

**MINUTES OF HEALTH BUILDING AND PLANNING COMMITTEE MEETING OF
THE COUNCIL OF THE CITY OF RANDWICK
HELD ON TUESDAY, 12TH OCTOBER 2004 AT 6:55 P.M.**

PRESENT:

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

Councillor T. Seng (Central Ward) (Chairperson)

North Ward	-	Crs J. Kenny, P. Tracey & M. Woodsmith
South Ward	-	Crs R. Belleli & M. Daley
East Ward	-	Cr D. Sullivan
West Ward	-	Crs B. Hughes, S. Nash & J. Procopiadis
Central Ward	-	Cr C. Bastic

OFFICERS PRESENT:

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

The meeting was adjourned at 6.56 p.m. and was resumed at 7.26 p.m.

1. APOLOGIES.

Apologies were received from Crs Notley-Smith and White.

RESOLVED: (Belleli/Kenny) that the apologies be received and accepted and leave of absence be granted to Crs Notley-Smith and White from the Health, Building and Planning Committee Meeting of the Council held on Tuesday, 12th October, 2004.

1A. LEAVE OF ABSENCE – COUNCILLOR ANDREWS.

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, 7TH SEPTEMBER, 2004.

H65 **RESOLUTION:** *(Nash/Kenny) that the Minutes of the Meeting of the Health, Building and Planning Committee held on Tuesday, 7th September, 2004 (copies of which were circulated to all Councillors) be and are hereby confirmed as a correct record of the proceedings of that meeting.*

3. DECLARATION OF PECUNIARY & NON-PECUNIARY INTERESTS

Nil.

RESOLVED: (Daley/Belleli) that the meeting be adjourned at 7.28 p.m. and be further adjourned at 8.22 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:

6.6 DEVELOPMENT APPLICATION REPORT - 214-238 ANZAC PARADE, KENSINGTON.

The Applicant Mr Andrew Kinnar Level 7, 16 O'Connell Street, Sydney.

6.7 DEVELOPMENT APPLICATION REPORT - 22 MINNEAPOLIS CRES MAROUBRA.

The Objector Ms Alice Purcell 33 Chester Avenue, Maroubra.

The Applicant Ms Katherine Orford 13 Ithica Road, Elizabeth Bay.

6.8 DEVELOPMENT APPLICATION REPORT - 19 BALFOUR ROAD, KENSINGTON.

The Objector Mr Angelo Hatsatouris 17 Balfour Road, Kensington

The Applicant Ms Angela Schiano 19 Balfour Road, Kensington.

6.9 DEVELOPMENT APPLICATION REPORT - 16 HOLMES STREET KINGSFORD.

The Applicant Ms Mavis Lawson 16 Holmes Street, Kingsford.

6.10 DEVELOPMENT APPLICATION REPORT - 147 AVOCA STREET, RANDWICK.

The Objector Mr John Delich 2/12 Victoria Street, Randwick.

The Applicant Mr Ken Yardy 497 Elizabeth Street, Surry Hills.
(Solicitors)

6.11 DEVELOPMENT APPLICATION REPORT – 1 MONMOUTH STREET, RANDWICK.

The Objector Ms Kathryn Morris 3 Monmouth Street, Randwick.

The Applicant Mr Gary Vouris 10 Doncaster Avenue, Kensington

The meeting was resumed at 8.45 p.m.

5. MAYORAL MINUTES.

5.1 MAYORAL MINUTE 71/2004 - NUCLEAR WASTE TRANSPORT AND DISPOSAL . (F2004/06645)

H66 **RESOLUTION: (His Worship the Mayor, Cr M. Matson) that:**

- (a) *Council writes to the State Government, through the Premier and our local members, regarding the need for NSW Legislation and adoption of the findings for the NSW Parliamentary Inquiry report; and*
- (b) *Council writes to the Federal Government, through the Hon Peter McGauran, seeking a release of the list of preferred sites.*

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

6. DEVELOPMENT APPLICATIONS.

6.1 DIRECTOR PLANNING & COMMUNITY DEVELOPMENT'S REPORT 80/2004 - 3 AVOCA STREET, RANDWICK. (DEFERRED) (D/0049/2004)

H67 **RESOLUTION: (Sullivan/Daley) 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. 0049/04 for the demolition of an existing garage and erection of a new tandem garage to the rear of the site at 3 Avoca Street, Randwick, subject to the following conditions: -*
 - 1 *The development must be implemented substantially in accordance with the amended plans, unnumbered, undated and received by Council on 24 August and 7 September 2004, the application form and on any supporting information received with the application, except as may be amended by the following conditions and as may be shown in red on the attached plans:*

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

- 2 *The colours, materials and finishes of the external surfaces of the proposed garage structure, deck and fencing are to be compatible with the existing building and adjacent development to maintain the integrity and amenity of the building and the streetscape.*
- 3 *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.*
- 4 *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.*

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

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

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

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

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

- 6 *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.

- 7 *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.*
- 8 *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.*
- 9 *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.

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

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

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

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

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

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

- 11 *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.*

- 12 *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.

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:

- 13 *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.*

- 14 *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.

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

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

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

- 16 *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.

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

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

- 20 *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.

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

- 22 *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.*

- 23 *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.*

- 24 *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.

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

- 25 *For the purposes of section 20 of the Act, the prescribed standards in accordance with which access to the water in a spa pool is to be restricted are that the spa pool must be covered or secured by a child-safe structure (such as a door, lid, grille or mesh) that is fastened to the spa pool by a child-resistant device, at all times when the spa pool is not in actual use.*

- 26 *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 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.*

Traffic conditions/Civil Works Conditions

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

- 27 *The applicant must meet the full cost for Council or a Council approved contractor to repair/replace any damaged sections of Council's footpath, kerb & gutter, nature strip etc which are due to building works being carried out at the above site. This includes the removal of cement slurry from Council's footpath and roadway.*
- 28 *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.*

Alignment Level Conditions

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

- 29 *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:*

20mm above the back of the concrete footpath at all points opposite the kerb in Centennial Avenue

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.

- 30 *The design alignment levels (concrete/paved/tiled level) issued by Council and their relationship to the existing concrete footpath must be indicated on the building plans for the construction certificate.*
- 31 *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.

Service Authority Conditions

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

- 32 *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.*
- 33 *The applicant must meet the full cost for telecommunication companies, gas providers, Energy Australia and Sydney Water to adjust/repair/relocate their services as required. The applicant must make the necessary arrangements with the service authority.*

Landscape Conditions

- 34 *That part of the naturestrip upon Council's footway which is damaged during the construction of the proposed works shall be excavated to a depth of 150mm, backfilled with topsoil equivalent with 'Organic Garden Mix' as supplied by Australian Native Landscapes, and re-turfed with Kikuyu turf or similar. Such works shall be completed at the applicants expense prior to the issue of a final Occupation Certificate.*

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.

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

Tree Protection Measures

- 36 *In order to ensure the retention of the Ficus microcarpa var. Hillii (Hills Weeping Fig) located on Council's nature strip in Centennial Avenue, at the rear of the property in good health, the following measures are to be undertaken:*
- a. *All detailed architectural, building, demolition, engineering (structural, stormwater & drainage, services), and landscape documentation submitted for the construction certificate application shall show the retention of the existing tree specimen with the position of the tree trunk and full diameter of the tree canopy clearly shown on all drawings.*
 - b. *The tree is to be physically protected by the installation of protective fencing (or a similar approved alternative) around the tree using 1.8 metre high steel*

mesh/chainwire fencing. This fencing shall be located to a minimum radius of 1 metre from the outside edge of the tree trunk.

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

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

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

- d. *Any excavations required for footings, structures, concrete etc within 6 metres of the tree trunk shall be undertaken by hand and under the direction of, and to the satisfaction of, a suitably qualified Arborist with all roots being cleanly cut.*

- e. *The erection of signage on the fence with the following words clearly displayed: "TREE PROTECTION ZONE", "DO NOT ENTER".*

- f. *A refundable deposit in the form of cash or cheque of \$990.00 shall be lodged with Council prior to issue of a construction certificate for the proposed development in order to ensure the preservation of the tree in accordance with the requirements described in this condition.*

QUANTITY	SPECIES	AMOUNT
1	<i>Ficus microcarpa var. Hillii (Hills Weeping Fig)</i>	\$990.00
	TOTAL	\$990.00

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

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

- 37 *In order to ensure the retention of the Callitris rhomboidea (Port Jackson Cypress) tree located in the rear yard of the adjoining property to the north, 1 Avoca Street,*

close to the common boundary in good health, the following measures are to be undertaken:

- a. *All detailed architectural, building, demolition, engineering (structural, stormwater & drainage, services), and landscape documentation submitted for the construction certificate application shall show the retention of the existing tree specimen with the position of the tree trunk and full diameter of the tree canopy clearly shown on all drawings.*
- b. *Any excavations required for footings, structures, etc within 2 metres of the tree trunk shall be undertaken by hand and under the direction of, and to the satisfaction of, a suitably qualified Arborist with all roots being cleanly cut.*

Advisory Conditions

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

MOTION: (Sullivan/Daley) SEE RESOLUTION.

6.2 DEVELOPMENT APPLICATION REPORT - 1-81 LITTLE BAY ROAD, LITTLE BAY. (DA 528/2004)

H66 **RESOLUTION: (Sullivan/Daley) that:**

- A. *Council support the objection under State Environmental Planning Policy No. 1 to vary the provisions of Clauses 32 (2) and 33(3) of the Randwick Local Environmental Plan 1998 (as amended) relating to maximum floor space ratio and 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. 528/2004 for Construction of 14 x 2 storey detached dwelling houses with attached double garages on lots 47-60 of the approved community title subdivision at 1-81 Little Bay Road, 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 Planning and Community Development:

1. *The dwelling on Lot 57 is to be redesigned so that the fifth bedroom has access to the rest of the first floor plan and via the central stair to the dwelling to the ground floor level as well as separate stair access to the street. This may be achieved by swapping the location of the media room and Bedroom 4 on the first floor level.*

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 plans drawn by Wolski, Lycenko, Brecknock Architects numbered L47-L60, plot date 21JUN04 and stamped received by Council on 29 June 2004, Issue B of the Landscaping Plans drawn by HASSELL Pty Ltd numbered 3142B/CD-001 to 3142B/CD-017, dated 11/06/04 and stamped received by Council on 29 June 2004, stamped received on the 15 June 2004, and the colour schemes provided as Appendix B to the Statement of Environmental Effects (SEE) plans 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, the following conditions and as may be shown in red on the attached plans:*
- 2. The upper floor west facing windows to Lots 47-51 are to be provided with sun shading to prevent solar access to these windows November to March. Likewise, the upper floor west facing windows to dwellings on Lot 52 and 60 are to be provided with sunshading devices to prevent summer (November to March) sun from entering. Drawings indicating these devices and demonstrating sun angles are to be submitted with a Construction Certificate application.*
- 3. All garages are to have an opening width that meets the requirements of the Australian Standard AS2890 1-2004. Details are to be shown on the Construction Certificate application.*
- 4. Street tree planting is to be installed for this stage in accordance with section 4.8 of the approved master plan prior to an occupation certificate being issued for the proposed development.*
- 5. The finished ground levels external to the building are to be consistent with the development consent and are not to be raised (other than for the provision of paving or the like on the ground) without the written consent of Council.*
- 6. The floor to ceiling height of the ground floor of all dwellings is to be a minimum of 2.7 metres. The floor to ceiling height of the first floor of all dwellings is to be a minimum of 2.6 metres. Any increase in floor to ceiling height that is required to meet this condition is to be accommodated within the approved building envelope and maximum roof levels shown on the approved plans.*

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

- 7. A rainwater tank, minimum capacity 5000L 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.

- 8. 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.*
- 9. Hot water service pipes are to be provided with insulation, in accordance with the relevant requirements of Building Code of Australia and AS 3500.*
- 10. Each dwelling is to be provided with a gas-boosted 5-star solar hot water heating system.*
- 11. Roof water from all buildings is to be directed to private rainwater tanks for non-potable water reuse purposes.*
- 12. External drying areas are to be available and readily accessible to all dwellings and sited to receive good winter sun and breezes.*
- 13. In-sink food and waste disposal systems are not to be installed.*
- 14. A maximum of 50% of lighting should be incandescent or low voltage.*
- 15. Side and rear fences, including any masonry feature walls as shown on the landscaping plans are to have a maximum height of 1.8 metres.*
- 16. Solid front fences within development are not to exceed 1.2 metres in height. Solid front fences secondary frontages are to be a maximum of 1.5m in height or 1.8 metres where upper 2/3rds is 50% permeable. Details are to be shown on the plans submitted with the Construction Certificate application.*
- 17. Water flow reducing fittings or flow reduction valves are to be installed to all service outlets.*
- 18. The use of PVC is to be minimised.*
- 19. The design of landscaped areas is to provide for on-site composting.*
- 20. 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.

21. *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 conditions are applied to satisfy the increased demand for public amenities and public services:

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

<i>a) for the provision or improvement of open space</i>	<i>\$ 38,248.00</i>
<i>b) for the provision or improvement of community facilities</i>	<i>\$ 16,912.00</i>
<i>c) Administration fee \$425.00</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 maintain reasonable levels of environmental amenity and public health safety.

23. *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.*

24. *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.*
25. *Any new information which comes to light during remediation, demolition or construction works, which has the potential to alter previous conclusions about site contamination, shall be notified to the Council and the Principal Certifying Authority immediately.*

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

26. *The requirements and provisions of the Environmental Planning & Assessment Act 1979 and Environmental Planning & Assessment Regulation 2000, must be fully complied with at all times.*
- Failure to comply with these legislative requirements is an offence and may result in the commencement of legal proceedings, issuing of `on-the-spot` penalty infringements or service of a notice and order by Council.*
27. *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.*
28. *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.

29. *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.

30. *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.

31. *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”.*

32. *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.

33. *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.*

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

35. *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.*
36. *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.

37. *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 and verifying the building has been constructed at the approved levels.*
38. *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.*
39. *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.*

40. *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.

41. *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.

42. *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.*

43. *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.*

44. *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*

45. *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.*

46. *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.

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.*

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*
49. *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.

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

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

53. *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 conditions are applied to provide adequate provisions for access, transport and infrastructure:

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

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

55. *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.

56. *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:

57. *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.*
58. *The applicant must meet the full cost for telecommunication companies, gas providers, Energy Australia and Sydney Water to adjust/repair/relocate their services as required. The applicant must make the necessary arrangements with the service authority.*

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

59. *For each lot, generally all site stormwater shall be piped to a sediment/silt arrester pit that drains to a 5 metre square base infiltration area. An overflow pipe shall be provided from the silt arrester pit to drain to the kerb and gutter.*

The location and details of the proposed internal stormwater pipelines, silt arrester pit and the infiltration area shall be submitted to and approved by the certifying authority prior to a construction certificate being issued for the development. A copy of the plans are to be forwarded to Council, prior to a construction certificate being issued, if the Council is not the certifying authority.

Notes:

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

- i. *have a minimum 300 mm of soil cover (600 mm where the pit is located under a garden/landscaping area).*
- ii. *be located a minimum of 3.0 metres from the dwelling or other structure (closer if a structural engineer certifies that the infiltration area will not adversely affect the structure) and 2.1 metres from the adjacent side or rear boundaries.*
- iii. *be constructed with a minimum 200 mm thick layer of 20 mm basalt/blue metal (or similar) that is wrapped in a suitable geotextile material covering with a high filtration rating (Geofabrics Bidim "A" range of filtration fabrics or equivalent). A suitable means of dispersing the stormwater over the area of infiltration is to be constructed.*
Note: other equivalent methods of infiltration may be adopted.
- iv. *have a minimum base area of 5.0 square metres (m²).*

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

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

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

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

- 60. *The landscaped areas shown on the plan numbers CD-001 to CD-016, Issue B, job number 3142B, dated May 2004, drawn by Hassell Pty Ltd, prepared by AL, checked and co-ordinated by PD, shall be the subject of detailed landscape drawings and specifications, which are to be submitted to, and approved by, the certifying authority (PCA) prior to the issue of a construction certificate. If Council is not the PCA for this site, then the applicant will still be required to forward a copy of the approved plans 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, 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, proposed building envelopes, proposed areas of pavement, and proposed landscaped areas.*

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

likely to be affected by the development.

- b. A planting plan at a scale of 1:100 or 1:200 indicating the location of all proposed planting and existing trees to be retained. All plants are to be drawn at their mature size with a dense planting of shrubs, accent plants and ground covers within all garden beds so that a continuous planted cover is achieved. Plant spacings are to be clearly indicated for all accent and groundcovers.*
 - c. A planting schedule listing all plants by botanic & common names, plant numbers, plant spacings for groundcovers and accent planting, pot sizes, the estimated size of the plant at maturity (height & spread) and proposed staking methods when applicable.*
 - d. Additional notation showing soil and mulch details, irrigation details, edging, paving, fencing details, surface finishes, retaining wall details, and any other landscape elements in sufficient detail to fully describe the proposed landscape works.*
 - e. Position of existing and proposed site services including water, gas, electricity, sewer, stormwater, etc.*
 - f. Sectional elevations through the site showing the existing and proposed groundlines, building elevations, and mature height of proposed planting.*
 - g. The landscape plan shall show a minimum number of 14 x 75 litre broad canopied trees (not palms), and a minimum 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 and paved areas where practically possible. Details are to be provided with the construction certificate application.*
 - k. Location of easements within the site and upon adjacent sites (if any).*
- 61. 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.

62. *In order to visually 'soften' the expanses of hard pavement, brick unit pavers, stenciled concrete (or similar) shall be used throughout 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.

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

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

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

65. *A review of the landscape plans has revealed that the following items will need to be addressed on amended plans prior to the issue of a construction certificate.*

- a. ***CD-006, Lot 52:*** *This plan shows the proposed planting of one MAI in the turf area towards the northwest corner of the site, which is considered unsuitable as this will reduce the amount of private open space available to the occupants. As such, the plans should be amended to show this tree being sited in the northwest corner to maximize the amount of private open space; or, alternatively, a more appropriate screening hedge shall be implemented in this area of the site. Additionally, a letterbox has not been shown for this lot and will need to be shown on the plans.*
- b. ***CD-008, Lot 54:*** *No letter box has been shown for this site, and will need to be provided.*
- c. ***CD-009, Lot 55:*** *The plan shows the proposed planting of one LAI in the northeast corner of the site, however, this species has not been included in the schedule. It is assumed to be Lagerstroemia indica (Crepe Myrtle), but will need to be clearly represented on the schedule. Additionally, in order to maximize the amount of private open space available to the occupants, this tree should be sited closer towards the northeast corner. Several plants proposed for this site have not been included in the schedule, such as ROO, LAD, COS, CAL, ELR, ULP, THS, CUH, CAK, PAS and RAD. As such, the species that correlate to the key need to be included on the planting schedule.*
- d. ***CD-010, Lot 56:*** *The plan shows the proposed planting of one FRE towards the northeast corner of the site, in the turf area. In order to maximize the amount of usable open space available to the occupants, this tree should be sited closer towards the northeast corner.*
- e. ***CD-011, Lot 57:*** *Council's Landscape Technician does not support the use of Ulmus parvifolia (Chinese Elm) at this development due to its large size, excessive*

leaf fall and ability to shade out understorey planting and turf areas. As such, a more appropriate species shall be used in its place. Additionally, no letter box has been shown and will need to be provided. 11 PIS are proposed for along the western boundary, however, they have not been represented on the schedule.

- f. **CD-012, Lot 58:** Council's Landscape Technician does not support the use of *Ulmus parvifolia* (Chinese Elm) at this development due to its large size, excessive leaf fall and ability to shade out understorey planting and turf areas. As such, a more appropriate species shall be used in its place. There appears to be minimal landscape treatment provided in the rear yard compared to other dwellings, and as such, a more expansive treatment shall be provided at the southwest and southeast corners of the proposed dwelling in order to provide a private open space that is more in keeping with the other proposed dwellings.
- g. **CD-014, Lot 60:** The plans show the proposed planting of one LAI along the southern boundary; however, in order to maximize the amount of usable, private open space at this dwelling, this tree should be sited towards the southeast corner.
- h. The applicant should also be requested to investigate the use of low growing species around the base of all trees planted in grass in all rear yards, in order to provide a more aesthetically pleasing outlook for occupants.

Tree Management

- 66. A refundable deposit in the form of cash, cheque or bank guarantee for the amount of \$14,000.00 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.
- 67. 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

- AI.** *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/Daley) SEE RESOLUTION.

6.3 DEVELOPMENT APPLICATION REPORT - AVONMORE TERRACE, 34 THE AVENUE, RANDWICK. (D0548/1999)

- H69 **RESOLUTION: (Sullivan/Daley)** *that Council as the responsible authority grant its consent under Section 96 of the Environmental Planning and Assessment Act 1979 (as amended) to modify Condition No. 5 of Development Consent No. 99/00548/GM on property at 34 The Avenue, Randwick, in the following manner:*

Amend Condition No. 5 to read:

5. *A maximum of forty-four (44) persons shall be accommodated on the site at any one time. No more than two people shall be accommodated in each room.*

MOTION: (Sullivan/Daley) SEE RESOLUTION.

6.4 DEVELOPMENT APPLICATION REPORT - 1250 ANZAC PDE MALABAR. (RZ0002/04)

- H70 **RESOLUTION: (Sullivan/Daley)** *that:*

1. *Council Adopt the Master Plan for 1250 Anzac Pde Malabar (Long Bay Gaol) subject to the requirements outlined in Part A –Variations to the Master Plan and Part B-Matters to be addressed in future development applications of this report.*
2. *the applicant be advised that the required variations to the Master Plan outlined in Part A- Variations to the Master Plan of this report must be submitted in a revised Master Plan to Council.*
3. *the applicant be advised that the issues specified in Part B – Matters to be addressed in Future Development Applications of this report must be addressed with future development applications for the proposed development.*

Part A – Variations to the Master Plan

1. *Should any future development to building groups 3 and 6 of the subject site be proposed which are not be minor in nature and/or ancillary to the current use of the land a revised Master Plan shall be submitted to Council for approval.*
2. *The final building design principles and envelopes of the proposed hospital buildings shall be submitted to and approved by Council's Director of Planning and Community Development with the revised Master Plan prior to the lodgement of a development*

application for these buildings.

3. *The final building design principles and envelopes shall have regard to the impact of the proposed developments on the heritage buildings, their setting and views, including creation of view corridors which should remain unobstructed by new buildings and enhanced by the possible removal of intrusive and under-utilised buildings, and shall be prepared in consultation with the NSW Heritage Office.*
4. *A preliminary archaeological assessment is required to inform of the development principles for the site and is to be submitted with the revised Master Plan prior to the lodgement of a development application for these buildings.*
5. **Landscaping**

That the following additional bullet point be included in section 4.12 under the description 'Landscape controls for the site' (page 26):

- o In accordance with Council's Tree Preservation Order, any tree removals proposed as part of future Development applications on the site are not to be undertaken without the express permission of Council. Any proposed tree removals may be subject to suitable replacement plantings being provided in their place.*

That bullet point 5 under the description 'Landscape controls for the site' (page 26) be amended to state:

Developments in the vicinity of site boundaries are to include provision for perimeter planting within the site and/or adjoining the site within the road reserve if appropriate.

Any planting within the road reserve shall be in accordance with the Randwick Street Tree Masterplan.

That the reference to 'Buffer planting' in the legend on Figure 8 be changed to "Buffer and fauna habitat planting"

That bullet point 3 under the description 'Landscape Controls for the site' in section 4.12 (page 26) be amended to state:

Landscaping to side boundaries and along internal access ways is encouraged where compatible with operational and security requirements. Species should be selected, and landscaping works designed to provide an effective visual screen to Bilga Crescent and Calga Avenue and to provide a habitat for small native birds. This landscaping also needs to consider security requirements at the correctional complex.

6. Bushland

That the reference to 'Buffer planting' in the legend on Figure 12 be changed to "Buffer and fauna habitat planting"

That the last sentence in section 4.17 (page 29) that starts with “There are no habitat corridors...” be deleted.

7. Traffic

That bullet point 7 in section 4.9 (Access and Parking) (page 24) be amended to read:

Development applications are to be accompanied by a traffic and parking study indicating how traffic and parking requirements have been determined and met and assessing the implications of the proposed development on traffic generation and the capacity of the road network to accommodate additional traffic.

The following additional bullet points be included in section 4.9 (Access and Parking) (page 24):

- o All additional parking requirements for new developments shall be provided on-site.*
- o All vehicles (including service vehicles) must be able to enter and exit the site in a forward direction.*

8. Drainage

That the first bullet point under the description ‘Special provisions relating to stormwater management’ in section 4.7 (page 23) be amended to state:

All development proposals (excluding internal alterations) shall incorporate on-site detention to accommodate stormwater runoff from the site in general accordance with the stormwater concept plan contained in Appendix 2.

It is noted that after the complete drainage strategy (as set out in the stormwater concept plan contained in Appendix 2) has been constructed, the requirement for on-site detention of stormwater will be waived for redevelopment within existing developed areas.

That the last bullet point under the description ‘Special provisions relating to stormwater management’ in section 4.7 (page 23) be deleted.

That bullet point 3 under the description ‘Special provisions relating to stormwater management’ in section 4.7 (page 23) be amended to state:

The stormwater concept plan contained in Appendix 2 is to progressively implemented. Each development application is to indicate the overall drainage strategy and the specific proposals for its progressive implementation. It is noted that each stage of the development shall, at a minimum, include sufficient drainage works to ensure that the on-site detention requirements for the subject stage have been satisfied.

That the following additional bullet points be included in section 4.7 under the description ‘Special provisions relating to stormwater management’ (page 23):

- o The uncovered car parking areas may be used as above ground detention storage areas provided:*

The storage depth does not generally exceed 150 mm, with an isolated absolute maximum depth of 200mm at the lowest point in the detention storage area (Note: the maximum depth must be controlled by a clear flow path to ensure that the depth never exceeds 200mm);

The minimum slope of the car park floor is 1 % (in accordance with the requirements of AS 2890.1 (2004); and

At least the first 15 % of the required storage volume is provided either below ground or outside of the parking area to ensure that regular flooding of the car park does not occur during smaller storm events. I.e. The car parking areas should not experience flooding more than once every year (on average).

- o The floor levels of all habitable and storage areas shall be located a minimum of 300mm above (or provided with a suitable waterproof barrier to 300mm above) the top water level in any adjacent on-site detention area.*
- o The floor levels of all habitable and storage areas shall be located a minimum of 300mm above (or provided with a suitable waterproof barrier to 300mm above) any 1 in 100 year flood levels/overland flow depths on the **site**.*
- o Rainwater tanks shall not be considered as contributing to detention storage requirements unless it can be demonstrated through continuous modelling (using historical rainfall data for the area) that there will always be available storage in rainwater tanks at the beginning of critical storm events.*

Overflow from rainwater tanks should be directed to the on-site detention area/s.

- o Stormwater pollution control devices shall be provided prior to stormwater being discharged either from the site or into any infiltration areas.*

9. Civil works

That the following additional paragraph be included in section 4.7 (Infrastructure provision) (page 22):

The applicant must meet the full cost for Council, or a Council approved contractor, to undertake civil works in the vicinity of the development site as required to make provision for access, transport and infrastructure. The civil works may include repairing and/or reconstructing any damaged sections of existing vehicular and pedestrian accesses to the site.

That the last paragraph in section 2.3.4 (Geology, Groundwater and Soils) (page 4) be amended to state:

Further geotechnical investigations shall be undertaken in conjunction with future

development applications to determine structural stability and to identify groundwater conditions in the vicinity of construction areas

10. Waste Management Arrangements

That bullet point two under the heading of 'waste' in section 4.14.1 (Analysis and Discussion) (page 28) be amended to state:

An operational waste management plan is to be prepared in conjunction with future development applications indicating waste management practices, recycling, reuse and waste reduction measures.

Part B – Matters to be addressed/submitted in Future Development Applications

- 1. The Development Application proposal shall be substantially in accordance with the footprint, setbacks and scale detailed in the Master Plan prepared for NSW Department of Commerce on behalf of NSW Department of Corrective Services by Government Architect's Office, dated August 2004 and submitted to Council 16 August 2004.*
- 2. Based on the findings of a Geotechnical report any future Development Application should be considered alongside the requirements for Integrated Development Section 91 of the Environmental Planning and Assessment Act 1979 and Part 3A of the Rivers and Foreshores Improvement Act 1948.*
- 3. The applicant shall comply with all requirements set out by the Heritage Office in accordance with Section 57 and 60 of the Heritage Act 1977.*
- 4. Any development application shall be accompanied by a current Conservation Management Plan and Archaeological Assessment and Management Plan as endorsed by the Heritage Council.*
- 5. Any Development Application shall be accompanied by sightlines prepared for properties adjacent to the subject site which enjoy sightlines towards the Heritage Items of the Gaol. These sightlines shall demonstrate the degree of loss if any of these buildings as a result of the proposed works.*
- 6. The proposed hospital redevelopments shall be undertaken with a strong focus on a achieving a high level of energy efficiency. Any Development Application shall be accompanied by a report detailing the standard of energy efficiency achieved by the design. Council's Rainwater Tank Policy should where possible be adhered to with all proposed works.*
- 7. A detailed site contamination investigation must be undertaken by an independent appropriately qualified environmental consultant in order to provide information on land and ground water contamination and migration in relation to past activities that may have occurred on site and current usages.*
- 8. The report is to be carried out in accordance with Council's Contaminated Land Policy 1999 and relevant NSW EPA Guidelines for Contaminate Sites. Also, as detailed in the Planning Guidelines to SEPP 55 – Remediation of Land, the report is*

to assess the nature, extent and degree of contamination upon the land. The detailed site contamination report must be sufficiently detailed and be submitted to and approved by Council's Manager Environmental Health & Building Services.

Should the Detailed Site Investigation Report not find any site contamination to both land and groundwater, the conclusion to the report must clearly state that 'the land is suitable for its intended land use' posing no immediate or long term risk to public health or the environment and is fit for occupation by persons, together with clear justification for the statement.

Should the Detailed Site Investigation Report identify that the land is contaminated and the land requires remedial works to meet the relevant Health Based Investigation Level a Remediation Action Plan (RAP) is required to be submitted to and approved by Council prior to commencing remediation works. The RAP is to be prepared in accordance with the NSW Environmental Protection Authority Guidelines for Consultants Reporting on Contaminated Sites.

9. *An acoustic report is to be submitted to and accepted by Council. The report is to be prepared by a suitably qualified and experienced consultant in acoustics and the report and assessment is to be completed in accordance with the NSW Environmental Protection Guidelines, namely the Industrial Noise Policy and Environmental Noise Control Manual (sleep disturbance) and the relevant Australian Standards. The report is to include (but not be limited) to noise emission from the proposed development (mechanical ventilation etc).*
10. *Kitchens, food preparation and food storage areas servicing the Prison Hospital and Forensic Hospital are subject to the requirements of the Food Act 2003, Food Regulation 2004 and Food Standards Code. These 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 any development application received by Council.*
11. *Information detailing storage and disposal of waste (including clinical waste) generated by the proposed development is to be provided. Any proposed waste storage areas are to be detailed on plans submitted for approval.*
12. *Information in relation to the proposed rainwater harvesting system is required to be submitted. This information is to include structural and installation details, including location for any proposed pumps, motors and tanks and details of the potential for noise emanating from the associated plant and equipment to impact on the acoustical amenity of the surrounding residential areas.*

MOTION: (Sullivan/Daley) SEE RESOLUTION.

6.5 DEVELOPMENT APPLICATION REPORT - 89-91 BOYCE ROAD, MAROUBRA. (285/1996)

(Note: This matter was withdrawn at the request of the applicant.)

6.6 DEVELOPMENT APPLICATION REPORT - 214-238 ANZAC PARADE, KENSINGTON. (D/195/2003)

H71 **RESOLUTION:** (Sullivan/Daley) that:

A. Council as the responsible authority grant its consent under Section 96 of the Environmental Planning and Assessment Act 1979 (as amended) to Modify Development Consent No. 195/2003 on property 214-238 Anzac Parade, Kensington in the following manner:

1. Amend Conditions No. 1, 8, 11, 91, 94, 130, 136 and 139 to read:

1. The development must be implemented substantially in accordance with the Issue D of the plans numbered DA01, DA02, Issue C of the plans numbered DA03-DA17 dated 10.06.03 in the amendments box., drawn by Kann Finch Group and stamped received by Council on 12/06/03, and Revision 02A of the landscape plans LA01 and LA02 dated 28.02.03 in the amendments box, drawn by Taylor Brammer and stamped received by Council on 12 March 2003, the application form and on any supporting information received with the application, as amended by the Section 96 plans drawn by Kann Finch Group, Job Number 4988 and Issue A of drawing numbers S9601-S9603, S9606-S9609 dated DEC 2003 and stamped received by Council on 27 September 2004, only in so far as they relate to the modifications which are shaded on the Section 96 plans and detailed in the Section 96 application, except as may be amended by the details approved pursuant to the deferred commencement conditions and the following conditions and as may be shown in red on the attached plans:

8. Car Parking is to be allocated as follows:

	Item	Basement Level 2
	Residential	
	1 b/r	23 spaces
	2 b/r	13 spaces
	3 b/r	12 spaces (incl. spaces 18 and 19 in tandem arrangement)
	Visitor	Nil
	Item	Basement Level 1
	Residential	
	1 b/r	Nil
	2 b/r	28 spaces
	3 b/r	2 spaces (spaces 18 and 19 in tandem arrangement)
	Visitor	12 spaces (including 1 carwash bay) (Spaces 2-12,30)
	Commercial/ Retail	5 spaces (Spaces 13-17)
	Turning Bay	1 (Space 1)
	Item	Ground Level
	Residential	
	1 b/r	3 accessible spaces
	Loading	4 loading bay spaces (to be signposted as visitor spaces at night)
	Commercial/ Retail	6 spaces (incl. spaces 11 & 13 and 12 & 14 in tandem arrangement to be allocated to retail staff and including 2 accessible spaces)
	Visitor	5 (including 5 carwash bays)

Details of this allocation are to be provided on the plans submitted with the Construction Certificate application. The four car spaces that comprise the daytime loading bay are to be appropriately signposted to allow for visitor parking from 6pm to 6am, 7 days. Details are to be provided on the Construction Certificate application.

The accessible car spaces are to be appropriately signposted as accessible, including painting with the recognised symbol for accessibility. The residential accessible spaces are to be clearly signposted “Authorised Residents’ Vehicles Only”.

The turning bay is to be clearly signposted with “No Parking At Any Time – Turning Bay” and painted with diagonal yellow lines. Visitor and commercial spaces are also to be clearly marked and signposted.

This condition is imposed to ensure appropriate allocation of car parking spaces within the development.

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

<i>a) for the provision or improvement of open space</i>	<i>\$111,158.42</i>
<i>b) for the provision or improvement of community facilities</i>	<i>\$ 49,149.48</i>
<i>c) for townscape improvements (residential portion)</i>	<i>\$254,376.00</i>
<i>d) for townscape improvements (commercial portion)</i>	<i>\$ 19,092.00</i>
<i>f) Administration fee \$425.00</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.*

91. A boom gate or similar device to separate the Basement Level 1 residential parking from the commercial and visitor allocation proposed in Condition 8 is to be installed between the column nearest to parking space 1 and the column adjacent to the storage area on this level. The boom gate is to be secured from non-residents using a swipe card or other method. The plans submitted for the construction certificate shall demonstrate compliance with this requirement.

94 The applicant shall install suitable traffic control systems on the internal carpark ramps. The traffic control systems shall be suitably designed (by a qualified traffic consultant) to minimise the potential for vehicular conflict along the ramps. The applicant shall submit full design and location details with the construction certificate application for approval by the certifying authority.

130. Six covered car washing bays shall be provided for this development.

a) The car washing bays must be drained to sewer to the requirements of Sydney Water and proof of compliance is to be submitted to the certifying authority, prior to a construction certificate being issued for the proposed development.

- b) *The car washing bays must be located outside any required/approved stormwater detention system and must be suitably signposted.*
- c) *The car washing bays must be constructed with a minimum 20mm bund around the perimeter of the car washing bays (or equivalent)*

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

- 136. *The recommendations made in the 'Report for Council Re- Settlement Effects – Risk Management' dated 27 July 2004 by DF Dickson and Associates Pty Ltd, Douglas Partners and Robert Bird and Partners, and the Dewatering Feasibility Report prepared by D. F. Dickson and Associates Pty Ltd dated 30 June 2001, shall be adopted. The Construction Certificate plans shall demonstrate compliance with this requirement.*
 - 139. *Waste management within the development site shall be carried out in general accordance with the details and recommendations of the Waste Management Plan submitted with the development application, (i.e. Appendix E – Waste Management Report prepared by J D MacDonald and dated June 2003). The applicant shall demonstrate compliance with the subject Waste Management Plan prior to the issuing of a construction certificate*
- 2. *Delete Conditions 3, 92, 101.*
 - 3. *Add the following conditions:*
 - 153. *Should the proposed mega drain (for groundwater re-injection) be located outside the site boundaries, written consent from the owners of adjoining properties will be required prior to the commencement of work.*
 - 154. *Consent from Council will be required prior to installing any monitoring wells, spears or anchors within Council's footpath area. Consent from Council will also be required prior to Groundwater being discharged into Council's stormwater system.*
 - 155. *Consent from the RTA will be required for any works in Anzac Parade.*
 - 156. *There shall be no groundwater discharged to Council's stormwater system during major storm events.*
 - 157. *Any components within the pump room that may be adversely affected by flooding shall be raised to a minimum RL of 25.25 (AHD) or suitably protected from flooding up to this same level.*

MOTION: (Sullivan/Daley) SEE RESOLUTION.

**6.7 DEVELOPMENT APPLICATION REPORT - 22 MINNEAPOLIS CRES
MAROUBRA. (D1176/2003/GE)**

H72 **RESOLUTION: (Belleli/Woodsmith) that:**

- A. Council support the SEPP1 objection and assume the concurrence of the Director of Infrastructure Planning and Natural Resources to vary the provisions of Clause 32 Floor Area of the Randwick Local Environmental Plan 1998 (as amended) on the grounds that the proposed development complies with the objectives of the clause and will not adversely affect the amenity of the surrounding locality.
- B. Council as the responsible authority grant its development consent under the provisions of Section 80 (3) of the Environmental Planning and Assessment Act 1979 (as amended), "Deferred Commencement" to Development Application No. 1176/2003/GE for demolition of the existing dwelling house and associated structures and construct a new two storey multi unit housing development containing four townhouses and basement parking for eight vehicles at 22 Minneapolis Cres Maroubra, subject to the following conditions:

Deferred Commencement Conditions

The consent shall not operate until the following amendments and details have been submitted to and approved by the Director of Planning and Community Development:-

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

Details of the proposed colours, materials and textures (i.e. a schedule and brochure/s or sample board) are to be submitted to and approved by Council's Director of Planning & Community Development.

2. *A 3.0m masonry wall to the western boundary shall be erected behind the building line of the subject site and 33 and 35 Chester Ave. This wall is to provide privacy between the courtyard areas of the subject site and adjoining neighbours to the west.*
3. *The bathroom windows to the first floor shall have an obscure treatment to maintain privacy to neighbouring properties.*
4. *Access to the roof space of townhouse 2 shall be by pull down ladder only in keeping with the use of the attic as a storage area.*
5. *The balconies off bed 1 townhouse 3, bed 1 and 3 townhouse 4 and bed 2 townhouse 2 shall be deleted from the plans. The doors located off these balconies shall be converted to windows with a sill height of 1.7m from finished floor level of the first floor.*
6. *All windows to the first floor level on the northern and western elevations of the building shall have a minimum sill height of 1.7m as measured from the finished floor level of the first floor.*

Development Consent Conditions

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

following conditions:

REFERENCED PLANS:

1. *The development must be implemented substantially in accordance with the plans numbered Job 0387 Plan A01 through to A05 dated 25/3/04 and submitted 23/4/04 and A05 and 06 dated 25/3/04 and submitted 20/05/04, the application form and on any supporting information received with the application, except as may be amended by the following conditions and details/amendments approved pursuant to the deferred commencement conditions and as may be shown in red on the attached plans:*

ENVIRONMENTAL AMENITY:

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

2. *All plumbing and drainage pipes, other than rainwater heads, gutters and downpipes, must be concealed within the building.*
3. *Street numbering must be provided to the premises in a prominent position, to the satisfaction of Council.*
4. *Power supply and telecommunications cabling to the development shall be underground.*
5. *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.*
6. *Internal or external clothes drying facilities are to be provided in accordance with the provisions of the Building Code of Australia.*

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

7. *Where access is required to adjoining premises for construction purposes, the consent of the owner/s of the subject adjoining premises must be provided to the satisfaction of the Principal Certifying Authority, prior to carrying out any construction works from or upon the adjoining premises.*
8. *The fence on the street alignment is to be a maximum height of 1m to maintain reasonable levels of amenity to the adjoining residential development and the streetscape.*

ECOLOGICALLY SUSTAINABLE DEVELOPMENT & ENERGY EFFICIENCY:

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

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

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

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

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

12. *Hot water service pipes are to be provided with insulation and must also satisfy any relevant requirements of Building Code of Australia and AS 3500.*
13. *The hot water system installed in the development must achieve a minimum greenhouse score of 3.5 as detailed SEDA's Energy Smart Homes Policy. Any electric clothes dryers to be provided in the development must also have a minimum 2 star energy rating.*
14. *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.*

15. *A rainwater tank, of sufficient size to provide water for irrigation of all 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 1.5m 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 and landscape 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.

SECTION 94:

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

16. *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>\$ 8,190.00</i> |
| b) <i>for the provision or improvement of community facilities</i> | <i>\$3,624.00</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.*

17. *A development application and a formal subdivision application is required to be submitted to and approved by the Council and all conditions of this development consent are required to be satisfied prior to the release of the subdivision plans.*

18. *Public access to the visitor's car parking spaces is to be maintained at all times and an intercom system is to be provided adjacent to the vehicular entrance to the car park, together with appropriate signage providing instructions for use.*

19. *A mailbox shall be provided to the front of the site in accordance with the requirements of Australia Post.*

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:

20. *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.*

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

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

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

23. *There are to be no emissions or discharges from the premises which will give rise to an offence under the Protection of the Environment Operations Act 1997 and Regulations.*
24. *The location and height of the discharge of mechanical ventilation systems are required to satisfy the relevant provisions of the Building Code of Australia and AS 1668 and details are to be provided in the relevant plans / specifications for the **construction certificate**.*

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

25. *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.*
26. *In accordance with clause 98 of the Environmental Planning and Assessment Regulation 2000, it is a prescribed condition, that in the case of residential building work, a contract of insurance must be obtained and in force, in accordance with the requirements of the Home Building Act 1989.*

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

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

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

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

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

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

27. *A report shall be prepared by a professional engineer and submitted to the certifying authority **prior to the issuing of a construction certificate**, detailing the proposed methods of excavation, shoring or pile construction, including details of vibration emissions and detailing any possible damage which may occur to adjoining or nearby premises that may be caused by the proposed building, excavation and shoring works.*
28. *Any practices or procedures specified in the engineer's report in relation to the avoidance or minimisation of structural damage to nearby premises, are to be fully complied with and incorporated into the plans and specifications for the **construction certificate**.*

29. *A copy of the engineers report is to be submitted to the Council, if the Council is not the certifying authority.*
30. *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.*
31. *A dilapidation report prepared by a professional engineer or suitably qualified and experienced building surveyor shall be submitted to the certifying authority **prior to the commencement of demolition, excavation or building works** detailing the current condition and status of all buildings, including ancillary structures (i.e. including dwellings, residential flat buildings, commercial/industrial building, garages, carports, veranda's, fences, retaining walls, swimming pools and driveways etc.) located upon:
 - a. *the premises adjoining the subject site in Chester Avenue and Minneapolis Crescent**
32. *The report is to be supported with photographic evidence of the status of the buildings and a copy of the report must also be forwarded to the Council and to the owners of each of the abovestated premises, **prior to the commencement of any works.***
33. *The installation of ground or rock anchors underneath any adjoining premises including (a public roadway or public place) must not be carried out without specific written consent of the owners of the affected adjoining premises and (where applicable) details of compliance must be provided to the certifying authority **prior to the commencement of any excavation or building works.***
34. *A Certificate of Adequacy prepared by a professional engineer shall be submitted to the certifying authority (and the Council, if the Council is not the certifying authority) prior **to occupation of the building**, certifying the structural adequacy of the building and that the building works satisfy the relevant structural design requirements of the Building Code of Australia.*

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

35. *All demolition work is to be carried out in accordance with the provisions of AS2601-1991. The Demolition of Structures, as in Force at 1 July, 1993 and details of compliance are to be prepared by a suitably qualified person and be submitted to the principal certifying authority, **prior to the commencement of any demolition works.***
36. *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.*
37. *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.

38. *The building works are to be inspected by the Principal Certifying Authority (or other suitably qualified person, to the satisfaction of the Principal Certifying Authority), to monitor compliance with the relevant standards of construction and Council's development consent.*
39. *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).*
40. *Documentary evidence of the building inspections carried out and compliance with Council's approval is to be maintained by the Principal Certifying Authority.*
41. *Upon inspection of each stage of construction, the Principal Certifying Authority (or other suitably qualified person, to the satisfaction of the Principal Certifying Authority) is also required to ensure that adequate provisions are made for the following measures (as applicable), to ensure compliance with the terms of Council's consent:*
 - *Sediment control measures.*
 - *Provision of perimeter fences or hoardings for public safety and restricted access to building sites.*
 - *Maintenance of the public place free from unauthorised materials, sand, soil, debris, waste containers or other obstructions.*
42. *All excavations and backfilling associated with the erection or demolition of a building must be executed safely in accordance with appropriate professional standards and excavations are to be properly guarded and protected to prevent them from being dangerous to life or property.*
43. *Retaining walls or shoring must be provided to support land which is excavated in association with the erection or demolition of a building, to prevent the movement of soil and to support the adjacent land, if the soil conditions require it, and adequate provisions are to be made for drainage.*
44. *Retaining walls and shoring are to be designed and installed in accordance with the relevant requirements of the Building Code of Australia and Australian Standards and details of any proposed retaining walls are to be submitted to the Principal Certifying Authority for consideration prior to installation.*
45. *If an excavation associated with the erection or demolition of a building extends below the level of the base of the footings of a building on an adjoining allotment of land, the person causing the excavation must:*
 - *preserve and protect the building /s on the adjoining land from damage; and*
 - *if necessary, underpin and support the building in an approved manner; and*
 - *at least seven (7) days before excavating below the level of the base of the footings of a building on an adjoining allotment of land (including a public road or public place), give notice of the intention to do so to the owner of the adjoining land. Particulars of the excavation are to be provided to the owner of*

the adjoining land and also the owner of the land where the building is being erected or demolished.

46. *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.*
47. *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.*
48. *In addition to the matters contained in the Environmental Planning and Assessment Regulation 2000, the following matters are to be completed in accordance with the terms and conditions of this development consent, **prior to the occupation** of the building:*
 - b. car parking and vehicular access*
 - c. landscaping*
 - d. stormwater drainage*
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 stage/s of construction**:*
 - 1. Prior to construction of the footings or first completed floor slab (prior to the pouring of concrete), showing the area of the land, building and boundary setbacks.*
 - 2. On completion of the erection of the building showing the area of the land, the position of the building and boundary setbacks and verifying the building has been constructed at the approved levels.*
50. *Building and demolition works must only be carried out between the hours of 7.00am to 5.00pm on Monday to Friday inclusive, between 8.00am to 5.00pm on Saturdays and all building activities are strictly prohibited on Sundays and public holidays, except with the specific written authorisation of Council's Manager of Environmental Health and Building Services.*
51. *The use of any rock excavation machinery or any mechanical pile drivers is restricted to the hours of 8.00am to 5.00pm (maximum), Monday to Friday inclusive and from 8.00am to 1.00pm on Saturday, to minimise the noise levels during construction and loss of amenity to nearby residents.*
52. *A sign must be erected on the site in a prominent, visible position, prior to commencing any demolition, excavation or building works, stating that 'unauthorised entry to the site is prohibited' and showing the name of the person in charge of the work site and a telephone number at which the person may be contacted outside working hours.*
53. *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.

54. *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.*
55. *Noise emissions during the construction of the building and associated site works must comply with the relevant provisions of the Protection of the Environment Operations Act 1997 & the Noise Control Manual published by the Environment Protection Authority, except as may be amended by the conditions of this approval.*
56. *Public safety and convenience must be maintained at all times during demolition, excavation and construction works.*
57. *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.*
58. *Any damage caused to the road or footway must be repaired immediately, to the satisfaction of Council.*
59. *Building materials, sand, soil, waste materials or construction equipment must not be placed upon the footpath, roadway or nature strip at any time and the footpath, nature strip and road must be maintained in a clean condition and free from any obstructions and debris at all times.*
60. *Bulk bins/waste containers must not be located upon the footpath, roadway or nature strip at any time without the prior written consent of the Council, unless the waste container is located upon the road in accordance with the Roads & Traffic Authority Guidelines and Requirements, and the container is exempt from an approval under Council's Local Approvals Policy.*
61. *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".*
62. *A Construction Site Management Plan is to be submitted to and approved by the principal certifying authority **prior to the commencement of demolition, excavation or building works**. The site management plan must include the following measures, as applicable to the type of development:*
 - *location and construction of protective fencing / hoardings to the perimeter of the site;*
 - *location of site storage areas/sheds/equipment;*
 - *location of building materials for construction;*
 - *provisions for public safety;*
 - *dust control measures;*
 - *site access location and construction*
 - *details of methods of disposal of demolition materials;*
 - *protective measures for tree preservation;*

- *provisions for temporary sanitary facilities;*
- *location and size of waste containers/bulk bins;*
- *details of proposed sediment and erosion control measures;*
- *construction noise and vibration management.*

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

63. *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*
64. *Details of the proposed sediment control measures must be submitted to and approved by the principal certifying authority **prior to the commencement of any site works.** The sediment and erosion control measures must be implemented prior to the commencement of any site works and a copy of the approved details must be made available to Council officers upon request.*
65. *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.*
66. *Stockpiles of soil, sand, aggregate or other materials must not be located on any drainage line, natural watercourse, footpath, roadway or any public place and the stockpiles must be protected with adequate sediment control measures.*
67. *Building operations such as brick cutting, washing tools or equipment and mixing mortar are not permitted on public footpaths, roadways, in any public place or any location which may lead to the discharge of materials into the stormwater drainage system.*
68. *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.*
69. *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.*
70. *A temporary safety fence is to be provided to protect the public, located to the perimeter of the site (unless the site is separated from the adjoining land by an existing structurally adequate fence, having a minimum height of 1.5 metres). Temporary fences are to have a minimum height of 1.8 metres and be constructed of cyclone wire fencing with geotextile fabric attached to the inside of the fence to provide dust control, or other material approved by Council.*

Hoarding or fences are to be structurally adequate and be constructed in a good and

workmanlike manner and the use of poor quality materials or steel reinforcement mesh as fencing is not permissible.

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

71. *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.

72. *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.

73. *A temporary timber crossing is to be provided to the site entrance across the kerb and footway area, with splayed edges, unless access is via an existing concrete crossover.*
74. *Any part of Council's nature strip which is damaged as a result of the work must be back-filled, top-soiled and re-turfed with kikuyu turf prior to occupation or finalisation of the development, to Council's satisfaction.*

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

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

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

76. *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.*
77. *In this regard, the operation of any plant or equipment on the site shall not give rise to an L10 sound pressure level which is 5dB(A) greater than the A-weighted L90 background sound pressure level, measured at any point on a residential boundary or within any residential dwelling.*

Security Deposit Conditions

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

78. *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.

Traffic conditions/Civil Works Conditions

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

79. *The applicant must meet the full cost for Council or a Council approved contractor to:*
- i. *Construct a heavy duty concrete vehicular crossing and layback at kerb opposite the vehicular entrance to the site.*
 - ii. *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.*
 - iii. *Re-construct a kerb and gutter for the full site frontage except opposite the vehicular entrance and exit points.*
 - iv. *Carry out a full depth 1.00m metre wide, road construction in front of the kerb and*

gutter along the full site frontage.

- v. *Reconstruct the concrete footpath along the full site frontage. Any unpaved areas on the nature strip must be turfed and landscaped to Council's specification.*
80. *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.*
81. *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.*
82. *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.*
83. *The driveway opening at the site frontage must be 3.50m metres wide and located at least 1.5 metres clear of the side property boundary. Details are to be submitted to the Certifying Authority prior to the release of the construction certificate showing compliance with this condition.*

Alignment Level Conditions

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

84. *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.*
85. *The design alignment levels (concrete/paved/tiled level) issued by Council and their relationship to the footpath must be indicated on the building plans for the construction certificate. The design alignment level at the street boundary, as issued by the Council, must be strictly adhered to.*
86. *The above alignment levels and the site inspection by Council's Department of Asset & Infrastructure Services have been issued at a prescribed fee of \$604.00 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.*

Service Authority Conditions

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

87. *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.*
88. *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.*
89. *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.*
90. *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.*
91. *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

Drainage Conditions

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

92. *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.*
- 93. 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.*
- 94. On-site detention must be provided to ensure that the maximum discharge from the above site is not to exceed that which would occur during a 1 in 5 year storm of 1 hour duration for the existing site conditions. All other stormwater run-off from the above site for all storms up to the 1 in 20 year storm is to be retained on the site for gradual release to the kerb and gutter or drainage system as required by the Director of Assets*

and Infrastructure Services. Provision is to be made for satisfactory overland flow should a storm in excess of the above parameters occur.

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

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

95. *All site stormwater leaving the site must be discharged by gravity to the kerb and gutter or drainage system at the front of the property.*

OR

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

Should the applicant demonstrate that all reasonable attempts to procure the private drainage easement referred to in the previous condition have failed, a pump system (or infiltration system subject to Council's requirements and a satisfactory Geotechnical Engineers report) may be permitted. The pump system must be designed with a minimum of two pumps being installed, connected in parallel (with each pump capable of discharging at the permissible discharge rate) and connected to a control board so that each pump will operate alternatively. The pump 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.

96. *The applicant must provide for a detention volume of up to the 1 in 100 year storm event should no formal overland escape route be provided for storms greater than the design storm.*
97. *A "restriction as to user and positive covenant" shall be placed on the title of the subject property prior to the issuing of a final occupation certificate. Such restriction and positive covenant shall relate to the onsite stormwater detention system and shall not be released, varied or modified without the consent of the Council.*

Notes:

- a. *The "restriction as to user and positive covenant" are to be to the satisfaction of Council. A copy of Council's standard wording/layout for the restriction and positive covenant may be obtained from Council's Asset and Infrastructure Services Department.*
- b. *The linen plans shall indicate the location and dimensions of the detention/infiltration areas.*

This condition is to ensure that no works which could affect the design function of the

detention system are undertaken without the prior consent (in writing) from Council.

98. *The detention area must be regularly cleaned and maintained to ensure it functions as required by the design.*
99. *The stormwater detention area must be suitably signposted where required, warning people of the maximum flood level.*
100. *The floor level of all habitable and storage areas adjacent to the detention area must be a minimum of 300mm above the maximum water level for the design storm or alternately a permanent 300mm high water proof barrier is to be constructed.*

(In this regard, it must be noted that this condition must not result in any increase in the heights or levels of the building. Any variations to the heights or levels of the building will require a new or amended development consent from the Council prior to a construction certificate being issued for the development).

101. *A childproof and corrosion resistant fastening system shall be installed on access grates over pits/trenches where water is permitted to be temporarily stored.*
102. *Stormwater pipes shall be located in accessible locations.*
103. *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.

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

within the site at or near the street boundary prior to the site stormwater discharging by gravity to the kerb/street drainage system; and

prior to stormwater discharging into any absorption/infiltration system.

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

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

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

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

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

A galvanised heavy-duty screen 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.

105. *A 'V' drain is to be constructed along the perimeter of the property, where required, to direct all stormwater to the detention area.*
106. *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.*
107. *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 bays must be signposted with ‘Exclusive Carwash Bay Use Sat 2:00pm – 5:00pm and Sunday 10:00am – 2:00pm, Visitor parking at other times’*
 - c) *The car washing bay must be constructed with a minimum 20mm bund around the perimeter of the car washing bay/s (or equivalent)*
 - d) *A water tap shall be located adjacent to the car washing bay.*
108. *Prior to the issuing of an occupation certificate, the applicant shall submit to Council's Director of Asset and Infrastructure Services, a works-as-executed drainage plan prepared by a registered surveyor and approved by a suitably qualified and*

experienced Hydraulic Engineer. The works-as-executed drainage plan shall be to the satisfaction of the Principal Certifying Authority (PCA) and shall include the following details:

*The location of the detention basin with finished surface levels;
Finished site contours at 0.2 metre intervals;
Volume of storage available in the detention areas;
The location, diameter, gradient and material (i.e PVC, RC etc) of all stormwater pipes;
The orifice size(s) (if applicable); and
Details of any pumping systems installed (including wet well volumes).*

109. *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.*
110. *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).*
111. *Any seepage water must be drained directly into an absorption pit within the site. Seepage water must **not** be drained from the site.*

Waste Management Conditions

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

112. *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. Details showing compliance with this requirement are to be shown on the plans submitted to the certifying authority for the construction certificate.*
113. *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.*

114. *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 additional residence/dual occupancy.*

Landscape Conditions

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

115. *The landscaped areas shown on the sheet number LSK-01, job number 03.759 dated 11.12.03, drawn by Arttech Design & Construction Pty Ltd shall be the subject of detailed landscape drawings and specifications, which are to be submitted to, and approved by, the certifying authority prior to the issue of a construction certificate. Should Council not be the certifying authority, the applicant will still be required to forward a copy of the approved plans to Council for our records, 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 trees to be retained, proposed building envelope, proposed areas of pavement, and proposed landscaped areas.*

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

- b. *A planting plan at a scale of 1:100 or 1:200 indicating the location of all proposed planting and existing trees to be retained. All plants are to be drawn at their mature size with a dense planting of shrubs, accent plants and ground covers within all garden beds so that a continuous planted cover is achieved. Plant spacings are to be clearly indicated for all accent and groundcovers.*
- c. *A planting schedule listing all plants by botanic & common names, plant numbers, plant spacings for groundcovers and accent planting, pot sizes, the estimated size of the plant at maturity (height & spread) and proposed staking methods when applicable.*
- d. *Additional notation showing soil and mulch details, irrigation details, edging, paving, fencing details, surface finishes, retaining wall details, and any other landscape elements in sufficient detail to fully describe the proposed landscape works.*
- e. *Position of existing and proposed site services including water, gas, electricity,*

sewer, stormwater, etc.

- f. Sectional elevations through the site showing the existing and proposed groundlines, building elevations, and mature height of proposed planting.*
 - g. The landscape plan shall show a minimum number of 4 x 100 litre broad canopied trees (not palms) suitably located within the site. The trees selected shall be of a species that attain a minimum height of 6 metres at maturity.*
 - 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 paved areas not over slab. Details are to be provided with the construction certificate application.*
 - k. Location of easements within the site and upon adjacent sites (if any).*
 - l. In order to provide reasonable levels of screening and privacy between this site and adjoining properties to the west, north and east, perimeter planting shall be provided along these boundaries using an advanced species that is capable of attaining a minimum height at maturity of 3 metres.*
- 116. 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.*
- 117. 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.*
- 118. 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.*
- 119. 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.

120. *In order to visually 'soften' the expanses of hard pavement, brick unit pavers, stenciled concrete (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.

121. *Any substation required shall be screened from view. The proposed location and elevation shall be shown on all detailed landscape drawings and specifications.*
122. *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.

123. *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

124. *The applicant shall submit a total payment of \$639.50 to Council,*
- a. *Being the cost for Council to supply and install 1 x 45 litre street tree (Eucalyptus species, Gum tree) towards the eastern boundary of the site at the completion of all works (\$145.00 + GST)*
 - b. *To compensate Council for the loss of amenity caused by the removal of the street tree (\$480.00). Due to the small size of this tree the applicant will not be charged for removal costs.*

*The contribution shall be paid into Tree Amenity Income Code R39 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.

125. *Approval is granted for the removal of the following trees subject to the planting of 4 x 100 litre broad canopied replacement trees (not palms) within the site. The species selected shall be those that will attain a minimum height of 6 metres at maturity.*

The western most Eucalyptus species (Gum tree) on Council's nature strip

One Robinia pseudoacacia (Robinia) near the centre of the site
Two Archontophoenix cunninghamiana (Bangalow Palms) along the eastern boundary
One Lagerstroemia indica (Crepe Myrtle) along the eastern boundary

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

Tree Protection Measures

127. *In order to ensure the retention of the most eastern Eucalyptus species (Gum tree) located on Council's nature strip in good health, the following measures are to be undertaken:*

- a. *All detailed architectural, building, demolition, engineering (structural, stormwater & drainage, services), and landscape documentation submitted for the construction certificate application shall show the retention of the existing tree specimen with the position of the tree trunk and full diameter of the tree canopy clearly shown on all drawings.*
- b. *The tree is to be physically protected by the installation of protective fencing around the tree using 1.8 metre high steel mesh/chainwire fencing. This fencing shall be located to a minimum radius of 1.5 metres from the outside edge of the tree trunk.*

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

- c. *Within this zone there is to be no storage of materials or machinery or site office/sheds, nor is cement to be mixed or chemicals spilt/disposed of and no stockpiling of soil or rubble.*
 - d. *Any excavations required for structures, paving etc within 2 metres of the tree trunk shall be undertaken by hand and under the direction of, and to the satisfaction of, a suitably qualified Arborist with all roots being cleanly cut.*
 - e. *The erection of signage on the fence with the following words clearly displayed: "TREE PROTECTION ZONE", "DO NOT ENTER".*
128. *In order to ensure the retention of the Jacaranda mimosifolia (Jacaranda) tree located in the northwest corner of the site in good health, the following measures are to be undertaken:*
- a. *All detailed architectural, building, demolition, engineering (structural, stormwater & drainage, services), and landscape documentation submitted for the construction certificate application shall show the retention of the existing tree specimen with the position of the tree trunk and full diameter of the tree canopy clearly shown on all drawings.*

b. Detailed architectural, building, demolition, engineering (structural, stormwater & drainage, services), and landscape documentation submitted for the construction certificate application shall show no alteration in the existing soil levels within a radius of 3 metres from the outside edge of the tree trunks.

c. The tree is to be physically protected by the installation of protective fencing around the tree using 1.8 metre high steel mesh/chainwire fencing. This fencing shall be located to a minimum radius of 2 metres from the outside edge of the tree trunk.

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

d. Within this zone there is to be no storage of materials or machinery or site office/sheds, nor is cement to be mixed or chemicals spilt/disposed of and no stockpiling of soil or rubble.

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

e. Any excavations required for footings, structures, pipes, detention tanks, stormwater infiltration systems, paving etc within 3 metres of the tree trunk shall be undertaken by hand and under the direction of, and to the satisfaction of, a suitably qualified Arborist with all roots being cleanly cut.

f. The installation of woodchip mulch to a depth of 75mm within the fenced off protection area as described in Point c.

g. Watering of the tree (within the fenced off area) three times a week for the duration of the period of the refundable deposit described in Point i.

h. The erection of signage on the fence with the following words clearly displayed: "TREE PROTECTION ZONE", "DO NOT ENTER".

i. A refundable deposit in the form of cash or cheque of \$1,720.00 shall be lodged with Council prior to issue of a construction certificate for the proposed development in order to ensure the preservation of the tree in accordance with the requirements described in this condition.

QUANTITY	SPECIES	AMOUNT
1	Jacaranda (Jacaranda) mimosifolia	\$1,720.00
	TOTAL	\$1,720.00

The refundable deposit is placed to ensure that the tree protection measures as

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

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

129. *A refundable deposit in the form of cash or cheque 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.*

130. *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.

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:

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. Part E1</i>	<i>Fire fighting equipment</i>
<i>b. Part E2</i>	<i>Smoke Hazard Management</i>
<i>c. Part E4</i>	<i>Emergency lighting, exit signs and warning systems</i>
<i>a. Clause C3.2&C3.4</i>	<i>Protection of openings in external walls</i>
<i>d. Part F4</i>	<i>Light and ventilation</i>
<i>e. Part F5</i>	<i>Sound Transmission and Insulation</i>
<i>f. Part B1</i>	<i>Structural provisions</i>
<i>g. Part C1</i>	<i>Fire resistance and stability</i>
<i>h. Part C3</i>	<i>Protection of openings</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.

MOTION: (Belleli/Woodsmith) SEE RESOLUTION.

6.8 DEVELOPMENT APPLICATION REPORT - 19 BALFOUR ROAD, KENSINGTON. (307/2004)

H73 **RESOLUTION: (Daley/Procopiadis)** that Council as the consent authority, refuse consent under Section 96 of the Environmental Planning and Assessment Act 1979 (as amended) to delete condition 6 of Development Consent No 307/04 for permission to carryout alterations and additions to the dwelling at 19 Balfour Road Kensington for the following reason:

- 1. The removal of condition 6 of development consent which requires that the depth of the rear upper level balcony be reduced will result in an unacceptable impact upon the amenity and privacy of the adjoining premises and does not satisfy the objectives, performance requirements and preferred solutions of the Development Control Plan for Dwellings and Attached Dual Occupancies.*

MOTION: (Woodsmith/His Worship the Mayor, Cr M. Matson) that Council grant consent under Section 96 of the Environmental Planning and Assessment Act 1979 (as amended) to delete condition 6 of Development Consent No 307/04 for permission to carryout alterations and additions to the dwelling at 19 Balfour Road Kensington. **LOST.**

FURTHER MOTION: (Daley/Procopiadis) SEE RESOLUTION.

6.9 DEVELOPMENT APPLICATION REPORT - 16 HOLMES STREET KINGSFORD. (DA 671/04)

H74 **RESOLUTION: (Daley/His Worship the Mayor, Cr M. Matson)** that Council as the consent authority, refuse development consent under Section 80 of the Environmental Planning and Assessment Act 1979 (as amended) to Development Application No.671/04 for permission to install a hard stand carspace to within the front yard of 16 Holmes Street Kingsford for the following reasons: -

- 1 The proposed carspace does not comply with objectives of part 4.7.1 of the*

Development Control Plan for Dwellings and Attached Dual Occupancies in that the carspace will detract from the local streetscape.

- 2 *The proposed carspace does not comply with the performance requirements of part 4.7.2 of the Development Control Plan for Dwellings and Attached Dual Occupancies in that it will detract from the appearance of the development, and has no landscaping component to enhance visual amenity.*
- 3 *The proposed carspace does not comply with the preferred solutions of the Development Control Plan for Dwellings and Attached Dual Occupancies in that the carspace depth of 4.625m is below the required minimum of 5.5m, is sited closer than 1m from the side boundary and exceeds the maximum preferred width of 35% of the allotment.*
- 4 *Approval of the carspace would not be in the public interest in that it would set a poor precedent and the proposal will result in a loss of an on street parking space.*

MOTION: (Bastic/Tracey) that Council as the consent authority grant development consent under Section 80 & 80A of the Environmental Planning and Assessment Act 1979 (as amended) to Development Application No.671/04 for permission to install a hard stand carspace to within the front yard of 16 Holmes Street Kingsford. **LOST.**

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

6.10 DEVELOPMENT APPLICATION REPORT - 147 AVOCA STREET, RANDWICK. (03/00715)

H75 **RESOLUTION: (His Worship the Mayor, Cr M. Matson/Woodsmith)** that Council, as the consent authority refuse to grant its development consent under Section 80 of the Environmental Planning and Assessment Act 1979 (as amended) to Development Application No D/0715/2003 to use the public bar of the Coach & Horses Hotel as a place of public entertainment at 147 Avoca Street, Randwick for the following reasons:-

1. *The proposal is inconsistent with part c of the 3A zone objectives in that it will adversely affect the amenity of persons residing in the adjoining residential zone;*
2. *The proposal will adversely impact on the amenity of neighbouring residents in terms of noise generated by the entertainment and by patrons on and off the site, and the anti-social behaviour of patrons off the site including violence, street drinking, vandalism, graffiti, and litter;*
3. *On site car parking cannot be provided in association with the proposed development resulting in additional demand being placed on the parking capacity of the street network;*
4. *The proposed hours of operation are excessive and will result in unreasonable levels of noise and disturbance to neighbouring residents; and*
5. *The development would not be in the public interest having regard to the objections received and the circumstances of the case.*

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

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

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

6.11 DEVELOPMENT APPLICATION REPORT - 1 MONMOUTH STREET, RANDWICK. (90/2004)

H76 **RESOLUTION: (Tracey/Nash)** that this matter be deferred to allow the applicant to consult with Council officers to get appropriate advice as to the future options available for this development.

MOTION: (Bastic/Daley) that Council as the responsible authority grant development consent subject to a deferred commencement condition with the submission and approval by Council's Town Planning Department of an appropriately designed home taking into consideration the heritage area and the streetscape. **LOST.**

FURTHER MOTION: (Tracey/Nash) SEE RESOLUTION.

7. MISCELLANEOUS.

7.1 DIRECTOR PLANNING & COMMUNITY DEVELOPMENT'S REPORT 81/2004 - SECTION 54 REPORT TO AMEND THE RANDWICK LEP 1998 - CLAUSE 36 AND OTHER MINOR CORRECTIONS. (F2004/08103)

H77 **RESOLUTION: (Daley/Sullivan)** that Council resolve under Section 54 of the Environmental Planning and Assessment Act to prepare a draft amendment to the Randwick Local Environmental Plan 1998. The draft amendment will make minor clarifications, corrections and update the definitions, provisions, wording and mapping in the Randwick Local Environmental Plan 1998; and in particular clarify the intended application of Clause 36.

MOTION: (Daley/Sullivan) SEE RESOLUTION.

8. GENERAL BUSINESS.

Nil.

9. NOTICE OF RESCISSION MOTIONS.

Nil.

The meeting closed at 9.50 p.m.

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CHAIRPERSON