard or other approved material) and finished to a smooth even surface, painted with a washable paint of a light colour or sealed with other approved materials.*
 - *The ceilings of kitchens, food preparation areas, storerooms and the like are to be of rigid smooth-faced, non absorbent material i.e., fibrous plaster, plasterboard, fibre cement sheet, cement render or other approved material.*
 - *All stoves, refrigerators, bain-maries, stock pots, washing machines, hot water heaters, large scales, food mixers, food warmers, cupboards, counters, bars etc.... to be supported on wheels, concrete plinths a minimum 75mm in height, metal legs minimum 150mm in height, brackets or approved metal framework of the like.*

- *Cupboards, cabinets, benches and shelving may be glass, metal, plastic, timber sheeting or other approved material. The use of particleboard or similar material is not permitted unless laminated on all surfaces.*
 - *Adequate fly screens and doors with self-closing devices, (where applicable), are to be provided to all external door and window openings. An electronic insect control device must also be provided within the food premises.*
 - *Garbage storage enclosures are to be fitted with a hose cock and the floor is to be graded and drained to an approved floor waste connected to the sewer.*
 - *A mechanical ventilation exhaust system hood is to be installed where cooking or heating processes are carried out in the kitchen or in food preparation areas, in accordance with the relevant requirements of Clause F4.12 of the BCA and Australian Standard AS 1668 Parts 1 & 2.*
 - *Wash hand basins must be provided in convenient positions, with hot and cold water, together with a sufficient supply of soap and clean towels. Such hot and cold water shall be supplied to the wash hand basins through an approved mixing device.*
 - *Ceramic tiles being provided to a height of 450mm above bench tops, wash hand basins and similar fittings.*
 - *A numerically scaled indicating thermometer or recording thermometer, accurate to the nearest degree Celsius being provided to refrigerators, cool rooms, other cooling appliances and bain-maries or other heated food storage/display appliances. The thermometer is to be located so as to be read easily from the outside of the appliance.*
 - *All food that is to be kept hot should be heated within one (1) hour from the time when it was prepared or was last kept cold, to a temperature of not less than 60°C and keep this food hot at or above the temperature. Food that is to be kept cold should be cooled, within four (4) hours from the time when it was prepared or was last kept hot, to a temperature of not more than 5°C and keep this food cold at or below that temperature.*
30. *Details of proposed mechanical ventilation systems, detailing compliance with the relevant requirements of Clause F4.12 of the BCA and Australian Standard AS 1668 Parts 1 & 2 (including exhaust air quantities and discharge location points) are to be submitted to and approved by the Certifying Authority with the construction certificate and a copy of relevant documentation is to be provided to Council.*
31. *A certificate or statement must be provided to the certifying authority and the Council, from a suitably qualified person, prior to occupation, which confirms that the mechanical ventilation system satisfies the relevant requirements of the Building Code of Australia and Australian Standards AS 1668 Parts 1 & 2.*
32. *Liquid trade waste materials are to be disposed of in accordance with the requirements of the Sydney Water, Trade Waste Department and details of compliance are to be submitted to the certifying authority prior to the commencement of use.*

*The disposal of waste materials in the domestic garbage service is not permitted. All waste materials must be collected by Council's Trade Waste Service or a waste contractor authorised by the Waste Service of New South Wales and details of the proposed service to serve the development are to be submitted to Council **prior to occupation** of the building, with the registration details.*

33. *Council must be notified in writing, upon completion of the works and prior to the issuing of an occupation certificate, to enable the premises to be inspected by Council's Environmental Health Officer and the premises must be registered with the Council as a food premises prior to occupation of the premises.*

Registration and inspection fees must be paid to Council on an annual basis/upon inspection, in accordance with Council's current adopted Pricing Policy.

The following conditions are applied to ensure protection of heritage and archaeological significance:

34. *Appropriate protective measures are to be provided to ensure that indigenous vegetation is not damaged during the construction work. Details of protective measures should be submitted to Council for approval prior to the commencement of works.*
35. *Where practicable, disturbance to existing indigenous vegetation and subsurface deposits should be limited and all efforts should be made to define a specific development impact footprint that should be adhered to throughout the course of site works.*
36. *Prior to commencement of proposed works, site contractors should be made aware of the existence of Aboriginal archaeological remains at the Prince Henry site, and of the possibility that more as yet undiscovered Aboriginal cultural material may exist there.*
37. *Prior to commencement of proposed works, site contractors are to be advised of their obligations under the National Parks and Wildlife Act 1974 and notification procedures in the event that any Aboriginal cultural material is disturbed or exposed during site works.*
38. *All vegetation clearance and subsurface disturbance should be monitored by the La Perouse Local Aboriginal Land Council in the company of a qualified archaeologist.*
39. *Should any Aboriginal deposits or objects (shell deposits, flaked stone artefacts or engravings etc.) be exposed, site work is to temporarily cease within the vicinity while advice is sought from archaeologists, the La Perouse Aboriginal Land Council and the National parks and Wildlife Service (NPWS).*
40. *In the unlikely event that historical archaeological remains or deposits are exposed during the works, all work should cease while an evaluation of their potential extent and significance is undertaken and the NSW Heritage Office notified under the requirements of the Heritage Act."*

The following conditions are applied to satisfy the provisions of section 91A of the Environmental Planning and Assessment Act 1979 and to apply the general terms of approval of the Heritage Council of NSW:

41. *The development must be in accordance with the following documents:*
 - a. *Architectural drawings, DA01(D), DA02(D), DA03(E), DA04(E), DA05(G), DA06(F), DA07(F), DA08(E), DA09(E), DA10(E), DA11(B), DA03(E); Landscape Plan DAL1(B); Hydraulic drawings DA-H01(C), DA-H02(B).*
 - b. *Statement of Environmental Effect (SEE) prepared by Gary Shiels & Associates Pty Ltd dated April 2004 containing Heritage Impact Statement (HIS) dated April, 2004, prepared by Godden Mackay Logan and Report, dated 18 March, 2004, prepared by Urban Bushland Management Consultants.*
 - c. *Conservation Management Plan dated February, 2003 and Archaeological Management Plan dated August, 2002 prepared by Godden Mackay Logan and both endorsed by the NSW Heritage Council.*

External finishes

42. *A schedule of the proposed external colours and finishes is to be submitted to the Director of the Heritage Office for approval prior to the release of the construction certificate. To ensure that the building does not stand out, the palette of external colours and finishes should be muted. External materials should not include highly reflective materials and large areas of glazing should be shaded to reduce its reflectivity.*

Aboriginal Archaeology

43. *Prior to the commencement of the proposed works, site contractors should be made aware of the existence of Aboriginal archaeological remains at the Prince Henry site, and of the possibility that more as yet undiscovered Aboriginal cultural material may exist there.*
44. *Site contractors are to be advised of their obligations under the National Parks and Wildlife Act 1974 and notification procedures in the event that any Aboriginal cultural material is disturbed or exposed during site works.*
45. *Liaison should be established with the local Aboriginal community relative to the development proposal. Written description of this discussion should be prepared which describes the views, potential concerns and recommendations provided by the local Aboriginal community as to the impact of the proposed development. The written description is to be submitted to the Director of the Heritage Office for approval prior to the release of the construction certificate.*
46. *All vegetation clearance and subsurface disturbance should be in accordance with the Prince Henry Archaeological Management Plan dated August, 2002 which recommends monitoring by the La Perouse Local Aboriginal Land Council in the company of a qualified archaeologist.*

47. *Should any Aboriginal deposits or objects (shell deposits, flaked stone artefacts or engravings etc) be exposed, site work is to temporarily cease within the vicinity while advice is sought from archaeologists, the La Perouse Local Aboriginal Land Council (LPLALC) and the National Parks and Wildlife Service (NPWS). Subject to an assessment of the extent, integrity and significance of any exposed objects, applications under the NPWS Act may be required before the work can be resumed.*

Historical Archaeology

48. *If any relics of state significance are uncovered, further excavation must stop and the NSW Heritage Office notified immediately. Further approval will need to be obtained from the NSW Heritage Council as changes to the design and scope of the proposed works may be required depending upon the significance of the relics found.*
49. *If disturbance of the Golf Club car park is expected during the works, management of any disturbance is to be in accordance with the Prince Henry Archaeological Management Plan dated August, 2002 and be monitored by a historical archaeologist.*

Landscape

50. *The Section 2.6, Flora Recommendations included in the Report, dated 18 March, 2004, prepared by Urban Bushland Management Consultants pages 12 & 13 are to be included in these conditions and implemented in full as part of the works.*
51. *Appropriate protective measures including fencing off, to ensure that remaining indigenous vegetation is not damaged during construction work should be submitted to Council for approval prior to the commencement of works.*
52. *Where practicable, disturbance to existing indigenous vegetation and subsurface deposits should be limited by appropriate protection measures and all efforts should be made to define a specific development impact footprint that should be adhered to throughout the course of the site works.*
53. *Seed stock indigenous to the site and/or locality (the Prince Henry site, being weed affected, may not be able to provide sufficient stock) should also be used to generate the proposed new landscaping. Written confirmation of this requirement is to be submitted to the Director of the Heritage Office for approval prior to the release of the construction certificate.*

Interpretation

54. *The site specific interpretation plan (proposed themes and media), proposed way signage and street furniture at the AH&MRC site are to be in accordance with the future relevant Prince Henry site wide plans.*

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

55. *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.

56. *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.*
57. *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.*
58. *Prior to the commencement of any building works, the person having the benefit of the development consent must:-*
 - i) *appoint a Principal Certifying Authority for the building work, and*
 - ii) *appoint a principal contractor for the building work, or in relation to residential building work, obtain an owner-builder permit in accordance with the requirements of the Home Building Act 1989, and notify the Principal Certifying Authority and Council accordingly in writing, and*
 - iii) *unless the person having the benefit of the consent is the principal contractor (i.e. owner-builder), notify the principal contractor of the required critical stage inspections and other inspections to be carried out, as specified by the Principal Certifying Authority, and*
 - iv) *give at least two days notice to the Council, in writing, of the persons intention to commence building works.*

In relation to residential building work, the principal contractor must be the holder of a contractor licence, in accordance with the provisions of the Home Building Act 1989.

59. *The building works must be inspected by the Principal Certifying Authority (or another certifying authority if the Principal Certifying Authority agrees), in accordance with sections 109 E (3) of the Environmental Planning & Assessment Act 1979 and clause 162A of the Environmental Planning & Assessment Regulation 2000, to monitor compliance with the relevant standards of construction, Council's development consent and the construction certificate.*
60. *The Principal Certifying Authority must specify the relevant stages of construction to be inspected in accordance with section 81A (2) (b1) (ii) of the Environmental Planning & Assessment Regulation 2000 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).*
61. *Documentary evidence of the building inspections carried out and details of compliance with Council's consent is to be maintained by the Principal Certifying Authority. Details of critical stage inspections carried out and copies of certification relied upon must also be forwarded to Council with the occupation certificate.*

62. *The principal contractor or owner-builder (as applicable) must ensure that the required critical stage and other inspections, as specified in the Principal Certifying Authority's "Notice of Critical Stage Inspections", are carried out to the satisfaction of the Principal Certifying Authority and at least 48 hours notice (excluding weekends and public holidays) is to be given to the Principal Certifying Authority, to carry out the required inspection, before carrying out any further works.*
63. *A sign must be erected and maintained in a prominent position on the site, which contains the following details:*
- *name, address, contractor licence number and telephone number of the principal contractor, including a telephone number at which the person may be contacted outside working hours, or owner-builder permit details (as applicable)*
 - *name, address and telephone number of the Principal Certifying Authority,*
 - *a statement stating that "unauthorised entry to the work site is prohibited".*
64. *An Occupation Certificate must be obtained from the Principal Certifying Authority prior to any occupation of the building work encompassed in this development consent (including alterations and additions to existing buildings), in accordance with the relevant provisions of the Environmental Planning & Assessment Act 1979.*

The relevant requirements of the Environmental Planning & Assessment Regulation 2000 and relevant conditions of development consent must be satisfied prior to the issuing of an occupation certificate.

65. *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.*

At the time of this development consent, Long Service Levy payment is applicable on building work having a value of \$25,000 or more, at the rate of 0.2% of the cost of the works.

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

66. *Documentary evidence prepared by a suitably qualified professional geotechnical engineer shall be submitted to the certifying authority prior to the issuing of a construction certificate, certifying the suitability and stability of the site for the proposed building and certifying the suitability and adequacy of the proposed design and construction of the building for the site.*
67. *A Certificate of Adequacy prepared by a professional engineer shall be submitted to the certifying authority (and the Council, if the Council is not the certifying authority) prior to occupation of the building, certifying the structural adequacy of the building and that the building works satisfy the relevant structural design requirements of the Building Code of Australia.*

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

68. 18. *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 made available to the Council officers and all building contractors for assessment.*
69. *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.

70. *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.*
71. *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.*
72. *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.*

73. *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.*
74. *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.*
75. *A coloured works-as-executed fire services plan is to be submitted to the Council prior to occupation of the development, detailing the location of the essential fire safety measures installed within the building premises.*
76. *A Registered Surveyor's check survey certificate or compliance certificate is to be forwarded to the principal certifying authority (and a copy is to be forwarded to the Council, if the Council is not the principal certifying authority), detailing compliance with Council's approval at the following stage/s of construction:*
- a) *Prior to construction of the first completed floor/floor slab (prior to pouring of concrete), showing the area of land, building and boundary setbacks and verifying that the building is being construction at the approved levels.*
 - b) *On completion of the erection of the building showing the area of the land, the position of the building and boundary setbacks and verifying the building has been constructed at the approved levels.*
77. *A report prepared by a suitably qualified and experienced consultant in acoustics/vibration shall be submitted to the Principal Certifying Authority and the Council upon commencement of works, certifying that noise and vibration emissions from the construction of the development complies with the provisions of the Protection of the Environment Operations Act 1997, the Noise Control Manual published by the Environment Protection Authority and relevant conditions of approval. In support of the above it is necessary to submit all relevant readings and calculations made.*
78. *Should noise and vibration emissions not comply with the terms and conditions of consent, work must cease forthwith and is not to recommence until details of compliance are submitted to Council.*
79. *A sign must be erected and maintained in a prominent position on the site, which contains the following details:*
- *name, address, contractor licence number and telephone number of the principal contractor, including a telephone number at which the person may be contacted outside working hours, or owner-builder permit details (as applicable)*
 - *name, address and telephone number of the Principal Certifying Authority,*
 - *a statement stating that "unauthorised entry to the work site is prohibited".*
80. *Temporary toilet facilities are to be provided, at or in the vicinity of the work site throughout the course of demolition and construction, to the satisfaction of WorkCover*

NSW and the toilet facilities must be connected to a public sewer or other sewage management facility approved by Council.

81. *Public safety and convenience must be maintained at all times during demolition, excavation and construction works.*
82. *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.*
83. *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.*
84. *Building materials, sand, soil, waste materials or construction equipment must not be placed upon the footpath, roadway or nature strip at any time and the footpath, nature strip and road must be maintained in a clean condition and free from any obstructions, soil and debris at all times.*
85. *Bulk bins/waste containers must not be located upon the footpath, roadway or nature strip at any time without the prior written approval 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 Development Control Plan for Exempt & Complying Development and Council's Local Approvals Policy. Applications to place a waste container in a public place can be made to Council's Building Services section.*
86. *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.

87. *During demolition excavation and construction works, dust emissions must be minimised, so as not to result in a nuisance to nearby residents or result in a potential pollution incident.*

Adequate dust control measures must be provided to the site prior to the works commencing and the measures and practices must be maintained throughout the demolition, excavation and construction process, to the satisfaction of Council.

Dust control measures and practices may include:-

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

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

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

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

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

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.

89. *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 are to be detailed in a soil and water management plan and 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 be maintained throughout construction. A copy of the approved details must be forwarded to the Council and a copy is to be maintained on-site and 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, methods of sediment control, details of drainage systems and details of existing and proposed vegetation.

90. *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.

91. *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.*

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

92. *Access and facilities for people with disabilities must be provided in accordance with the relevant provisions of the Building Code of Australia.*

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

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

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

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

94. *The following damage/civil works security deposit requirement is to be complied with prior to a construction certificate being issued for the development, as security for making good any damage caused to the roadway, footway, verge or any public place;*

or as security for completing any public work; and for remedying any defect on such public works, in accordance with section 80A(6) of the Environmental Planning and Assessment Act 1979:

a) \$1000.00 - *Damage / Civil Works Security Deposit*

The damage/civil works security deposit may be provided by way of a cash or cheque with the Council and is refundable upon a satisfactory inspection by Council that no damage has occurred to the Council assets such as roadway, kerb, guttering, drainage pits footway, or verge and upon the completion of the civil works as conditioned in this development consent by Council. The applicant is to advise Council, in writing, of the completion of all building works and/or obtaining an occupation certificate, if required.

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

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

95. *The applicant must meet the full cost for Council or a Council approved contractor to construct a full width concrete heavy duty vehicular crossing and layback at kerb opposite the vehicular entrance to the site.*
96. *The applicant must meet the full cost for Council or a Council approved contractor to repair/replace any damaged sections of Council's footpath, kerb & gutter, nature strip etc which are due to building works being carried out at the above site. This includes the removal of cement slurry from Council's footpath and roadway.*
97. *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.*
98. *All new walls adjacent to vehicular crossings must be lowered to a height of 600mm above the internal driveway level for a distance of 1.50m within the site or splayed 1.5 metre by 1.5 metre to provide satisfactory sight lines. Details are to be submitted to the Certifying Authority prior to the release of the construction certificate showing compliance with this condition.*
99. *The driveway opening at the street frontage must be a minimum of 5 metres wide and located at least 1.5 metres clear of the side property.*
100. *The internal driveway must be a minimum 5.0 metres wide (clear width) for the first 5 metres inside the property so as to allow entering & exiting vehicles to pass within the*

site. Should the driveway narrow after this point it is then to be designed with a minimum 1.5m x 1.5m splay to allow the passing to work.

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

It is noted that the requirement for a workzone may be waived if it can be demonstrated (to the satisfaction of Council's traffic engineer) that all construction related activities (including all loading and unloading operations) may be undertaken wholly within the site and/or the road fronting the development site is not a dedicated Council controlled road at the time of construction works being undertaken.

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

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

- *2.5% above the design top of kerb opposite at all points along the development site.*

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

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

103. *The top of footings of any structures constructed on the boundary alignment must be at least 150mm below the alignment level as specified for the vehicular access. This condition has been attached to accommodate future footpath construction at this location.*

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

104. *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.*

105. *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.*

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.

106. *Any electricity substation required for the site as a consequence of this development shall be located within the site and shall be screened from view. The proposed location and elevation shall be shown on all detailed landscape drawings and specifications. The applicant must liaise with Energy Australia prior to lodging the construction certificate whether or not an electricity substation is required for the development.*
107. *A Section 73 Compliance Certificate under the Sydney water Act 1994 must be obtained. Application must be made through an authorised Water Servicing Coordinator. Please refer to “Your Business” section of Sydney Water’s web site at www.sydneywater.com.au then the “e-developer” icon or telephone 13 20 92.*

Following application a “Notice of Requirements” will detail water and sewer extensions to be built and charges paid. Please make early contact with the Coordinator, since building of water/sewer extensions can be time consuming and may impact on other services and building, driveway or landscape design.

The Notice must be issued to the Principal Certifying Authority prior to the construction certificate being issued.

The Section 73 Certificate must be submitted to the Principal Certifying Authority prior to occupation of the development/release of the plan of subdivision. Delete one.

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

108. *All drainage details shall be prepared by a suitably qualified hydraulic consultant who shall, at the completion of the works, certify that the drainage works have been constructed in accordance with the approved drainage plans and relevant standards. The plans and specifications for all works on Council property shall be submitted to and approval by the Director of Asset and Infrastructure Services prior to the issuing of a construction certificate.*
109. *Engineering calculations and plans with levels reduced to Australian Height Datum in relation to site drainage shall be submitted to and approved by the certifying authority prior to a construction certificate being issued for the development. A copy of the engineering calculations and plans are to be forwarded to Council, prior to a construction certificate being issue, if the Council is not the certifying authority. The drawings and details shall include the following information:*
- a) *A detailed drainage design supported by a catchment area plan, at a scale of 1:100 or as considered acceptable to the Council or an accredited certifier, and drainage calculations prepared in accordance with the Institution of Engineers publication, Australian Rainfall and Run-off, 1987 edition.*
 - b) *A layout of the proposed drainage system including pipe sizes, type, grade, length, invert levels, etc., dimensions and types of all drainage pipes and the connection into Council's stormwater system. This may involve either connection to the Council's street gutter, or into a Council stormwater pit. Note: All proposals should indicate the location of the closest Council stormwater pit and line regardless of the point of discharge. This information can be obtained by a visual inspection of the area and perusing Council's drainage plans.*

- c) *Generally all internal pipelines must be capable of discharging a 1 in 20 year storm flow. However the minimum pipe size for pipes that accept stormwater from a surface inlet pit must be 150mm diameter. The site must be graded to direct any surplus run-off (ie. above the 1 in 20 year storm) to the proposed drainage system.*
 - d) *The separate catchment areas within the site, draining to each collection point or surface pit are to be classified into the following categories:*
 - i. *Roof areas*
 - ii. *Paved areas*
 - iii. *Grassed areas*
 - iv. *Garden areas*
 - e) *Where buildings abut higher buildings and their roofs are "flushed in" to the higher wall, the area contributing must be taken as: the projected roof area of the lower building, plus one half of the area of the vertical wall abutting, for the purpose of determining the discharge from the lower roof.*
 - f) *Proposed finished surface levels and grades of car parks, internal driveways and access aisles which are to be related to Council's design alignment levels.*
 - g) *The details of any special features that will affect the drainage design eg. the nature of the soil in the site and/or the presence of rock etc.*
110. *All stormwater run-off naturally draining to the site must be collected and discharged through this property's stormwater system. Such drainage must, if necessary, be constructed prior to the commencement of building work.*
111. *All site stormwater leaving the site must be discharged by gravity to the proposed underground drainage system at the front of the property, (Note: the street drainage system must be constructed prior to connection of the site stormwater system).*
112. *A childproof and corrosion resistant fastening system shall be installed on access grates over pits/trenches where water is permitted to be temporarily stored.*
113. *Stormwater pipes shall be located in accessible locations.*
114. *Pump out systems will only be considered if the applicant can demonstrate to the Principal Certifying Authority that it is not possible to manage stormwater runoff in any other manner.*
115. *Should a pump system be required to drain any portion of the site the system must be designed with a minimum of two pumps being installed, connected in parallel (with each pump capable of discharging at the permissible discharge rate) and connected to a control board so that each pump will operate alternatively. The pump wet well shall be sized for the 1 in 100 year, 2 hour storm assuming both pumps are not working.*

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

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

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

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

- *The base of the pit located a minimum 300mm under the invert level of the outlet pipe.*
- *The pit must be constructed from cast in-situ concrete, precast concrete or double brick.*
- *The grate is to be a galvanised heavy-duty grate that has a provision for a child proof fastening system.*
- *A minimum of 4 x 90 mm diameter weep holes located in the walls of the pit at the floor level with a suitable geotextile material with a high filtration rating located over the weep holes.*
- *A galvanised heavy-duty screen located over the outlet pipe (Mascot GMS Multi-purpose filter screen or similar).*

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

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

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

118. *Any Absorption Trenches/Pits must be designed in accordance with "Section 8.5 ABSORPTION TRENCHES" as stipulated in Randwick City Council's Private Stormwater Code.*

119. *Prior to the issuing of an occupation certificate, the applicant shall submit to the Principal Certifying Authority (PCA) and Council's Director of Asset and Infrastructure Services, certification from a suitably qualified and experienced Hydraulic Engineer confirming that the design and construction of the stormwater drainage system complies with the conditions of development consent. The certification must be provided to the satisfaction of the PCA.*

120. *As the above site may encounter groundwater and/or seepage water within the depth of the basement excavation, the basement carpark or similar structures are to be suitably tanked and waterproofed. A Structural Engineer\Geotechnical Engineer shall certify*

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

Notes:-

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

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

121. *The garbage room area will have to be designed so as to be able to contain a minimum total of 6 x 240 litre bins (3 garbage bins & 3 recycle bins) whilst providing satisfactory access to these bins. Details showing compliance with this requirement are to be shown on the plans submitted to the certifying authority for the construction certificate.*
122. *The waste storage areas are to be provided with a tap and hose and the floor is to be graded and drained to the sewer to the requirements of Sydney Water.*

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

123. *The landscaped areas shown on the plan number DAL1B dated 13/4/2004 shall be the subject of detailed landscape drawings and specifications, which are to be submitted to, and approved by, the certifying authority prior to the issue of a construction certificate. The landscape drawings and specifications are to be prepared by a qualified Landscape Architect who is eligible for membership with the Australian Institute of Landscape Architects (AILA). The documentation is to include:*
 - a. *A site plan at an appropriate scale showing existing site boundaries, existing trees within the property (clearly identified as being retained or removed), existing street trees (clearly identified as being retained or removed), features on adjoining sites within 6 metres of the common property boundary (buildings, trees, other structures etc), council's footway, existing and proposed ground levels shown as spot heights and/or contours over the site, at site boundaries, and at the base of the tree/s to be retained, proposed building envelope, proposed areas of pavement, and proposed landscaped areas.*

The plan shall clearly show the position, canopy spread (location of dripline), trunk diameter, height and names of all existing trees upon the site and adjoining sites within 6 metres of the common property boundary which are likely to be affected by the development.

- b. *A planting plan at a scale of 1:100 or 1:200 indicating the location of all proposed planting and existing trees to be retained. All plants are to be drawn at*

their mature size with a dense planting of shrubs, accent plants and ground covers within all garden beds so that a continuous planted cover is achieved. Plant spacings are to be clearly indicated for all accent and groundcovers.

- c. A planting schedule listing all plants by botanic & common names, plant numbers, plant spacings for groundcovers and accent planting, pot sizes, the estimated size of the plant at maturity (height & spread) and proposed staking methods when applicable.*
 - d. Additional notation showing soil and mulch details, irrigation details, edging, paving, fencing details, surface finishes, retaining wall details, and any other landscape elements in sufficient detail to fully describe the proposed landscape works.*
 - e. Position of existing and proposed site services including water, gas, electricity, sewer, stormwater, etc.*
 - f. Sectional elevations through the site showing the existing and proposed groundlines, building elevations, and mature height of proposed planting.*
 - g. All planter boxes and garden beds constructed on slab must have a minimum soil depth of 600mm and all lawn areas must have a minimum soil depth of 300mm. Planter box details shall be submitted with the detailed landscape plans.*
 - h. The plan shall respect the prevailing coastal influences and the coast's special design considerations and requirements, and shall be designed accordingly. Generally, species selection shall be restricted to local indigenous coastal species, that require minimal watering once established or species with water needs that match rainfall and drainage conditions.*
 - i. Landscaped areas must include an area dedicated to on - site composting.*
 - j. Porous paving shall be used in all pathways. Details are to be provided with the construction certificate application.*
 - k. Location of easements within the site and upon adjacent sites (if any).*
- 124. The landscaping shall be installed in accordance with the approved documentation prior to the issue of a final occupation certificate and shall be maintained in accordance with those plans. Documentary evidence is to be obtained from a suitably qualified Landscape Architect and submitted to the principal certifying authority (PCA) (and the Council, if the Council is not the PCA) prior to the issuing of a final occupation certificate which confirms that the landscaping works have been completed in accordance with the approved landscaping plans and relevant conditions of development consent, to the satisfaction of the PCA.*
- 125. To ensure satisfactory maintenance of the landscaped areas, an automatic irrigation system shall be installed throughout all the landscaped areas. Such system shall provide full coverage to all the landscaped areas with no overspray onto driveways and pathways.*

126. *Details of the automatic irrigation system shall be shown on the detailed landscape plans and specifications. The system shall comply with all Sydney Water requirements, and relevant Australian Standards.*
127. *In order to visually 'soften' the expanses of hard pavement, brick unit pavers, stenciled concrete (or similar) shall be used for the driveway on the site. Such details shall be shown on the detailed engineering documentation and shall include all structural design details including pavement/subgrade thickness.*

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

128. *Any substation required shall be screened from view. The proposed location and elevation shall be shown on all detailed landscape drawings and specifications.*
129. *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.*

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

130. *Permission is granted for the removal of only those trees falling within the area occupied by the approved works. Removal of any remaining trees on the site shall be the subject of a separate application under the Tree Preservation Order.*
131. *The applicant shall be required to ensure the retention and long term health of all trees located on adjoining properties adjacent to the proposed development. As a general guide there shall be minimal excavation or root pruning within the dripline/s of the subject tree/s.*

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

132. *The following items shall be installed to the satisfaction of Council's Natural Resources Coordinator prior to commencement of any works, including, but not limited to, demolition, earthworks or construction:*
- *protection fencing, as described in the Bushland Conditions;*
 - *silt fencing, as described in the Bushland Conditions; and*
 - *protection signage, as described in the Bushland Conditions.*
133. *All personnel employed in relation to the development and all other persons wishing to enter bushland to be retained in accordance with the approved masterplan, shall complete a site induction, prior to their commencement of work or entry to such bushland. The site induction shall include:*
- *details of the location and significance of bushland to be retained in accordance with the approved masterplan;*

- that no disturbance to, or removal of, vegetation or original soils shall occur within bushland to be retained in accordance with the approved masterplan, except in accordance with these conditions;
- that no temporary or permanent placement or storage of any items of plant, materials, tools, equipment, vehicles, etc. shall occur within bushland to be retained in accordance with the approved masterplan;
- that no foreign matter from outside the bushland, including, but not limited to: water, litter, cement wash, concrete, fill, soils, mulch, building materials, chemicals, petroleum-based products, paint, etc., shall be disposed of in, or placed in, or where they may enter, bushland to be retained in accordance with the approved masterplan, except in accordance with the Bushland Conditions;
- that access to bushland to be retained in accordance with the approved masterplan shall be restricted to pedestrian traffic only and, in any case, shall be minimised;
- the maximum penalties for unauthorised actions which affect the bushland; and
- that contravention of any of the above shall be reported immediately to the Applicant's Project Manager by all persons involved in and witnessing such a contravention.

All personnel who have completed this induction shall sign an Induction Register, stating that they have completed the induction and that this included all the above information. The Induction Register shall include for each person: full first and last names; contact number/s; position, organisation, induction date and the person providing the induction. The Induction Register shall be available for inspection and reproduction at all times by Council.

134. *There shall be no access to bushland to be retained in accordance with the approved masterplan without the written authorisation of the Applicant's Project Manager or Council. The only exceptions to this shall be:*

- *installation of protection fencing, as described in the Bushland Conditions;*
- *installation of silt fencing, as described in the Bushland Conditions;*
- *installation of protection signage, as described in the*

In the case of these exceptions, access shall be avoided whenever possible and, in any case, shall be restricted to within two metres of the edge of bushland to be retained.

The following conditions are applied to provide adequate provisions for bushland care:

135. *No disturbance to, or removal of, any vegetation or original soils shall occur within bushland to be retained in accordance with the approved masterplan as a result of the proposed development. The only exceptions to this shall be:*

- *installation of protection fencing, as described in the Bushland Conditions;*
- *installation of silt fencing, as described in the Bushland Conditions.*

In all instances where disturbance to, or removal of, vegetation or original soils has occurred within bushland to be retained, all affected areas shall be immediately repaired to their state prior to commencement of development, as far as possible, to the satisfaction of Council's Natural Resources Coordinator.

136. *No temporary or permanent placement or storage of any items of plant, materials, tools, equipment, vehicles, etc. shall occur within bushland to be retained in accordance with the approved masterplan. The only exceptions to this shall be in relation to:*

- *installation of protection fencing, as described in the Bushland Conditions;*
- *installation of silt fencing, as described in the Bushland Conditions;*
- *installation of protection signage, as described in the Bushland Conditions.*

In all instances where items have been placed or stored within bushland to be retained, all affected areas shall be immediately repaired to their state prior to commencement of development, as far as possible, to the satisfaction of Council's Natural Resources Coordinator.

137. *No foreign matter, including, but not limited to: litter, cement wash, concrete, fill, soils, mulch, building materials, chemicals, petroleum-based products, paint, etc., shall be disposed of in, or placed in, or where they may enter, bushland to be retained in accordance with the approved masterplan. In all instances where such substances have been disposed of in, have been placed in, or have entered, bushland to be retained, all affected areas shall be immediately repaired to their state prior to commencement of development, as far as possible, to the satisfaction of Council's Natural Resources Coordinator.*

138. *A continuous temporary 1800mm high chain wire protection fence shall be installed at least 1 metre out from the edge of all bushland within Bushland Management Areas R4, R6 and R7, identified in Prince Henry at Little Bay Bushland Management Plan (v.6, dated June 2004). The protection fence shall be installed to the satisfaction of Council's Natural Resources Coordinator and prior to the commencement of any demolition, earthworks or construction.*

139. *The protection fence shall be installed so as to restrict all unauthorised access to bushland to be retained and shall be immediately repaired, as necessary, to ensure no unauthorised access is possible.*

Temporary protection fencing shall not be removed prior to the completion of all other works associated with the proposed development, including landscaping, nor without the prior authorisation of Council's Natural Resources Coordinator.

140. *Silt fencing shall be attached along the full length of the protection fencing and shall be maintained so as to ensure that no foreign matter, including, but not limited to: sediment, concrete, fill, soils, mulch, etc. passes the protection fence at any time. Silt fencing shall be attached within 24 hours of any given section of the protection fence being installed.*

141. *Warning signs shall be permanently attached to the protection fence at a maximum of 20 metre intervals and shall be immediately repaired and replaced as necessary. The design and wording of the warning signs shall be to the satisfaction of Council's Natural Resources Coordinator. Warning signs shall be attached within 24 hours of any given section of the protection fence being installed. Warning signs shall include at least all the following information:*

- *the presence and significance of the bushland;*
 - *that no disturbance to, or removal of, bushland shall occur;*
 - *that no temporary or permanent placement or storage of any items of plant, materials, tools, equipment, vehicles, etc. shall occur within the bushland;*
 - *that no foreign matter, including, but not limited to: water, litter, cement wash, concrete, fill, soils, mulch, building materials, chemicals, petroleum-based products, paint, etc., shall be disposed of or placed in or where they may enter the bushland;*
 - *the maximum penalties for unauthorised actions which affect the bushland;*
 - *relevant contact numbers, including the Applicant's Project Manager and Council's Natural Resources Coordinator; and*
 - *that contravention of any of the above shall be reported immediately to the Applicant's Project Manager or Council's Natural Resources Coordinator.*
142. *Any irrigation installed shall be designed so that no irrigation water shall enter bushland, including, but not limited to, via run-off or spray drift.*
143. *No planting, transplanting, direct seeding or other introduction of plants or plant propagules shall occur within bushland to be retained in accordance with the approved masterplan. The bushland shall be allowed to survive via natural regeneration.*
144. *No species, which may spread from where they are planted into the local environment at any time in the future, shall be used in landscaping. Exotic turf species on the eastern side of the proposed development shall be restricted to *Stenotaphrum* spp. (Buffalo Grasses).*
145. *No local native species shall be used in landscaping, except those identified in Landscape Plan – Drawing No.DAL1B (dated 13 April, 2004). Local native species in the Landscape Plan shall be grown from local provenance propagation material, if this is indicated on the plan, with the exception of *Angophora hspida*, as it is not a local native species. Proof of source of propagation material shall be provided to Council by the applicant from the supplying nursery for all species grown from local provenance propagation material, prior to any planting of these species.*

The following local native species, identified in section 3.6 "Landscaping" in the DA documents (but not in the Landscape Plan), shall not be used in landscaping:

- *Banksia ericifolia,*
- *Ceratopetalum apetalum,*
- *Dianella caerulea,*
- *Elaeocarpus reticulatus,*
- *Imperata cylindrica,*
- *Kunzea ambigua,*
- *Leptospermum laevigatum,*
- *Melaleuca armillaris,*
- *Melaleuca thymifolia, and*
- *Xanthorrhoea resinosa.*

146. *The development area shall be maintained so as to minimise the movement of airborne dust, from whatever source, into the bushland to be retained in accordance with the approved masterplan.*
147. *A refundable deposit, in the form of cash or cheque, for the amount of \$10,000.00, shall be lodged with Council prior to issuing of a construction certificate for this application. The refundable deposit is placed as security to ensure that, subject to the works required and/or authorised by this development consent, no detrimental environmental effect occurs within or to bushland to be retained in accordance with the approved masterplan. The refundable deposit will be released at the time of completion of all works, providing that no detrimental environmental effect has occurred within or to bushland to be retained throughout the proposed works. Any contravention of Council's Bushland Conditions at any time during the development may result in the Council claiming all or part of the lodged security to the extent necessary to enable Council to carry out necessary repair or ameliorative works within or to bushland.*

Advisory Conditions

1. *Council will not release any subdivision certificate for subdivision of the super lots until a Site Audit Statement is submitted to Councils written satisfaction for the land which is the subject of the sub division certificate.*
2. *Any proposed conditions on the Site Audit Statement are to be accepted in writing by Councils Manager for Health and Building Services, prior to their inclusion on any Site Audit Statement. The submission of a Conditional Site Audit Statement may result in the Council requiring the following from the Applicant:*

The Applicant procuring the execution and delivery to the Council by the NSW State Government of a "NSW State Government Indemnity".

For the purpose of this condition, "NSW State Government Indemnity" means a covenant by deed in the following terms:

"The NSW State Government irrevocably and unconditionally indemnifies Randwick City Council (Council) against all legal liability of any nature which the Council may incur for a period of 40 years from 7 September, 2004 for or in respect of any death, personal injury, or damage to property, arising from or incurred in connection with any soil or groundwater contamination in, of, or on the site or any remediation of any soil or groundwater contamination in, of, or on the site, whether or not the Council knew or should have known about a fact of circumstance that gives rise to a liability under this indemnity".

3. *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

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

landscaping to be carried out. Should the landscaping be found to be unsatisfactory, thus necessitating further inspections, the applicant is advised that each additional inspection will be charged at \$55.00 (incl.GST) and that this amount shall be paid into Account Number 41901939, Code RGJ at the Cashier on the Ground Floor of the Administrative Centre prior to any further inspection being carried out.

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

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

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

- a) *Part B1* - *Structural provisions*
- b) *Part C1* - *Fire resistance and stability*
- c) *Part C2* - *Compartmentation and separation*
- d) *Clause C2.6* - *Vertical separation of openings in external walls*
- e) *Clause D3.5* - *Car parking for people with disabilities*
- f) *Part E1* - *Fire fighting equipment*
- g) *Part E2* - *Smoke Hazard Management*
- h) *Part E3* - *Lift Installations*
- i) *Part E4* - *Emergency lighting, exit signs & warning systems*
- j) *Part F1* - *Damp and weatherproofing*

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.

You are therefore advised to consult with Council's Building Certification Services or an accredited certifier prior to submitting your construction certificate application to enable these matters to be addressed accordingly.

MOTION: (Sullivan/Procopiadis) SEE RESOLUTION.

8. GENERAL BUSINESS.

Nil.

9. NOTICE OF RESCISSION MOTIONS.

Nil.

The meeting closed at 8.51 p.m.

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CHAIRPERSON