

**MINUTES OF HEALTH, BUILDING AND PLANNING COMMITTEE MEETING
OF THE COUNCIL OF THE CITY OF RANDWICK
HELD ON TUESDAY, 13TH SEPTEMBER 2005 AT 6:37 PM**

PRESENT:

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

Councillor T. Seng (Central Ward) (Chairperson)

North Ward	-	Crs J. Kenny & M. Woodsmith
South Ward	-	Cr R. Belleli
East Ward	-	Cr B. Notley-Smith
West Ward	-	Crs B. Hughes, S. Nash & J. Procopiadis (from 8.58pm)
Central Ward	-	Crs A. Andrews & C. Bastic (from 8.42pm)

OFFICERS PRESENT:

General Manager	Mr. R. Brownlee.
Director, City Services	Mr. J. Frangoplos.
Director, City Planning	Ms. S. Truuvvert.
Director, Governance & Financial Services	Mr. G. Banting.
Manager Environmental Planning	Ms. K. Armstrong.
Manager Development Assessment	Mr. K. Kyriacou.
Manager, Administrative Services	Mr. D. Kelly.
Communications Manager	Ms. D. Brien.
Manager Environmental Services	Mr R. Wereszczynski

1. APOLOGIES.

Apologies were received from Crs Daley and White.

RESOLVED: (Kenny/Belleli) that the apologies from Crs Daley and White for non-attendance at the Health, Building & Planning Committee Meeting of the Council held on Tuesday, 13th September, 2005 be received & accepted.

LEAVE OF ABSENCE

Leave of Absence had previously been granted to Crs Sullivan and Tracey, see Minute No. 348/2005.

2. MINUTES.

CONFIRMATION OF THE MINUTES OF THE HEALTH, BUILDING AND PLANNING COMMITTEE MEETING HELD ON TUESDAY, 9TH AUGUST, 2005.

H72 **RESOLUTION:** *(Nash/Belleli)* that the Minutes of the Meeting of the Health, Building and Planning Committee held on Tuesday, 9th August, 2005 (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

- (a) Cr Belleli declared a non-pecuniary interest in Item No. 6.2, Director City Services' Report 101/2005 – Options for Implementation of Proposed Lenthall Street Closure as he owns a property in Dalmeny Avenue, Rosebery.

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:

5.1 DEVELOPMENT APPLICATION REPORT – 3 EDGECLIFFE AVENUE, SOUTH COOGEE.

The Objector Mr Henri Allaous 5 Edgecliffe Avenue, South Coogee

The Applicant Mr Con Hairis Suite 8, 224 Commonwealth Street, Surry Hills

5.2 DEVELOPMENT APPLICATION REPORT - 73 FERN STREET, RANDWICK.

The Objector Mr Thomas Morrow 75 Fern Street, Randwick

The Applicant Mr Jason Perica 73 Fern Street, Randwick

5.3 DEVELOPMENT APPLICATION REPORT - 55A IRVINE STREET, KINGSFORD

The Applicant Ms Louise Moore 55A Irvine Street, Kingsford

5.4 DEVELOPMENT APPLICATION REPORT - 28 WHITE AVENUE, MAROUBRA.

The Objector Ms Julie Ward 30 White Avenue, Maroubra

The Applicant Mr Christian Renford 28 White Street, Maroubra

5.5 DEVELOPMENT APPLICATION REPORT - 16 LENTHALL STREET, KENSINGTON.

The Objector Mr John Nagib 1/18 Lenthall Street, Kensington

The Applicant Mr Eddy Handaja 16 Lenthall Street, Kensington

5.6 DEVELOPMENT APPLICATION REPORT - 11A PARK STREET, CLOVELLY.

The Objector Mr Henri Lekeu 9 Park Street, Clovelly

The Applicant Mr Glen Sneddon 11A Park Street, Clovelly

5.7 DEVELOPMENT APPLICATION REPORT - 43 CUZCO STREET, SOUTH COOGEE.

The Objector Mr Bill Lee 47 Cuzco Street, South Coogee

The Applicant Mr Terry Bekiaris 43 Cuzco Street, South Coogee

6.2 DIRECTOR, CITY SERVICES' REPORT 101/2005 - OPTIONS FOR IMPLEMENTATION OF PROPOSED LENTHALL STREET CLOSURE

For Ms Gwen Greenaway 50 Lenthall Street, Coogee.

7.1 NOTICE OF RESCISSION MOTION BY COUNCILLORS ANDREWS, SULLIVAN AND TRACEY - 9 THE CAUSEWAY, MAROUBRA.

For Mr Anthony Betros 301/282 Oxford Street, Bondi Junction

Against Ms Kay Saville 10 Duncan Street, Maroubra

The meeting was adjourned at 8.15 p.m. and was resumed at 8.43 p.m.

5. DEVELOPMENT APPLICATIONS.

5.1 DEVELOPMENT APPLICATION REPORT - 3 EDGECLIFFE AVENUE, SOUTH COOGEE. (0058/2005)

H73 **RESOLUTION:** *(Notley-Smith/Andrews) that:*

- A. *Council support the objections under State Environmental Planning No. 1 (SEPP No.1) in respect to non-compliance with Clause 32(1) of the Randwick Local Environmental Plan 1988, relating to Floor Space Ratio, Clause 33 (3) relating to Building Height on the grounds that the proposed development is consistent with the objective of the clauses and will not adversely affect the amenity of the surrounding locality and that the Department of Infrastructure Planning & Natural Resources be advised accordingly.*
- B. *Council as the responsible authority grant its development consent under the provisions of Section 80 (3) of the Environmental Planning and Assessment Act 1979 (as amended), "Deferred Commencement" to Development Application No. DA/58/2005 for permission demolish the existing dwelling house and associated*

structures and erect a new attached dual occupancy incorporating balconies, pools and garages, subject to the following conditions:-

Deferred Commencement Conditions

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

- 1. Prior to the consent becoming operational the applicant shall submit amended plans to Council, for approval, showing the access to the eastern garage being accessed by its own vehicular crossing directly opposite the Edgecliffe Avenue frontage.*

The applicant is advised that the alignment level for the garage entrance to this eastern garage is not to exceed 600mm above the Council kerb level opposite the garage entrance.

These conditions shall be satisfied within 12 months.

Development Consent Conditions

REFERENCED PLANS:

- 1. The development must be implemented substantially in accordance with the plans numbered 02 Issue A of 03/15 dated January 2005 and submitted to Council 1 February 2005, 03-07 Issue B, received by Council on 30/06/05, and additional detail submitted to satisfy deferred commencement conditions 1, 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 of the addition are to be compatible with the submitted details and adjacent development to maintain the integrity and amenity of the building and the street scape, to the satisfaction of Council.*
- 3. 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.*
- 4. 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.*
- 5. All plumbing and drainage pipes, other than rainwater heads, gutters and downpipes, must be concealed within the building.*
- 6. Plantings along the eastern boundary shall be a species with a non-invasive roots system to avoid damage to adjoining sewer pipes to No. 5 Edgecliffe Ave.*

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

7. *The requirements and provisions of the Environmental Planning & Assessment Act 1979 and Environmental Planning & Assessment Regulation 2000, must be fully complied with at all times.*
8. *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.*
9. *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.*
10. *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.*
11. *Prior to the commencement of any building work, a principal certifying authority must be appointed and Council is to be notified accordingly and, at least 2 days notice of the intention to commence building work must be given to Council, in accordance with the provisions of the Environmental Planning & Assessment Act 1979 and Environmental Planning & Assessment Regulation 2000.*
12. *An Occupation Certificate must be obtained from the principal certifying authority prior to any occupation of the building work encompassed in this development consent in accordance with the relevant provisions of the Environmental Planning & Assessment Act 1979.*
13. *In accordance with clause 98 of the Environmental Planning and Assessment Regulation 2000, it is a prescribed condition, that in the case of residential building work, a contract of insurance must be obtained and in force, in accordance with the requirements of the Home Building Act 1989.*
14. *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.*
15. *Details of the builder and compliance with the provisions of the Home Building Act 1989 are to be submitted to Council **prior to the commencement of works**, on the notice of appointment of the PCA / Intention to commence building work.*

16. *The required Long Service Levy payment, under the Building and Construction Industry Long Service Payments Act 1986, is to be forwarded to the Long Service Levy Corporation or the Council, prior to the issuing of a Construction Certificate, in accordance with Section 109F of the Environmental Planning & Assessment Act 1979.*
17. *A Certificate of Adequacy prepared by a professional engineer is to be submitted to the principal certifying authority (and the Council, if the Council is not the principal certifying authority) prior to **occupation of the building**, certifying the structural adequacy of the building and that the building works satisfy the relevant structural design requirements of the Building Code of Australia.*

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

18. *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.***
19. *A copy of the construction certificate, the approved plans & specifications and development consent conditions must be kept on the site at all times and be available to the Council officers upon request.*
20. *The building works are to be inspected by the Principal Certifying Authority (or other suitably qualified person approved by the Principal Certifying Authority), to monitor compliance with the relevant standards of construction and Council's development consent.*
21. *The Principal Certifying Authority shall specify the relevant stages of construction to be inspected and a satisfactory inspection must be carried out, to the satisfaction of the Principal Certifying Authority, prior to proceeding to the subsequent stages of construction or finalisation of the works (as applicable).*
22. *Documentary evidence of the building inspections carried out and details of compliance with Council's approval is to be maintained by the Principal Certifying Authority. Details of critical phase inspections carried out and copies of certification relied upon shall be forwarded to Council with the occupation certificate.*
23. *Upon inspection of each stage of construction, the Principal Certifying Authority (or other suitably qualified person approved by the Principal Certifying Authority) is also required to ensure that the relevant site management, public safety and sediment and erosion requirements specified in Council's consent are being satisfied.*
24. *All excavations and backfilling associated with the erection or demolition of a building must be executed safely in accordance with appropriate professional*

standards and excavations are to be properly guarded and supported to prevent them from being dangerous to life, property or buildings.

25. *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.*
26. *Retaining walls, shoring, or piling must be designed and installed in accordance with appropriate professional standards and the relevant requirements of the Building Code of Australia and Australian Standards. Details of proposed retaining walls, shoring or piling are to be submitted to and approved by the Principal Certifying Authority for the development prior to commencing such excavations or works.*
27. *If an excavation associated with the erection or demolition of a building extends below the level of the base of the footings of a building on an adjoining allotment of land, the person causing the excavation must:
preserve and protect the building /s on the adjoining land from damage; and
if necessary, underpin and support the building and excavation in an approved manner; and

at least seven (7) days before excavating below the level of the base of the footings of a building on an adjoining allotment of land (including a public road or public place), give notice of the intention to do so to the owner of the adjoining land. Particulars of the excavation are to be provided to the owner of the adjoining land and also the owner of the land where the building is being erected or demolished.*
28. *A Registered Surveyor's check survey certificate or compliance certificate is to be forwarded to the principal certifying authority (and a copy is to be forwarded to the Council, if the Council is not the principal certifying authority), detailing compliance with Council's approval at the **following stage/s of construction:***
 - a) *Prior to construction of the footings or first completed floor slab (prior to the pouring of concrete), showing the area of the land, building and boundary setbacks and verifying that the building is being constructed at the approved levels.*
 - b) *On completion of the erection of the building showing the area of the land, the position of the building and boundary setbacks and verifying the building has been constructed at the approved levels.*
29. *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.*
30. *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.

31. *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.*
32. *A sign must be erected on the site in a prominent, visible position, prior to commencing any demolition, excavation or building works, stating that 'unauthorised entry to the site is prohibited' and showing the name of the person in charge of the work site and a telephone number at which the person may be contacted outside working hours.*

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

33. *Temporary toilet facilities are to be provided, at or in the vicinity of the work site throughout the course of demolition and construction, at the rate of one toilet for every 20 persons or part of 20 persons employed at the site and the toilet facilities must be connected to a public sewer or other sewage management facility approved by Council.*
34. *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.

35. *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.*
36. *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.*
37. *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".*

38. *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.

39. *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.*

40. *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.*

41. *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.*

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

A temporary safety fence is to be provided to protect the public, located to the

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

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

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

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

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

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

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

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

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

44. *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

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

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

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

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

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

47. *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).

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

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

49. *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.*

Security Deposit Conditions

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

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

a) \$5000.00 - *Damage / Civil Works Security Deposit*

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

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

Civil Works Conditions

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

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

a) *Reconstruct/extend the concrete vehicular crossing and layback at kerb opposite the vehicular entrance to the site.*

b) *Remove any redundant concrete vehicular crossing and layback and to reinstate the area with concrete footpath, turf and integral kerb and gutter to Council's specification.*

c) *Construct concrete footpath and steps to serve the pedestrian gate entrance located in the middle of the site. Any unpaved areas on the nature strip must be turfed and landscaped to Council's specification.*

52. *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.*

53. *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.*
54. *The applicant shall meet all costs associated with removing the Council nature strip and timber retaining wall west of the proposed pedestrian gate entrance to in line with the eastern edge of the pedestrian gate entrance and construction of a block retaining wall, with any necessary guardrails, to a qualified structural engineers details. This shall include the cost to relocate any public utility services.*

Note: plans submitted for the construction certificate are to show the location of the block retaining wall as mentioned above as well as its structural details.

Alignment Level Conditions

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

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

Driveway Entrance – RL 47.80

Pedestrian Gate Entrance – RL 48.90

56. *The design alignment levels issued by Council must be indicated on the building plans for the construction certificate. The design alignment level at the street boundary, as issued by the Council, must be strictly adhered to.*
57. *The above alignment levels and the site inspection by Council's Department of Asset & Infrastructure Services have been issued at a prescribed fee of \$806.00 calculated at \$33.00 (inclusive of GST) per metre of site frontage. This amount is to be paid prior to a construction certificate being issued for the development.*

Service Authority Conditions

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

58. *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.*

59. *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.*
60. *A Section 73 Compliance Certificate under the Sydney water Act 1994 must be obtained. Application must be made through an authorised Water Servicing Coordinator. Please refer to “Your Business” section of Sydney Water’s web site at www.sydneywater.com.au then the “e-developer” icon or telephone 13 20 92.*

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

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

Drainage Conditions

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

61. *Generally all site stormwater shall be piped to a sediment/silt arrester pit that drains to an infiltration area with a minimum 5 m² base area. An overflow pipe shall be provided from the silt arrester pit that drains to Council's kerb and gutter.*

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

Notes:

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

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

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

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

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

- d. *The overflow pipe/s from any rainwater tank/s shall be directed into the infiltration area.*

- 62. *The infiltration areas/Absorption Trenches must be designed in accordance with "Section 8.5 ABSORPTION TRENCHES" as stipulated in Randwick City Council's Private Stormwater Code.*

Waste Management Conditions

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

- 63. *Prior to the credited certifier issuing an occupation certificate for the proposed development the applicant is to contact Council's Manager of Waste in regards to meeting Council's requirements for waste services to the dual occupancy*

Landscape Conditions

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

- 64. *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.

65. *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.*
66. *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.*
67. *The nature strip 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.*
68. *The nature strip upon Council's footway shall be maintained by the applicant in accordance with Council guidelines. Such maintenance shall include, but not be limited to, watering, mowing, fertilising, and the removal of weeds.*
69. *In order to visually 'soften' the expanses of hard pavement, brick unit pavers, stencilled concrete or similar shall be used throughout the driveway areas on the site. Such details shall be shown on the detailed engineering documentation and shall include all structural design details including pavement/subgrade thickness.*

Tree Management

70. *The applicant shall submit a total payment of \$319.00 to Council,*
 - b. *Being the cost for Council to supply and install 2 x 45 litre street trees (Banksia integrifolia, Coastal Banksia's) on the eastern side of the proposed driveway at the completion of all works (\$290.00 + GST)*
*The contribution shall be paid at the Cashier on the Ground Floor of the Administrative Centre **prior to an occupation certificate being issued for the development.***
71. *The following trees shall be removed as part of the proposal, subject to the planting of 2 x 45 litre broad canopied replacement trees (not palms) within the site, comprising one within each proposed dwelling. The species selected shall be those that will attain a minimum height of 6 metres at maturity.*
 - a) *Two Phoenix canariensis (Canary Island Date Palms) on the nature strip*
 - b) *Three Archontophoenix cunninghamiana (Bangalow Palms) along the northern boundary*

SWIMMING POOLS & SPAS: (Assessment Officer)

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

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

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

Gates to pool area shall be a maximum width of 1 metre, and be self-closing and latching; the gate is required to open outwards from the pool area and prevent a small child opening the gate or door when the gate or door is closed.

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

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

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

Backwash of the pool filter and other discharge of water is to be drained to the sewer in accordance with the requirements of the Sydney Water Corporation.

All pool overflow water is to be drained away from the building and adjoining premises, so as not to result in a nuisance or damage to premises.

74. *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 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) CARRIED – SEE RESOLUTION.

5.2 DEVELOPMENT APPLICATION REPORT - 73 FERN STREET, RANDWICK. (DA597/2003)

H74 **RESOLUTION:** *(Notley-Smith/Andrews)* that Council as the responsible authority grant its consent under Section 96 of the Environmental Planning and Assessment Act 1979 (as amended) to Modify Development Consent No. 597/2003 on property 73 Fern Street, Clovelly in the following manner:

Amend Condition No. 1 to read:

- 1. The development must be implemented substantially in accordance with the plans numbered 03 310 Sheets 1a to 9a, dated 25 August 2003 and received by Council on the 4 September 2003, the application form and on any supporting information received with the application, as amended by the Section 96 plans numbered 03 310 Sheets 1c to 9c, dated 20th October 2004. and received by Council on the 23rd May 2005, only in so far as they relate to the modifications highlighted on the Section 96 plans and detailed in the Section 96 application, except as may be amended by the following conditions and as may be shown in red on the attached plans.*

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

5.3 DEVELOPMENT APPLICATION REPORT - 55A IRVINE STREET, KINGSFORD. (515/05)

H75 **RESOLUTION:** *(His Worship the Mayor, Cr M. Matson/Woodsmith)* that Council as the consent authority, **refuse** development consent under Section 80 of the Environmental Planning and Assessment Act 1979 (as amended) to Development Application No.515/05 for permission to install a hard stand car space within the front yard of 55A Irvine Street Kingsford for the following reasons: -

- 1 the proposed car space does not comply with objectives of part 4.7.1 of the Development Control Plan for Dwellings and Attached Dual Occupancies in that the car space will detract from the local streetscape;*
- 2 the proposed car space does not comply with the performance requirements of part 4.7.2 of the Development Control Plan for Dwellings and Attached Dual Occupancies in that it will detract from the appearance of the development, and has no landscaping component to enhance visual amenity;*
- 3 the proposed car space is sited closer than 1m from the side boundary and exceeds the maximum preferred width of 35% of the allotment;*
- 4 the proposed car space has a depth of 4.863m and does not comply with the minimum dimensions of the controls of the Development Control Plan for Parking which is 5.5m;*
- 5 the depth of the proposed car space is less than the minimum dimension length of 5.4m as specified in Australian Standard 2890.1.2004; and*
- 6 approval of the car space would not be in the public interest in that it would set a poor precedent and the proposal will result in a loss of an on street parking space.*

MOTION: (Andrews/Nil) that Council as the consent authority, grant development consent under Section 80 of the Environmental Planning and Assessment Act 1979 (as amended) to Development Application No.515/05 for permission to install a hard stand car space within the front yard of 55A Irvine Street Kingsford subject to standard conditions. **LAPSED FOR WANT OF A SECONDER.**

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

(Cr Andrews requested that his name be recorded as opposed to the resolution.)

5.4 DEVELOPMENT APPLICATION REPORT - 28 WHITE AVENUE, MAROUBRA. (119/2004)

H76 **RESOLUTION: (His Worship the Mayor, Cr M. Matson/Woodsmith)** that Council as the consent authority, refuse development consent under Section 80 and 80A of the Environmental Planning and Assessment Act 1979 (as amended) to Development Application No.119/04 for permission to modify the approved development consent to permit the erection of a blade wall to the rear upper level addition for a distance of 2.4m past the end of the dwelling for the following reasons:

1. *the erection of the blade wall will result in a significant loss of amenity for the occupants of the No. 30 White Avenue, Maroubra by restricting light and ventilation to the window in its northern elevation; and*
2. *the erection of the blade wall will result in additional bulk and scale that will be obtrusive and overbearing.*

MOTION: (Bastic/Nil) that Council as the consent authority, grant development consent to Development Application No.119/04 for permission to modify the approved development consent to permit the erection of a blade wall to the rear upper level addition for a distance of 2.4m past the end of the dwelling, to address privacy concerns. **LAPSED FOR WANT OF A SECONDER**

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

5.5 DEVELOPMENT APPLICATION REPORT - 16 LENTHALL STREET, KENSINGTON. (DA 311/2005)

H77 **RESOLUTION: (Notley-Smith/Kenny)** 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 311/2005 for Alterations and new two storey rear addition to the existing dwelling including new internal courtyard, new pool, new entry stairway & extension of existing garage at front of property (Heritage Conservation Area) at 16 Lenthall Street, Kensington subject to the following conditions:-*

Deferred Commencement Condition

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

- 1. The colours, materials and finishes of the external surfaces to the building, the fence and the garage are to be compatible with the existing building/existing buildings in the heritage conservation area. Details of the proposed colours, materials and textures (ie- a schedule and brochure/s or sample board) are to be submitted to and approved by Council's Director, City Planning.*

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

Development Consent Conditions

- 1. The development must be implemented substantially in accordance with Revision A of the plans drawn by JAF Design Pty Ltd numbered DA-01 to DA-10 , dated Mar 2005 and stamped received by Council on 28 April 2005, the application form and on any supporting information received with the application, except as may be amended by the information submitted to satisfy the deferred commencement conditions and except as may be amended by the following conditions and as may be shown in red on the attached plans:*
- 2. The floor to ceiling height of the first floor ensuite, walk in robe and hallway is to be a maximum of 2.2 metres and the roof over this area is to be adjusted accordingly, to have a maximum RL38.28. This condition is imposed to maintain maximum outlook to 3/18 Lenthall Street without compromising the amenity of 16 Lenthall Street. Details are to be included in the plans submitted with the Construction Certificate application.*
- 3. Satellite dishes are not to be installed on the roof except as provided for by Council's Exempt and Complying Development Control Plan.*
- 4. The following windows to the south western elevation are to be constructed with the following privacy treatments:*
 - First floor windows to Bed 4 are to have a minimum sill height of 1.7m above finished floor level.*
 - Ground floor kitchen windows are to be treated with white glass*

The following windows to the north eastern elevation are to be constructed with the following privacy treatments:

- First floor windows to the study are to have a minimum sill height of 1.5m above finished floor level.*
- First floor bedroom windows are to have a minimum sill height of 1.5m*

This condition is imposed to reinforce the privacy measures shown on the plans and minimise impacts from the northeastern elevation. Details are to be included in the Construction Certificate application.

5. *A privacy screen having a height of 1.8m above finished floor level is to be provided to southeastern edge of the first floor balcony to the master bedroom. Details are to be provided on the plans submitted with the Construction Certificate application.*
6. *Fences located on the side or rear boundaries of the premises shall not exceed a maximum height of 1800 mm* and shall be constructed of lightweight materials, to maintain reasonable levels of amenity to the adjoining premises. Replacement of existing side and rear fencing proposed as part of the works shall be at the applicant's cost.*

**An allowance of up to 150mm is permitted at required 'step-downs' or changes in level.*
7. *Street numbering must be provided to the premises in a prominent position, to the satisfaction of Council.*
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. *Eaves, gutters, hoods and similar structures or attachments are required to be setback from the side boundaries of the allotment a minimum distance of 500mm and details of compliance are to be included in the construction certificate details.*
10. *There must be no encroachment of any part of the structures onto the adjoining premises or onto Council's road reserve, footway or public place.*
11. *No cooking facilities or sanitary fittings other than those indicated on the approved plans are to be installed in the premises without the prior written consent of the Council.*

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

12. *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.*
13. *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 manufacturers' details.*

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

15. *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 must be located not less than 3m from any adjoining premises and the stormwater must not be directed or flow onto 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.

16. *External paths and ground surfaces are to be constructed at appropriate levels and be graded and drained away from the building and adjoining premises, so as not to result in the entry of water into the 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:

17. *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.

18. *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.*

19. ***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.

20. ***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 person's 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.

- 21. *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.

- 22. *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".*

- 23. *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.*

An Occupation Certificate must not be issued for the development if the development is

inconsistent with the development consent. The requirements of the Environmental Planning & Assessment Act 1979 and conditions of development consent must be satisfied prior to the issuing of an occupation certificate.

24. *Prior to the issuing of an interim or final occupation certificate, a statement is required to be obtained from the Principal Certifying Authority, which confirms that the development is not inconsistent with the development consent and the relevant conditions of development consent have been satisfied.*

Details of critical stage inspections carried out by the principal certifying authority together with any other certification relied upon and must also be provided to Council with the occupation certificate.

25. *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.*

26. *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.

27. *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:

28. *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.*
29. *Any building/demolition works involving asbestos products are to be carried out in accordance with WorkCover New South Wales requirements, guidelines and codes of practice.*
30. *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.*
31. *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.

32. *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.

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.

33. *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.*

34. *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.

35. *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.*

36. *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.*

37. *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*

38. *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.

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.

39. *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.

Temporary site 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 site fencing, hoardings 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.

40. *A local approval application must be submitted to and be approved by Council's Building Services section prior to commencing any of the following activities on a footpath, road, nature strip or in any public place:-*

*Install or erect any site fencing, hoardings or site structures
Operate a crane or hoist goods or materials over a footpath or road
Placement of a waste skip (greater than 3m in length) or any container or other article.*

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

41. *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:

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

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

Gates to pool area shall be a maximum width of 1 metre, and be self-closing and latching; the gate is required to open outwards from the pool area and prevent a small child opening the gate or door when the gate or door is closed.

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

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

43. *Spa pools are to be provided with a child resistant barrier, in accordance with the provisions of the Swimming Pools Act 1992 and regulations.*

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

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

Backwash of the pool filter and other discharge of water is to be drained to the sewer in accordance with the requirements of the Sydney Water Corporation; and All pool overflow water is to be drained away from the building and adjoining premises, so as not to result in a nuisance or damage to premises.

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

The operation of swimming pool/spa pool pump and equipment is restricted, if the noise emitted can be heard within a habitable room in any other residential premises, the

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

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

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

46. *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) *\$700.00 - 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:

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

a) *Widen the existing concrete vehicular crossing and layback at kerb opposite the vehicular entrance to the site.*

48. *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.*

49. *The applicant shall note that all external work, carried out on Council property, shall be in accordance with Council's Policy for "Vehicular Access and Road and Drainage Works". An application for the cost of the Council civil works is to be submitted to Council at the completion of the internal building works. An application fee shall be payable to Council for the quotation of the required works. The applicant may elect to use his contractor for the required works, subject to Council approval, however a design and supervision fee based on the lowest quotation from Council's nominated contractor will be required to be paid prior to the commencement of any works.*

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

50. *The Council's Department of Asset & Infrastructure Services has inspected the above site and have determined that the design alignment level (concrete/paved/tiled level) at the property boundary for driveways, access ramps and pathways or the like, shall be **20mm above the back of the footpath along the full site frontage.***

51. *The design alignment levels (concrete/paved/tiled level) issued by Council and their*

relationship to the footpath must be indicated on the building plans for the construction certificate. The design alignment level at the street boundary, as issued by the Council, must be strictly adhered to.

52. *The above alignment levels and the site inspection by Council's Department of Asset & Infrastructure Services have been issued at a prescribed fee of \$110.00 (inclusive of GST). This amount is to be paid prior to a construction certificate being issued for the development.*

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

53. *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.*
54. *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 landscaping and to maintain reasonable levels of environmental amenity:

55. *That part of the naturestrip upon Council's footway which is damaged during the construction of the proposed works shall be excavated to a depth of 150mm, backfilled with topsoil equivalent with 'Organic Garden Mix' as supplied by Australian Native Landscapes, and re-turfed with Kikuyu turf or similar. Such works shall be completed at the applicants expense prior to the issue of a final Occupation Certificate.*
56. *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.*
57. *The following tree may be removed if necessary as part of this application with no replacement required given the presence of other more significant trees which are to be retained within the site.*

a) One Olea europaea (Olive Tree) in the front yard, against the southern boundary.

Prior to removal of the tree, a survey plan is to be provided to the certifying authority and to Council if Council is not the certifying authority, clarifying the tree is located within the boundaries of the subject site. If the tree trunk is not located wholly within the subject site then the owner's consent from the adjoining property to remove the tree is to be procured prior to any works being undertaken on the tree.

58. *In order to ensure the retention of the Ficus microcarpa var. 'Hillii' (Hills Weeping Fig) located on the Lenthall Street road reserve in good health, the following measures are to be undertaken:*

- a. *All detailed architectural, building, demolition, engineering (structural, stormwater & drainage, services), and landscape documentation submitted for the construction certificate application shall show the retention of the existing tree specimen with the position of the tree trunk and full diameter of the tree canopy clearly shown on all drawings.*
- b. *The tree is to be physically protected by the installation of 1.8 metre high steel mesh/chainwire fencing. This fencing shall be located to a minimum radius of 1 metre around the perimeter of the tree trunk.*

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

- c. *Within this zone there is to be no storage of materials or machinery or site office/sheds, nor is cement to be mixed or chemicals spilt/disposed of in the area, no stockpiling of soil or rubble, or any works listed in Point b.*
- d. *Should pruning of any branches be required in order to accommodate site access, machinery etc during the course of demolition/construction, the applicant will be required to contact Council's Landscape Technician on 9399-0613 to arrange for Council or a Council approved contractor to arrange a quotation for such work. The applicant will be required to lodge the prescribed amount with Council prior to undertaking such work.*
- e. *Any excavations required for footings, structures, retaining walls etc within 5 metres of the tree trunk shall be undertaken by hand and under the direction of, and to the satisfaction of, a suitably qualified Arborist with all roots being cleanly cut.*
- f. *The erection of signage on the fence with the following words clearly displayed: "TREE PROTECTION ZONE", "DO NOT ENTER".*

59. *In order to ensure the retention of the Livistona australis Cabbage Palm) and Phoenix canariensis (Canary Island Date Palm) located within the front yard, against the northern property boundary in good health, the following measures are to be undertaken:*

- a. *All detailed architectural, building, demolition, engineering (structural, stormwater & drainage, services), and landscape documentation submitted for the construction certificate application shall show the retention of the existing specimens with the position of the trunks and full diameter of the canopies clearly shown on all drawings.*
- b. *Detailed architectural, building, demolition, engineering (structural, stormwater & drainage, services), and landscape documentation submitted for the construction certificate application shall show no alteration in the existing soil levels, cutting or battering of the existing soil profile within a radius of 2.5 metres from the outside edge of either of the trunks.*
- c. *The trees are to be physically protected by the installation of 1.8 metre high steel mesh/chainwire fencing. This fencing shall be located to a minimum distance of*

1.5 metres from the western edge of the Cabbage Palm, a distance of 1 metre from the southern edge of both trunks and a distance of 1 metre from the eastern edge of the trunk of the Canary Island Date Palm.

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

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

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

- e. Any excavations required for footings, structures, retaining walls, paving etc within 3 metres of either trunk shall be undertaken by hand and under the direction of, and to the satisfaction of, a suitably qualified Arborist with all roots being cleanly cut.*

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

- 60. In order to ensure the retention of the Pinus species (Pine Tree) located in the rear yard, towards the eastern boundary in good health, the following measures are to be undertaken:*

- a. All detailed architectural, building, demolition, engineering (structural, stormwater & drainage, services), and landscape documentation submitted for the construction certificate application shall show the retention of the existing tree specimen with the position of the tree trunk and full diameter of the tree canopy clearly shown on all drawings.*

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

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

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

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

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

ADVISORY MATTERS:

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

MOTION: (Woodsmith/His Worship the Mayor, Cr M. Matson) that Council as the responsible authority refuse its development consent under Section 80 of the Environmental Planning and Assessment Act 1979 (as amended) to Development Application No 311/2005 for alterations and new two storey rear addition to the existing dwelling including new internal courtyard, new pool, new entry stairway & extension of existing garage at front of property (Heritage Conservation Area) at 16 Lenthall Street, Kensington as the proposal will grossly impact on the amenity of the property at 18 Lenthall Street, Kensington in terms of view loss and overshadowing. **LOST**

MOTION: (Notley-Smith/Kenny) CARRIED – SEE RESOLUTION.

5.6 DEVELOPMENT APPLICATION REPORT - 11A PARK STREET, CLOVELLY. (D0309/2005)

H78 **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 0309/05 for Internal alterations and new two storey rear extension including new balcony and rear terrace above the new garage (having access off rear lane) including new rear fencing. at 11A Park Street, Clovelly subject to the following conditions:-*

1. *The development must be implemented substantially in accordance with the plans numbered 1/3 to 3/3, Issue A, dated April 2005 and received by Council on 30 June 2005, 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 relevant building works.

3. *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.*

4. *A 4.8 metre length (as measured from the where the terrace meets the planter box) of the southern balustrade of the ground floor rear terrace is not to be masonry but is to be obscure glazed and is to have a minimum height of 1.2 metres from the floor of that terrace.*
5. *The proposed privacy screen that is to be affixed to the external stairs alongside the southern boundary of the site is to be constructed using obscure glazing and is to achieve a minimum height of 1.5 metres from the internal level of the ground floor level.*
6. *Any part of the proposed glass louvres at both ground and first floor levels (located on the southern elevation as measured 2.0 metres from the southeastern-most corner of the external enclosing wall) that are located lower than 1.5 metres from the respective floor levels are to be deleted and replaced with fixed obscure glazing.*
7. *The privacy screen along the northern side of the proposed ground floor rear terrace is to have a height of 1.6 metres as measured from the floor of that terrace.*

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

8. *The consumption of water within the building shall be minimised by the use of triple A rated water efficient plumbing fixtures (taps and shower roses) and water efficient dual flush toilets. Details of compliance are to be noted in the **construction certificate** plans or specifications.*
9. *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.*
10. *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:

11. *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.

12. *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:

13. *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.

14. *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.*

15. *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.*

16. *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 person's 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.

17. *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.

18. *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".*

19. *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.

20. *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.*

21. *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.

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

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

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

Smoke alarms are not to be located in 'dead-air-spaces', in the corner junction of walls and ceilings between exposed rafters/joists or at the apex of raked ceilings, as detailed in Part 3.7.2 of the 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:

23. *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.*

24. *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".*
25. *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.*
26. *All excavations and backfilling associated with the erection or demolition of a building must be executed safely in accordance with appropriate professional standards and excavations are to be properly guarded and supported to prevent them from being dangerous to life, property or buildings.*

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

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

27. *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.*
28. *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.*
29. *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.*
30. *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.

31. *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.*
32. *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.*
33. *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*
34. *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.

35. *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.*
36. *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:

37. *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 provide adequate security against damage to Council's infrastructure:

38. *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) \$700.00 - *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:

39. *The applicant must meet the full cost for Council or a Council approved contractor to:*
- a) *Construct concrete vehicular crossing and layback at kerb opposite the vehicular entrance to the site.*
40. *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.*
41. *The applicant shall note that all external work, carried out on Council property, shall be in accordance with Council's Policy for "Vehicular Access and Road and Drainage Works". An application for the cost of the Council civil works is to be submitted to Council at the completion of the internal building works. An application fee shall be payable to Council for the quotation of the required works. The applicant may elect to use his contractor for the required works, subject to Council approval, however a design and supervision fee based on the lowest quotation from Council's nominated contractor will be required to be paid prior to the commencement of any works.*

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

42. *The Council's Department of Asset & Infrastructure Services has inspected the above site and have determined that the design alignment level (concrete/paved/tiled level) at the rear of the property in the rear lane shall be as follows:*

Garage Entrance - 100m below the top of the kerb at all points opposite the kerb, along the full site frontage.

Pedestrian Entrance – 20mm above the top of the kerb.

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

43. *The design alignment levels (concrete/paved/tiled level) issued by Council and their relationship to the kerb must be indicated on the building plans for the construction certificate. The design alignment level at the street boundary, as issued by the Council, must be strictly adhered to.*
44. *The above alignment levels and the site inspection by Council's Department of Asset & Infrastructure Services have been issued at a prescribed fee of \$110.00 (inclusive of GST). This amount is to be paid prior to a construction certificate being issued for the development.*

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

45. *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.*
46. *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 landscaping and to maintain reasonable levels of environmental amenity:

47. *That part of the naturestrip upon Council's Park Street footway which is damaged during the construction of the proposed works shall be excavated to a depth of 150mm, backfilled with topsoil equivalent with 'Organic Garden Mix' as supplied by Australian Native Landscapes, and re-turfed with Kikuyu turf or similar. Such works shall be completed at the applicant's expense prior to the issue of a final Occupation Certificate.*
48. *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.*

Tree Management

49. *Approval is granted for the removal of the following tree, subject to the provision of a continuous planted screen being provided for the length of the proposed planter at the eastern end of the garage terrace. The species selected shall be suitable for the coastal location, and one that is capable of being clipped to a minimum and uniform height of 1 metre.*
- a) *One Banksia integrifolia (Coastal Banksia) on the nature strip in the rear lane, against the northern property boundary.*

Tree Protection Measures

50. *In order to ensure the retention of the Banksia integrifolia (Coastal Banksia) growing within the Eastbourne Avenue nature strip, beyond the northern property boundary, off the rear of 15 Park Street in good health, the following measures are to be undertaken:*
- a. *All detailed architectural, building, demolition, engineering (structural, stormwater & drainage, services), and landscape documentation submitted for the construction certificate application shall show the retention of the existing tree specimen with the position of the tree trunk and full diameter of the tree canopy clearly shown on all drawings.*
- b. *There is to be no storage of materials, 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 dripline of this tree.
Any works required within this zone (only as approved on the construction certificate) shall be under the direction of, and to the satisfaction of, a suitably qualified Arborist.*
- c. *Any excavations required for footings, structures, retaining walls, paving etc within 3 metres of the tree trunk shall be undertaken by hand and under the direction of, and to the satisfaction of, a suitably qualified Arborist with all roots being cleanly cut.*

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.

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

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

5.7 DEVELOPMENT APPLICATION REPORT - 43 CUZCO STREET, SOUTH COOGEE. (DA/878/2004)

H79 **RESOLUTION: (Andrews/Notley-Smith) 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 878/2004 for Alterations and additions including construction of an additional floor level to the existing dwelling house, including extension of the existing semi-basement garage at 43 Cuzco Street, South Coogee subject to the following conditions:-*
1. *The development must be implemented substantially in accordance with Revision B of the plans numbered BEK-01 to BEK-04 dated 30/03/05 in the amendments box and stamped received by Council on 8 June 2005, the sample board undated and untitled showing samples on its right hand side and coloured perspective images on its left hand side, 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 driveway is to be a maximum of 3 metres wide at the kerb. The width of the driveway at the property boundary is to be a maximum of 4 metres. The hardstand areas within the road verge are to be minimised and the driveway is to be splayed in plan from the kerb to the property boundary to maximise unpaved areas. This condition is imposed to minimise interruption to the footpath, maximise on street parking and reduce the dominance of driveways on the street. Details required by this condition are to be provided with the Construction Certificate application.*
3. *The first floor balcony to the northern elevation is to be constructed as glass spandrels with a stainless steel balustrade to match the treatment of the lower level balcony, as shown on approved drawing BEK-03, not timber as shown on the sample board. This condition is imposed to clarify the approved plans. Details are to be provided with the Construction Certificate application.*
4. *A planter at least 1 metre wide or a 1.8m high privacy screen is to be provided along the southern edge of the balcony for a distance of 2 metres from the edge of the balcony (an additional metre along from the planter already shown on the plans). This condition is imposed to maintain privacy to the rear yard of 45 Cuzco Street.*

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

5. *The sill height of the central window to the guest bedroom on the eastern elevation at ground floor level is to be increased to be a minimum height of 1.7m above floor level, or alternatively, the window is to be fixed and provided with translucent, obscured, frosted or sandblasted glazing below 1.7m above finished floor level. The narrow sidelights may remain operable and clear glazed. This condition is imposed to maintain privacy to 45 Cuzco Street. Details are to be provided on the drawings submitted with the Construction Certificate application.*
6. *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.*

Details of the proposed colour of the roof are to be submitted to and approved by the Director of City Planning, in accordance with the section 80A (2) of the Environmental Planning and Assessment Act 1979, prior to the roofing being installed.
7. *Adequate provisions are to be made within the premises for the storage, collection and disposal of waste and recyclable materials, to the satisfaction of Council.*
8. *New fences located on the side or rear boundaries of the premises shall not exceed a maximum height of 1800mm* from existing ground levels, to maintain reasonable levels of amenity to the adjoining premises.*

An allowance of up to 150mm is permitted at required 'step-downs' or changes in level.
9. *There must be no encroachment of any part of the structures onto the adjoining premises or onto Council's road reserve, footway or public place.*
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. *No cooking facilities or sanitary fittings other than those indicated on the approved plans are to be installed in the premises without the prior written consent of the Council.*
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. *The swimming pool shown on the plans is not approved and a separate development application is required to be submitted to and approved by the Council or a complying development certificate obtained from the Council or an accredited certifier (as applicable) for any changes or new swimming pool before any work is carried out on the construction of the pool, as insufficient information is provided with this application to enable a full and proper evaluation of the pool.*

16. *Solar hot water heaters or other structures are not permitted to be installed on the roof of the building unless the prior written approval of Council's Director of Planning has been obtained beforehand.*

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

17. *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.*
18. *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.*

19. *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.*
20. *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 City Planning, in accordance with section 80A(2) of the Environmental Planning and Assessment Act 1979, **prior to a construction certificate being issued.***

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

Landscaped areas should include an area and facilities dedicated for onsite composting and porous paving should also be used in all pathways, wherever practicable, to maximize on-site absorption of rainwater and details are to be provided on the landscape plans.

21. *The solid fuel heating appliance must be designed and installed in accordance with:*

The Environmental Protection Authority's Guidelines on Selecting, Installing and Operating Domestic Solid Fuel Heaters, and Australian Standards AS4013:1999 – Domestic solid fuel burning appliances – Method for determination of flue gas emission

Section G2 of the Building Code of Australia, and

Clean Air (Domestic Solid Fuel Heaters) Regulation 1997, and

Australian Standards 2918:2001, Domestic Fuel Burning Appliances – Installation, and

The manufacturer's specification.

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

22. *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.

23. *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.*

24. *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.*

25. *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.

26. *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.

27. *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".

28. *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.*

An Occupation Certificate must not be issued for the development if the development is inconsistent with the development consent. The requirements of the Environmental Planning & Assessment Act 1979 and conditions of development consent must be satisfied prior to the issuing of an occupation certificate.

Prior to the issuing of an interim or final occupation certificate, a statement is required to be obtained from the Principal Certifying Authority, which confirms that the development is not inconsistent with the development consent and the relevant conditions of development consent have been satisfied.

Details of critical stage inspections carried out by the principal certifying authority together with any other certification relied upon and must also be provided to Council with the occupation certificate.

29. *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.*

30. *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:

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

*41 Cuzco Street, South Coogee
45 Cuzco Street, South Coogee*

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

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

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

33. *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.*
34. *Any building/demolition works involving asbestos products are to be carried out in accordance with WorkCover New South Wales requirements, guidelines and codes of practice.*
35. *A copy of the construction certificate, the approved plans & specifications and development consent conditions must be kept on the site at all times and be made available to the Council officers and all building contractors for assessment.*
36. *All excavations and backfilling associated with the erection or demolition of a building must be executed safely in accordance with appropriate professional standards and excavations are to be properly guarded and supported to prevent them from being dangerous to life, property or buildings.*

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

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

37. *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.*
38. *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.*
39. *Noise and vibration emissions during the construction of the building and associated site works must not result in damage to nearby premises or result in an unreasonable loss of amenity to nearby residents and the relevant provisions of the Protection of the Environment Operations Act 1997 must be satisfied at all times.*
40. *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.*
41. *A Registered Surveyor's check survey certificate or compliance certificate is to be forwarded to the principal certifying authority (and a copy is to be forwarded to the*

Council, if the Council is not the principal certifying authority), detailing compliance with Council's approval at the **following stage/s of construction**:

Prior to construction of the second floor level showing the land, building and boundary setbacks and verifying that the building is being constructed at the approved levels.

42. *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.*
43. *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.

44. *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.*
45. *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.*
46. *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.*
47. *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.

48. *A warning sign for sediment control, 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.

49. *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.

Temporary site 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 site fencing, hoardings 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.

50. *A local approval application must be submitted to and be approved by Council's Building Services section prior to commencing any of the following activities on a footpath, road, nature strip or in any public place:-*

*Install or erect any site fencing, hoardings or site structures
Operate a crane or hoist goods or materials over a footpath or road
Placement of a waste skip (greater than 3m in length) or any container or other article.*

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

51. *The following damage/civil works security deposit requirements 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) \$2000.00 - *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:

52. *The applicant must meet the full cost for Council or a Council approved contractor to:*
- a) *Reconstruct/widen the existing concrete vehicular crossing and layback at kerb, opposite the vehicular entrance to the site.*
 - b) *Removal of the existing sandstone retaining wall on the road reserve outside the property including associated excavation works and the construction of a new sandstone retaining wall in line with the western property boundary, and returning 1.50 metres from the kerb and extending up to the driveway entrance of #41 Cuzco Street. This shall also include any necessary hand/guard railing.*
 - c) *Construction of concrete footpath immediately behind the kerb from the driveway edge of #41, to the western edge of the reconstructed driveway.*
53. *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.*
54. *The applicant shall note that all external work, carried out on Council property, shall be in accordance with Council's Policy for "Vehicular Access and Road and Drainage Works". An application for the cost of the Council civil works is to be submitted to Council at the completion of the internal building works. An application fee shall be payable to Council for the quotation of the required works. The applicant may elect to use his contractor for the required works, subject to Council approval, however a design and supervision fee based on the lowest quotation from Council's nominated contractor will be required to be paid prior to the commencement of any works.*

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

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

Eastern side of driveway: RL 28.55

Western side of driveway: RL 28.60

Pedestrian Gate Entrance: RL 28.75

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.

56. *The design alignment levels (concrete/paved/tiled level) issued by Council must be*

indicated on the building plans for the construction certificate. The design alignment level at the street boundary, as issued by the Council, must be strictly adhered to.

57. *The above alignment levels and the site inspection by Council's Department of Asset & Infrastructure Services have been issued at a prescribed fee of \$110.00 (inclusive of GST). This amount is to be paid prior to a construction certificate being issued for the development.*

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

58. *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.*
59. *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 landscaping and to maintain reasonable levels of environmental amenity:

60. *That part of the naturestrip upon Council's footway which is damaged during the construction of the proposed works shall be excavated to a depth of 150mm, backfilled with topsoil equivalent with 'Organic Garden Mix' as supplied by Australian Native Landscapes, and re-turfed with Kikuyu turf or similar. Such works shall be completed at the applicants expense prior to the issue of a final Occupation Certificate.*
61. *The nature strip upon Council's footway shall be maintained by the applicant in accordance with Council guidelines. Such maintenance shall include, but not be limited to, watering, mowing, fertilising, and the removal of weeds.*

Advisings

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

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

6. MISCELLANEOUS.

6.1 GENERAL MANAGER'S REPORT 46/2005 - 90TH ANNIVERSARY-FORMATION OF 2ND DIVISION, AUSTRALIAN ARMY. (F2005/00103)

- H80 ***RESOLUTION: (Notley-Smith/Andrews) that Council support this activity by waiving all fees associated with the event, such funds to come from the 2005/06 Contingency Fund.***

MOTION: (His Worship the Mayor, Cr M. Matson/Woodsmith) that Council support this

activity but decline to waive the fees associated with the event. **LOST**

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

6.2 DIRECTOR, CITY SERVICES' REPORT 101/2005 - OPTIONS FOR IMPLEMENTATION OF PROPOSED LENTHALL STREET CLOSURE. (F2004/08251)

(Note: Cr Belleli declared a non-pecuniary interest in this matter (See Item 3a) and left the Council Chamber taking no part in discussion of and voting thereon.)

H81 **RESOLUTION: (Nash/Hughes) that:**

- (a) *the information contained in the Director City Services' Report dated 30 August, 2005 be noted;*
- (b) *a Resident Survey regarding the proposal to close Lenthall Street as detailed in this report be undertaken;*
- (c) *a report be brought back to Council providing an analysis of the outcome of the residents' survey and suggesting an appropriate way forward to achieve the implementation of the proposals supported by local residents; and*
- (d) *the State Member for Heffron be advised of Council's decision.*

AMENDMENT: (Andrews/Nil) that as part of the residents' survey, Council ascertain residents' feelings on alternative traffic calming devices, such as speed humps, being installed to alleviate the traffic problems. **LAPSED FOR WANT OF A SECONDER.**

MOTION: (Nash/Hughes) CARRIED - SEE RESOLUTION.

6.3 DIRECTOR, CITY PLANNING REPORT 56/2005 - DUAL OCCUPANCY AND SINGLE DETACHED DWELLINGS - DRAFT DCP AND DRAFT LEP (AMENDMENT NO. 36). (F2005/00250 xr F2005/00261)

H82 **RESOLUTION: (His Worship the Mayor, Cr M. Matson/Notley-Smith) that Council:**

- (a) *endorse the draft Randwick Local Environmental Plan (No. 36) to be placed on public exhibition in accordance with the Environmental Planning and Assessment Act 1979, and Regulation 2000 for public comment;*
- (b) *endorse the Draft Development Control Plan – Single dwelling Houses and Attached Dual Occupancy to be placed on public exhibition in accordance with the Environmental Planning and Assessment Act 1979, and Regulation 2000;*
- (c) *endorse the draft updated Council Subdivision Code (Policy 6.01.22) for public exhibition;*
- (d) *note that the exhibition will be in accordance with the Best Practice Guidelines*

published by the (then) Department of Urban Affairs and Planning (January 1997) titled "LEPs and Council Owned Land Guideline for Councils using delegated powers to prepare LEPs involving land that is or was previously controlled by Council"; and

- (e) *agree that the Director, City Planning may make minor modifications to any numerical, typographical, interpretation and formatting errors if required, in preparation for public exhibition of the draft plans.*

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

6.4 DIRECTOR, CITY PLANNING REPORT 57/2005 - DRAFT ASBESTOS POLICY. (F2004/07462)

H83 **RESOLUTION: (Belleli/Nash) that Council:**

- (a) *receives and notes the report by the Director of City Planning entitled Draft Asbestos Policy; and*
- (b) *adopts the attached draft Asbestos Policy and associated referenced procedures and requirements for implementation throughout the City.*

MOTION: (Belleli/Nash) CARRIED – SEE RESOLUTION.

7. MOTIONS PURSUANT TO NOTICE.

7.1 Notice of Rescission Motion by Councillors Andrews, Notley-Smith, Procopiadis, Sullivan and Tracey – Health, Building and Planning Committee Meeting, 9th August, 2005 – Item 5.5, Development Application Report – 9 The Causeway, Maroubra. (DA298/2005)

MOTION: (Andrews/Procopiadis) that the resolution passed at the Health, Building and Planning Committee Meeting held on 9th August, 2005, reading as follows:-

that:

- A. Council as the responsible authority grant its development consent under Section 80 and 80A of the Environmental Planning and Assessment Act 1979 (as amended) to Development Application No DA/298/2005 for Construction of a new front hardstand carspace and a new rear inground swimming pool at 9 The Causeway, Maroubra subject to the following conditions:-
1. The development must be implemented substantially in accordance with the amended plans numbered A1-2201, dated 23/03/05 and received by Council on 19 July 2005, 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 proposed front hardstand carspace and associated front fencing, landscaping and concrete paved area shall be deleted from the submitted plans as the carspace is considered inappropriate for the following reasons:
 - The proposed hardstand carspace necessitates the removal of the balustrade wall to the existing verandah, which will detract from the overall appearance and design of the existing pair of semi-detached dwellings and the streetscape.
 - The proposed hardstand carspace does not comply with the preferred solutions of the DCP for Dwellings and Attached Dual Occupancies in that the structure will occupy more than 35% of the width of the allotment and does not meet the minimum dimension requirements for carparking spaces.
 - Once the vehicle is parked in the proposed space it would be difficult to provide adequate street surveillance as the front window will be hindered by the vehicle and will therefore not comply with the performance requirements.

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

3. The applicant is required to provide soft landscaping along the north eastern side boundary, from the eastern corner of the site and is to run the full length of the swimming pool extending a distance of 1 metre off the north eastern side boundary; to maintain reasonable levels of amenity to the adjoining properties and to improve stormwater infiltration.

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:

4. 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:

5. 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.

6. 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.

7. **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.
8. **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.

9. 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.

10. 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”.

11. 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.

An Occupation Certificate must not be issued for the development if the development is inconsistent with the development consent and conditions of consent.

12. 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.

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

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

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

14. All demolition work is to be carried out in accordance with the provisions of AS2601-1991. The Demolition of Structures, as in force at 1 July 1993.
15. 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. 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.
17. 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.

18. All building, demolition and associated site works must only be carried out between the hours of 7.00am to 5.00pm on Monday to Friday inclusive, between 8.00am to 5.00pm on Saturdays and all building activities are strictly prohibited on Sundays and public holidays, except with the specific written authorisation of Council's Manager of Environmental Health and Building Services.
19. 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.
20. 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.

21. 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.

22. 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.
23. 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.
24. Stockpiles of soil, sand, aggregate or other materials must not be located on any footpath, roadway, nature strip, drainage line or any public place and the stockpiles must be protected with adequate sediment control measures.

Building operations such as brick cutting, washing tools or equipment and mixing mortar are not permitted on public footpaths, roadways, nature strips, in any public place or any location which may lead to the discharge of materials into the stormwater drainage system.

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

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

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

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

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

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

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

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

27. Spa pools are to be provided with a child resistant barrier, in accordance with the provisions of the Swimming Pools Act 1992 and regulations.

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

28. Swimming pools are to be designed, installed and operated in accordance with the following general requirements: -

Backwash of the pool filter and other discharge of water is to be drained to the sewer in accordance with the requirements of the Sydney Water Corporation; and All pool overflow water is to be drained away from the building and adjoining premises, so as not to result in a nuisance or damage to premises.

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:

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

In this regard, the operation of the plant and equipment shall not give rise to an LAeq, 15 min sound pressure level at any affected premises that exceeds the background LA90, 15 min noise level, measured in the absence of the noise source/s under consideration by more than 5dB(A) in accordance with relevant NSW Department of Environment & Conservation Noise Control Guidelines.

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

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

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

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

31. There are to be no emissions or discharges from the premises which give rise to a public nuisance or result in an offence under the Protection of the Environment Operations Act 1997 and Regulations.

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.

BE AND IS HEREBY RESCINDED. LOST

8. GENERAL BUSINESS.

Nil

9. NOTICE OF RESCISSION MOTIONS.

Nil

The meeting closed at 9.32 p.m.

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CHAIRPERSON