

**MINUTES OF HEALTH BUILDING AND PLANNING COMMITTEE MEETING OF
THE COUNCIL OF THE CITY OF RANDWICK
HELD ON TUESDAY, 9TH NOVEMBER 2004 AT 6:50 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 & A. White
East Ward	-	Crs B. Notley-Smith & D. Sullivan
West Ward	-	Crs B. Hughes, S. Nash & J. Procopiadis
Central Ward	-	Crs A. Andrews & C. Bastic (from 9.22 p.m.)

OFFICERS PRESENT:

General Manager	Mr. R. Brownlee.
Acting Director Assets & Infrastructure Services	Mr. P. Stone.
Director Planning & Community Development	Ms. S. Truvert.
Director Governance Management & Information Services	Mr. M. Hummerston.
Manager Environmental Planning	Ms. K. Armstrong.
Manager Development Assessment	Mr. K. Kyriacou.
Assistant Public Officer	Mr. D. Kelly.
Communications Manager	Ms. D. Brien.

The meeting was adjourned at 6.51 p.m. & was resumed at 7.32 p.m.

1. APOLOGIES.

Nil.

2. MINUTES.

CONFIRMATION OF THE MINUTES OF THE HEALTH, BUILDING AND PLANNING COMMITTEE MEETING HELD ON TUESDAY, 12TH OCTOBER, 2004.

H78 **RESOLUTION:** *(Nash/Belleli) that the Minutes of the Meeting of the Health, Building and Planning Committee held on Tuesday, 12th October, 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: (Kenny/Hughes) that the meeting be adjourned at 7.38 p.m. and be further adjourned at 8.52 p.m.

4. ADDRESSES TO THE COMMITTEE BY THE PUBLIC.

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

6.1 DIRECTOR PLANNING & COMMUNITY DEVELOPMENT'S REPORT 88/2004 - 88 BEACH STREET, COOGEE.

The Objector Mr Chris Noonan 82 Beach Street, Coogee.

The Applicant Mr Ian Rubin c/-Elders Real Estate, Coogee.

6.2 DEVELOPMENT APPLICATION REPORT - 16 LENTHALL STREET KENSINGTON.

The Objector Ms Genevieve Slattery 5/110-114 Kippax Street, Surry Hills.
(On behalf of objector)

The Applicant Mr Eddy Handaja 16 Lenthall Street, Kensington.

6.3 DEVELOPMENT APPLICATION REPORT - 214 GARDENERS ROAD, KINGSFORD.

The Objector Mr Nicholas Messenger 99 Tunstall Avenue, Kingsford.

The Applicant Mr Peter Kirshner 89 Tunstall Avenue, Kingsford.

6.6 DEVELOPMENT APPLICATION REPORT - 63 DANGAR STREET, RANDWICK.

The Applicant Ms Louise Ryan 63 Dangar Street, Randwick.

6.7 DEVELOPMENT APPLICATION REPORT - 555 BUNNERONG ROAD, MATRAVILLE.

The Applicant Ms Brigitte Riffis 555 Bunnerong Road, Matraville.

6.9 DEVELOPMENT APPLICATION REPORT - 38 CLIFFBROOK PARADE, CLOVELLY.

The Objector Ms Robyn Katz 3/3 Lowe Street, Clovelly.

The Applicant Mr Tom Vanovac 13-15 Wentworth Avenue, Sydney.
(On behalf of applicant)

6.10 DEVELOPMENT APPLICATION REPORT - 25 WINCHESTER ROAD, CLOVELLY.

The Objector Mr Peter Marincowitz 27 Winchester Road, Clovelly.

The Applicant Ms Jacquie Ezer 26 Allans Parade, Bondi Junction.

6.11 DEVELOPMENT APPLICATION REPORT - 493-501 ANZAC PARADE, KINGSFORD.

The Objector Ms Linda Sweet 45 Irvine Street, Kingsford.

The Objector Ms Christine Smith c/-686 Anzac Parade, Kingsford.

The Applicant Mr Tad Foley 2/52 Waters Road Cremorne.

The meeting was resumed at 9.22 p.m.

5. MAYORAL MINUTES.

5.1 MAYORAL MINUTE 83/2004 - GENERAL MANAGERS CONSULTATION MEETINGS WITH REPS OF PARTIES. (98/S/0178)

H79 *RESOLUTION: (His Worship the Mayor, Cr M. Matson) that in order to better facilitate inclusive decision making, the General Manager will convene informal but regular briefing meetings on a fortnightly basis with a representative from each of the political parties on Council.*

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

5.2 MAYOR'S MINUTE 85/2004 - COUNCIL SPONSORSHIP OF SUSTAINABLE SCHOOLS AWARDS CONDUCTED BY UNSW SUSTAINABLE LIVING CENTRE. (F2004/07353)

H80 *RESOLUTION: (His Worship the Mayor, Cr M. Matson) that:*

- a) Council vote \$2,200 to cover the fees associated with the event and funds be allocated from the Environmental Levy Program 2004/05;*
- b) The event organiser undertake to appropriately and prominently acknowledge and promote Council's contribution prior to and during the event; and*
- c) The Mayor or his representative shall be given the opportunity to address the event on behalf of Council.*

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

5.3 MAYOR'S MINUTE 86/2004 - ISSUE OF DOWN ZONING LAND IN RANDWICK CITY. (98/S/1093)

H81 **RESOLUTION:** *(His Worship the Mayor, Cr M. Matson)* that Mayoral Minute No. 86/2004 dated 9th November, 2004 be received and noted.

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

5.4 MAYOR'S MINUTE 87/2004 - COUNCIL SPONSORSHIP OF SUSTAINABILITY SEMINARS PROGRAM CONDUCTED BY AIESEC STUDENT ORGANISATION AT UNSW. (F2004/08350)

H82 **RESOLUTION:** *(His Worship the Mayor, Cr M. Matson)* that:

- a) *Council vote \$2,500 to cover the fees associated with the project and funds be allocated from the Environmental Levy Program 2004/05;*
- b) *The organiser undertake to appropriately and prominently acknowledge and promote Council's contribution prior to and during the project; and*
- c) *The Mayor or his representative shall be given the opportunity to address any relevant event on behalf of Council.*

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

6. DEVELOPMENT APPLICATIONS.

6.1 DIRECTOR PLANNING & COMMUNITY DEVELOPMENT'S REPORT 88/2004 - 88 BEACH STREET, COOGEE. (D/0912/2003)

H83 **RESOLUTION:** *(His Worship the Mayor, Cr M. Matson/Daley)* that this application be deferred to the next meeting of the Health, Building & Planning Committee to allow for mediation between the applicant and objectors.

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

6.2 DEVELOPMENT APPLICATION REPORT - 16 LENTHALL STREET KENSINGTON. (D/0473/2004)

H84 **RESOLUTION:** *(Procopiadis/Notley-Smith)* that this application be deferred to give the applicant the opportunity to submit amended plans to reduce the height of the new building, such plans to be in keeping with the same level of the existing house.

PROCEDURAL MOTION: *(Procopiadis/Notley-Smith)* SEE RESOLUTION.

6.3 DEVELOPMENT APPLICATION REPORT - 214 GARDENERS ROAD, KINGSFORD. (D/0327/2004)

H85 **RESOLUTION:** *(Procopiadis/Nash)* that Council as the responsible authority refuse development consent under Section 80 of the Environmental Planning & Assessment Act 1979 (as amended) to Development Application No. 327/2004 for permission to include mechanical repairs within existing auto electrician workshop at 214 Gardeners Road, Kingsford for the following reasons:-

- 1) *The proposed development will have an adverse effect on the amenity of the neighbourhood; and*
- 2) *The proposed development will have an adverse impact on the traffic movements in the locality.*

MOTION: (Procopiadis/Nash) SEE RESOLUTION.

6.4 DEVELOPMENT APPLICATION REPORT - 266-270 CLOVELLY ROAD, COOGEE (D/0287/2002)

H86 **RESOLUTION: (Notley-Smith/Andrews)** *that Council as the responsible authority grant its development consent under Section 96 of the Environmental Planning and Assessment Act 1979 (as amended) to modify Development Consent No 287/2002 for Section 96 to modify condition 2 to allow permanent operation of the auctions on site and to change the words "once every three weeks" to "on average once every three weeks" at 266-270 Clovelly Road, Coogee, in the following manner:-*

- *Amend Condition No. 1 to read:*

The development must be implemented substantially in accordance with the plans numbered 3-2077-T1, dated 7/11/00 and received by Council on 4 April 2002, the application form and on any supporting information received with the application, as amended by the Section 96 documentation received by Council on 15 September 2004, only in so far as they relate to the modifications highlighted in the Section 96 documentation and detailed in the Section 96 application, except as may be amended by the following conditions and as may be shown in red on the attached plans:

- *Amend Condition No. 2 to read:*

The hours of operation for business excluding auctions are from 8:30am – 6:00pm Monday to Friday and 8:30am – 1:00pm Saturday.

Auctions are to be limited to Wednesday evenings, on average once every three weeks, between the hours of 6:00pm and 8:30pm, with a maximum of 8 auctions to be held each auction evening and a maximum of 17 auction evenings per year.

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

6.5 DEVELOPMENT APPLICATION REPORT - LONG BAY GAOL, 1250 ANZAC PARADE, MALABAR. (D/0581/2004)

H87 **RESOLUTION: (Notley-Smith/Andrews)** *that:*

A. *Council as the responsible authority grant its development consent under Section 80 and 80A of the Environmental Planning and Assessment Act 1979 (as amended) to Development Application No 04/00581 for Demolition of six ancillary buildings and construction of two new buildings for the purpose of general storage, workshop facilities, offices, fire truck bay and prisoners aid area at Long Bay Gaol, 1250 Anzac Parade, Malabar subject to the following conditions:-*

1. *The development must be implemented substantially in accordance with the plans*

numbered DA01 to DA03 dated 22/10/2004 and received by Council on 22 October 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:

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

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

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

3. *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.

4. *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.*

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:

5. *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.***

6. *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.

7. *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.*
8. *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.*
9. *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.*
10. *Noise and vibration from any rock excavation machinery and pile drivers (or the like) must be minimised by using appropriate plant and equipment and silencers and a construction noise and vibration minimisation strategy, prepared by a suitably qualified consultant is to be implemented during the works, to the satisfaction of the Principal Certifying Authority.*
11. *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.*
12. *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.

13. *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.*
14. *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.*

15. *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".*
16. *During demolition excavation and construction works, dust emissions must be minimised, so as not to result in a nuisance to nearby residents or result in a potential pollution incident.*

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

- *Dust control measures and practices may include:-*
 - *Provision of geotextile fabric to all perimeter site fencing (attached on the prevailing wind side of the site fencing).*
 - *Covering of stockpiles of sand, soil and excavated material with adequately secured tarpaulins or plastic sheeting.*
 - *Installation of a water sprinkling system or provision hoses or the like.*
 - *Regular watering-down of all loose materials and stockpiles of sand, soil and excavated material.*
 - *Minimisation/relocation of stockpiles of materials, to minimise potential for disturbance by prevailing winds.*
 - *Revegetation of disturbed areas.*
17. *Public safety must be maintained at all times and public access to the site and building works, materials and equipment on the site is to be restricted, when work is not in progress or the site is unoccupied.*

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

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

18. *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.*

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

19. *Hazardous or intractable wastes arising from the demolition process being removed and disposed of in accordance with the requirements of WorkCover NSW and the Environment Protection Authority, and with the provisions of:*
 - *New South Wales Occupational Health and Safety Act, 2000;*
 - *The Occupational Health and Safety (Hazardous Substances) Regulation 2001;*

- *The Occupational Health and Safety (Asbestos Removal Work) Regulation 2001;*
- *Protection Of the Environment Operations Act 1997 (NSW) and*
- *Environment Protection Authority's Environmental Guidelines; Assessment, Classification and Management of Liquid and Non Liquid Wastes (1999).*

20. *Should any underground tanks be discovered they shall be removed in accordance with:*

- *NSW Environmental Protection Authority Guidelines,*
- *Australian Institute of Petroleum's (AIP) Code of Practice for the Design, Installation and Operation of Underground Petroleum Storage Systems (CP4-1998); and*
- *WorkCover NSW requirements.*

In the event of conflict between AIP Code of Practice and WorkCover requirements the latter shall prevail.

21. *Any odours from excavated materials shall be mitigated by the use of an odour suppressant, such as Biosolve, and shall not give rise to an offensive odour as defined in the Protection of the Environment Operations Act 1997. Stockpiles shall also be covered and dampened down to reduce odour and dust impacts.*

22. *Any fill importation to the site is to be monitored and classified. Only 'virgin excavated natural material' is to be imported to the site, as defined within the NSW EPA 'Environmental Guidelines; Assessment, Classification and management of Liquid and Non-Liquid Wastes. 1999'.*

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

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

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

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

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

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

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

27. *The use and operation of the premises shall not give rise to an environmental health or public nuisance and there are to be no emissions or discharges from the premises, which will give rise to a public nuisance or result in an offence under the Protection of the Environment Operations Act 1997 and Regulations.*
28. *The installation and use of the proposed rainwater tank is to be in accordance with Councils Rainwater Tank Policy and Councils Rainwater Tank Installation Guideline 2003.*
29. *The rainwater tank and assembly must comply with Australian Standards: AS/NZ 2179-1994 'Specifications for Rainwater Goods, Accessories, and Fasteners'. And for metal tanks, AS2180-1986 'Metal Rainwater Goods – Selection & Installation'.*
30. *Pollution control devices shall be installed where appropriate and maintained to ensure there will be no water borne pollutants discharging or are likely to discharge into any natural water course or the stormwater or sewerage drainage systems.*
31. *Covered, bunded work areas, including workshops and lube bays, being graded into collection sumps and/or grated drains so that surface effluent generated within the workshop area is directed into a dedicated drainage system for treatment, storage and disposal. If liquid wastes are to be disposed of to the sewer, a Trade Waste Agreement from Sydney Water is to be obtained. Alternatively, disposal of waste is to be conducted in accordance with the Environmental Protection Authority's Waste Tracking Guidelines as described in the Environmental Protection Authority's Waste Regulation under The Protection of the Environment Operations Act 1997 (NSW).*
32. *The installation, storage and handling of flammable and combustible liquids and the like must comply with Australian Standards AS1940:1993 The Storage and Handling of Flammable and Combustible Liquids and must be licensed by WorkCover NSW.*
33. *Servicing, detailing and repairs of plant and equipment must be conducted in a covered, bunded area.*
34. *Sufficient supplies of appropriate absorbent materials and/or other appropriate spill clean up equipment shall be kept on site, where appropriate, to recover any liquid spillage. Liquid spills must be cleaned up using dry methods only and shall not give rise to an offence under the Protection of the Environment Operations Act 1997.*

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

35. *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.*
36. *The applicant shall note that all external work, carried out on Council property, shall be in accordance with Council's Policy for "Vehicular Access and Road and Drainage Works". An application for the cost of the Council civil works is to be submitted to*

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

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

37 *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.*

38 *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 obtained prior to commencement of work on the site.

The Section 73 Certificate must be obtained prior to occupation of the development.

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

39 *On-site detention (OSD) shall be provided in general accordance with the masterplan stormwater drainage strategy and the letter from the Department of Commerce dated 21 October 2004. In particular on-site detention areas 1 and 5 (as detailed on figure 5 of the Stormwater Drainage Concept Plan (Appendix 3)) shall be construction in conjunction with the proposed storage units.*

40 *Stormwater runoff from the new CSI store shall be directed to OSD area 5.*

41 *Stormwater runoff from the Central Store shall be directed to Anzac Parade via the existing stormwater system, however, provision shall be made for the future connection of the Central Store to OSD area 3.*

42 *OSD area 1 is an above ground detention area located within an uncovered carpark. This detention area shall be constructed in general accordance with the following requirements:*

- *The storage depth shall 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 shall 1 % (in accordance with the requirements of AS 2890.1 (2004); and*

- *At least the first 15 % of the required storage volume shall be 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.*
- 43 *Engineering calculations and plans with levels reduced to Australian Height Datum in relation to site drainage shall be submitted to Council for consideration prior to the commencement of work on the site. The drawings and details shall demonstrate compliance with the approved masterplan and shall include the following information:*
- a. *A detailed drainage design for OSD areas 1 and 5 supported by a catchment area plan (and associated calculations) detailing the areas that will be draining to each of the OSD systems.*
 - b. *A layout of the proposed drainage system including pipe sizes, type, grade, length, invert levels, etc.*
- Generally all internal pipelines must be capable of discharging at least 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 (i.e. above the 1 in 20 year storm) to the proposed drainage system.*
- c. *Details of the proposed connection into Council's stormwater system.*
 - d. *Proposed finished surface levels and grades of car parks and internal roadways.*
 - e. *The details of any special features that will affect the drainage design e.g. the nature of the soil in the site and/or the presence of rock etc.*
- 44 *All stormwater run-off naturally draining to the subject development sites must be collected and discharged through new stormwater system/s. Such drainage shall, if necessary, be constructed prior to the commencement of building work.*
- 45 *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.*
- 46 *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.*
- 47 *Rainwater tanks shall not be considered as contributing to detention storage requirements unless it can be demonstrated through continuous modeling (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.*
- 48 *Stormwater pollution control devices shall be provided prior to stormwater being discharged either from the site or into any infiltration areas. The pollution control devices shall be capable of treating all runoff up to at least the 3 month ARI storm event.*

- 49 *The detention areas must be regularly cleaned and maintained to ensure they function as required by the design.*
- 50 *The stormwater detention areas must be suitably signposted warning people of the maximum flood level.*
- 51 *A corrosion resistant fastening system shall be installed on access grates over pits/trenches where water is permitted to be temporarily stored.*
- 52 *A 'V' drain is to be constructed along the perimeter of the property, where required, to direct all stormwater to the detention areas.*
- 53 *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.*
- 54 *Prior to occupation of the new storage units, 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 include the following details:*
 - a. *The location of the detention areas with finished surface levels;*
 - b. *Finished site contours at 0.2 metre intervals;*
 - c. *Volume of storage available in the detention areas;*
 - d. *The location, diameter, gradient and material (i.e. PVC, RC etc) of all stormwater pipes; and*
 - e. *The orifice size(s).*
- 55 *Prior to occupation of the storage units, the applicant shall submit to the 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.*
- 56 *Any new pipelines constructed within council's road reserve shall be minimum 375 mm diameter, spigot and socket rubber ringed jointed, steel reinforced concrete pipeline (RRRCP). Prior to backfilling, all pipelines in council's road reserve shall be inspected and approved by the Hydraulic Engineer certifying the works and Council.*
- 57 *A "restriction as to user and positive covenant" shall be placed on the title of the subject property prior to occupation of the development. Such restriction and positive covenant shall relate to the onsite stormwater detention systems 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.

58 *Should groundwater and/or seepage water be encountered within the depth of the proposed excavations, the basement structures shall 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 (to ensure that the basement will not dam or slow the movement of the ground water through the development site).*

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

59 *Prior to occupation of the new stores, the applicant shall submit to Council and have approved by Council's Manager of Waste, an operational waste management plan for the stores detailing waste management practices, recycling, reuse and waste reduction measures.*

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

Tree Management

60 *Approval is granted for the removal of the following trees in order to accommodate the proposed works as shown.*

- a. *Two (2) Eucalyptus species (Gum trees) to the west of the Nursery, in the area where the group of five (5) buildings are proposed for demolition.*

61 *Permission is granted for the removal of only those trees falling within the area occupied by the approved works. Removal of any remaining trees on the site is subject to separate application under the Tree Preservation Order.*

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: (Notley-Smith/Andrews) SEE RESOLUTION.

6.6 DEVELOPMENT APPLICATION REPORT - 63 DANGAR STREET, RANDWICK. (D/0354/2004)

H88 ***RESOLUTION: (Woodsmith/Tracey) that:***

- A. *Council as the responsible authority grant its development consent as a Deferred Commencement under Section 80(3) of the Environmental Planning and Assessment Act 1979 (as amended) to Development Application No D/0354/2004 for alterations and additions to the existing dwelling house at 63 Dangar Street, Randwick subject to the following conditions:-*

Deferred Commencement Conditions

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

- 1. The texture of the proposed brickwork is required to match, as closely as possible, the existing external walls of the building and the colours, materials and finishes of the external surfaces to the building and is to be compatible with the adjacent development to maintain the integrity and amenity of the building, the streetscape and the North Randwick heritage conservation area.*

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

REFERENCED PLANS:

- 1. The development must be implemented substantially in accordance with the plans designated Project No 0241 Drawing Nos. 01 to 04 and received by Council on 12 May 2004, as amended by the additional information regarding maximum wall heights received on 30 September 2004, the application form and on any supporting information received with the application, except as may be amended by the following conditions and the details/amendments pursuant to the deferred commencement 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. Three ventilated skylights are to be provided to the ensuite, bathroom and laundry in order to provide a suitable level of light and ventilation to these rooms.*
- 3. The lower half of the window to the proposed study is to be fixed and of obscure glazing to address the potential loss of privacy to the kitchen window of No 65 Dangar Street.*
- 4. Metal roof sheeting is to be painted or colour bonded to minimise reflection and to be sympathetic and compatible with the building and surrounding environment.*
- 5. There must be no encroachment of any part of the structures onto the adjoining properties at Nos. 61 & 65 Dangar Street.*

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

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

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

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

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:

9. *Surface water/stormwater must be drained and discharged to the street gutter or suitably designed absorption pit, to the satisfaction of the Certifying Authority and details are to be included in the construction certificate application 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 prior to commencement of works.

10. *External paths and ground surfaces are to be graded and drained away from the building and adjoining premises in such a manner so as not to result in the entry of water into a building, or cause a nuisance or damage to the adjoining premises.*

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

11. *The requirements and provisions of the Environmental Planning & Assessment Act 1979 and Environmental Planning & Assessment Regulation 2000, must be fully complied with at all times.*

Failure to comply with these legislative requirements is an offence and may result in the commencement of legal proceedings, issuing of `on-the-spot` penalty infringements or service of a notice and order by Council.

12. *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.*

13. *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.*
14. *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.

15. *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.

16. *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; and*
- *a statement stating that “unauthorised entry to the work site is prohibited”.*

17. *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.

18. *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.*

19. *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.

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

21. *All demolition work is to be carried out in accordance with the provisions of AS2601-1991. The Demolition of Structures, as in force at 1 July 1993.*
22. *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”.*
23. *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.*
24. *All excavations and backfilling associated with the erection or demolition of a building must be executed safely in accordance with appropriate professional standards and excavations are to be properly guarded and supported to prevent them from being dangerous to life, property or buildings.*

Retaining walls, shoring or piling must be provided to support land which is excavated in association with the erection or demolition of a building, to prevent the movement of soil and to support the adjacent land and buildings, if the soil conditions require it. Adequate provisions are also to be made for drainage.

Retaining walls, shoring, or piling must be designed and installed in accordance with

appropriate professional standards and the relevant requirements of the Building Code of Australia and Australian Standards. Details of proposed retaining walls, shoring or piling are to be submitted to and approved by the Principal Certifying Authority for the development prior to commencing such excavations or works.

25. *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.*
26. *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.*
27. *Noise and vibration emissions during the construction of the building and associated site works must not result in damage to nearby premises or result in an unreasonable loss of amenity to nearby residents and the relevant provisions of the Protection of the Environment Operations Act 1997 must be satisfied at all times.*
28. *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.

29. *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.*
30. *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.*
31. *During construction stages, sediment laden stormwater run-off shall be controlled using the sediment control measures outlined in the manual for Managing Urban Stormwater – Soils and Construction, published by the NSW Department of Housing*
32. *Stockpiles of soil, sand, aggregate or other materials must not be located on any 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.

33. *A warning sign for soil and water management must be displayed in a prominent position on the building site, visible to both the public and site workers. The sign must be displayed throughout the construction period. Copies of a suitable warning sign are available at Council's Customer Service Centre for a nominal fee.*
34. *Public safety must be maintained at all times and public access to the site and building works, materials and equipment on the site is to be restricted, when work is not in progress or the site is unoccupied.*

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

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

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

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

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

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

ADVISORY MATTERS:

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

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

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

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

MOTION: (Woodsmith/Tracey) SEE RESOLUTION.

6.7 DEVELOPMENT APPLICATION REPORT - 555 BUNNERONG ROAD, MATRAVILLE. (D/0691/2004)

H89 **RESOLUTION: (White/Daley)** that Council, as the consent authority, grant development consent under Section 80 and 80A of the Environmental Planning and Assessment Act 1979 (as amended) to Development Application No.691/2004 for permission to Increase the height of the front fence to 1800mm for 555 Bunnerong Road, Matraville subject to the following conditions: -

1. *The development must be implemented substantially in accordance with the plans received by Council on 17 August 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 to the fence are to be compatible with the existing and adjacent development to maintain the integrity and amenity of the building and the streetscape.*

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

3. *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.

4. *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.*
5. *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.*

6. *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.

7. *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.

8. *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; and
 - a statement stating that “unauthorised entry to the work site is prohibited”.
9. 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.*

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:

10. 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.
11. A copy of the construction certificate, the approved plans & specifications and development consent conditions must be kept on the site at all times and be made available to the Council officers and all building contractors for assessment.
12. 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.

13. *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.*

14. *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.

15. *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.*

16. *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.*

17. *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*

18. *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.

ADVISORY MATTERS:

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

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: (White/Daley) SEE RESOLUTION.

6.8 DEVELOPMENT APPLICATION REPORT - 514-516 BUNNERONG ROAD, MATRAVILLE. (D/0486/2004)

H90 **RESOLUTION: (White/Dale)** that Council, as the consent authority, grant development consent under Section 80 and 80A of the Environmental Planning and Assessment Act 1979 (as amended) to Development Application No. 486/2004 for permission to enclose the eastern balcony of Unit 7 for 7/514-516 Bunnerong Road, Matraville subject to the following conditions:-

DEVELOPMENT CONSENT CONDITIONS

1 *The development must be implemented substantially in accordance with the plans dated 1.6.04 and received by Council on 18 June 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 window frames are to be compatible with the existing buildings to maintain the integrity and amenity of the existing development.*

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

3 *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.

4 *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.*

5 *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.*

6 *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.

- 7 *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.

- 8 *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.*

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

- 9 *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.*
- 10 *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.*

ADVISORY MATTERS:

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

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: (White/Daley) SEE RESOLUTION.

6.9 DEVELOPMENT APPLICATION REPORT - 38 CLIFFBROOK PARADE, CLOVELLY. (D/0447/2004)

- H91 **RESOLUTION:** *(His Worship the Mayor, Cr M. Matson/Kenny) that this application be deferred to invite both parties to a mediation session to address the issue of the height of the building and rooftop access to the terrace.*

MOTION: (His Worship the Cr M. Matson/Kenny) SEE RESOLUTION.

6.10 DEVELOPMENT APPLICATION REPORT - 25 WINCHESTER ROAD, CLOVELLY. (D/0714/2004)

H92 **RESOLUTION:** *(Sullivan/Daley) that Council's Team Leader under delegated authority from the General Manager, as the consent authority, grant development consent under Section 80 and 80A of the Environmental Planning and Assessment Act 1979 (as amended) to Development Application No. 04/00714 for permission to undertake alterations and additions to the existing dwelling including new first floor, expanded rear ground floor, internal reconfiguration and new side carport for 25 Winchester Road, Clovelly subject to the following conditions: -*

1. *The development must be implemented substantially in accordance with the plans numbered 049/04 dated July 2004 and received by Council on 27 August 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 to the building are to be compatible with the adjacent development to maintain the integrity and amenity of the building and the streetscape.*

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

3. *A vertically proportioned window with the same dimensions of the first floor street facing window to the study shall be placed adjacent to the stairs accessing the ground and first floors and facing the street to create a uniform fenestration pattern to the street. Details are to be submitted to and approved by Council's Director of Planning and Community Development prior to a construction certificate being issued for the development.*
4. *The first floor rear balcony shall contain 1.8m high privacy screens to the northern and southern sides to prevent overlooking to adjacent properties. Details are to be submitted to and approved by Council's Director of Planning and Community Development prior to a construction certificate being issued for the development.*
5. *The front fence shall be designed so that the front timber panels are 50% open. Details are to be submitted to and approved by Council's Director of Planning and Community Development prior to a construction certificate being issued for the relevant works.*

The following conditions are imposed to promote ecologically sustainable development and

energy efficiency.

6. *The consumption of water within the building shall be minimised by the use of triple A rated water efficient plumbing fixtures (taps and shower roses) and water efficient dual flush toilets. Details of compliance are to be noted in the **construction certificate** plans or specifications.*

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

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

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

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:

9. *Surface water/stormwater must be drained and discharged to the street gutter or suitably designed absorption pit, to the satisfaction of the Certifying Authority and details are to be included in the construction certificate application 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 prior to commencement of works.

10. *External paths and ground surfaces are to be graded and drained away from the building and adjoining premises in such a manner so as not to result in the entry of water into a building, or cause a nuisance or damage to the adjoining premises.*

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

11. *The requirements and provisions of the Environmental Planning & Assessment Act 1979 and Environmental Planning & Assessment Regulation 2000, must be fully complied with at all times.*

Failure to comply with these legislative requirements is an offence and may result in the commencement of legal proceedings, issuing of `on-the-spot` penalty infringements or service of a notice and order by Council.

12. *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.

13. *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.*
14. *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.

15. *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.

16. *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; and*
 - *a statement stating that “unauthorised entry to the work site is prohibited”.*
17. *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.

18. *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.*

19. *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.

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

21. *All demolition work is to be carried out in accordance with the provisions of AS2601-1991. The Demolition of Structures, as in force at 1 July 1993.*
22. *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”.*
23. *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.*
24. *All excavations and backfilling associated with the erection or demolition of a building must be executed safely in accordance with appropriate professional standards and excavations are to be properly guarded and supported to prevent them from being dangerous to life, property or buildings.*

Retaining walls, shoring or piling must be provided to support land which is excavated in association with the erection or demolition of a building, to prevent the

movement of soil and to support the adjacent land and buildings, if the soil conditions require it. Adequate provisions are also to be made for drainage.

Retaining walls, shoring, or piling must be designed and installed in accordance with appropriate professional standards and the relevant requirements of the Building Code of Australia and Australian Standards. Details of proposed retaining walls, shoring or piling are to be submitted to and approved by the Principal Certifying Authority for the development prior to commencing such excavations or works.

25. *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.*
26. *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.*
27. *Noise and vibration emissions during the construction of the building and associated site works must not result in damage to nearby premises or result in an unreasonable loss of amenity to nearby residents and the relevant provisions of the Protection of the Environment Operations Act 1997 must be satisfied at all times.*
28. *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.

29. *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.*
30. *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.*
31. *During construction stages, sediment laden stormwater run-off shall be controlled using the sediment control measures outlined in the manual for Managing Urban*

32. *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.

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

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

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

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

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

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

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

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

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

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

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

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

ADVISORY MATTERS:

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

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

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

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

MOTION: (Woodsmith/His Worship the Mayor, Cr M. Matson) that Council grant development consent to this application subject to the balcony being reduced to a maximum depth of 1 metre.

AMENDMENT: (Sullivan/Daley) SEE RESOLUTION.

FURTHER AMENDMENT: (Woodsmith/Tracey) that the upper level window to bedroom 1 on the southern elevation remain obscured glaze. **LOST.**

FURTHER AMENDMENT: (Tracey/Belleli) that the balcony depth be reduced to 1.5 metres. **LOST.**

6.11 DEVELOPMENT APPLICATION REPORT - 493-501 ANZAC PARADE, KINGSFORD. (D/0503/2004)

H93 **RESOLUTION:** (Daley/White) that:

A Council, as the responsible authority, grant its development consent as a Deferred Commencement under Section 80(3) of the Environmental Planning and Assessment Act, 1979 (as amended) to Development Application No. DA 503/2004 for change of use to a retail liquor outlet, alterations, fitout and signs at 493-501 Anzac Parade, Kingsford, subject to the following deferred commencement condition:-

DEFERRED COMMENCEMENT CONDITION

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

1. *The applicant to submit amended plans/details restricting vehicles exiting the site from turning right into Irvine Street whilst still allowing vehicles (including service vehicles) to turn right from Irvine Street into the carpark. Any costs of works associated with this amendment shall be at the applicant's expense.*

Evidence required to satisfy the above condition must be submitted to Council within 6 months of the date of this consent.

DEVELOPMENT CONSENT CONDITIONS

Subject to compliance with the deferred commencement condition, to the satisfaction of the Director Planning and Community Development, development consent be granted under Section 80 and 80A of the Environmental Planning and Assessment Act 1979 (as amended) to Development Application No. DA 503/2004 for change of use to a retail liquor outlet, alterations, fitout and signs at 493-501 Anzac Parade, Kingsford subject to the following conditions:-

1. *The development must be implemented substantially in accordance with the plans with Project No. 6101 and Drawing Nos. A01 Issue D, A02, Issue C and A03 Issue C, all dated May 2004 and received by Council on 8 September, 2004, Job No. 6101, Drawing No. A00, Revision B dated June, 2004 and received by Council on 22 June 2004, Job No. 6101, Drawing Nos. AC01, AC02 and AC03, all Revision A and received by Council on 8 September, 2004, the application form and on any supporting information received with the application, except as may be amended by the details approved with the deferred commencement conditions and the following conditions and as may be shown in red on the attached plans:*

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 parapet extension to the north-east corner of the building and the three advertising signs thereon shall be deleted from the plans **prior to the issue of the construction certificate.***
3. *The advertising sign on the western wall of the building shall not have any form of illumination, either internal to the sign or from external lighting attached to the premises.*
4. *No external lighting of the premises is approved by this application and all existing external lights attached to the parapet shall be removed from the building at the commencement of works.*
5. *The free standing sign at the carpark entrance shall cease illumination at the close of business each day in order to maintain the amenity of the adjacent residential area.*
6. *The advertising wall sign on the eastern elevation to the of the car park and the*

*advertising wall sign on the southern elevation to the carpark shall not be illuminated in order to maintain the amenity of the adjacent residential area and shall be shown as such on the construction certificate plans **prior to the issue of the construction certificate.***

7. *All approved illuminated signs shall be internally illuminated only.*
8. *Metal roof sheeting is to be painted or colour bonded to minimise reflection and to be sympathetic and compatible with the building and surrounding environment.*
9. *There must be no encroachment of any part of the structure/s onto the adjoining premises or onto Council's road reserve, footway or public place.*
10. *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.*
11. *All plumbing and drainage pipes, other than rainwater heads, gutters and downpipes, must be concealed within the building.*
12. *Street numbering must be provided to the premises in a prominent position, to the satisfaction of Council.*
13. *Power supply and telecommunications cabling to the development shall be underground.*
14. *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.*
15. *Lighting to the premises shall be designed so as not to cause a nuisance to nearby residents or motorists and to ensure that light overspill does not affect the amenity of the area.*

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

16. *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.*
17. *New 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 manufacturer's details.*

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

18. *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.*
19. *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.*
20. *The relevant requirements of the Sydney Water Act 1994 must be complied with and a Section 73 Compliance Certificate under the Sydney Water Act 1994 must be obtained from Sydney Water. An Application for a Section 73 Certificate must be made through an authorised Water Servicing Co-ordinator. For details, please refer to the "Your Business" section of Sydney Water's web site www.sydneywater.com.au then the "e-developer" icon or telephone 13 20 92.*

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

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

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

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

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

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

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

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

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

24. *The hours of the operation of the business are restricted to:*

Monday – Saturday: 9:00am to 8:00pm
Sunday & Public Holidays: 10:00am to 7:00pm

25. *Deliveries are restricted and shall not occur between the following hours:*

3.00pm – 7.00am Monday to Friday (inclusive)
No deliveries on Saturdays, Sundays and Public Holidays

The following conditions are applied to ensure that adequate provisions are made for the management of waste from the development:

26. *Adequate provisions are to be made within the premises for the storage, collection and disposal of waste and recyclable materials, to the satisfaction of the certifying authority.*

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

27. *The premises is to be designed, constructed and operated in accordance with the Food Act 2003, Food Regulation 2004 and Food Standards Code and details of compliance are to be included in the documentation for the **construction certificate** to the satisfaction of the certifying authority.*

28. *Food safety practices and operation of the food premises must be in accordance with the Food Act 2003, Food Regulation 2004, Food Standards Code and Food Safety Standards at all times, including the requirements and provisions relating to:*

- *Food handling – skills, knowledge and controls.*
- *Health and hygiene requirements.*
- *Requirements for food handlers and businesses.*
- *Cleaning, sanitising and maintenance.*
- *Design and construction of food premises, fixtures, fitting and equipment.*

29. *The design and construction of food premises must comply with the following requirements, as applicable:-*

- *The floors of food preparation areas, storerooms and the like are to be constructed of materials which are impervious, non slip and non abrasive. The floor is to be finished to a smooth even surface, graded and drained to a floor waste connected to the sewer.*
- *The intersection of walls with floor and plinths is to be coved, to facilitate cleaning.*
- *Walls of the preparation areas, storerooms and the like are to be of suitable construction finished in a light colour with glazed tiles, stainless steel, laminated plastics or similar approved material adhered directly to the wall adjacent to cooking and food preparation facilities or areas, to provide a*

smooth even surface.

- *Walls where not tiled are to be cement rendered or be of rigid smooth faced non-absorbent material (i.e. fibrous cement sheeting, plasterboard or other approved material) and finished to a smooth even surface, painted with a washable paint of a light colour or sealed with other approved materials.*
- *The ceilings of preparation areas, storerooms and the like are to be of rigid smooth-faced, non absorbent material i.e., fibrous plaster, plasterboard, fibre cement sheet, cement render or other approved material.*
- *All hot water heaters, cupboards, counters, shelves, bars etc.... to be supported on wheels, concrete plinths a minimum 75mm in height, metal legs minimum 150mm in height, brackets or approved metal framework of the like.*
- *Cupboards, cabinets, benches and shelving may be glass, metal, plastic, timber sheeting or other approved material. The use of particleboard or similar material is not permitted unless laminated on all surfaces.*
- *Garbage storage enclosures are to be fitted with a hose cock and the floor is to be graded and drained to an approved floor waste connected to the sewer.*
- *Wash hand basins must be provided in convenient positions, with hot and cold water, together with a sufficient supply of soap and clean towels. Such hot and cold water shall be supplied to the wash hand basins through an approved mixing device.*
- *Ceramic tiles being provided to a height of 450mm above bench tops, wash hand basins and similar fittings.*
- *A numerically scaled indicating thermometer or recording thermometer, accurate to the nearest degree Celsius being provided to refrigerators, cool rooms, other cooling appliances and bain-maries or other heated food storage/display appliances.*

30. *The food premises must comply with the following requirements:-*

- *Liquid trade waste materials are to be disposed of in accordance with the requirements of the Sydney Water, Trade Waste Department and details of compliance are to be submitted to the certifying authority **prior to the commencement of works.***

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

31. *The requirements and provisions of the Environmental Planning & Assessment Act 1979 and Environmental Planning & Assessment Regulation 2000, must be fully complied with at all times.*

Failure to comply with these legislative requirements is an offence and may result

in the commencement of legal proceedings, issuing of `on-the-spot` penalty infringements or service of a notice and order by Council.

32. *All new building work must be carried out in accordance with the provisions of the Building Code of Australia (BCA), in accordance with Clause 98 of the Environmental Planning and Assessment Regulation 2000.*
33. *Prior to the commencement of any building works, a construction certificate must be obtained from the Council or an accredited certifier, in accordance with the provisions of the Environmental Planning & Assessment Act 1979 and Environmental Planning & Assessment Regulation 2000.*
34. *Prior to the commencement of any building 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.*
35. *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.

36. *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".*

37. *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.

38. *The required Long Service Levy payment, under the Building and Construction Industry Long Service Payments Act 1986, is to be forwarded to the Long Service Levy Corporation or the Council, prior to the issuing of a Construction Certificate, in accordance with Section 109F of the Environmental Planning & Assessment Act 1979.*

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

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

39. *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:

40. *All demolition work is to be carried out in accordance with the provisions of AS2601-1991. The Demolition of Structures, as in force at 1 July 1993.*

41. *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".*
42. *A copy of the construction certificate, the approved plans & specifications and development consent conditions must be kept on the site at all times and be made available to the Council officers and all building contractors for assessment.*
43. *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.*
44. *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.*
45. *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.*
46. *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.

47. *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.*
48. *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.*

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

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

Dust control measures and practices may include:-

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

51. *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.*

52. *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.

53. *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.*

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

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

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

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

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

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

56. *If the work involved in the erection or demolition of a building is likely to cause pedestrian or vehicular traffic in a public place to be obstructed or rendered inconvenient or the building involves the enclosure of a public place, a hoarding or fence must be erected between the work site and the public place.*

If necessary, an awning is to be erected sufficiently to prevent any substance from, or in connection with, the work from falling into the public place or

adjoining premises.

The public place adjacent to the work site must be kept lit between sunset and sunrise if it is likely to be hazardous to persons in the public place and any such hoarding, fence or awning is to be removed upon completion of the work.

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.

57. *A 'B Class' overhead type hoarding is required is be provided to protect the public, located adjacent to the development, prior to the commencement of any works on the site which comprise:-*

- *any works or hoisting of materials over a public footway or adjoining premises, or*
- *any building or demolition works on buildings which are over 7.5m in height and located within 3.6 metres of the street alignment.*

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.

58. *Temporary hoardings or fences and public access are required to be designed in accordance with the following requirements (as applicable):*

- *The hoarding/fence is required to be structurally adequate, and be constructed of plywood sheeting, painted white or cyclone wire fencing material with geotextile fabric attached to the inside of the fence to provide dust control. The hoarding/fence is to be maintained in good condition at all times.*
- *The hoarding/fencing is required to be constructed at a minimum height of 1.8 metres.*
- *A path of travel having a minimum width of 1.5m is to be maintained across the front of the site and safe pedestrian access is to be provided at all times*
- *Hoardings and fences are not to obstruct access for services including fire services.*
- *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.*
- *Unobstructed access must be maintained at all times for pedestrians and*

people with disabilities. If necessary, a stable and level, non-slip timber/metal walking platform or firm road base material is to be provided adjacent to the hoarding/fence across the front of the site.

- The hoarding/fence is to be provided with reflective barricades, lights or other devices, to provide adequate warning to pedestrians and motorists.
 - The hoarding/fence is to be constructed so that it will not obstruct the view of motorists, pedestrians or traffic lights.
 - Site access gates to the site shall not open over the footway/road.
 - The applicant/builder is required to hold Public Liability Insurance, with a minimum liability of \$10 million and a copy of the Insurance cover is to be provided to Council prior to the construction of any hoarding/fence upon the road reserve/footway.
 - Geotextile fabric or other suitable material is to be provided to the perimeter of any scaffolding during construction, to prevent any articles from falling to a public place or adjoining premises.

 - 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.
59. 'B' Class' overhead type hoardings and public access are required to be designed in accordance with the following requirements (as applicable).
- The hoarding is to be designed so that the wind loads comply with AS1170.2. Superimposed loads from site sheds and materials not to exceed 40% of the design live loads. The structure should have a factor of safety of 1.5 against overturning and 2 against sliding.
 - Footings to the hoarding are to be located and designed so as not to have an adverse affect upon underground services or the like. The hoarding is to be able to withstand a vehicle impact and removal of any one column anywhere in the structure and a minimum length of 2m of wall supporting the deck on any one side supporting the structure is required.
 - Metal parts of the hoarding or associated structures to be not less than 4m from any power line, transmission line or transmission apparatus or 1.5m from part for non conductive materials, such as timber.
 - Adequate artificial lighting is to be provided to the hoarding.
 - A suitable system of buffer railing or barriers, particularly at locations such as an intersection or sharp bend.
 - A minimum overhead clearance of 2.2m is to be provided below the hoarding.
 - The street side of the hoarding is to be open for at least 2/3 of its full height for the length of the structure to prevent a tunnel effect.
 - Waterproofing of the deck above the footway is required to be provided and adequate provisions are to be made for the disposal of stormwater.
 - The hoarding is to be painted white or other light colour acceptable to Council.
 - Site sheds or accommodation located on top of a hoarding within a designated crane area or where materials are being lifted over are required to sustain a 10Kpa load and a protective fence and handrails are to be provided.

- *The hoarding is to be erected and maintained fully in accordance with the requirements of Work Cover New South Wales.*
- *Unobstructed access must be maintained at all times for pedestrians and people with disabilities. If necessary, a stable and level, non-slip timber/metal walking platform or firm road base material is to be provided adjacent to the hoarding/fence across the front of the site.*
- *A certificate of structural adequacy prepared by a professional engineer is to be submitted to the certifying authority upon installation (and a copy of the certificate is to be forwarded to the Council if it is not the certifying authority) certifying the structural adequacy of the hoarding and compliance with Councils conditions of consent and relevant requirements of WorkCover New South Wales.*
- *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.*

60. *In addition to the matters contained in the Environmental Planning and Assessment Regulation 2000, the following matters are to be completed in accordance with the terms and conditions of this development consent, prior to the occupation of the building:*

- a) *car parking and vehicular access*
- b) *landscaping*
- c) *stormwater drainage*
- d) *external finishes and materials*
- e) *Installation and certification of all required fire safety essential service measured*

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

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

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

62. *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 Council or a Council approved subcontractor to carry civil works such as construction of a new vehicular crossing to the subject site.*

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

The damage/civil works security deposit may be provided by way of cash or cheque with the Council and is refundable upon the completion of the required civil works by Council or a Council approved subcontractor.

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

63. *The applicant must meet the full cost for Council or a Council approved contractor to:*
- a) *Remove the redundant concrete vehicular crossing and layback and construct a full width concrete commercial vehicular crossing and layback at kerb opposite the vehicular entrance to the site.*
 - b) *Reconstruct a concrete footpath along the full site frontage in both Anzac Parade and Irvine Street. Any unpaved areas on the nature strip must be turfed and landscaped to Council's specification.*
64. *The applicant must meet the full cost for Council or a Council approved contractor to repair/replace any damaged sections of Council's footpath, kerb & gutter, nature strip etc which are due to building works being carried out at the above site. This includes the removal of cement slurry from Council's footpath and roadway.*
65. *The applicant shall note that all external work, carried out on Council property, shall be in accordance with Council's Policy for "Vehicular Access and Road and Drainage Works". An application for the cost of the Council civil works is to be submitted to Council at the completion of the internal building works. An application fee shall be payable to Council for the quotation of the required works. The applicant may elect to use his contractor for the required works, subject to Council approval, however a design and supervision fee based on the lowest quotation from Council's nominated contractor will be required to be paid prior to the commencement of any works.*
66. *The awning in Anzac Parade over Council's footpath shall not extend to within 0.60 metres of the kerb alignment.
The following conditions are applied to provide adequate provisions for future civil works in the road reserve:*
67. *The Council's Department of Asset & Infrastructure Services has inspected the above site and have determined that the design alignment level (concrete/paved/tiled level) at the property boundary for driveways, access ramps and pathways or the like, must **match the back of the existing footpath along the full site frontage.***

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

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

68. *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.*
69. *The above alignment levels and the site inspection by Council's Department of Asset & Infrastructure Services have been issued at a prescribed fee of \$2778 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.*

The following conditions are applied to provide adequate consideration for

service authority assets:

70. *A public utility impact assessment must be carried out on all public utility services on the site, roadway, nature strip, footpath, public reserve or any public areas associated with and/or adjacent to the development/building works and include relevant information from public utility authorities and exploratory trenching or pot-holing, if necessary, to determine the position and level of service.*
71. *The applicant must meet the full cost for telecommunication companies, gas providers, Energy Australia and Sydney Water to adjust/repair/relocate their services as required. The applicant must make the necessary arrangements with the service authority.*

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

72. *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.*
73. *Prior to the issuing of a construction certificate for the proposed development the applicant is to submit to Council and have approved by Council's Manager of Waste a Waste Management Plan detailing waste and recycling storage and disposal for the development site, post construction.*

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

74. *Landscaping shall be provided to the site to enhance its amenity and reduce the impact of the development upon neighbouring properties. A landscape plan shall be submitted to and approved by the Director of Planning & Community Development, in accordance with section 80A (2) of the Environmental Planning and Assessment Act 1979, **prior to a construction certificate being issued.***
75. *Landscaped areas must contain a predominance of species that require minimal watering once established or species with water needs that match rainfall and drainage conditions.*
76. *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.*
77. *The selection of plants for the carpark shall be restricted to low growing species such as groundcovers, climbers and small plants, as larger sized plants would likely be damaged by parking vehicles encroaching over the edge of the proposed garden beds.*
78. *In order to prevent plants being trampled and damaged when passengers exit their vehicles in parking spaces which adjoin proposed garden beds, a minor setback or a small footpath area should be provided in these areas.*
79. *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.

80. *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.*
81. *The applicant shall submit a landscape design for the Anzac Parade and Irvine Street frontages of the development in accordance with Council's Urban Design. The landscape design shall include pavements, street trees, tree guards and tree grates as required by Council's Landscape Architect – 9399 0786. The Landscape Design plans shall be submitted to and approved by Council's Director A & I Services in accordance with Section 80A(2) of the Environmental Planning and Assessment Act 1979, prior to the certifying authority issuing a construction certificate for the development.*

The applicant shall note that the approved landscape works carried out on Council property shall be in accordance with Council's requirements for Civil Works on Council property. An application for the cost of the landscape works on Council property 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 checking 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.

A refundable deposit in the form of cash or cheque of \$4,000.00 shall be lodged with Council prior to issue of a construction certificate for the proposed development in order to ensure the construction of the approved landscape works along the Anzac Parade and Irvine Street frontages.

Tree Management

82. *The applicant shall submit a total payment of \$1,174.80 to Council,*
- a. *Being the cost for Council to supply and install 3 x 100 litre street trees (Gleditsia triacanthos 'Sunburst', Honey Locust) on the northern side of the proposed driveway at the completion of all works (\$1086.00 + GST)*

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.

83. *Approval is granted for the removal of the following trees subject to the provision of landscaping being provided around the proposed carpark.*
- a. *Four (4) of the smallest Allocasurina species (She-Oaks) near the southeast corner of the existing building*

Tree Protection Measures

84. *In order to ensure the retention of the two (2) Allocasurina species (She-Oaks), comprising one in the southeast corner of the site, near the corner of Irvine Street and Isis Lane, and the other tree near the corner of the existing building in good health, the following measures are to be undertaken:*
- a. *All detailed architectural, building, demolition, engineering (structural, stormwater & drainage, services), and landscape documentation submitted for the construction certificate application shall show the retention of the existing tree specimens with the position of the tree trunks and full diameter of the tree canopies clearly shown on all drawings.*
 - b. *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 within the driplines of these trees.*
 - c. *Any excavations required for footings, structures, retaining walls, paving etc within 2 metres of the tree trunks shall be undertaken by hand and under the direction of, and to the satisfaction of, a suitably qualified Arborist with all roots being cleanly cut.*
 - d. *A refundable deposit in the form of cash or cheque of \$2,370.00 shall be lodged with Council prior to the issue of a construction certificate for the proposed development in order to ensure the preservation of the trees in accordance with the requirements described in this condition.*

QUANTITY	SPECIES	AMOUNT
2	<i>Allocasurina species (She-Oak)</i>	\$2,370.00
	TOTAL	\$2,370.00

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

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

Advisory

- A1. *The applicant is to advise Council in writing and/or photographs of any signs of existing damage to the Council roadway, footway, or verge prior to the commencement of any building/demolition works.*
- A2. *The applicant is advised that the Construction Certificate plans and*

specification must comply with the provisions of the Building Code of Australia (BCA).

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

- a) Part B1 - Structural provisions*
- p) Part E1 - Fire fighting equipment*
- q) Part E2 - Smoke Hazard Management*
- s) Part E4 - Emergency lighting, exit signs & warning systems*

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

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

MOTION: (Daley/White) SEE RESOLUTION.

6.12 DEVELOPMENT APPLICATION REPORT - 9 RON FILBEE PLACE, MAROUBRA. (D/01136/2001)

H94 **RESOLUTION: (Notley-Smith/Andrews) that:**

- A. Council as the consent authority refuse its consent under Section 96 of the Environmental Planning and Assessment Act 1979 as amended to modify condition/s of Development Application No. 1136/01 for property 9 Ron Filbee Pl Maroubra for the following reasons:-*
 - 1. The proposed development is inconsistent with the objectives, performance requirements and preferred solutions of Part 4.2 Floor Space Ratio of Development Control Plan Dwelling Houses and Attached Dual Occupancies and has unacceptable adverse impacts on the amenity of neighbouring properties and the streetscape, in terms of privacy and visual bulk and scale.*
 - 2. The proposed development is inconsistent with the objectives, performance requirements and preferred solutions of the Part 4.3 Height, Form and Materials of Development Control Plan Dwelling Houses and Attached Dual Occupancies in that the development is excessive in height and detracts from the appearance of the existing dwelling and character of the locality.*
 - 3. The proposed development will result in unacceptable privacy impacts to adjoining and neighbouring properties and is inconsistent with the objectives, performance requirements and preferred solutions of the Part 4.5 Visual and Acoustic Privacy of Development Control Plan Dwelling Houses and Attached Dual Occupancies.*
 - 4. The proposed development is inconsistent with Clause 29 Foreshore Scenic Protection Area of Randwick Local Environmental Plan 1998 the objectives and performance*

requirement of Part 4.9 Foreshore Development of Development Control Plan Dwelling Houses and Attached Dual Occupancies as the parapet height and form of the building is excessive in scale and the structure is not sympathetic to the visual qualities of the foreshore area.

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

7. MISCELLANEOUS.

7.1 DIRECTOR PLANNING & COMMUNITY DEVELOPMENT'S REPORT 87/2004 - MALABAR HEADLAND LEP AMENDMENT NO.35. (98/S/5368)

H95 **RESOLUTION: (Daley/Sullivan) that Council:**

- a) *Endorse the draft Local Environmental Plan 1998 (Amendment No. 35) for public exhibition in accordance with the requirements of the Environmental Planning and Assessment Act 1979;*
- b) *Note that a copy of the draft plan, with details of its public exhibition will be sent to the Department of Finance and Administration; and*
- c) *Agree that the Director, Planning and Community Development may make minor modifications to rectify any numerical, typographical, interpretation and formatting errors if required, in preparing for the public exhibition of the draft LEP.*

MOTION: (Daley/Sullivan) SEE RESOLUTION.

8. GENERAL BUSINESS.

Nil

9. NOTICE OF RESCISSION MOTIONS.

Nil.

The meeting closed at 10.35 p.m.

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CHAIRPERSON