

**MINUTES OF ORDINARY COUNCIL MEETING OF
THE COUNCIL OF THE CITY OF RANDWICK
HELD ON, TUESDAY 13TH DECEMBER, 2005 AT 6:18 P.M.**

PRESENT:

His Worship the Mayor, Cr. T. Seng (Central Ward) (Chairperson)

Councillor M. Matson (East Ward) (Deputy Mayor)

North Ward	-	Crs P. Tracey & M. Woodsmith
South Ward	-	Cr R. Belleli & M. Daley (from 10.39pm)
East Ward	-	Cr B. Notley-Smith & D. Sullivan
West Ward	-	Crs B. Hughes, S. Nash & J. Procopiadis
Central Ward	-	Crs A. Andrews & C. Bastic (from 9.37pm.)

OFFICERS PRESENT:

General Manager	Mr. R. Brownlee.
Director, City Services	Mr. J. Frangoples.
Director, City Planning	Ms. S. Truuvvert.
Director, Governance & Financial Services	Mr. G. Banting.
Manager, Administrative Services	Mr. D. Kelly.
Communications Manager	Ms. D. Brien.
Manager, Development Assessment	Mr. K. Kyriacou
Manager Policy, Planning & Performance	Ms. K. Walshaw
Manager, Strategic Planning	Ms. K. Armstrong

1. COUNCIL PRAYER

The Council Prayer was read by His Worship the Mayor, Cr Ted Seng.

2. APOLOGY.

An apology was received from Cr White.

514 **RESOLVED: (Andrews/Nash)** that the apology from Cr White for non-attendance at the Ordinary Council Meeting of the Council held on Tuesday, 13th December, 2005 be received & accepted.

2A. LEAVE OF ABSENCE

515 **RESOLUTION: (Notley-Smith/Matson)** that Leave of Absence from the meeting be granted to Cr Kenny (in accordance with Minute No. 507 of 22 November 2005).

3. MINUTES

CONFIRMATION OF THE MINUTES OF THE ORDINARY COUNCIL MEETING HELD ON TUESDAY, 22ND NOVEMBER, 2005.

- 516 **RESOLUTION:** *(Notley-Smith/Belleli)* that the Minutes of the Ordinary Council Meeting held on Tuesday, 22nd November, 2005 (copies of which were circulated to all Councillors) be and are hereby confirmed as a correct record of the proceedings of that meeting.

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

4. DECLARATION OF PECUNIARY & NON-PECUNIARY INTERESTS.

(a) Cr Nash declared a non-pecuniary interest in Item 10.18, Director City Planning Report 108/2005, 80 Middle Street & 133 Botany Street, Randwick.

(b) Cr Belleli declared a non-pecuniary interest in Item 12.5, Motion by Cr Matson – Maroubra Beach Pavillion – Café & Kiosk – Lease Tender Evaluation as he is a member of the Maroubra chamber of commerce along with one of the tenderers and one of the tenderers is a past client of his.

(c) Cr Belleli declared a pecuniary interest Item 10.10, Director City Planning Report 100/2005, 73 Bream Street, Coogee as the applicant is a client of his.

(d) Cr Belleli declared a pecuniary interest in Item 6.3, Mayor's Minute 160/2005 – Waiving of Fees-South Maroubra Village Green Carols by Candlelight as his children are performing at this event.

- 517 **RESOLUTION:** *(Notley-Smith/Matson)* that Items 7.3, 9.1 & 9.2 be deferred to the next Ordinary Meeting of Council.

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

PROCEDURAL MOTION: (Matson/Notley-Smith) that Item 12.8 be brought forward and debated immediately. **CARRIED**

Item 12.8 was then dealt with at this stage of the meeting.

5. ADDRESSES TO THE COUNCIL BY THE PUBLIC.

10.1 DIRECTOR, CITY PLANNING REPORT 91/2005 - 2 MOORAMIE AVENUE, KENSINGTON.

The Objector Mr Gary Reinhard 11 Roma Avenue, Kensington.

The Applicant Mr Phil Perrie 1 Newcastle St, Rose Bay.

10.2 DIRECTOR, CITY PLANNING REPORT 92/2005 - 296 RAINBOW STREET, COOGEE.

The Objector Mr David Bidwell 298 Rainbow Street, Randwick.

10.4 DIRECTOR, CITY PLANNING REPORT 94/2005 - UNIT 16, 57-63 BELMORE ROAD, RANDWICK.

The Applicant Ms Barbara Murray PO Box 204 Coogee.

10.8 DIRECTOR, CITY PLANNING REPORT 98/2005 - 40 SHAW AVENUE, KINGSFORD.

The Applicant Mr Anthony Betros 282 Oxford Street, Bondi Junction
(on behalf of the applicant)

10.10 DIRECTOR, CITY PLANNING REPORT 100/2005 - 73 BREAM STREET, RANDWICK.

The Applicant Mr Peter Dourian 73 Bream Street, Randwick

10.13 DIRECTOR, CITY PLANNING REPORT 103/2005 - 1-3 VILLIERS STREET, RANDWICK.

The Objector Ms Rosemary Mackenzie 1/7 Addison Street, Kensington.

The Applicant Mr David Wolski 115 Military Road, Neutral Bay.
(on behalf of the applicant)

10.15 DIRECTOR, CITY PLANNING REPORT 105/2005 - UNIVERSITY OF NSW MASTER PLAN, KENSINGTON CAMPUS, KENSINGTON.

The Objector Mrs Margery Whitehead 10 Inglethorpe Avenue, Kensington.

The Applicant Ms Sue Holliday C/-U N.S.W.

10.16 DIRECTOR, CITY PLANNING REPORT 106/2005 - 212 ARDEN STREET, COOGEE.

The Objector Ms Antoinette Starkrewicz 140 Beach Street, Coogee.

The Applicant Mr Roger Corbin Suite 21, 303 Pacific Highway,
(on behalf of applicant) Linfield.

10.17 DIRECTOR, CITY PLANNING REPORT 107/2005 - 5 LITTLE STREET, MAROUBRA.

The Objector Mr Nick Simitzis 440 Malabar Road, Maroubra.

The Applicant Mr Theo Loucas 2/37 Forest Road, Arncliffe.

10.18 DIRECTOR, CITY PLANNING REPORT 108/2005 – 80 MIDDLE STREET & 133 BOTANY STREET, RANDWICK.

The Applicant Mr Karl May Crown Street, Surry Hills.
(on behalf of applicant)
Turner & Associates

10.19 DIRECTOR, CITY PLANNING REPORT 109/2005 - HERITAGE REVIEW AND DRAFT HERITAGE LEP AND HERITAGE DCP AND INPUT TO THE RANDWICK CITY PLAN.

Against Mrs Sunanda Banerjee 7 Tedwin Avenue, Kensington.

The following residents also spoke against this item at the discretion of the Chairman:-

Ms Sue Archer; Mr Rabin Banerjee; Ms Stacey Cail; Mr Alon Charman; Ms Kerry Ellis; Mr Mike Skanzer; Mr Stephen McMorro; Mr Manfred Franco; Mr Stephen Ellis; Mr Mike Wilkinson; Mr Arjun Van den Bosch.

For Mr Greg Shaw 15 Marcel Avenue, Coogee.

The following resident also spoke in favour of this item at the discretion of the Chairman:-

For Ms Margery Whitehead

12.6 MOTION BY COUNCILLOR MATSON – BEACH PALACE APPLICATION TO LIQUOR ADMINISTRATION BOARD TO VARY LICENSE CONDITIONS.

For Ms Maria Miranda Flat 2, 15 Baden Street, Coogee.

The meeting was adjourned at 9.15pm. and was resumed at 9.37pm.

PROCEDURAL MOTION: (Bastic/Belleli) that item 10.19 be dealt with at this stage of the meeting. **CARRIED**

Item 10.19 was then dealt with at this stage of the meeting.

PROCEDURAL MOTION: (Notley-Smith/Woodsmith) that all the development applications be dealt with at this stage of the meeting. **CARRIED**

All the development applications on the agenda were dealt with at this stage of the meeting.

6. MAYORAL MINUTES.

6.1 MAYOR'S MINUTE 158/2005 - LOCAL AREA COMMAND APPLICATION FOR DONATION. (F2004/07340)

518 **RESOLUTION: (His Worship the Mayor, Cr T. Seng) that Council:**

1. *note the benefits of contributing to the initiative proposed by the Local Area Command as detailed in this report; and*

,

2. *contribute \$8,080.00 to the Local Area Command towards the cost of providing*

specialised protective riding equipment to allow four officers to be deployed on trail bikes to police inaccessible bushland areas.

MOTION: (His Worship the Mayor, Cr T. Seng) CARRIED - SEE RESOLUTION.

6.2 MAYOR'S MINUTE 159/2005 – WAIVING OF FEES-USE OF MAROUBRA BEACH FOR THE PROMOTION OF JUNIOR DEVELOPMENT IN SURFING. (F2004/08302)

519 **RESOLUTION: (His Worship the Mayor, Cr T. Seng) that:**

1. *Council vote \$3,085.70 to cover 50% of the fees associated with the 'Rip Curl Gromsearch' to be held from 14th to 17th January, 2006, and that these funds be allocated from the 2005/06 Contingency Fund budget;*
2. *The event organiser undertake to appropriately and prominently acknowledge and promote Council's contribution, prior to and during the event (by Council Logo being prominently displayed on all promotional materials such as flyers, newspaper advertisements etc, Council being mentioned as sponsor in any radio advertisements, sponsorship acknowledged in all local press and publicity.) A copy of all promotional material must be submitted to Council for approval prior to release to the public in order to satisfy the requirement to waive 50% of the associated fees; and*
3. *The Mayor or the Mayor's representative be given the opportunity to address the event on behalf of Council.*

MOTION: (His Worship the Mayor, Cr T. Seng) CARRIED - SEE RESOLUTION.

6.3 MAYOR'S MINUTE 160/2005 – WAIVING OF FEES-SOUTH MAROUBRA VILLAGE GREEN CAROLS BY CANDLELIGHT. (F2004/06051)

Cr Belleli had previously declared an interest in this item and left the Chamber taking no part in discussion of and voting thereon.

520 **RESOLUTION: (His Worship the Mayor, Cr T. Seng) that Council vote \$2,523.00 to cover the fees associated with the event and funds be charged to the Councillors' Contingency Fund 2005/2006 and that the event organiser undertake to appropriately and prominently acknowledge and promote Council's contribution prior to and during the event.**

MOTION: (His Worship the Mayor, Cr T. Seng) CARRIED - SEE RESOLUTION.

6.4 MAYOR'S MINUTE 161/2005 – PROPOSAL FOR COUNCIL TO CONTRIBUTE TO THE INSTALLATION OF RAINWATER TANKS IN ALL RANDWICK SCHOOLS. (F2004/06495)

521 **RESOLUTION: (His Worship the Mayor, Cr T. Seng) that Council:**

1. *Allocates an amount of \$20,000.00 per annum to contribute to the installation of rainwater tanks in all local schools, to a maximum amount of \$2,000.00 from Council for each participating school;*
2. *In the first stage, local schools be invited to contribute where possible on a dollar-for-dollar basis to Council under a process to be developed by Council staff and advised by letter to all Randwick schools; and*
3. *That Council prepare funding applications to relevant Commonwealth and NSW agencies seeking additional funds to match Council's contribution so that rainwater tanks may still be provided to schools unable to contribute on a dollar-for-dollar basis.*

MOTION: (His Worship the Mayor, Cr T. Seng) CARRIED - SEE RESOLUTION.

6.5 MAYOR'S MINUTE 162/2005 - UNIVERSITY OF NSW ARMY REGIMENT FREEDOM OF ENTRY PARADE. (F2004/06097)

522 **RESOLUTION: (His Worship the Mayor, Cr T. Seng) that Council:**

- a) *agree to host the Freedom of Entry Parade on Sunday 5th March 2006;*
- b) *the Mayor be authorised to send an official invitation to the University of NSW Army Regiment inviting them to perform the Freedom of Entry Parade for Randwick City on Sunday 5th March 2006; and*
- c) *\$4,000.00 be allocated from Council's Contingency Fund 2005/06 in order to fund the Freedom of Entry Parade.*

MOTION: (His Worship the Mayor, Cr T. Seng) CARRIED - SEE RESOLUTION.

Cr Tracey requested that his name be recorded as opposed to the resolution.

6.6 MAYOR'S MINUTE 163/2005 - CHINESE NEW YEAR 2006. (F2004/07079)

523 **RESOLUTION: (His Worship the Mayor, Cr T. Seng) that Council:**

1. *celebrate Chinese New Year 2006 by holding a community event on Sunday 5 February 2006 from 11am to 3pm in Wagstaff Place, Maroubra Junction.*
2. *allocate \$10,000 from the 2005/06 Contingency Fund Budget; and*
3. *hold the event in partnership with the Australian Chinese Community Association*

MOTION: (His Worship the Mayor, Cr T. Seng) CARRIED - SEE RESOLUTION.

6.7 MAYOR'S MINUTE 164/2005 - VIOLENCE AT MAROUBRA ON SUNDAY 11 DECEMBER, 2005. (F/2005/0000)

524 **RESOLUTION: (His Worship the Mayor, Cr T. Seng) it is recommended that the Mayor's Minute be received and noted.**

MOTION: (His Worship the Mayor, Cr T. Seng) CARRIED - SEE RESOLUTION.

6.8 MAYOR'S MINUTE 165/2005 - PREPARATION FOR PARTICIPATION IN 4TH WORLD WATER FORUM. (F2005/00520)

525 **RESOLUTION: (His Worship the Mayor, Cr T. Seng) that Council:-**

- 1) *accepts the Deputy Mayor's report back from the Fourth World Water Forum reference group as detailed in this Mayoral Minute;*
- 2) *commits \$3,000 to promoting the Kensington Group seminars planned to coincide with the Fourth World Water Forum; and*
- 3) *continues the operation of the Fourth World Water Forum reference group beyond March 2006 as the Mayor's Water Reference Group to explore further water sustainability projects for Council in partnership with UNSW, the Kensington Group and other bodies as it considers appropriate.*

MOTION: (His Worship the Mayor, Cr T. Seng) CARRIED - SEE RESOLUTION.

7. GENERAL MANAGERS' REPORTS.

7.1 GENERAL MANAGER REPORT 63/2005 - AFFIXING OF THE COUNCIL SEAL. (F2004/07367)

526 **RESOLUTION: (Notley-Smith/Procopiadis) that authority be granted for the Council's Common Seal to be affixed to the agreement between Council and –**

Robrus Pty Ltd in relation to a commercial sub-lease agreement over Stalls 3, 4, 5, 6, 7 & 8 at City Markets, Kingsford, more commonly known as Kingsford Fruit Market, 1 Rainbow Street, Kingsford.

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

7.2 GENERAL MANAGER'S REPORT 64/2005 - REVIEW - DES RENFORD AQUATIC CENTRE. (F2005/00920)

527 **RESOLUTION: (Belleli/Notley-Smith) that:**

1. *the report on the operations of the Des Renford Aquatic Centre is accepted and the recommendations in relation to the management model and future directions and the Swim Club regime are implemented; and*
2. *Council maintains control of the coaching regime and puts in place a range of systems to ensure that quality, equitable standards are applied*

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

Crs Andrews and Sullivan then called for a DIVISION. The division was taken and the voting was as follows:

FOR	AGAINST
------------	----------------

Belleli	Andrews
Hughes	Bastic
Matson	Daley
Nash	Procopiadis
Notley-Smith	Sullivan
His Worship the Mayor, Cr Seng	Tracey
Woodsmith	-

7.3 GENERAL MANAGER'S REPORT 65/2005 COMMUNITY GRANTS, DONATIONS AND SUBSIDIES. (F2005/00469)

This Item was deferred to the next Ordinary Meeting of Council – See Minute No. 517.

8. DIRECTOR, CITY SERVICES' REPORTS.

8.1 DIRECTOR, CITY SERVICES' REPORT 150/2005 - PROPOSED NAMING OF STREETS - BAYBROOK PROJECT 1-81 LITTLE BAY ROAD, LITTLE BAY. (F2004/07140)

528 **RESOLUTION:** *(Notley-Smith/Belleli) that the Geographical Names Board, Clarendon Property Group Developments Pty Ltd and Tracey Cooley be notified of Council's decision.*

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

Crs Procopiadis and Sullivan requested that their names be recorded as voting against the above resolution.

9. DIRECTOR, GOVERNANCE & FINANCIAL SERVICES' REPORTS.

9.1 DIRECTOR, GOVERNANCE & FINANCIAL SERVICES' REPORT 53/2005 - CODE OF CONDUCT AND RELATED POLICIES. (F2004/06901 XR F2005/00176)

This Item was deferred to the next Ordinary Meeting of Council – See Minute No. 517.

9.2 DIRECTOR, GOVERNANCE & FINANCIAL SERVICES' REPORT 54/2005 - REVIEW OF COUNCILLORS' EXPENSES & FACILITIES POLICY. (F2005/00176)

This Item was deferred to the next Ordinary Meeting of Council – See Minute No. 517.

9.3 DIRECTOR, GOVERNANCE & FINANCIAL SERVICES' REPORT 55/2005 - POLICY UPDATE - DELEGATION OF AUTHORITY TO MAYOR AND GENERAL MANAGER JOINTLY. (F2005/00282)

529 **RESOLUTION:** *(Andrews/Woodsmith) that:*

(a) Part 2 of Policy No. 1.02.02 be amended to read:

“To approve donations up to the sum of \$1,000.00, provided that funds are available within

the adopted budget for miscellaneous donations, subject to Council being informed monthly of all donations granted” and

(b) The policy register be updated accordingly.

MOTION: (Andrews/Woodsmith) CARRIED – SEE RESOLUTION

9.4 DIRECTOR, GOVERNANCE & FINANCIAL SERVICES' REPORT 56/2005 - COST SHIFTING ONTO LOCAL GOVERNMENT. (F2005/00094)

530 **RESOLUTION: (Notley-Smith/Belleli) that:**

1. *this Director, Governance and Financial Services' Report be received and noted.*
2. *delegation be given to the General Manager to make a submission to the Local Government and Shires Association of New South Wales by 14 December, 2005.*
3. *Council write to the three (3) local Members of Parliament indicating Council's disgust at this approach by the State Government and Council's regret that a sitting Councillor does not protest it.*

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

RESOLUTION: (Notley-Smith/Matson) that the closing time for the meeting be extended by a further 30 minutes to 12.30pm.

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

10. DIRECTOR, CITY PLANNING REPORTS.

10.1 DIRECTOR, CITY PLANNING REPORT 91/2005 - 2 MOORAMIE AVENUE, KENSINGTON. (DA907/2004)

531 **RESOLUTION: (Andrews/Notley-Smith) 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.907/2004 on property 2 Mooramie Avenue, Kensington in the following manner:*

Amend Condition 1 to read:

*The development must be implemented substantially in accordance with the plan numbered DA01 through to DA10, dated September 2004 and received by Council on 27 October 2004, the application form and on any supporting information received with the application, as amended by the **Section 96 plans numbered DA07, and received by Council on 8 November 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:***

Delete Condition No. 6.

MOTION: (Matson/Woodsmith) that this matter be refused for privacy reasons, including the altering of the balustrade materials from frosted glass to stainless steel rails and the deletion of privacy screens. **LOST**

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

**10.2 DIRECTOR, CITY PLANNING 92/2005 - 296 RAINBOW STREET, COOGEE.
(DA542/2005)**

532 **RESOLUTION: (Andrews/Sullivan) that:**

- A. 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. 542/2005 for alterations of the ground and first floor additions to existing semi-detached dwelling house at 296 Rainbow Street, Coogee subject to the following conditions:-

Deferred Commencement Conditions

The consent shall not operate until the applicant satisfies Council as to the following matters, to the satisfaction of the Director of City Planning:-

- 1. The proposed first floor addition shall be reduced in length by a minimum of 1 metre so that it has a minimum rear boundary setback of 20 metres. The flat section created by the increased setback over the ground floor level shall be converted to a non-trafficable roof area.*

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

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:

- 1. The development must be implemented substantially in accordance with the plans numbered DA00, DA01 DA03, DA04 DA05, DA06 AND DA07 of Issue DA-B and Project Number 04.28, dated September 2005 and received by Council on 22 September, the application form and on any supporting information received with the application, except as may be amended by details approved pursuant to the deferred commencement conditions and the following conditions and as may be shown in red on the attached plans:*
- 2. The colours, materials and finishes of the external surfaces to the building are to be compatible with the adjacent development to maintain the integrity and amenity of the building and the streetscape.*

Details of the proposed colours, materials and textures (i.e. a schedule and brochure/s or sample board) are to be submitted to and approved by Council’s Director of Planning & Community Development, in accordance with section 80A (2) of the Environmental Planning and Assessment Act 1979 prior to 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. *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.*
5. *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.*
6. *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.

7. *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.*
8. *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.*

9. *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:

10. *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.

11. *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:

12. *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.

13. *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.*
14. ***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.***
15. ***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.

16. *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.

17. *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".*

18. *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.

19. *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.

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 products are to be carried out in accordance with WorkCover New South Wales requirements, guidelines and codes of practice.*
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.*

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.

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

29. *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.

30. *Building materials, sand, soil, waste materials or construction equipment must not be placed upon the footpath, roadway or nature strip at any time and the footpath, nature strip and road must be maintained in a clean condition and free from any obstructions, soil and debris at all times.*
31. *Bulk bins/waste containers must not be located upon the footpath, roadway or nature strip at any time without the prior written 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.*
32. *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*
33. *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.

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

A temporary safety fence is to be provided to protect the public, located to the perimeter of the site (unless the site is separated from the adjoining land by an existing structurally adequate fence, having a minimum height of 1.5 metres). Temporary fences are to have a minimum height of 1.8 metres and be constructed of cyclone wire

fencing, with 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.

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

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 provisions for access, transport and infrastructure:

38. *The applicant must meet the full cost for Council or a Council approved contractor to repair/replace any damaged sections of Council's footpath, kerb & gutter, nature strip etc which are due to building works being carried out at the above site. This includes the removal of cement slurry from Council's footpath and roadway.*
39. *The applicant shall note that all external work, carried out on Council property, shall be in accordance with Council's Policy for "Vehicular Access and Road and Drainage Works". An application for the cost of the Council civil works is to be submitted to Council at the completion of the internal building works. An application fee shall be payable to Council for the quotation of the required works. The applicant may elect to use his contractor for the required works, subject to Council approval, however a*

design and supervision fee based on the lowest quotation from Council's nominated contractor will be required to be paid prior to the commencement of any works.

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

40. *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.*
41. *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:

42. *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 applicant's expense prior to the issue of a final Occupation Certificate.*
43. *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

44. *Approval is granted for the removal of the following trees subject to the planting of 2 x 25 litre broad canopied replacement trees (not palms) within the rear yard of the site. The species selected shall be those that will attain a minimum height of 4-7 metres at maturity.*
 - a) *One Cinnamomum camphora (Camphor Laurel) in the front yard, near the southwest corner of the site.*
45. *Permission is granted for the selective pruning of only those lowest growing branches from the western side of the Eucalyptus robusta (Swamp Mahogany) located in the rear yard of the adjoining property to the east, 298 Rainbow Street, close to the common boundary, which need to be removed specifically to accommodate the proposed first floor addition and associated scaffolding. This approval does not imply any right of entry onto a neighbouring property nor does it allow pruning beyond a common boundary. However, where such measures are desirable in the best interests of correct pruning procedures, it shall be necessary for the applicant to negotiate with the tree owner. All pruning must be undertaken by a qualified Arborist, with suitable qualifications in Arboriculture and to Australian Standard AS 4373-1996 'Pruning of Amenity Trees.'*
46. *Given the size, age and significance of this tree, the site Arborist engaged to perform*

this work will be required to submit a brief written statement confirming compliance with condition 12 to the satisfaction of the certifying authority, prior to the issue of a final occupation certificate.

Tree Protection Measures

47. *In order to ensure the retention of the Citharexylum spinosum (Fiddlewood) located on Council's Rainbow Street nature strip, towards the western 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 this street tree with the position of its trunk and full diameter of its 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, which shall be located a minimum radius of 1 metre around 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.*

48. *In order to ensure the retention of the Eucalyptus robusta (Swamp Mahogany) located in the rear yard of the adjoining property to the east, 298 Rainbow Street, close to the common boundary in good health, the following measures are to be undertaken:*

- a. *All detailed architectural, building, demolition, engineering (structural, stormwater & drainage, services), and landscape documentation submitted for the construction certificate application shall show the retention of the existing specimen with the position of the trunk and full diameter of its canopy clearly shown on all drawings.*
- b. *Detailed architectural, building, demolition, engineering (structural, stormwater & drainage, services), and landscape documentation submitted for the construction certificate application shall show no alteration in the existing soil levels or cutting or battering of the existing soil profile within a radius of 3 metres from the common boundary.*
- c. *All plans submitted for the construction certificate application will be required to show the use of a suitable footing method for the proposed ground floor extension in order to allow placement of these footings around any roots which are encountered. Compliance with this condition shall be demonstrated to the satisfaction of the certifying authority, prior to the issue of a construction certificate.*
- d. *All plans submitted for the construction certificate application will be required to show that any areas of paving proposed for beyond the northern edge of the*

proposed extension will be porous/permeable in nature, in order to maintain reasonable levels of air and moisture exchange rates with the rootzone.

- e. There is to be no storage of materials or machinery or site office/sheds, nor is cement to be mixed or chemicals spilt/disposed of and no stockpiling of soil or rubble, or any works listed in Point b.*
- f. Any excavations required for footings, structures, retaining walls etc within 3 metres of the common boundary 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.*
- g. Upon completion of all hand dug excavations associated with the ground floor extension/footings, and at least two working days prior to the actual installation of these footings, the applicant will be required to contact Council's Landscape Technician on 9399-0613 to arrange for a site inspection to determine the suitability of the locations proposed for the proposed footings.*
- h. A refundable deposit in the form of cash or cheque of \$2,590.00 shall be lodged with Council prior to issue of a construction certificate for the proposed development in order to ensure the preservation of the tree in accordance with the requirements described in this condition.*

*The contribution shall be paid at the Cashier on the Ground Floor of the Administrative Centre **prior to a construction certificate being issued for the development.***

QUANTITY	SPECIES	AMOUNT
<i>1</i>	<i>Eucalyptus robusta (Swamp Mahogany)</i>	<i>\$2,590.00</i>
	TOTAL	\$2,590.00

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

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

ADVISORY MATTERS

- A1 Building or excavations works must not be commenced until a construction certificate has been obtained from Council's Building Certification Services or an Accredited*

Certifier and either Council's Building Certification Services or an Accredited Certifier has been appointed as the Principal Certifying Authority for this development.

- 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.*
- A3 *The applicant is advised that the Construction Certificate plans and specification must comply with the provisions of the Building Code of Australia (BCA) and the construction certificate must not be inconsistent with the development consent.*

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 ensure that the development is not inconsistent with Council's consent and to consult with Council's Building Certification Services or an accredited certifier prior to submitting your construction certificate application to enable these matters to be addressed accordingly.

MOTION: (Matson/Hughes) that Council as the responsible authority grant its development consent to Development Application No. 542/2005 for alterations of the ground and first floor additions to existing semi-detached dwelling house at 296 Rainbow Street, Coogee as per the recommendations contained in the report, subject to a change to deferred commencement condition 1 in that the north east corner of the proposed dwelling will be amended to the satisfaction of the Director, City Planning to ensure an uninterrupted 3.5 metre expanse of roots from the neighbouring tree. **LOST**

MOTION: (Andrews/Sullivan) CARRIED – SEE RESOLUTION.

10.3 DIRECTOR, CITY PLANNING REPORT 93/2005 - 10-30 JENNER STREET, LITTLE BAY. (DA/657/2005)

533 **RESOLUTION: (Notley-Smith/Belleli) that:**

A. *Council support the objection under State Environmental Planning No. 1 (SEPP No.1) in respect to non-compliance with Clauses 30A(2) and 30A(4) of the Randwick Local Environmental Plan 1998 (as amended), relating to maximum floor space ratio and building height, on the grounds that the proposed development is consistent with the relevant objectives of the clauses and will not adversely affect the amenity of the surrounding locality and that the Department of Planning be advised accordingly.*

AND

B. *Council as the responsible authority grant its development consent under Section 80 and 80A of the Environmental Planning and Assessment Act 1979 (as amended) to Development Application No DA/657/2005 for Erection of a new multi unit residential development comprising 3 residential buildings containing 64 dwellings over a common basement car park with 112 vehicles, and including strata subdivision. at 10-30 Jenner Street, Little Bay subject to the following conditions:-*

1. *The development must be implemented substantially in accordance with the plans numbered AR.DA.102 Issue H, AR.DA.103 Issue H, AR.DA.104 Issue G, AR.DA.105 Issue G, AR.DA.106 Issue F, all dated 10 November 2005, AR.DA.200 Issue G, dated 18 May 2005, AR.DA.204 Issue E, dated 4 July 2005, AR.DA.205 Issue E, dated 4 July 2005, AR.DA.501 Issue A, dated 12 August 2005, and AR.DA.502 Issue A, dated 15 August 2005 and stamped received by Council on 15 August 2005, the draft strata plans in 16 sheets prepared by Denny Linker & Co. Surveyor's Reference 050321 DSP dated/printed 15 August 2005 and stamped received by Council 15 August 2005, the Sustainability Report, Lot 7, Revision C, dated 11 November 2005 and received by Council on 15 November 2005, the application form, and on any supporting information received with the application, except as may be amended by the following conditions and the details approved pursuant to the deferred commencement conditions and as may be shown in red on the attached plans:*

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

2. *The colours, materials and finishes of the external surfaces of the new building are to be consistent with that indicated in the sample board accompanying the subject development application and received by Council on 23 August 2005.*
3. *An amended car park level plan and amended draft strata plans for the carparking levels showing the proposed revised location of carparking as indicated in the sketch plan Rev. A dated 21/11/2005 and received under cover of letter dated 22 November 2005, shall be submitted to and approved by Council prior to a Construction Certificate being issued for the development.*
4. *Details of bicycle storage in the basement indicating compliance with the Development Control Plan – Parking shall be submitted to and approved by Council prior to a Construction Certificate being issued for the development.*
5. *Details of all fencing on site including all entrances and associated structures indicating compliance with Part 4.16 Fences of the Development Control Plan for Prince Henry Site shall be submitted to and approved by Council prior to a Construction Certificate being issued for the development.*
6. *Street numbering must be provided to the premises in a prominent position, to the satisfaction of Council.*
7. *The reflectivity index of glass used in the external façade of the development must not exceed 20 percent.*
8. *Lighting to the premises shall be designed so as not to cause a nuisance to nearby residents or motorists and to ensure that light overspill does not affect the amenity of the area.*
9. *Apartment No. 50 as shown on plan numbered AR.DA.102 Issue G dated 6 June 2005 shall be dedicated to Randwick City Council, in accordance with the terms set out in the Deed of Agreement between Landcom and Randwick City Council dated 4 March 2004 and in the letter from Randwick City Council to Stocklands Development Pty. Limited,*

dated 27 June 2005.

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

10. *Upon completion of the development and prior to the issuing of the occupation certificate, documentary evidence is to be submitted to the Council by the Principal Certifying Authority (or other suitably qualified person on behalf of the owner of the premises, to the satisfaction of Council) which confirms that the development has been carried out in accordance with the relevant development consent conditions.*
11. *The registered proprietor of the land the subject of this consent shall enter into a positive covenant that no right of exclusive use and enjoyment of the whole or any specified part of the area or areas designated as common area or similar in the approved plans will be conferred on any person or persons without the prior approval of Randwick City Council.*
12. *Where the plans which are the subject of this consent reserves parking spaces and/or courtyards for the exclusive use and enjoyment to an occupier of the land, the registered proprietor shall enter into a positive covenant that no change will be made to such reservations without the prior approval of Randwick City Council.*
13. *A Section 73 Compliance Certificate under the Sydney water Act 1994 must be obtained. Application must be made through an authorized 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.*

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

The following conditions are applied to meet the requirements of the Heritage Council of NSW:

Aboriginal Archaeology

14. *Should Aboriginal objects be found, the Department of Environment and Conservation (DEC) is to be informed (as required by the provisions of the NSW National Parks and Wildlife Act 1974). Subject to an assessment of the extent, integrity and significance of any exposed objects, applications under either Section 87 or Section 90 of the National Parks and Wildlife Act may be required before work resumes.*
15. *Prior to the commencement of the proposed works, all contractors and relevant personnel involved are to be made aware of the existence of Aboriginal archaeological remains at the Prince Henry site by way of an induction process and of the possibility that more as yet undiscovered Aboriginal cultural material may exist there.*
16. *Site contractors are to be advised of their obligations under the National Parks and Wildlife Act 1974 (NSW) and notification procedures in the event that any Aboriginal cultural material is disturbed or exposed during site works.*

Historical Archaeology

17. *Prior to the commencement of any subsurface disturbance (excavation), all those involved are to be made aware of the potential for historical archaeological relics to survive within the area. This is to be done through a site induction, which also notifies all involved of their obligations under the Heritage Act 1977 (NSW); and*
18. *In the event that historical archaeological remains or deposits are exposed during the works, the excavation work shall cease immediately and an evaluation of their potential extent and significance should be undertaken and the Heritage Council of NSW notified under the requirements of the Heritage Act.*

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

19. *The applicant shall:*
 - i) *Construct heavy-duty concrete vehicular crossing and layback at the kerb opposite the proposed vehicular entrance to the site in Millard Drive; and*
 - ii) *Remove any redundant vehicular crossings and layback from the site frontages and reinstate the area with concrete footpath, turf and integral kerb and gutter.*

The works are to be in accordance with Australian Standard specifications for driveways, and in general accordance with Randwick City Council's 'Standard Kerb and Gutter and Vehicular Crossing Detail' (Drawing SD4).

20. *The applicant shall repair/replace any damaged sections of 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 the footpath and roadway.*
21. *All new walls adjacent to vehicular crossings must be lowered to a height of 600mm above the internal driveway level for a distance of 1.50m within the site or splayed 1.5 metre by 1.5 metre to provide satisfactory sight lines. Details are to be submitted to the Certifying Authority prior to the release of the construction certificate demonstrating compliance with this requirement.*
22. *The access driveway shall be a minimum of 6.0 metres wide (clear width) and shall be designed in accordance with the requirements of AS 2890.1 (2004). The plans submitted for the construction certificate shall demonstrate compliance with this requirement.*
23. *The ramp grades on the vehicular access into the basement carpark shall be in accordance with AS 2890.1 (2004).*
24. *A minimum of 28 secure bicycle spaces shall be provided within the site.*

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

25. *The design alignment level (concrete/paved/tiled level) at the property boundary for driveways, access ramps and pathways or the like, shall be generally 2.5% above the adjacent top of kerb levels along the site frontages.*

Any enquiries regarding this matter should be directed to Council's Development Engineer on 9399 0919.

26. *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.*
27. *The top of footings of any structures constructed on the boundary alignment must be at least 150mm below the alignment level as specified for the vehicular access.*

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

28. *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.*
29. *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.*
30. *Documentary evidence from the relevant public utility authorities confirming that their requirements have been satisfied, must be submitted to the certifying authority prior to a construction certificate being issued for the development.*
31. *A Section 73 Compliance Certificate under the Sydney water Act 1994 must be obtained from Sydney Water Corporation.*

Application must be made through an authorised Water Servicing Coordinator. Please refer to the Building Developing and Plumbing section of the website www.sydneywater.com.au then refer to "Water Servicing Coordinator" under Developing Your Land" or telephone 13 20 92 for assistance.

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

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

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

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

32. *Engineering calculations and plans with levels reduced to Australian Height Datum in relation to site drainage shall be submitted to and approved by the certifying authority prior to a construction certificate being issued for the development. A copy of the*

engineering calculations and plans are to be forwarded to Council, prior to a construction certificate being issued, if Council is not the certifying authority. The drawings and details shall include the following information:

- a) *A detailed drainage design supported by a catchment area plan, at a scale of 1:100 or as considered acceptable to the Council or an accredited certifier, and drainage calculations prepared in accordance with the Institution of Engineers publication, Australian Rainfall and Run-off, 1987 edition.*
 - b) *A layout of the proposed drainage system including pipe sizes, type, grade, length, invert levels, etc., dimensions and types of all drainage pipes and the connection into Council's stormwater system.*
 - c) *Generally all internal pipelines must be capable of discharging a 1 in 20 year storm flow. However the minimum pipe size for pipes that accept stormwater from a surface inlet pit must be 150mm diameter. The site must be graded to direct any surplus run-off (i.e. above the 1 in 20 year storm) to the proposed drainage system.*
 - d) *The separate catchment areas within the site, draining to each collection point or surface pit are to be classified into the following categories:*
 - i. *Roof areas*
 - ii. *Paved areas*
 - iii. *Grassed areas*
 - iv. *Garden areas*
 - e) *Where buildings abut higher buildings and their roofs are "flushed in" to the higher wall, the area contributing must be taken as: the projected roof area of the lower building, plus one half of the area of the vertical wall abutting, for the purpose of determining the discharge from the lower roof.*
 - f) *Proposed finished surface levels and grades of car parks, internal driveways and access aisles which are to be related to Council's design alignment levels.*
 - g) *The details of any special features that will affect the drainage design eg. the nature of the soil in the site and/or the presence of rock etc.*
33. *All stormwater run-off naturally draining to the site must be collected and discharged through this property's stormwater system. Such drainage must, if necessary, be constructed prior to the commencement of building work.*
34. *Stormwater runoff from the site (Lot 7 in DP 270427) shall be managed in accordance with the Prince Henry drainage strategy prepared by Connell Wagner. This shall involve the western portion of the site (approximately 0.27 hectares) discharging to the underground drainage system in Anzac Parade via a new or existing kerb inlet pit. The remaining site stormwater runoff shall be discharged to the northern watercourse via the bio-filtration swales in the oval (Lot 8 in DP 270427).*
35. *Any new kerb inlet pits shall be constructed in general accordance with Council's standard drawing SD7a.*

36. *Any Infiltration systems/Absorption Trenches must be designed in accordance with "Section 8.5 ABSORPTION TRENCHES" as stipulated in Randwick City Council's Private Stormwater Code.*
37. *A childproof and corrosion resistant fastening system shall be installed on access grates over pits/trenches where water is permitted to be temporarily stored.*
38. *If required, reflux valves shall be provided (within the site) over the pipelines discharging from the site to ensure that stormwater from the underground drainage system does not surcharge back into the site stormwater system.*
39. *Should a pump system be required to drain any portion of the site the system must be designed with a minimum of two pumps being installed, connected in parallel (with each pump capable of discharging at the permissible discharge rate) and connected to a control board so that each pump will operate alternatively. The pump wet well shall be sized for the 1 in 100 year, 2 hour storm assuming both pumps are not working.*

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

40. *A sediment/silt arrester pit must be provided:-*
 - b) *within the site at or near the street boundary prior to the site stormwater discharging by gravity to the street drainage system; and*
 - c) *prior to stormwater discharging into any absorption/infiltration system.*

The sediment/silt arrester pit shall be constructed in accordance with the following requirements:-

- *The base of the pit located a minimum 300mm under the invert level of the outlet pipe.*
- *The pit constructed from cast in-situ concrete, precast concrete or double brick.*
- *A minimum of 4 x 90 mm diameter weep holes located in the walls of the pit at the floor level with a suitable geotextile material with a high filtration rating located over the weep holes.*
- *A galvanised heavy-duty screen located over the outlet pipe/s (Mascot GMS multipurpose filter screen or equivalent).*
- *The grate being a galvanised heavy-duty grate that has a provision for a child proof fastening system.*
- *A child proof and corrosion resistant fastening system provided for the access grate.*
- *A sign adjacent to the pit stating:*

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

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

41. *Three covered car washing bays shall be provided for this development.*
 - a) *The car washing bays must be drained to sewer to the requirements of Sydney Water and proof of compliance is to be submitted to the certifying authority, prior to a construction certificate being issued for the proposed development.*
 - b) *The car washing bays must be located outside any required/approved stormwater detention system.*
 - c) *The car washing bays must be signposted with 'Exclusive Carwash Bay Use Sat 2:00pm – 5:00pm and Sunday 10:00am – 2:00pm, Visitor parking at other times'*
 - d) *The car washing bays must be constructed with a minimum 20mm bund around the perimeter of the car washing bays (or equivalent)*
 - e) *A water tap shall be located adjacent to the car washing bays.*
42. *Prior to the issuing of an occupation certificate, the applicant shall submit to Council a works-as-executed drainage plan prepared by a registered surveyor and approved by a suitably qualified and experienced Hydraulic Engineer. The works-as-executed drainage plan shall be to the satisfaction of the Principal Certifying Authority (PCA) and shall include the following details:*
 - d) *Finished site contours at 0.2 metre intervals;*
 - e) *The location, diameter, gradient and material (i.e. PVC, RC etc) of all stormwater pipes;*
 - f) *Details of any infiltration/absorption systems; and*
 - g) *Details of any pumping systems installed (including wet well volumes).*
43. *Prior to the issuing of an occupation certificate, the applicant shall submit to the Principal Certifying Authority (PCA) and Council, certification from a suitably qualified and experienced Hydraulic Engineer confirming that the design and construction of the stormwater drainage system complies with the conditions of development consent. The certification must be provided following inspection/s of the site stormwater drainage system by the certifying engineers and shall be provided to the satisfaction of the PCA.*
44. *Should significant continual seepage flows be encountered within the depth of the basement excavation, the basement carpark is to be suitably tanked and waterproofed. A Structural Engineer\Geotechnical Engineer shall certify the tanking & waterproofing has been carried out to an acceptable standard and a copy of the certification is to be forwarded to Council.*

Note:

- a) *Adequate provision is to be made for the ground water to drain around the basement carpark (to ensure that the basement will not dam or slow the movement of the ground water through the site).*

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

45. *Private bin storage areas shall be provided for units 1, 2, 62, 63, and 64. Each of these storage areas shall be sized to contain 1 x 120 litre garbage bin and 1 x 240 litre recycling bin.*
46. *The garbage room serving building 1 should be sized to contain a total of 16 x 240 litre garbage bins (8 garbage bins and 8 recycling bins) whilst providing satisfactory access to these bins. Details showing compliance with this requirement are to be shown on the plans submitted to the certifying authority for the construction certificate.*
47. *The garbage room serving building 2 should be sized to contain a total of 32 x 240 litre garbage bins (16 garbage bins and 16 recycling bins) whilst providing satisfactory access to these bins. Details showing compliance with this requirement are to be shown on the plans submitted to the certifying authority for the construction certificate.*
48. *The garbage room serving building 3 should be sized to contain a total of 12 x 240 litre garbage bins (6 garbage bins and 6 recycling bins) whilst providing satisfactory access to these bins. Details showing compliance with this requirement are to be shown on the plans submitted to the certifying authority for the construction certificate.*
49. *Waste management arrangements shall be undertaken in general accordance with the Waste Management Plan prepared by JD McDonald dated July 2005.*
50. *A retractable bin mover (or similar) shall be attached to the side of the access driveway to facilitate safe transportation of full bins to the kerb for collection. The device used for moving bins up the steep driveway ramp shall not obstruct vehicular movements on the ramp. Details of the proposed bin mover shall be submitted to and approved by the certifying authority prior to the issuing of a construction certificate.*
51. *The applicant shall liaise directly with Council's Waste Compliance Officer regarding the presentation of bins at the kerb for collection. The applicant shall comply with all of Council's requirements regarding this matter.*

Should bins be presented on Millard Drive (private road), the land owner shall enter into an access agreement with Council (and its nominated contractors). This access agreement shall grant Council (and its nominated contractors) the right to enter the private property for the purpose of collecting wastes and shall indemnify Council (and its nominated contractors) from any damages that may arise as a result of the waste collection.
52. *The garbage rooms shall each be provided with a tap and hose and the floor is to be graded and drained to the sewer to the requirements of Sydney Water.*
53. *The garbage rooms shall be clearly signposted.*

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

54. *The applicant shall create suitable right of carriageway and easements for services and internal stormwater lines, as required. The applicant shall be advised that the minimum easement width for any internal stormwater line is 0.9 metres.*
55. *All conditions of development consent must be satisfied and all roads and reserves must be satisfactorily restored prior to endorsement of the subdivision plans.*
56. *The applicant shall provide Council with a survey plan of the property prior to endorsement of the subdivision plans.*

The following conditions are applied to provide adequate provisions for the protection of bushland, including Eastern Suburbs Banksia Scrub:

57. *All plans submitted for approval with the construction certificate for works within, or adjacent to the area identified as Management Area "R1" in the Bushland Management Plan Control Document version 1 dated 25 November 2004 prepared by Manidis Roberts must be prepared in compliance with the relevant provisions of the Bushland Management Plan Control Document version 1 dated 25 November 2004 prepared by Manidis Roberts.*
58. *The applicant must comply with the Bushland Management Plan Control Document version 1 dated 25 November 2004 prepared by Manidis Roberts when carrying out any works that are the subject of this consent. The Bushland Management Area referred to as "R1" in the Bushland Management Plan must be maintained and protected in strict compliance with the Bushland Management Plan Control Document version 1 dated 25 November 2004 prepared by Manidis Roberts.*
59. *The applicant/developer/contractor shall appoint a Bushland Supervisor to oversee relevant site works in the area of the subject site, Lot 7, adjoining the Bushland Management Area R1 (referred to in the Bushland Management Plan Control Document version 1 dated 25 November 2004 prepared by Manidis Roberts), including but not necessarily limited to:*
 - *Survey for the presence of Phytophthora cinnamomi (root rot) and fill/foreign soils*
 - *Installation of temporary perimeter/protective fencing and silt cloth*
 - *Installation of protective signage,*
 - *Installation of temporary erosion, sediment and stormwater control measures/devices (**not hay bales**) to ensure no piped or directed material or runoff is capable of entering the site,*
 - *Ensure the design of all hard surfaces adjacent to the bushland to fall away from the site*
 - *Ongoing monitoring and maintenance of above during course of the works.*

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

60. *The landscaped areas shown on plan numbers LA.DA.01-02 (Issue 0) dated 11.08.05 by Anton James Design shall be the subject of detailed landscape drawings and specifications, which are to be submitted to, and approved by, the certifying authority, prior to the issue of a construction certificate. The landscape drawings and specifications are to be prepared by a qualified Landscape Architect who is eligible for*

membership with the Australian Institute of Landscape Architects (AILA). The documentation is to include:

- a. *A site plan at an appropriate scale showing existing site boundaries, existing trees within the property (clearly identified as being retained or removed), existing street trees (clearly identified as being retained or removed), features on adjoining sites within 6 metres of the common property boundary (buildings, trees, other structures etc), council's footway, existing and proposed ground levels shown as spot heights and/or contours over the site, at site boundaries, and at the base of the tree/s to be retained, proposed building envelope, proposed areas of pavement, and proposed landscaped areas.*

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

- b. *A planting plan at a scale of 1:100 or 1:200 indicating the location of all proposed planting and existing trees to be retained. All plants are to be drawn at their mature size with a dense planting of shrubs, accent plants and ground covers within all garden beds so that a continuous planted cover is achieved. Plant spacings are to be clearly indicated.*

Notes:

1. *The planting plan and schedule shall not contain any invasive species or those which may threaten the areas of Eastern Suburbs Banksia Scrub (ESBS).*
 2. *The plan shall respect the prevailing coastal influences and the coast's special design considerations and requirements, and shall be designed accordingly. Generally, species selection shall be restricted to local indigenous coastal species which require minimal watering once established or species with water needs that match rainfall and drainage conditions.*
- c. *A planting schedule listing all plants by botanic & common names, plant numbers, plant spacings for groundcovers and accent planting, pot sizes, the estimated size of the plant at maturity (height & spread) and proposed staking methods when applicable.*
 - d. *Additional notation showing soil and mulch details, irrigation details, edging, paving, fencing details, surface finishes, retaining wall details, and any other landscape elements in sufficient detail to fully describe the proposed landscape works.*
 - e. *Position of existing and proposed site services including water, gas, electricity, sewer, stormwater, etc.*
 - f. *Location of easements within the site and upon adjacent sites (if any).*
 - g. *Sectional elevations through the site showing the existing and proposed groundlines, building elevations, and mature height of proposed planting.*

Note:

a. All garden beds constructed on slab must have a minimum soil depth of 600mm and all lawn areas must have a minimum soil depth of 300mm.

- 61. 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.*
- 62. To ensure satisfactory maintenance of the landscaped areas, an automatic irrigation system shall be installed throughout all planted areas. Such system shall provide full coverage to all the planted areas with no overspray onto hard surfaces.*

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

- 63. The naturestrip upon the footway (adjacent to Lot 31) 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.*
- 64. The naturestrip around the development 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.*
- 65. All detention tanks and stormwater infiltration systems located within the landscaped areas shall have a minimum soil cover of 600mm to ensure sufficient soil depth to permit the establishment of landscaping on top of these services as stipulated by these conditions of development consent.*

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

- 66. A refundable deposit in the form of cash, cheque or bank guarantee for the amount of \$10,000.00 shall be lodged with Council prior to a construction certificate being issued for the proposed development to ensure the implementation and maintenance of the landscape works in accordance with the approved landscape documentation.*

3.

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

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

Advisory Matters

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

The applicant shall present the receipt to Council's Landscape Technician to organise for a further inspection to be undertaken.

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:

68. *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.*
69. *Any fill importation to the site is to be monitored and classified a suitably qualified environmental consultant or a person with his/her qualifications. Only 'Virgin Excavated Natural Material' (VENM) is to be imported to the site, as defined within the NSW EPA 'Environmental Guidelines; Assessment, Classification and management of Liquid and Non-Liquid Wastes. 1999'*

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:

70. *The residential units are to achieve the following internal acoustic amenity criteria:*

In naturally ventilated residential units; the repeatable maximum L_{Aeq} (1 hour) shall not exceed:

- *35 dB(A) between 10pm and 7am in sleeping areas when the windows are closed;*
- *45 dB(A) in sleeping areas when windows are open;*
- *45 dB(A) in living areas (24 hours) when the windows are closed, and*
- *55 dB(A) in living areas when the windows are open.*

a) *In residential units provided with mechanical ventilation, air conditioning or other complying means of ventilation, when doors and windows are shut, the repeatable maximum L_{Aeq} (1 hour) shall not exceed:*

- *38 dB(A) between 10pm and 7am in sleeping areas;*
- *46 dB(A) in living areas (24 hours).*

71. *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.*

The project specific criteria for noise emissions shall be in accordance with the acoustical report dated 15 July 2005, prepared by Vipac Engineers and Scientists Ltd when measured at the nearest affected boundary:

72. *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.*
73. *A report/correspondence prepared by a suitably qualified and experienced consultant in acoustics shall be submitted to Council **prior to a construction certificate being issued for the development**, which demonstrates that noise and vibration emissions from the development will comply with the relevant provisions of the Protection of the Environment Operations Act 1997, Environmental Protection Authority Noise Control Manual & Industrial Noise Policy and relevant conditions of approval.*
74. *A report, prepared by a suitably qualified and experienced consultant in acoustics, shall be submitted to the Council prior to an **occupation certificate** being issued for the development, which demonstrates and certifies that noise and vibration emissions from the development comply with the relevant provisions of the Protection of the Environment Operations Act 1997, NSW Environmental Protection Authority Noise Control Manual & Industrial Noise Policy and conditions of Council's approval, to the satisfaction of Council's Manager Environmental Health & Building Services.*
75. *Use and operation of the premises is to comply with the requirements and recommendations as set out Acoustic Report titled "Acoustic Assessment for DA Submission, Report No. 242963-TRP-004134-00, Prepared by Vipac Engineers and Scientists Ltd dated 15th July 2005"*
76. *The installation of rainwater tanks and grey water treatment systems shall comply with the following noise control requirements:-*
 - a) *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 $L_{Aeq, 15 \text{ min}}$ sound pressure level at any affected premises that exceeds the background $L_{A90, 15 \text{ min}}$ 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.
 - b) *Plant and equipment associated with rainwater tank(s) and grey water treatment systems are to be enclosed in a sound absorbing enclosure or installed within a building, to minimise noise emissions and possible nuisance to nearby residents.*
 - c) *The operation of plant and equipment associated with the rainwater tank(s) and grey water treatment systems are to be restricted, if the noise emitted can be heard within a habitable room in any other residential premises:*
 - *before 8.00am or after 8.00pm on weekends or public holiday; or*
 - *before 7.00am or after 8.00pm on weekdays.*

77. *The location and height of the discharge of mechanical ventilation and exhaust systems are required to satisfy the relevant provisions of the Building Code of Australia and AS 1668 and details are to be provided in the relevant plans / specifications for the construction certificate.*
78. *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.*
79. *An application, in accordance with Section 68 of the Local Government Act 1993 and the Local Government (Approvals) Regulation 1999, must be submitted to and approved by Council prior to a Construction Certificate being issued for the development, for the installation and operation of a Grey Water Treatment/Diversion System. Details of compliance with relevant NSW Health Department Guidelines are to be provided with the application.*
80. *The grey water system is to be designed, installed and operated in accordance with the requirements of relevant NSW Health Guidelines for Grey water and Sewage Recycling systems and devices. (Including the 'NSW Health Interim Circular 2004/71 for Grey Water and Sewage Recycling in Multi Unit Dwelling and Commercial Premises')*
81. *Liquid trade waste materials or similar are to be disposed of in accordance with the requirements of the Sydney Water. Details of compliance are to be submitted to the certifying authority prior to the commencement of works*
82. *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.

83. *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.*
84. *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.*
85. *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.

86. *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.

87. *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".*
88. *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.

89. *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 must also be provided to Council with the occupation certificate.

90. *In accordance with clause 98 of the Environmental Planning & 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.*

91. *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.*

92. *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.

93. *The building is required to be provided with a smoke alarm system complying with Clause 3 of Specification E2.2a of the Building Code of Australia or a smoke detection system complying with Clause 4 of Specification E2.2a of the Building Code of Australia or a combination of a smoke alarm system within the sole-occupancy units*

and a smoke detection system in areas not within the sole-occupancy units. The smoke detectors located within the stairway, corridors or the like must be interconnected.

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

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

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

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

*Any practices or procedures specified in the engineer's report in relation to the avoidance or minimisation of structural damage to nearby premises, must be fully complied with and incorporated into the documentation for the **construction certificate**.*

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

96. *Driven type piles/shoring must not be provided unless a geotechnical engineer's report is submitted to the certifying authority, prior to the issuing of a construction certificate, which demonstrates that damage should not occur to any adjoining premises and public place as a result of the works.*

*Any practices or recommendations specified in the engineer's report in relation to the avoidance or minimisation of structural damage to nearby premises or land must be fully complied with and incorporated into the documentation for the **construction certificate**.*

97. *The installation of ground or rock anchors underneath any adjoining premises including (a public roadway or public place) must not be carried out without specific written consent of the owners of the affected adjoining premises and (where applicable) details of compliance must be provided to the certifying authority prior to the commencement of any excavation or building works.*

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

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

99. *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.*
100. *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.*
101. *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.*
102. *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.*
103. *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.*
104. *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.*
105. *A report prepared by a suitably qualified and experienced consultant in acoustics/vibration shall be submitted to the Principal Certifying Authority and the Council upon commencement of works, certifying that noise and vibration emissions from the construction of the development complies with the provisions of the Protection of the Environment Operations Act 1997, the Noise Control Manual published by the Environment Protection Authority and relevant conditions of approval. In support of the above it is necessary to submit all relevant readings and calculations made.*

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

106. *A Registered Surveyor's check survey certificate or compliance certificate is to be forwarded to the principal certifying authority (and a copy is to be forwarded to the Council, if the Council is not the principal certifying authority), detailing compliance with Council's approval at the following stage/s of construction:*
- a) *Prior to construction of the first completed floor/floor slab (prior to pouring of concrete), showing the area of land, building and boundary setbacks and verifying that the building is being construction at the approved levels.*
 - b) *On completion of the erection of the building showing the area of the land, the position of the building and boundary setbacks and verifying the building has been constructed at the approved levels.*
107. *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.*
108. *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.*
109. *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.*
110. *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.*
111. *A Construction Site Management Plan is to be submitted to and approved by the principal certifying authority prior to the commencement of demolition, excavation or building works. The site management plan must include the following measures, as applicable to the type of development:*

- *location and construction of protective fencing / hoardings to the perimeter of the site;*
- *location of site storage areas/sheds/equipment;*
- *location of building materials for construction;*
- *provisions for public safety;*
- *dust control measures;*
- *site access location and construction*
- *details of methods of disposal of demolition materials;*
- *protective measures for tree preservation;*
- *provisions for temporary sanitary facilities;*
- *location and size of waste containers/bulk bins;*
- *details of proposed sediment and erosion control measures;*
- *construction noise and vibration management.*

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

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

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

Dust control measures and practices may include:-

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

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

*Details of the proposed sediment control measures are to be detailed in a site management plan and must be submitted to and approved by the principal certifying authority **prior to the commencement of any site works.** The sediment and erosion control measures must be implemented prior to the commencement of any site works and be maintained throughout construction. A copy of the approved details must be forwarded to the Council and a copy is to be maintained on-site and be made available to Council officers upon request.*

Details of proposed sediment and erosion control measures shall include; a site plan; indicating the slope of land, access points & access control measures, location and type of sediment & erosion controls, location of existing vegetation to be retained, location of material stockpiles and storage areas, location of building operations and equipment, methods of sediment control, details of drainage systems and details of existing and proposed vegetation.

114. *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.

115. *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.*

116. *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.

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

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

Temporary fences or hoardings 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.

117. *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 or 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 (grater than 3m in length) or any container or other article.*

The following conditions are applied to provide reasonable levels of access for people with disabilities:

118. *Access, facilities and car parking for people with disabilities must be provided in accordance with the relevant provisions of the Building Code of Australia and AS1428.1, AS4299 and 2890.1 and Council's development control plan for multi-unit housing to the satisfaction of the Certifying Authority. Details of the proposed access, facilities and car parking for people with disabilities are to be included in the plans / specifications for the construction certificate.*

ADVISORY MATTERS:

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

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

- a) *Clause D1.4 - Exit travel distances (in carpark)*

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 advised to ensure that the development is not inconsistent with Council's consent and if necessary consult with Council's Building Certification Services or your accredited certifier prior to submitting your construction certificate application to enable these matters to be addressed accordingly.

2. *The applicant/owner is advised that this approval does not guarantee compliance with the provisions of the Disability Discrimination Act 1992 and the applicant should therefore consider their liability under the Act. In this regard, the applicant is advised that compliance with the requirements of the Building Code of Australia and Australian Standard 1428.1 - Design for Access and Mobility does not necessarily satisfy the objectives of the Disability Discrimination Act 1992.*

The applicant/owner is requested to give consideration to providing access and facilities for people with disabilities in accordance with Australian Standard 1428 Parts 1, 2, 3 and 4 - Design for Access and Mobility, which may be necessary to satisfy the objectives of the Disability Discrimination Act 1992.

3. *A Site Audit Statement and Summary Site Audit Report have been issued for the subject land. The applicant is to note that an unexpected finds protocol is included in the Summary Site Audit Report.*

Based on the consideration by the NSW EPA accredited Site Auditor, it has been concluded that the ground water should not be used (in the unlikely event that it is accessed), and that site soils are acceptable for residential end use.

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

10.4 DIRECTOR, CITY PLANNING 94/2005 – UNIT 16, 57-63 BELMORE ROAD, RANDWICK. (DA/712/2005)

534 **RESOLUTION: (Woodsmith/Sullivan) that:**

Council as the responsible authority grant development consent under Section 80 and 80A of the Environmental Planning and Assessment Act 1979 (as amended) to Development Application No. 721/2005 for Balcony enclosure at Unit 16, 57-63 Belmore Road, Randwick subject to the following conditions:-

1. *The development must be implemented substantially in accordance with the plans numbered Plan 1, dated 10/06/05 and received by Council on 6TH September 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 existing building and adjacent development to maintain the integrity and amenity of the building and the streetscape.*

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

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

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

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

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

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

*The Principal Certifying Authority must specify the relevant stages of construction to be inspected in accordance with section 81A (2) (b1) (ii) of the **Environmental Planning & Assessment Regulation 2000** and a satisfactory inspection must be carried out, to the satisfaction of the Principal Certifying Authority, prior to proceeding to the subsequent stages of construction or finalisation of the works (as applicable).*

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

The principal contractor or owner-builder (as applicable) must ensure that the required critical stage and other inspections, as specified in the Principal Certifying

Authority's "Notice of Critical Stage Inspections", are carried out to the satisfaction of the Principal Certifying Authority and at least 48 hours notice (excluding weekends and public holidays) is to be given to the Principal Certifying Authority, to carry out the required inspection, before carrying out any further works.

8. **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.

9. **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.

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

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

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

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

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

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

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

11. *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.*
12. *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.*
13. *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.*
14. *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.*
15. *Building materials, sand, soil, waste materials or construction equipment must not be placed upon the footpath, roadway or nature strip at any time and the footpath, nature strip and road must be maintained in a clean condition and free from any obstructions, soil and debris at all times.*
16. *Bulk bins/waste containers must not be located upon the footpath, roadway or nature strip at any time without the prior written approval of the Council, unless the waste container is located upon the road in accordance with the Roads & Traffic Authority Guidelines and Requirements, and the container is exempt from an approval under Development Control Plan for Exempt & Complying Development and Council's Local Approvals Policy. Applications to place a waste container in a public place can be made to Council's Building Services section.*
17. *During construction stages, sediment laden stormwater run-off shall be controlled using the sediment control measures outlined in the manual for Managing Urban Stormwater – Soils and Construction, published by the NSW Department of Housing*
18. *Stockpiles of soil, sand, aggregate or other materials must not be located on any footpath, roadway, nature strip, drainage line or any public place and the stockpiles must be protected with adequate sediment control measures.*

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

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.

ADVISORY MATTERS:

A1 *Building or excavations works must not be commenced until a construction certificate has been obtained from Council's Building Certification Services or an Accredited Certifier and either Council's Building Certification Services or an Accredited Certifier has been appointed as the Principal Certifying Authority (PCA) for this development.*

Failure to obtain a Construction Certificate and appoint a PCA before commencing works is an offence, which renders the responsible person liable to a maximum penalty of \$1.1 million under the Environmental Planning & Assessment Act 1979.

A2 *The applicant is advised that the Construction Certificate plans and specification must comply with the provisions of the Building Code of Australia (BCA) and the construction certificate must not be inconsistent with the development consent.*

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 ensure that the development is not inconsistent with Council's consent and to consult with Council's Building Certification Services or an accredited certifier prior to submitting your construction certificate application to enable these matters to be addressed accordingly.

MOTION: (Woodsmith/Sullivan) CARRIED – SEE RESOLUTION.

10.5 DIRECTOR, CITY PLANNING 95/2005 – 1 WISDOM STREET, SOUTH COOGEE. (D/1542/1999)

535 **RESOLUTION:** *(Notley-Smith/Belleli) that Council as the responsible authority, grant its consent pursuant to the provisions of Section 96 of the Environmental Planning and Assessment Act 1979 (as amended) to modify Development Consent No.1542/99 on property No.1 Wisdom, Coogee in the following manner:*

A That Condition No. 1 is amended to read:

“1. The development must be implemented substantially in accordance with:

the plans numbered 1 to 6 Job No 9910, dated 20-10-99 and received by Council on 01-12-99, the application form and on any supporting information received with the application; except as amended by,

the Section 96 plans dated 23/03/04 and received by Council on 19-04-04, so far as they relate to the modifications highlighted on the Section 96 plans and detailed in the Section 96 application DA1542/99/”A”, and

the Section 96 plans dated 5/08/08 and received by Council on 27 September 2005, so far as they relate to modifications highlighted on the Section 96 plans and detailed Section 96 application DA1542/99/”b”

(a) *The overall height of the building is not to exceed RL 39.70.”*

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

10.6 DIRECTOR, CITY PLANNING REPORT 96/2005 - 32 CREER STREET, RANDWICK. (DA/0552/2005)

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

A. *Council as the responsible authority grant development consent under Section 80 and 80A of the Environmental Planning and Assessment Act 1979 (as amended) to Development Application No. 552/2005 for the construction of a new hardstand carspace to the front of the dwelling including a new front fence and sliding gate and associated front landscaping at 32 Creer Street, RANDWICK subject to the following conditions:-*

1. *The development must be implemented substantially in accordance with the plans unnumbered, undated and received by Council on 5 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 colours, materials and finishes of the external surfaces to the proposed fence structures are to be compatible with the existing building and adjacent development to maintain the integrity and amenity of the building and the streetscape.*
3. *The fence on the street alignment is to be a maximum height of 1200mm measured vertically from any point on natural ground level, to maintain reasonable levels of amenity to the adjoining residential development and the streetscape. Details of compliance are to be provided in the construction certificate plans.*
4. *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.*
5. *There must be no encroachment of any part of the hardstand carspace and fence structures onto the adjoining premises or onto Council’s road reserve, footway or public place.*

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

6. *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:

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.*

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.

8. *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.*

9. ***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.***

10. ***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.

11. *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.

12. *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".*
13. *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.

14. ***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.

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

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.*

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:

17. *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.*
18. *A copy of the construction certificate, the approved plans & specifications and development consent conditions must be kept on the site at all times and be made available to the Council officers and all building contractors for assessment.*
19. *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.

20. *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.

21. *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.*

22. *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.

23. *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.*

24. *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.*

25. *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.

Civil Works Conditions

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

26. *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.*
 - b. *Reconstruct the Council footpath from the pedestrian gate entrance of No 30 Creer St to the pedestrian gate entrance of No 34 Creer St to match Council's new issued footpath levels.*
27. *The applicant must meet the full cost for Council or a Council approved contractor to repair/replace any damaged sections of Council's footpath, kerb & gutter, nature strip etc which are due to building works being carried out at the above site. This includes the removal of cement slurry from Council's footpath and roadway.*
28. *The applicant shall note that all external work, carried out on Council property, shall be in accordance with Council's Policy for "Vehicular Access and Road and Drainage Works". An application for the cost of the Council civil works is to be submitted to Council at the completion of the internal building works. An application fee shall be payable to Council for the quotation of the required works. The applicant may elect to use his contractor for the required works, subject to Council approval, however a design and supervision fee based on the lowest quotation from Council's nominated contractor will be required to be paid prior to the commencement of any works.*

Alignment Level Conditions

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

29. *The Council's Development Engineer has inspected the above site and has determined that the design alignment level (concrete/paved/tiled level) at the property boundary for the carspace entrance and pedestrian gate entrance shall be as follows:*
 - *Western Boundary (western driveway entrance) - 300mm above the existing Council footpath level at this location.*

- *Eastern driveway entrance – 50mm below the new western driveway entrance).*
- *Pedestrian Gate entrance – straight grade between new footpath level at eastern driveway entrance and existing Council footpath level at eastern side boundary.*

Any enquiries regarding this matter should be directed to Council's Development Engineer on 9399 0923.

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

30. *The design alignment levels (concrete/paved/tiled level) issued by Council and their relationship to the footpath must be indicated on the building plans for the construction certificate.*
31. *The above alignment levels and the site inspection by Council's Development Engineer have been issued at a prescribed fee of \$121.00 (inclusive of GST). This amount is to be paid prior to a construction certificate being issued for the development.*

Service Authority Conditions

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

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

Landscape Conditions

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

34. *That part of the naturestrip upon Council's footway which is damaged during the construction of the proposed works shall be excavated to a depth of 150mm, backfilled with topsoil equivalent with 'Organic Garden Mix' as supplied by Australian Native Landscapes, and re-turfed with Kikuyu turf or similar. Such works shall be completed at the applicants expense prior to the issue of a final Occupation Certificate.*
35. *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.*

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

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

ADVISORY MATTERS:

- A1 *Building or excavations works must not be commenced until a construction certificate has been obtained from Council's Building Certification Services or an Accredited Certifier and either Council's Building Certification Services or an Accredited Certifier has been appointed as the Principal Certifying Authority (PCA) for this development.*

Failure to obtain a Construction Certificate and appoint a PCA before commencing works is an offence, which renders the responsible person liable to a maximum penalty of \$1.1 million under the Environmental Planning & Assessment Act 1979.

- A2 *The applicant is advised that the Construction Certificate plans and specification must comply with the provisions of the Building Code of Australia (BCA) and the construction certificate must not be inconsistent with the development consent.*

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 ensure that the development is not inconsistent with Council's consent and 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.

- A3 *The applicant is to advise Council in writing and/or photographs of any signs of existing damage to the Council roadway, footway, or verge prior to the commencement of any building/demolition works.*

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

10.7 DIRECTOR, CITY PLANNING REPORT 97/2005 – 417-439R BUNNERONG ROAD, MAROUBRA. (DA457/2005)

537 **RESOLUTION: (Notley-Smith/Belleli) that:**

- A. *Council, as the consent authority, waive the requirement for a Masterplan pursuant to clause 40A(2) of Randwick Local Environmental Plan 1998.*

- B. Council, as the consent authority, grant development consent under Section 80 and 80A of the Environmental Planning and Assessment Act 1979 (as amended) to Development Application No.457/05 for permission to construction of 3 new handball courts at Heffron Park adjacent to the Tennis Courts off Bunnerong Road for 417-439R Bunnerong Road, Maroubra subject to the following conditions: -
1. The development must be implemented substantially in accordance with the plans received by Council on 9 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 surrounding development and landscape to maintain the integrity and amenity of the building and the area.

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. The proposed fencing along the northern and eastern sides of the handball courts is to match the existing fencing of the tennis courts in terms of style/design and height.

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 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.

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,
 - 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.

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. *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.*
15. *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.

16. *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.*
17. *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.*
18. *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.*
19. *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.

20. *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.*
21. *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.*
 - b) *On completion of the erection of the building showing the area of the land, the position of the building and boundary setbacks.*
22. *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.*
23. *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.

24. *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.*
25. *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.*
26. *A Construction Site Management Plan is to be submitted to and approved by the principal certifying authority prior to the commencement of demolition, excavation or*

building works. The site management plan must include the following measures, as applicable to the type of development:

- *location and construction of protective fencing / hoardings to the perimeter of the site;*
- *location of site storage areas/sheds/equipment;*
- *location of building materials for construction;*
- *provisions for public safety;*
- *dust control measures;*
- *site access location and construction*
- *details of methods of disposal of demolition materials;*
- *protective measures for tree preservation;*
- *provisions for temporary sanitary facilities;*
- *location and size of waste containers/bulk bins;*
- *details of proposed sediment and erosion control measures;*
- *construction noise and vibration management.*

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

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

*Details of the proposed sediment control measures are to be detailed in a soil and water management plan and must be submitted to and approved by the principal certifying authority **prior to the commencement of any site works**. The sediment and erosion control measures must be implemented prior to the commencement of any site works and be maintained throughout construction. A copy of the approved details must be forwarded to the Council and a copy is to be maintained on-site and be made available to Council officers upon request.*

Details of proposed sediment and erosion control measures shall include; a site plan; indicating the slope of land, access points & access control measures, location and type of sediment & erosion controls, location of existing vegetation to be retained, location of material stockpiles and storage areas, location of building operations and equipment, methods of sediment control, details of drainage systems and details of existing and proposed vegetation.

28. *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.

29. *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.

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

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

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

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

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

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

31. *Hazardous or intractable wastes arising from the demolition, excavation and remediation process being removed and disposed of in accordance with the requirements of WorkCover NSW and the Environment Protection Authority, and with the provisions of:*

- *New South Wales Occupational Health and Safety Act, 2000;*
- *The Occupational Health and Safety (Hazardous Substances) Regulation 2001;*
- *The Occupational Health and Safety (Asbestos Removal Work) Regulation 2001;*
- *Protection of the Environment Operations Act 1997 (NSW) and*
- *Environment Protection Authority's Environmental Guidelines; Assessment, Classification and Management of Liquid and Non Liquid Wastes (1999).*

32. *Any fill importation to the site is to be monitored and classified by the Site Auditor appointed for remediation of the site or a person with his qualifications. Only 'Virgin Excavated Natural Material' (VENM) is to be imported to the site, as defined within the NSW EPA 'Environmental Guidelines; Assessment, Classification and management of Liquid and Non-Liquid Wastes. 1999'.*

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

34. *A sign displaying the contact details of the remediation contractor (and the site manager if different to remediation contractor) shall be displayed on the site adjacent to the site access. This sign shall be displayed throughout the duration of the remediation works.*
35. *The use and operation of the premises shall not give rise to an environmental health or public nuisance.*
36. *A continuous row of Banksia Integrifolia (at 2.5 metre spacings) shall be provided along the eastern and western sides of the proposed handball courts to provide a dense screen planting. Banksia Integrifolia shall also be provided along the northern boundary as detailed on the submitted plans.*

Details of the proposed screen planting shall be submitted to and approved by Council's Landscape Development Officer prior to the issue of a construction certificate.

37. *If required by the licensor, the licensee shall remove all structures from within the licensed area and reinstate the area with turf upon termination of the license agreement.*
38. *The applicant must cease operation of the handball courts upon termination of the license agreement.*
39. *The applicant must keep in full force and effect for the term of the license agreement, a policy of public risk insurance with respect to the licensed area and the business undertaken by the Licensee therein. The limit of public risk shall be not less than \$10,000,000 or such other sum as the Council may reasonably nominate in writing from time to time as the amount which may be paid arising out of any one single accident or event.*

NOTES:

- a. *The policy shall extend to cover death or injury to any person and damage to property of any person sustained as a result of works within the licensed area AND/OR when such person is using or entering the licensed area.*
 - b. *The policy must name the Licensor, Licensee and the Minister as the insured and must contain a clause that the insurer will not cancel or change the insurance without first giving the Council ten (10) days prior written notice.*
 - c. *The insurance must be with an insurer approved by the Council and a copy of the policy or a certificate of insurance shall be delivered by the Licensee to the Council*
40. *The applicant shall indemnify Council for the full duration of the license agreement from and against all claims, demands, writs, etc. as set out in the formal license agreement.*
 41. *The applicant shall ensure that the licensed area is maintained in a clean and tidy condition at all times.*
 42. *The applicant shall, during the term of the agreement with Council, abide with any current or future Council Policy, resolution or directive regarding use of the licensed*

area.

43. *The applicant shall abide with any directive given by any utility authority in relation to access requirements to any utility within the licensed area.*
44. *The applicant must meet the full cost for Council or a Council approved contractor to repair/replace any damaged sections of Heffron Park which are due to building works being carried out at the above site.*
45. *The applicant contact Council's Open Space Coordinator a minimum of 7 days prior to the commencement of work to ascertain any special requirements relating to timing of the works. All works shall be undertaken to the satisfaction of Council's Open Space Coordinator.*

ADVISORY MATTERS:

- A1 *The applicant is advised that the Construction Certificate plans and specification must comply with the provisions of the Building Code of Australia (BCA). In this regard, the development consent plans do not show compliance with the deemed-to-satisfy provisions of the BCA.*

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

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

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

10.8 DIRECTOR, CITY PLANNING REPORT 98/2005 - 40 SHAW AVENUE, KINGSFORD. (D0822/2004)

- 538 **RESOLUTION: (Nash/Andrews)** *that the application to construct a new carport at the front of the property in front of the garage be approved subject to standard conditions.*

Conditions of Consent

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:

1. *The development must be implemented substantially in accordance with the plans numbered 04SH015, drawing No.s 001b and 003b and received by Council on 14 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:*
2. *The colours, materials and finishes of the external surfaces of the carport structure are to be compatible with adjacent development to maintain the integrity and amenity of the building and the streetscape.*

3. *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 City Planning, 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.*
4. *There must be no encroachment of any part of the structure onto the adjoining premises or onto Council's road reserve, footway or public place.*
5. *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.*

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:

6. *Surface water/stormwater must be drained and discharged to the street gutter to the satisfaction of the Certifying Authority and details are to be included in the construction certificate application for the development.*
7. *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.*
8. *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:

9. *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.*
10. *Failure to comply with these legislative requirements is an offence and may result in the commencement of legal proceedings, issuing of `on-the-spot` penalty infringements or service of a notice and order by Council.*
11. *All new building work must be carried out in accordance with the provisions of the **Building Code of Australia** (BCA), in accordance with Clause 98 of the Environmental Planning and Assessment Regulation 2000.*
12. ***Prior to the commencement of any building works, a construction certificate must be obtained from the Council or an accredited certifier, in accordance with the provisions of the Environmental Planning & Assessment Act 1979 and Environmental Planning & Assessment Regulation 2000.***
13. ***Prior to the commencement of any building 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.

- 14. *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.*
- 15. *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.

- 16 *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.*
- 17. *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”.

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

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

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

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

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

19. 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.

20. 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.

21. 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.

22. 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.

23. 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.

24. *Retaining walls, shoring, or piling must be designed and installed in accordance with appropriate professional standards and the relevant requirements of the Building Code of Australia and Australian Standards. Details of proposed retaining walls, shoring or piling are to be submitted to and approved by the Principal Certifying Authority for the development prior to commencing such excavations or works.*
25. *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.*
26. *Public safety and convenience must be maintained at all times during demolition, excavation and construction works.*
27. *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.*
28. *A Road Opening Permit must be obtained from the Council and other relevant Authorities prior to excavating or opening-up the road or footway for services or the like.*
29. *Building materials, sand, soil, waste materials or construction equipment must not be placed upon the footpath, roadway or nature strip at any time and the footpath, nature strip and road must be maintained in a clean condition and free from any obstructions, soil and debris at all times.*
30. *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.*
31. *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.*
32. *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.*
33. *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.*
34. *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.*

35. *A Construction Site Management Plan is to be submitted to and approved by the principal certifying authority prior to the commencement of demolition, excavation or building works. The site management plan must include the following measures, as applicable to the type of development:*
- *location and construction of protective fencing / hoardings to the perimeter of the site;*
 - *location of site storage areas/sheds/equipment;*
 - *location of building materials for construction;*
 - *provisions for public safety;*
 - *dust control measures;*
 - *site access location and construction*
 - *details of methods of disposal of demolition materials;*
 - *protective measures for tree preservation;*
 - *provisions for temporary sanitary facilities;*
 - *location and size of waste containers/bulk bins;*
 - *details of proposed sediment and erosion control measures;*
 - *construction noise and vibration management.*
36. *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.*
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. *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.*
39. *Stockpiles of soil, sand, aggregate or other materials must not be located on any footpath, roadway, nature strip, drainage line or any public place and the stockpiles must be protected with adequate sediment control measures.*
40. *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.*
41. *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.*

42. *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 (grater than 3m in length) or any container or other article.*
43. *Any part of Council's nature strip which is damaged as a result of the work must be back-filled, top-soiled and re-turfed with kikuyu turf prior to occupation or finalisation of the development, to Council's satisfaction.*

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

44. *Adequate provisions are to be made within the premises for the storage and removal of waste and recyclable materials, to the satisfaction of Council and details are to be included in the construction certificate documentation.*

The following conditions have been applied to ensure that adequate security provisions are made for vehicular access, parking and public infrastructure:

45. *The applicant must meet the full cost for Council or a Council approved contractor to install vehicular crossings and 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.*
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 making good any damage caused to the roadway, footway, verge or any public place; and 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:*

\$600.00 - Damage / Civil Works Security Deposit

47. *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 upon the completion of the civil works which confirms that there has been no damage to Council's infrastructure.*
48. *The owner/applicant is also requested 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.*
49. *To obtain a refund of relevant deposits, a Security Deposit Refund Form is to be forwarded to Council's Director of City Services upon issuing of an occupation certificate or completion of the civil works.*

50. *The design alignment level (finished level of concrete, paving or the like) at the property boundary for driveways, access ramps and pathways or the like, must match the back of the existing footpath along the full site frontage.*
51. *The design alignment level/s at the property boundary as issued by Council and their relationship to the roadway/kerb/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.*

Any enquiries regarding this matter should be directed to Council's Development Engineer on 9399 0923.

52. *The gradient of the internal access driveway must be designed and constructed in accordance with AS 2890.1 (2004) – Off Street Car Parking and the levels of the driveway must match the alignment levels at the property boundary (as specified by Council). Details of compliance are to be included in the construction certificate.*

ADVISORY MATTERS:

- A1 *Building or excavations works must not be commenced until a construction certificate has been obtained from Council's Building Certification Services or an Accredited Certifier and either Council's Building Certification Services or an Accredited Certifier has been appointed as the Principal Certifying Authority (PCA) for this development.*

Failure to obtain a Construction Certificate and appoint a PCA before commencing works is an offence, which renders the responsible person liable to a maximum penalty of \$1.1 million under the Environmental Planning & Assessment Act 1979.

- A2 *The applicant is advised that the Construction Certificate plans and specification must comply with the provisions of the Building Code of Australia (BCA) and the construction certificate must not be inconsistent with the development consent.*

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 ensure that the development is not inconsistent with Council's consent and to consult with Council's Building Certification Services or an accredited certifier prior to submitting your construction certificate application to enable these matters to be addressed accordingly.

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

10.9 DIRECTOR, CITY PLANNING REPORT 99/2005 – 61 HIGH STREET, RANDWICK. (D0954/2005)

RESOLUTION: (Notley-Smith/Belleli) that:

- A. Council, as the consent authority, waive the requirement for a Masterplan pursuant to clause 40A(2) of Randwick Local Environmental Plan 1998.
- B. Council, as the consent authority, grant development consent under Section 80 and 80A of the Environmental Planning and Assessment Act 1979 (as amended) to Development Application No.0954/05 for permission to internal renovation for Levels 5 & 6 of the Parkes Building (Prince of Wales Hospital) including renewing the ceiling of Level 4 for 61 High Street, Randwick, subject to the following conditions: -
1. The development must be implemented substantially in accordance with the plans numbered A00, A02, A03, A04 and A05, dated 2 November 2005 and received by Council on 16 November 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 ensure that the development satisfies the provisions of the Environmental Planning and Assessment Act 1979 and Regulations:

2. 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.
3. All new building work must be carried out in accordance with the provisions of the Building Code of Australia (BCA).
4. Prior to the commencement of any building works, the person having the benefit of the development consent must:-
 - i) appoint a suitably qualified Certifier for the development; and
 - ii) appoint a principal contractor for the building work and notify the Certifier and Council accordingly in writing; and
 - iii) notify the principal contractor of the required critical stage inspections and other inspections to be carried out, as specified by the Certifier; and
 - iv) give at least two days notice to the Council, in writing, of the person's intention to commence site works.
5. The building works must be inspected by the Certifier to monitor compliance with the relevant standards of construction, Council's development consent and the approved construction plans.

The Certifier must specify the relevant stages of construction to be inspected and a satisfactory inspection must be carried out, to the satisfaction of the Certifier, 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 Certifier. Details of

critical stage inspections carried out and copies of certification relied upon must also be forwarded to Council upon finalisation of the development.

The principal contractor must ensure that the required critical stage and other inspections, as specified in the Certifier's requirements, are carried out to the satisfaction of the Certifier and an agreed period is to be given to the Certifier, to carry out the required inspection, before carrying out any further works.

6. *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;*
 - *name, address and telephone number of the appointed Certifier,*
 - *a statement stating that "unauthorised entry to the work site is prohibited".*
7. *A statement that the building is fit for occupation must be obtained from the appointed Certifier prior to any occupation of the building work encompassed in this development consent.*

The statement must not be issued for the development if the development is inconsistent with the development consent. The conditions of development consent must be satisfied prior to occupation.

Details of critical stage inspections carried out by the Certifier together with any other certification relied upon must be provided to Council prior to occupation.

8. *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 commencement of work, 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.

9. *Fire safety notices must be provided to fire-isolated stairways, passageways or ramps in accordance with clause 183 of the Environmental Planning and Assessment Regulation 2000, at all times.*

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

10. *A Certificate of Adequacy prepared by a professional engineer shall be submitted to the Certifier (and the Council, if the Council is not the suitably qualified certifier) 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:

11. *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.*
12. *A copy of the approved construction drawings, 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.*
13. *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.*
14. *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.*
15. *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.*
16. *Public safety and convenience must be maintained at all times during demolition, excavation and construction works.*
17. *A Construction Site Management Plan is to be submitted to and approved by the Certifier 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;;*
 - *provisions for temporary sanitary facilities;*
 - *location and size of waste containers/bulk bins;*
 - *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.

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

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

19. *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.*
20. *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.*
21. *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.*
22. *If the work involved in the erection or demolition of a building is likely to cause pedestrian or vehicular traffic in a public place to be obstructed or rendered inconvenient or the building involves the enclosure of a public place, a hoarding or fence must be erected between the work site and the public place.*

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

23. *Access and facilities people with disabilities must be provided to and within the building in accordance with the relevant provisions of the Building Code of Australia and AS1428.1, to the satisfaction of the Certifier. Details of the proposed access and facilities for people with disabilities are to be included in the plans / specifications for the construction drawings.*

ADVISORY MATTERS

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

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

- a) Part B1 - Structural provisions*
- b) Part C1 - Fire resistance and stability*
- p) Part E1 - Fire fighting equipment*
- q) Part E2 - Smoke Hazard Management*
- s) Part E4 - Emergency lighting, exit signs & warning systems*

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

You are advised to ensure that the development is not inconsistent with Council's consent and if necessary consult with your suitably qualified certifier prior to finalising your working drawings to enable these matters to be addressed accordingly.

You are advised that this approval does not guarantee compliance with the provisions of the Disability Discrimination Act 1992 and you should therefore consider your liability under the Act. In this regard, you are advised that compliance with the requirements of the Building Code of Australia and Australian Standard 1428.1 - Design for Access and Mobility does not necessarily satisfy the objectives of the Disability Discrimination Act 1992.

You are requested to give consideration to providing access and facilities for people with disabilities in accordance with Australian Standard 1428 Parts 1, 2, 3 and 4 - Design for Access and Mobility, which may be necessary to satisfy the objectives of the Disability Discrimination Act 1992.

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

10.10 DIRECTOR, CITY PLANNING REPORT 100/2005 – 73 BREAM STREET, COOGEE. (DA/671/2005)

Cr Belleli had previously declared an interest in this matter and left the chamber taking no part in discussion of and voting thereon.

540 **RESOLUTION:** *(Sullivan/Notley-Smith) that Council, as the consent authority, grant development consent under Section 80 and 80A of the Environmental Planning and Assessment Act 1979 (as amended) to Development Application No. 671/2005 for the demolition of part of the existing front porch and front fence of the existing dwelling to provide for a new hard stand car space, subject to standard conditions.*

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:

1. *The development must be implemented substantially in accordance with the amended plans numbered 003/05 Sheet 1 and 003/05 Sheet 2, dated 28 September 2005 and received by Council on 4 October 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:*
2. *The colours, materials and finishes of the external surfaces to the building including car space and fence are to be compatible with the existing building and adjacent development to maintain the integrity and amenity of the building and the streetscape.*
3. *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.*
4. *Vehicles parked within the car space must not protrude beyond the property boundary, onto the footpath, nature strip or driveway at any time.*

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

5. *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:

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

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

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

8. ***Prior to the commencement of any building works, a construction certificate must be obtained from the Council or an accredited certifier, in accordance with the provisions of the Environmental Planning & Assessment Act 1979 and Environmental Planning & Assessment Regulation 2000.***

9. ***Prior to the commencement of any building 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.

10. *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.

11. *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".*

12. *An **Occupation Certificate** must be obtained from the Principal Certifying Authority **prior to any occupation of the building work** encompassed in this development consent (including alterations and additions to existing buildings), in accordance with the relevant provisions of the Environmental Planning & Assessment Act 1979.*

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.

13. ***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.

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

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

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

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

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

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

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

15. *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.*
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.*

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.

19. *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.*

20. *Public safety and convenience must be maintained at all times during demolition, excavation and construction works.*

The roadway, footpath and nature strip must be maintained in a good, safe condition and free from any obstructions, materials, soils or debris at all times. Any damage caused to the road, footway or nature strip must be repaired immediately, to the satisfaction of Council.

A Road Opening Permit must be obtained from the Council and other relevant Authorities prior to excavating or opening-up the road or footway for services or the like.

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

22. *Bulk bins/waste containers must not be located upon the footpath, roadway or nature strip at any time without the prior written 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.*

23. *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 (grater than 3m in length) or any container or other article.*

The following conditions have been applied to ensure that adequate security provisions are made for vehicular access, parking and public infrastructure:

24. *A Road Opening Permit must be obtained from Council's City Services Department prior to opening-up or carrying out any proposed works within the road, footpath, nature strip or other public place and all works including repairs are to be carried out to Council's satisfaction.*

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

25. *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;*
26. *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.*
27. *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:

28. *The Council's Development Engineer has inspected the above site and has determined that the design alignment level (concrete/paved/tiled level) at the property boundary for driveways, access ramps and pathways or the like, must match the back of the existing footpath along the full site frontage.*
29. *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.*
30. *The above alignment levels and the site inspection by Council's Development Engineer have been issued at a prescribed fee of \$121.00 (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:

31. *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.*
32. *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:

33. *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.*
34. *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

35. *Approval is granted for the removal of the following tree, with replacements not deemed necessary given its relatively small size and lack of available space in this immediate area.*
 - a) *One *Dyopsis lutescens* (Golden Cane Palm) in the front yard, against the southern side of the dwelling in the area proposed for the hardstand space.*

ADVISORY MATTERS:

- A1 *Building or excavations works must not be commenced until a construction certificate has been obtained from Council's Building Certification Services or an Accredited Certifier and either Council's Building Certification Services or an Accredited Certifier has been appointed as the Principal Certifying Authority (PCA) for this development.*

Failure to obtain a Construction Certificate and appoint a PCA before commencing works is an offence, which renders the responsible person liable to a maximum penalty of \$1.1 million under the Environmental Planning & Assessment Act 1979.

- A2 *The applicant is advised that the Construction Certificate plans and specification must comply with the provisions of the Building Code of Australia (BCA) and the construction certificate must not be inconsistent with the development consent.*

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 ensure that the development is not inconsistent with Council's consent and 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.

- A3 *The applicant is to advise Council in writing and/or photographs of any signs of existing damage to the Council roadway, footway, or verge prior to the commencement of any building/demolition works.*

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

10.11 DIRECTOR, CITY PLANNING REPORT 101/2005 – 90-98 KING STREET, RANDWICK. (D/540/2002)

541 **RESOLUTION: (Notley-Smith/Belleli) that:**

- A. *Council as the responsible authority grant its consent under Section 96 of the Environmental Planning and Assessment Act 1979 (as amended) to modify Development Consent No.540/2004 on property at 90-98 King Street, Randwick in the following manner:*

- *Amend Condition No. 105(d) to read:*

“Trunk stormwater drainage works shall be undertaken in accordance with the letter from Council dated 28 April 2005 and referenced Trunk drainage plans by John Emerson & Associates Pty Ltd, Project No. 1004, Drawing No. SW01 - SW07 Issue C, Drawing No. SW8 Issue B, Drawing No. SW09 – SW11 Issue C & Drawing No. SW12 Issue B, Received by Council 26/04/05.

The applicant shall enter into an agreement with the developer of 100-120 King Street regarding the extent of the trunk drainage works that each party will undertake. The agreement shall be to the satisfaction of the Council's Director of City Services.

The applicant shall meet the full cost for all trunk drainage works (identified to be the responsibility of the applicant in the agreement approved by Council) prior to the issue of a final occupation certificate.”

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

10.12 DIRECTOR, CITY PLANNING REPORT 102/2005 – 166 MAROUBRA ROAD, MAROUBRA. (DA/1093/2004)

- A. Council support the objection under State Environmental Planning Policy No. 1 to vary the provisions of Clause 42D of the Randwick Local Environmental Plan 1998 (as amended) relating to maximum building height on the grounds that the proposed development complies with the objectives of the clause and will not adversely affect the amenity of the locality and the Director of Planning be notified accordingly;

AND

- B. Council, as the responsible authority, grant its development consent as a Deferred Commencement under Section 80(3) of the Environmental Planning and Assessment Act, 1979 (as amended) to Development Application No. 1093/2004 for Alterations and additions of an extra two (2) storeys to the existing building and its conversion into a mixed use commercial/retail and residential building at 166 Maroubra Road, Maroubra, subject to the following deferred commencement conditions:-

DEFERRED COMMENCEMENT CONDITION

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

1. An amended design for the Maroubra Road façade of the building to reduce the streetscape prominence of the upper floor and roof deck levels of the building, this may involve:-
 - removing the solid framing element above the Level 5 and introducing an awning, with a thinner profile; and
 - reducing the roof projection to be consistent with the roof on the adjacent building to the west (Dudley's Corner building);
 - providing slim blade walls or louvres to the eastern and western end elevations of the building adjacent to the balconies on Levels 3, 4 and 5 and to the roof terrace in order to meet the relevant fire safety requirements of the Building Code of Australia and to minimise privacy impacts to neighbouring buildings.

The amended façade design should be accompanied by a Sample Board of the colours, materials and finishes of the external surfaces to the building, which is to be compatible with the existing heritage building on the adjacent site to the west (Dudley's Corner building) in order to maintain the integrity and amenity of the building and the streetscape. The details of the proposed colours, materials and finishes on the Sample Board shall be keyed to all building elevations and shall include the following:-

- Metal roof sheeting painted or colour bonded to minimise reflection and to be sympathetic and compatible with the building and surrounding environment
- Details and samples of the glass to be used. Glass used in all balcony balustrades on all elevations shall be translucent and the reflectivity index of glass used in the external façade of the development must not exceed 20 percent and certification of such is required with the sample board.

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

DEVELOPMENT CONSENT CONDITIONS

- C. *Subject to compliance with the deferred commencement condition, to the satisfaction of the Director City Planning, development consent be granted under Section 80 and 80A of the Environmental Planning and Assessment Act 1979 (as amended) to Development Application No. 1093/2004 for Alterations and additions of an extra two (2) storeys to the existing building and its conversion into a mixed use commercial/retail and residential building at 166 Maroubra Road, Maroubra subject to the following conditions:-*

REFERENCED PLANS

1. *The development must be implemented substantially in accordance with the plans with Job Number J24-02 and Drawings Numbered A-01 (A) to A-04 (A), A-10 (A) and A-12 (A), all dated July, 2005; A-05 (B) to A-09 (B), A-11 (B) and A-13 (B), all dated November, 2005; all drawings received by Council on 2 December, 2005, the application form and on any supporting information received with the application, **except as may be amended by the details/amendments approved pursuant to the deferred commencement conditions** and the following conditions and as may be shown in red on the attached plans:*

ENVIRONMENTAL AMENITY

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

2. *Strata subdivision shall be the subject of separate development application.*
3. *Suites 1, 2 and 3 shall be used only as business premises and separate development consent is required to be obtained in relation to the specific 'use and operation' of commercial tenancies/occupancies and 'shop fit out works', in accordance with the relevant requirements of the Environmental Planning & Assessment Act 1979.*
4. *The use shall be restricted to the area designated on the approved plans.*
5. *No goods, or machinery or advertising signs are to be placed on Council's footway at any time.*
6. *The consent of Council must be obtained prior to the erection of any advertising unless exempted under Council's Development Control Plan - Exempt and Complying Development.*
7. *The storage of boxes, cartons, pallets, goods or any other material relating to the operation of the business other than a commercial garbage bin must be wholly contained within the premises.*
8. *In order to provide a safe and secure environment for residents, security mechanisms for pedestrian building entry and lift operation shall be provided, including an audio or*

video intercom system located at the building entry for visitors to communicate with residents and first floor business premises. Details shall be submitted to and approved by the principal certifying authority prior to a construction certificate being issued for the development.

9. *In order to ensure that the basement car park is secure for residents and visitors a security gate to the basement car park shall be provided with intercom facilities at the car park entrance for visitors, capable of being accessed by people with a disability. Details shall be provided to the satisfaction of the certifying authority prior to the issue of the construction certificate.*
10. *Each kitchen/kitchenette shall have a waste cupboard provided for the separation of recycling materials and adequate storage for one day's waste. Details demonstrating compliance with these requirements shall be submitted to the certifying authority **prior to the issue of the construction certificate.***
11. *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, except for the front awning over the footpath.*
12. *Any gate/door openings shall be constructed so that the gates/doors when hung, will be fitted in such a manner that they will not open over the footway or public place.*
13. *All plumbing and drainage pipes, other than rainwater heads, gutters and downpipes, must be concealed within the building.*
14. *Street numbering must be provided to the premises in a prominent position, to the satisfaction of Council.*
15. *The enclosure of balconies is prohibited by this consent.*
16. *The carpark in the development, must incorporate the provision of:*
 - a) *The 11 car parking spaces shall be allocated at the following rates:- i) ten (10) residential, ii) one (1) visitor,*
 - b) *The visitor parking space, is to be designated as a car space for a person with a disability and which is to be accessible at all times.*
 - c) *Car wash bay/s which are to be used in conjunction with a visitor space must be provided with a minimum width of 6m x 3.5m.*

Details of compliance with this condition are to be shown on the relevant plans for the construction certificate, with the car spaces line marked in accordance with the above prior to the issue of the occupation certificate.

17. *A sign legible from the street must be permanently displayed to indicate that a visitor parking space is available on the site and this parking space must be clearly marked and accessible at all times.*
18. *The car parking spaces and driveways must be kept clear of goods at all times and must not be used for storage purposes.*

19. *Power supply and telecommunications cabling to the development shall be underground.*
20. *The layout of the basement car park and the design and gradients of the driveway ramp shall be in accordance with the Australian Standard (AS) 2890.1 (2004) (including any relevant vehicle manoeuvring diagrams) and details demonstrating compliance with this requirement shall be certified by an appropriately qualified engineer and submitted to the certifying authority **prior to the issue of the construction certificate.***
21. *A single common television aerial, and/or satellite dish (having a maximum diameter of 700mm and not located on the front or street elevation of the building) is to be installed to serve the development.*
22. *The reflectivity index of glass used in the external façade of the development must not exceed 20 percent and details and samples of the glass to be used are to be submitted to the certifying authority **prior to the commencement of works.***
23. *Internal or external clothes drying facilities are to be provided in accordance with the provisions of the Building Code of Australia.*

Should external clothes drying facilities be provided, the facilities must be adequately screened and details are to be incorporated into the landscaping plans, to the satisfaction of the certifying authority.
24. *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.*
25. *Where access is required to adjoining premises for construction purposes, the consent of the owner/s of the subject adjoining premises must be provided to the satisfaction of the Principal Certifying Authority, prior to carrying out any construction works from or upon the adjoining premises.*
26. *Drainage shall be provided to the floors of all balconies and terrace areas and details shall be provided to the certifying authority **prior to the issue of the construction certificate.***
27. *Adequate lighting for personal safety and security shall be provided to common areas both internal and external to the building and shall be on a timer for energy efficiency purposes and adjusted for daylight saving. Details to be provided to the certifying authority **prior to the issue of the occupation certificate.***
28. *Lighting to the premises shall be designed so as not to cause a nuisance to nearby residents or motorists and to ensure that light overspill does not affect the amenity of the area.*
29. *In accordance with the provisions of clauses 143A and 154A of the Environmental Planning & Assessment Regulation 2000, a 'Design Verification Certificate' must be provided to the Certifying Authority and the Council, **prior to issuing a construction certificate and an occupation certificate, respectively.***

30. *Details of any proposed electricity power supply poles to be provided to service the development are to be submitted to and approved by Council's Director of Planning, prior to installation.*
31. *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.*

ECOLOGICALLY SUSTAINABLE DEVELOPMENT & ENERGY EFFICIENCY

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

32. *The development must be designed and constructed such that all residential dwellings achieve a minimum energy efficiency NatHERS rating of 4 stars or equivalent and a NatHERS certificate or equivalent, prepared by a suitably qualified person, is to be submitted to the certifying authority with the **construction certificate** application.*

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

33. *A Total Energy Strategy, compiled by a suitably qualified person, to address energy efficiency aspects that are not covered by the NatHERS system shall be submitted to the certifying authority prior to the issue of the construction certificate. This may include but is not limited to renewable energy initiatives and the energy efficiency of the basement carpark.*
34. *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.*
35. *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.*
36. *As a minimum appliances shall satisfy the following SEDA Greenhouse Score energy ratings:*
 - *Clothes dryers minimum 3.5 star*
 - *Dishwashers minimum 3 star*
 - *Clothes washers minimum 4 star*
 - *Fridge minimum 4 star*
37. *A rainwater tank, of sufficient size to provide water for irrigation of landscaped areas within the development and for internal toilet flushing and clothes washing machine use, is to be provided to the development in accordance with Council's Rainwater Tank Policy, to Council's satisfaction.*

The tank is to be installed on Level 6 of the building to collect the roof water and shall be designed so as not to be visually intrusive to the public domain or surrounding

*residential development. Design details shall be incorporated into the construction certificate, to the satisfaction of the Certifying Authority, **prior to the issue of the construction certificate.***

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

38. *Gas bayonets shall be provided to all living areas and balconies adjacent to living areas. Details of compliance are to be noted in the **construction certificate** plans or specifications.*
39. *A minimum 3.5 star SEDA Greenhouse Score water heater shall be provided in each new apartment. Details of compliance are to be noted in the **construction certificate** plans or specifications.*
40. *Ceiling fans shall be installed within bedrooms and living areas of apartments and office spaces. Details of compliance are to be noted in the **construction certificate** plans or specifications.*

SECTION 94 Contributions

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

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

a) <i>for the provision or improvement of open space</i>	<i>\$16,989.65</i>
b) <i>for the provision or improvement of community facilities</i>	<i>\$7,512.410</i>
c) <i>for car parking</i>	<i>\$44,500.00</i>
d) <i>Administration fee</i>	<i>\$ 425.00</i>

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

ASBESTOS POLICY REQUIREMENTS

The following conditions are applied to maintain reasonable levels of public health, amenity and safety:

42. *All site works shall comply with the occupational health and safety requirements of WorkCover NSW.*
43. *The demolition, removal, storage, handling and disposal of products and materials containing asbestos and all other hazardous or intractable wastes and materials must be carried out in accordance with Randwick City Council's Asbestos Policy and the relevant requirements of WorkCover NSW and the NSW Department of Environment & Conservation (formerly the Environment Protection Authority), including:*

- *Occupational Health and Safety Act 2000*
- *Occupational Health and Safety (Hazardous Substances) Regulation 2001*
- *Occupational Health and Safety (Asbestos Removal Work) Regulation 2001*
- *WorkCover NSW Code of Practice for the Safe Removal of Asbestos*
- *Australian Standard 2601 (2001) – Demolition of Structures*
- *The Protection of the Environment Operations Act 1997 and Protection of the Environment Operations (Waste) Regulation 1996.*
- *Relevant Department of Environment & Conservation (DEC) / Environment Protection Authority (EPA) and WorkCover NSW Guidelines.*

A copy of Council's Asbestos Policy is available on Council's web site at www.randwick.nsw.gov.au in the Building & Development section or a copy can be obtained from Council's Customer Service Centre.

44. *A Demolition Work Plan must be prepared for the development in accordance with Australian Standard AS2601-2001, Demolition of Structures.*

The Work Plan must include the following information (as applicable):

- *The name, address, contact details and licence number of the Demolisher /Asbestos Removal Contractor*
- *Details of hazardous materials, including asbestos*
- *Method/s of demolition and removal of asbestos*
- *Measures and processes to be implemented to ensure the health & safety of workers and community*
- *Measures to be implemented to minimise any airborne asbestos and dust*
- *Methods and location of disposal of any asbestos or other hazardous materials*
- *Other relevant details, measures and requirements to be implemented as identified in the Asbestos Survey*
- *Date the demolition and removal of asbestos will commence*

The Demolition Work Plan must be submitted to Council and the Principal Certifying Authority (PCA) if the Council is not the PCA, not less than two (2) working days before commencing any demolition works involving asbestos products or materials. A copy of the Demolition Work Plan must also be maintained on site and be made available to Council officers upon request.

***Note** it is the responsibility of the persons undertaking demolition work to obtain the relevant WorkCover licences and permits.*

45. *A WorkCover licensed demolition or asbestos removal contractor must undertake removal of more than 200 m² of bonded asbestos (or as otherwise specified by WorkCover or relevant legislation). Removal of friable asbestos material must only be undertaken by contractor that holds a current friable asbestos removal licence.*
46. *On demolition sites involving the removal of asbestos, a professionally manufactured sign must be clearly displayed in a prominent visible position at the front of the site, containing the words 'DANGER ASBESTOS REMOVAL IN PROGRESS' and include details of the licensed contractor. The sign shall measure not less than 400mm x*

300mm and the sign is to be installed prior to demolition work commencing and is to remain in place until such time as all asbestos has been safely removed from the site.

47. *Asbestos waste must be stored, transported and disposed of in compliance with the Protection of the Environment Operations Act 1997 and the Protection of the Environment Operations (Waste) Regulation 1996.*

Asbestos waste must be disposed of at an approved waste disposal depot (refer to the DEC or Waste Service NSW for details of sites). Copies of all receipts detailing method and location of disposal must be maintained on site and be provided to Council officers upon request, as evidence of correct disposal.

48. *A Certificate or Statement, prepared by a suitably qualified person (i.e. an occupational hygienist, licensed asbestos removal contractor, building consultant, architect or experienced licensed building contractor), must be provided to Council upon completion of the works (prior to an Occupation Certificate being issued), which confirms that the relevant requirements contained in the Asbestos Survey and conditions of consent, in relation to the safe removal and disposal of asbestos, have been satisfied.*

CONTAMINATED LAND & REMEDIATION

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

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

ENVIRONMENTAL POLLUTION & CONTROL

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:

50. *Prior to the commencement of works adequate sediment and stormwater control measures shall be in place and maintained on site at all times. Sediment laden stormwater shall be controlled using measures outlined in the manual Managing Urban Stormwater Soils and Construction produced by the NSW Department of Housing.*
51. *The works shall not give rise to environmental pollution or public nuisance or, result in an offence under the Protection of the Environment Operations Act 1997 or NSW Occupational Health & Safety Act (2000) & Regulations (2001).*
52. *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.*
53. *Development consent is required to be obtained in relation to the specific 'use' of commercial tenancies/occupancies and 'shop fit outs', in accordance with the relevant requirements of the Environmental Planning & Assessment Act 1979.*

54. *The location and facilities for the collection, storage and disposal of wastes generated within the premises shall be submitted to and approved by Council prior to the commencement of works.*

NOISE EMISSION CONDITIONS

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:

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

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

56. *The residential units are to achieve the following internal acoustic amenity criteria:*

- a. *In naturally ventilated residential units; the repeatable maximum $L_{Aeq (1 \text{ hour})}$ shall not exceed:*
- *35 dB(A) between 10pm and 7am in sleeping areas when the windows are closed;*
 - *45 dB(A) in sleeping areas when windows are open;*
 - *45 dB(A) in living areas (24 hours) when the windows are closed, and*
 - *55 dB(A) in living areas when the windows are open.*
- b. *In residential units provided with mechanical ventilation, air conditioning or other complying means of ventilation, when doors and windows are shut, the repeatable maximum $L_{Aeq (1 \text{ hour})}$ shall not exceed:*
- *38 dB(A) between 10pm and 7am in sleeping areas;*
 - *46 dB(A) in living areas (24 hours).*

Details of compliance with the relevant criteria is to be included in the construction certificate application and written confirmation of compliance is to be provided to the Council and the Certifying Authority, by the Acoustic consultant, prior to the construction certificate being issued.

57. *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.*

58. *The operation of air conditioning unit/s is restricted, if the noise emitted can be heard within a habitable room in any other residential premises, the air conditioning unit/s shall not be operated during the following hours, or, as otherwise specified in relevant Noise Control Regulations:*
- *before 8.00am or after 10.00pm on any Saturday, Sunday or public holiday; or*
 - *before 7.00am or after 10.00pm on any other day.*
59. *A report, prepared by a suitably qualified and experienced consultant in acoustics, shall be submitted to the Council prior to an occupation certificate being issued for the development, which demonstrates and certifies that noise and vibration emissions from the development comply with the relevant provisions of the:*
- *Protection of the Environment Operations Act 1997;*
 - *NSW Environmental Protection Authority Noise Control Manual & Industrial Noise Policy,*
 - *Conditions of Council's approval; and*
 - *The acoustic report prepared by RSA Acoustics dated February 2005 (amended March 2005).*

PRESCRIBED BUILDING & FIRE SAFETY REQUIREMENTS

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

60. *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.

61. *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.*
62. ***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.***
63. ***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.

64. *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.

65. *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".*
66. *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 relevant requirements of the

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

67. *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 conditions of consent.*
68. *In accordance with clause 98 of the Environmental Planning & 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.*

69. *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.

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

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

STRUCTURAL ADEQUACY

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

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

*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.***

72. *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.*
73. *A Certificate of Adequacy prepared by a professional engineer shall be submitted to the certifying authority (and the Council, if the Council is not the certifying authority) prior to occupation of the building, certifying the structural adequacy of the building and that the building works satisfy the relevant structural design requirements of the Building Code of Australia.*

CONSTRUCTION SITE MANAGEMENT

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:

74. *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.*
75. *Any demolition works involving asbestos products are to be carried out in accordance with relevant WorkCover New South Wales requirements, guidelines and codes of practice.*
76. *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.*
77. *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.

78. *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.*
79. *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.*
80. *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.*
81. *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.*
82. *A Registered Surveyor's check survey certificate or compliance certificate is to be forwarded to the principal certifying authority (and a copy is to be forwarded to the Council, if the Council is not the principal certifying authority), detailing compliance with Council's approval at the following stage/s of construction:*
 - a) *Prior to construction of the first completed floor/floor slab (prior to pouring of concrete), showing the area of land, building and boundary setbacks and verifying that the building is being construction at the approved levels.*
 - b) *On completion of the erection of the building showing the area of the land, the position of the building and boundary setbacks and verifying the building has been constructed at the approved levels.*
83. *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.*

84. *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.

85. *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.*
86. *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.*
87. *A Construction Site Management Plan is to be submitted to and approved by the principal certifying authority prior to the commencement of demolition, excavation or building works. The site management plan must include the following measures, as applicable to the type of development:*

- *location and construction of protective fencing / hoardings to the perimeter of the site;*
- *location of site storage areas/sheds/equipment;*
- *location of building materials for construction;*
- *provisions for public safety;*
- *dust control measures;*
- *site access location and construction*
- *details of methods of disposal of demolition materials;*
- *protective measures for tree preservation;*
- *provisions for temporary sanitary facilities;*
- *location and size of waste containers/bulk bins;*
- *details of proposed sediment and erosion control measures;*
- *construction noise and vibration management.*

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

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

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

Dust control measures and practices may include:-

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

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

*Details of the proposed sediment control measures are to be detailed in a site management plan and must be submitted to and approved by the principal certifying authority **prior to the commencement of any site works.** The sediment and erosion control measures must be implemented prior to the commencement of any site works and be maintained throughout construction. A copy of the approved details must be forwarded to the Council and a copy is to be maintained on-site and be made available to Council officers upon request.*

Details of proposed sediment and erosion control measures shall include; a site plan; indicating the slope of land, access points & access control measures, location and type of sediment & erosion controls, location of existing vegetation to be retained, location of material stockpiles and storage areas, location of building operations and equipment, methods of sediment control, details of drainage systems and details of existing and proposed vegetation.

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

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

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.

91. *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.*
92. *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.

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

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

Hoardings and 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.*

93. *A 'B Class' overhead type hoarding is required is be provided to protect the public, located adjacent to the development, prior to the commencement of any works on the site which comprise:-*
 - *any works or hoisting of materials over a public footway or adjoining premises, or*
 - *any building or demolition works on buildings which are over 7.5m in height and located within 3.6 metres of the street alignment.*

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

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

DISABILITY ACCESS

The following conditions are applied to provide reasonable levels of access for people with disabilities:

94. *Access and sanitary facilities for persons with disabilities being provided to the premises, in accordance with Parts D3 and F2 of the Building Code of Australia. Details of compliance are required to be provided in the relevant plans/specifications for the construction certification for the development.*

Traffic conditions/Civil Works

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

95. *The applicant must meet the full cost for Council or a Council approved contractor to:*
 - a) *Reconstruct any damaged sections of kerb and gutter for the full site frontage except opposite the vehicular entrance and exit points.*
 - b) *Reconstruct a full width footpath along the full site frontage in accordance with Council's Urban Design Guidelines for Maroubra Commercial Centre.*

Note: The landscape design shall include pavements, seat installations, bins and tree grates as required by Council's Landscape Architect – 9399 0786.

96. *The applicant must meet the full cost for Council or a Council approved contractor to repair/replace any damaged sections of Council's footpath, kerb & gutter, nature strip etc which are due to building works being carried out at the above site. This includes the removal of cement slurry from Council's footpath and roadway.*
97. *The applicant shall note that all external work, carried out on Council property, shall be in accordance with Council's Policy for "Vehicular Access and Road and Drainage Works". An application for the cost of the Council civil works is to be submitted to Council at the completion of the internal building works. An application fee shall be payable to Council for the quotation of the required works. The applicant may elect to use his contractor for the required works, subject to Council approval, however a design and supervision fee based on the lowest quotation from Council's nominated contractor will be required to be paid prior to the commencement of any works.*
98. *All new walls adjacent to vehicular crossings must be lowered to a height of 600mm above the internal driveway level for a distance of 1.50m within the site or splayed 1.5 metre by 1.5 metre to provide satisfactory sight lines. Details are to be submitted to the Certifying Authority prior to the release of the construction certificate showing compliance with this condition.*
99. *The awning in Maroubra Road over Council's footpath shall be set back a minimum of 0.60 metres from the kerb alignment.*
100. *The minimum clear distance from the existing footpath in Maroubra Road to the underside of the proposed awning (or any attached signage) shall be 2.60 metres.*

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

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

Alignment Level

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

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

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

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

103. *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.*
104. *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.*

SERVICE AUTHORITY

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

105. *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.*
106. *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.*

107. *Documentary evidence from the relevant public utility authorities confirming that their requirements have been satisfied, must be submitted to the certifying authority prior to a construction certificate being issued for the development.*
108. *Any electricity substation required for the site as a consequence of this development shall be located within the site and shall be screened from view. The proposed location and elevation shall be shown on all detailed landscape drawings and specifications. The applicant must liaise with Energy Australia prior to lodging the construction certificate whether or not an electricity substation is required for the development.*

DRAINAGE

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

109. *All doors, walls, fences, windows etc on the ground floor level along the Maroubra Road site frontages shall be designed to structurally withstand hydrostatic pressure/stormwater inundation from floodwater during the probable maximum flood (PMF) event as defined in the Floodplain Management Manual (New South Wales Government, January 2001). Structural Engineering certification confirming that this condition has been complied with shall be submitted to the certifying authority prior to the issuing of a construction certificate.*

It is noted that this requirement does not necessitate the development being flood proof/water tight up to the PMF event, rather the requirement is to ensure that the development will not be structurally damaged in manner that could endanger lives during the PMF event.

110. *Engineering calculations and plans with levels reduced to Australian Height Datum in relation to site drainage shall be submitted to and approved by the certifying authority prior to a construction certificate being issued for the development. A copy of the engineering calculations and plans are to be forwarded to Council, prior to a construction certificate being issued, if the Council is not the certifying authority. The drawings and details shall include the following information:*
- a) *A detailed drainage design supported by a catchment area plan, at a scale of 1:100 or as considered acceptable to the Council or an accredited certifier, and drainage calculations prepared in accordance with the Institution of Engineers publication, Australian Rainfall and Run-off, 1987 edition.*
 - b) *A layout of the proposed drainage system including pipe sizes, type, grade, length, invert levels, etc., dimensions and types of all drainage pipes and the connection into Council's stormwater system.*
 - c) *Generally all internal pipelines must be capable of discharging a 1 in 20 year storm flow. However the minimum pipe size for pipes that accept stormwater from a surface inlet pit must be 150mm diameter. The site must be graded to direct any surplus run-off (ie. above the 1 in 20 year storm) to the proposed drainage system.*
 - d) *The separate catchment areas within the site, draining to each collection point or surface pit are to be classified into the following categories:*

- i. *Roof areas*
 - ii. *Paved areas*
 - iii. *Grassed areas*
 - iv. *Garden areas*
- e) *Where buildings abut higher buildings and their roofs are "flushed in" to the higher wall, the area contributing must be taken as: the projected roof area of the lower building, plus one half of the area of the vertical wall abutting, for the purpose of determining the discharge from the lower roof.*
111. *All site stormwater must be discharged by gravity to the underground drainage system in Maroubra Road, via a new and/or existing kerb inlet pit.*

Notes:

- c. *All new kerb inlet pits shall be constructed in general accordance with Council's standard drawing SD6.*
 - d. *With the exception of the site discharge pipe, all new pipelines constructed within council's road reserve shall be minimum 375 mm diameter, spigot and socket rubber ringed jointed, steel reinforced concrete pipeline (RRRCP). Prior to backfilling, all pipelines in council's road reserve shall be inspected and approved by the Hydraulic Engineer certifying the works and Council.*
112. *Site discharge pipelines shall cross the verge at an angle no less than 45 degrees to the kerb line.*
113. *A reflux valve shall be provided (within the site) over the pipeline discharging from the site to ensure that stormwater from Council's drainage system does not surcharge back into the site stormwater system.*
114. *A sediment/silt arrester pit must be provided:-*
- c) *within the site at or near the street boundary prior to the site stormwater discharging by gravity to the kerb/street drainage system; and*
 - d) *prior to stormwater discharging into any absorption/infiltration system.*

The sediment/silt arrester pit shall be constructed in accordance with the following requirements:-

- *The base of the pit located a minimum 300mm under the invert level of the outlet pipe.*
- *The pit constructed from cast in-situ concrete, precast concrete or double brick.*
- *A minimum of 4 x 90 mm diameter weep holes located in the walls of the pit at the floor level with a suitable geotextile material with a high filtration rating located over the weep holes.*
- *A galvanised heavy-duty screen located over the outlet pipe/s (Mascot GMS multipurpose filter screen or equivalent).*

- *The grate being a galvanised heavy-duty grate that has a provision for a child proof fastening system.*
- *A child proof and corrosion resistant fastening system provided for the access grate (e.g. spring loaded j-bolts or similar).*
- *A sign adjacent to the pit stating:*

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

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

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

WASTE MANAGEMENT

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

116. *The residential garbage room area shall be sized to contain a total of 12 x 240 litre bins (6 garbage bins & 6 recycle bins) whilst providing satisfactory access to these bins.*
117. *The retail/commercial bin storage area shall be sized to contain a minimum of 10 x 240 litre bins (5 garbage bins & 5 recycle bins) whilst providing satisfactory access to these bins.*
118. *The waste storage areas are to be provided with a tap and hose and the floor is to be graded and drained to the sewer to the requirements of Sydney Water.*
119. *Prior to the issuing of a construction certificate for the proposed development the applicant is to submit to Council and have approved by Council’s Manager of Waste a Waste Management Plan detailing waste and recycling storage and disposal for both the residential and commercial components of the development site, post construction.*

LANDSCAPE

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

120. *Landscaping at the site shall be installed substantially in accordance with the landscape plan by Michael Siu, Landscape Architects Pty Ltd, Drawing L01/1-R9419, Revision A, dated 22 August, 2005, received by Council on 6 September, 2005, subject to the following additional requirements being shown on an amended plan to the satisfaction of the certifying authority prior to the issue of a construction certificate:-*

- a) *Provision of suitable access for maintenance by way of stepping stones or similar, to all proposed planters;*
- b) *Suitable access from the lift lobby to the adjacent balcony on Level 4 in order to access the planter on Level 4.*

121. *The applicant shall submit a landscape design for the Maroubra Road street frontage of the development in accordance with Council's Urban Design Guidelines for Maroubra Commercial Centre. The landscape design shall include pavements, seat installations, bins and tree grates as required by Council's Landscape Architect – 9399 0786.*

The Landscape Design plans shall be submitted to and approved by Council's Director A & I Services in accordance with Section 80A(2) of the Environmental Planning and Assessment Act 1979, prior to the certifying authority issuing a construction certificate for the development.

All street furniture is required to be purchased through Council. Due to supply constraints, the applicant is required to place an order and pay for the required furniture three months prior to the estimated date for the completion of street frontage works.

The applicant shall note that the approved landscape works carried out on Council property shall be in accordance with Council's requirements for Civil Works on Council property. An application for the cost of the landscape works on Council property is to be submitted to Council at the completion of the internal building works. An application fee shall be payable to Council for the quotation of the required works. The applicant may elect to use his contractor for the required works, subject to Council approval, however a design checking and supervision fee based on the lowest quotation from Council's nominated contractor will be required to be paid prior to the commencement of any works.

A refundable deposit in the form of cash or cheque of \$2,000 shall be lodged with Council prior to issue of a construction certificate for the proposed development in order to ensure the construction of the approved landscape works along the Maroubra Road site frontage.

122. *To ensure satisfactory maintenance of the landscaped areas, an automatic drip irrigation system shall be installed throughout all planted areas*

*The system shall be connected to the site's rainwater tank, with backup connection to the mains supply to current Sydney Water requirements. Details to be provided to the certifying authority **prior to the issue of the construction certificate.***

ADVISORY MATTERS

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

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

- a) *Part B1 - Structural provisions*

- b) Part C1 - Fire resistance and stability
- c) Part C2 - Compartmentation and separation
- d) Part C3 - Protection of openings
- e) Part D1 - Provisions for escape
- f) Clause D1.2 - Number of exits required
- g) Clause D1.7 - Travel via fire-isolated exits
- h) Part D3 - Access for people with disabilities
- i) Clause D3.5 - Car parking for people with disabilities
- j) Part E1 - Fire fighting equipment
- k) Part E2 - Smoke Hazard Management
- l) Part E3 - Lift Installations
- m) Part E4 - Emergency lighting, exit signs & warning systems
- n) Part F4 - Light and ventilation
- o) Part F5 - Sound Transmission and Insulation

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/owner is advised that this approval does not guarantee compliance with the provisions of the Disability Discrimination Act 1992 and the applicant should therefore consider their liability under the Act. In this regard, the applicant is advised that compliance with the requirements of the Building Code of Australia and Australian Standard 1428.1 - Design for Access and Mobility does not necessarily satisfy the objectives of the Disability Discrimination Act 1992.*

The applicant/owner is requested to give consideration to providing access and facilities for people with disabilities in accordance with Australian Standard 1428 Parts 1, 2, 3 and 4 - Design for Access and Mobility, which may be necessary to satisfy the objectives of the Disability Discrimination Act 1992.

- A3 *The applicant is to advise Council in writing and/or photographs of any signs of existing damage to the Council roadway, footway, or verge prior to the commencement of any building/demolition works.*

MOTION: (Nash/Woodsmith) that the matter be deferred to the next Health, Building & Planning Committee for further information with respect to offers made to the adjoining commercial tenancies. **LOST.**

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

10.13 DIRECTOR, CITY PLANNING REPORT 103/2005 – 1-3 VILLIERS STREET, KENSINGTON. (DA/0070/2004)

543 **RESOLUTION: (Hughes/Nash) 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 DA70/2004 for demolition of existing dwellings at 1-3 Villiers Street, Kensington, and the construction of a multi-unit housing building comprising three levels over basement carparking, as this property is one of historical significance.

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

10.14 DIRECTOR, CITY PLANNING REPORT 141-151 ALISON ROAD, RANDWICK. (DA243/2004)

544 **RESOLUTION: (Notley-Smith/Belleli) that:**

- A. *Council as the responsible authority grant its consent under Section 96 of the Environmental Planning and Assessment Act 1979 (as amended) to modify Development Consent 795/1999 to modify Development Consent No. 243/2004 on property at 145-151 Alison Road, Randwick in the following manner:*

Amend Condition No. 1 to read as follows:

- “1. The development must be implemented substantially in accordance with the plans numbered DA 03 to DA05 Issue B, DA06 to DA09 Issue C, DA11 Issue C, DA12 to DA13 Issue B, and DA14 to DA15 Issue C stamped received by Council on 27 September 2004, and DA16 Issue B and amended plans No. DA02 Issue B, DA05 Issue C, DA06 Issue C, DA11 Issue B, DA12 Issue B, DA13 Issue D, DA14 Issue B, DA15 Issue D, and DA16 Issue C, all dated 23 November 2005, stamped received by Council on 25 November 2005, the application form, and on any supporting information received with the application, 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:”*

Amend Condition No. 75 to read as follows:

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

Alison Road Frontage

- *Reconstruct kerb and gutter for the full site frontage.*
- *Carry out a full depth, minimum 1 metre wide, road construction in front of the kerb and gutter along the full site frontage.*
- *Reconstruct the footpath to the requirements of the Randwick Commercial Centre paving design guidelines.*

Elizabeth Street Frontage

- *Reconstruct kerb and gutter for the full site frontage.*
- *Carry out a full depth, minimum 1 metre wide, road construction in front of the kerb and gutter along the full site frontage.*

- *Reconstruct the footpath to the requirements of the Randwick Commercial Centre paving design guidelines.*

Elizabeth Lane Frontage

- *Construct full width concrete commercial vehicular crossings and modified layback at kerb opposite both vehicular entrances to the site.*
- *Remove any redundant concrete vehicular crossings and reinstate the areas to Council's specification.*
- *Construct kerb and gutter for the full site frontage except opposite the vehicular entrance and exit points, (Note: the kerb would be positioned against the site boundary with no footpath).*
- *Carry out a full depth, minimum 1 metre wide, road construction in front of the kerb and gutter along the full site frontage.”*

Amend Condition No. 81 to read as follows:

“81. The access driveway into the basement carpark shall be 5.5 metres wide for at least the first 5.5 metres into the site as detailed on the submitted ground floor plan DA06 Issue C dated 23 November 2005.

The access driveway into the ground floor carpark shall be 4.0 metres wide (to facilitate access to the loading bay from Elizabeth Lane) as detailed on the submitted ground floor plan DA06 Issue C dated 23 November 2005.”

Amend Condition No. 82 to read as follows:

“82. A convex mirror shall be installed at the base of the access ramp into the basement carpark to minimize the potential for conflict on the one-way access ramp. The location of the mirror/s shall be determined by a suitably qualified traffic engineer and the plans submitted for the construction certification shall show the location of the mirror.”

Amend Condition No. 118 to read as follows:

“118. Prior to the issue of a construction certificate the applicant shall submit to Council for approval and have approved an amended ground floor plan showing the bin storage areas being sized to contain a total of 20 x 240 litre bins for the residential component of the development and 10 x 240 litre bins for the commercial/retail component. It is noted that the residential and commercial/retail bins must be stored separately and adequate room must be provided within the storage areas to facilitate satisfactory access to all bins.”

Amend Condition No. 122 to read as follows:

“122. Landscaping at the site shall be installed substantially in accordance with the Landscape Plan prepared by Jackson Teece Architecture, drawing number DA16 (Issue C), dated 23/11/05, subject to the following amendments/additional requirements being included on an amended landscape plan prior to the issue of a construction certificate:

- a. *Deletion of Erigeron karvinskianus (Daisy) from the planting plan and schedule due to its invasive properties; to be replaced with a more appropriate species of similar form and function.*
- b. *Substitution of Ficus pimula (Climbing Fig) in the proposed planter at the northeast corner of the site, with a more decorative ground cover or accent planting.*
- c. *Inclusion of planting in the two raised areas beyond the northern property boundary, on either side of the proposed centrally located pedestrian entry stairs, using low growing species (600mm and under) with low maintenance requirements.*
- d. *Specification of species selection for the narrow garden along the western boundary, in the northwest corner of the site.*
- e. *The plan shall clearly show the position, canopy spread (location of dripline), trunk diameter, height and names of all existing trees upon the site and adjoining sites within 6 metres of the common property boundary which are likely to be affected by the development.”*

Amend Condition No. 130 to read as follows:

“130. Approval is granted for the removal of the following trees subject to the planting of 3 x 45 litre broad canopied replacement trees (not palms) within the site. The species selected shall be those that will attain a minimum height of 6 metres at maturity.

36.

37. a) *One Syagrus romanzoffianum (Cocos Palm) in the rear yard of 145 Alison Road, close to the common boundary of 147 Alison Road.*
38. b) *One Archontophoenix cunninghamiana (Bangalow Palm) in the rear yard of 145 Alison Road, close to the common boundary of 147 Alison Road.*
39. c) *One Cupressus sempervirens (Pencil Pine) in the rear yard of 145 Alison Road, against the southern boundary.*
40. d) *One Syagrus romanzoffianum (Cocos Palm) in the front yard of 145 Alison Road.”*

Amend Condition No. 133 to read as follows:

“133. A refundable deposit in the form of cash or cheque for the amount of \$5,000.00 shall be lodged with Council prior to a construction certificate being issued for the proposed development to ensure the implementation and maintenance of the landscape works in accordance with the approved landscape documentation.

41.

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

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

Delete Conditions No. 114, 120 and 132

42. Add conditions as follows:

"137. Prior to the issue of a construction certificate the applicant shall submit amended plans showing the ramp grades and transitions along both access driveways being in accordance with AS 2890.1 (2004)."

"138. Prior to the issue of a construction certificate the applicant shall submit for approval and have approved by Council details of how bins will be moved from the garbage storage areas to Elizabeth Street for collection each week. It is noted that bins must not be taken along the Elizabeth Lane carriageway."

"139. An amended ground level plan showing the provision of an additional enclosed bin storage area in the adjoining space to the north of carparking spaces No. 4 and 5, shall be submitted to and approved by Council prior to a Construction Certificate being issued for the development."

"140. Car parking spaces Nos. 1 to 13 in the Basement 1 level, and Nos. 1 to 6 in the Ground Floor level, shall be allocated for residential use. Car parking space No. 7 in the Ground Floor level shall be allocated for commercial/retail tenant's use."

"141. The owner of the site shall secure the car spaces numbered Lot 76, 77, 78, 79 and 80 in Strata Plan 56421 in No. 158 Alison Road, Randwick, and gain ownership of these lots which shall be allocated for a commercial/retail tenant's use in the subject site."

"142. A restriction on the use of the commercial/retail tenancies shall be applied on the title of the subject site indicating that the commercial/retail tenancies can only be occupied while the carspaces at No. 158 Alison Road, identified as Lot 76, 77, 78, 79 and 80 in condition No. 141 are available and allocated for commercial/retail tenants' use in the subject site."

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

10.15 DIRECTOR, CITY PLANNING REPORT 105/2005 – UNIVERSITY OF NSW MASTER PLAN, KENSINGTON CAMPUS, KENSINGTON. (RZ/4/2005)

545 **RESOLUTION: (Nash/Procopiadis) that Council:**

- A. *Adopt Section 5 Campus Design Principles and Provisions, Section 6 The Design of Campus Projects and Section 7 Implementation of the UNSW Kensington Campus Master Plan as a DCP for the site.*
- B. *Commence preparation of a single Development Control Plan applying to the site pursuant to the requirements of Section 74C of the Environmental Planning and Assessment Act, 1979, as amended, and include all necessary preamble clauses to*

ensure that the DCP contains the statements and references required by relevant planning legislation.

- C. *Amend all existing DCP's applying to the UNSW site by inserting a new clause in the proposed UNSW DCP to amend all existing DCP's such that they do not apply to the UNSW DCP.*
- D. *Adopt the relevant provisions of the following existing DCP's applying to the UNSW (excluding the clauses relating to the locality to which those DCP's apply) site by inserting a new schedule in the proposed UNSW DCP;*
- *DCP - Exempt and Complying Development*
 - *DCP - Outdoor Advertising*
 - *DCP - Public Notification of Development Proposals and Plans*
 - *DCP - Amusement Centres.*
- E. *Pursuant to Clause 25AA of the Environmental Planning and Assessment Regulations, seek a reasonable fee from the applicant to cover the cost of preparing the DCP.*
- F. *Insert the following additional provisions into the DCP for the UNSW site (comprising Sections 5, 6 and relevant parts of 7 of the draft Master Plan) to ensure that the DCP will be an appropriate single DCP for the site and re-exhibit the draft DCP:*

Section 5.1 Sustainability

Provisions to be added:

Under Sustainability Provision "d" - Energy Management insert the following additional bullet point:

Renewable energy technologies such as photovoltaic cells are to be considered in the design of new buildings and refurbishment projects, to ensure that the University maintains a reputation as a leader in renewable energy design in the built environment.

Remove statement under Sustainability Provision "e" "Details of stormwater management are included in Stormwater Strategy for the campus to be agreed by the University and RCC...." And replace it with the following comments:

Stormwater runoff from the UNSW Kensington Campus is to be managed in accordance with the Stormwater Strategy prepared by ANA Technical Services Pty Ltd dated 28th November 2005, Drawing CMP 1000 (Rev 1) dated 28 November 2005 and drawing DSP 1000 (Rev 1) dated 22 November 2005.

Aquifer recharge and borewater reuse, licensed by the Department of Natural Resources, will be implemented in all capital works projects where permissible.

Where relevant, development is to extend UNSW's substitution of town water use by harvested stormwater via the Botany Sands Aquifer (subject to approval from the Department of Natural Resources). This initiative fulfils the objectives of RCC's rain water tank policy, and may be used to demonstrate compliance with the requirements of BASIX for water conservation (subject to approval by the Department of Planning).

The floor level of all new habitable and storage areas shall be a minimum of 300 mm above any adjoining 1 in 100 year ARI flow path/ponding depth.

Ensure that all water fittings and equipment are 4 star efficiency.

Under Sustainability Provision “f” insert the following comments:

Waste management plans shall be prepared for all developments ensuring that suitable waste management processes and waste storage areas are incorporated into the design of buildings and support the principles of waste avoidance, reuse and recycling. Waste management plans should include projected waste generation rates for the end use of the development and the development plans should include facilities to support this waste generation e.g. appropriately sized and accessible waste storage areas, integrated with waste collection systems.

Waste management plans shall be prepared for all developments that maximise reuse and recycling of waste generated in the demolition and construction phase of the development.

All waste storage areas shall be graded and drained to the sewer to the requirements of Sydney Water.

Section 5.5 Landscaping

Insert the following additional provisions:

- p. proposed landscaping shall give due consideration to the historical The significance of landscaping within the site and should not compromise the original design intent.*
- q. The removal of any trees that are in reasonable health and condition and are deemed to be significant examples due to their size, age, species, heritage etc will only be considered if a detailed Arboricultural assessment justifies such an action. In circumstances where significant tree removals are approved, details of proposed replacements which will maintain the existing theme and scale/bulk shall be provided*
- r. Expansive areas of pavement shall be permeable in nature wherever possible in order to reduce stormwater runoff, recharge groundwater supplies and to maintain infiltration rates to the root zones of established trees.*
- s. A Landscape Plan of Management is to be prepared to ensure the ongoing health of the fig trees.*

Section 5.6 Buildings

The maximum wall heights identified within the draft Master Plan for the Western and Lower Campus are to be adjusted such that the three proposed towers shown on the Building Height Plan (Master Plan 5.8) are limited to a maximum height of 24 metres.

The following additional provisions are to be added:

- o. Buildings on the Western and Lower Campus greater than 20 metres in height above existing ground level are to be accompanied by an urban design analysis, which includes a view impact assessment demonstrating the proposal’s relationship with the public domain of the surrounding streets in addition to any impacts from nearby residential development.*

- p. *Buildings on Upper Campus greater than 40 metres in height above existing ground level are to be accompanied by an urban design analysis, which includes a view impact analysis demonstrating the proposal's relationship with the public domain from significant vantage points around the University Campus.*
- q. *All development applications for buildings greater than 15.24m above existing ground height (AEGH) are to be referred to Sydney Airports Corporation Ltd for approval, as required by the Civil Aviation (Buildings Control) Regulations.*
- r. *Provide minimum setbacks of 6 metres from the street alignment for buildings adjoining a residential precinct, to preserve solar access and privacy to residential properties adjoining the Campus.*
- s. *All buildings on the West Campus are to be setback 10 metres from the western boundary of the campus. In addition to the 10 metre setback zone, a maximum height of 12 metres applies to all buildings within 25 metres of the western boundary. This requirement is to preserve an appropriate scale of development when viewed from the adjoining residential precinct of Day Street and Doncaster Avenue.*
- t. *Solar access to living areas and principal landscaped spaces of adjoining residential development is not to be reduced to less than 3 hours per day throughout the year. If less than 3 hours per day is not currently achieved, new development must not reduce this further.*
- u. *Develop a Signage Code that sets guidelines for the status of signage, including aspects such as visual prominence from areas outside the University Campus. Assess the impact of the proposed signage in terms of its visual presence from areas surrounding the University. The Signage Code should adopt the design principles established by **State Environmental Planning Policy No. 64 – Advertising and Signage**.*
- v. *Prepare a Heritage Impact Assessment report for any proposal within the Conservation Area, including changes to existing buildings or construction of new buildings.*
- w. *Prepare a Conservation Plan to guide necessary conservation works to heritage buildings, and in particular the Old Tote Building.*

Section 5.7 Housing

The following additional provisions are to be added:

- i) *In mixed use residential and university use buildings, provide a secure separate entry for residential students, to prevent unrestricted public access to private residential areas.*

Section 5.10 Transport and Parking

The following additional provisions are to be added:

- e. *All new development applications shall comply with the following outcome based development controls:*
 - *A traffic/parking report shall be included with all new development applications. The study should identify whether the development will increase parking demands*

and/or has the potential to increase parking demands, on-site or in the surrounding areas.

- *Any new development (excluding student accommodation) identified as increasing parking demands and/or having the potential to increase parking demands will only be permitted if it can be demonstrated that the parking demand potential of the development can be accommodated through the existing on-site parking supply WITHOUT compromising the 3% annual reduction in car travel target. Developments having the potential to increase parking demands will not be permitted until it has been demonstrated through monitoring (annual transport surveys and parking situation surveys) that the transport strategy is being effectively implemented and the performance targets achieved.*
- f. *The University shall contribute to the cost of external civil works such as improving/upgrading bikeways and pedestrian footpaths in the vicinity of UNSW.*
- g. *All new/amended car parking areas, access roadways, internal circulation areas and ramps shall comply with the requirement of AS 2890.1 (2004) and AS2890.2 (2002).*
- h. *Parking for student accommodation facilities is to be provided at the rate of 1 parking space/10 students for off-campus accommodation greater than 800m from the university campus and 1 parking space/15 students for on-campus and off-campus accommodation within 800m of the university campus.*

Parking generation rates for student accommodation may be reduced through sustainable transport initiatives such as car pool/car club arrangements. Residents in university accommodation will be excluded from Council's Resident Parking Permit Scheme.

Transportation Strategy Recommendations

The Transportation Strategy forms part of the Master Plan document, however it has been packaged as a separate document.

Traffic

Item 3.1 (second item) (amended)

The university gather travel data every year by a survey of 10% of staff and students, contacted by email and in annual planning transport initiatives every year.

Details of the survey and transport monitoring process shall be reviewed by a suitably qualified traffic consultant each year to:

- *Ensure that the process accurately determines whether transport targets are being achieved; and*
- *Identify any deficiencies in the implementation of the transport strategy.*

Additionally, the University is to fund an initial survey of the on-street parking situation surrounding the University and subsequent surveys of the on-street parking situation at no more than 2 yearly intervals. Such surveys are to be managed by Council.

Item 4.3.1 (amended)

Consideration be given to a dual pedestrian entry into the campus from Anzac Parade being made legible by two pedestrian crossings, one at each end of the bus stop.

Item 4.3.3 (amended)

Following the undertaking of an Origin / Destination survey (to be funded by the University) consideration be given to a 'No right turn' restriction being imposed for vehicles travelling east in High Street at Botany Street during the morning peak hour.

Public Transport:

New item

The university consider providing subsidised public transport for staff (possibly as part of their salary packages) and/or students to increase public transport usage

Parking:

Item 2.2 (amended)

The University continue with its policy to remove all long term surface parking from the campus ONLY after university parking on local residential streets has been removed/prevented.

Item 4.2 (first item) (amended):

The parking strategy for on-street parking is to:

Remove all university parking from outside homes; and

Item 4.2 (second item) (amended)

The parking strategy for the campus is to:

- *Retain the existing number of parking spaces on-site until such time as university parking is removed/prevented on local residential streets and a demonstrated reduction in car travel demand has been achieved;*
- *Maintain the provision of disabled and Loading Zones throughout the campus*
- *Continue to remove surface parking from the campus;*
- *Locate a total of 300 parking spaces under new buildings in the lower and western campus;*
- *Concentrate 100 metered parking spaces for visitors as surface parking spaces accessed from gate 2;*
- *Introduce metered parking available at all time of day into the parking stations; and*
- *Introduce parking permits for students to park on Campus.*

Item 4.4 (first item) (amended):

The fee for all staff and postgraduate permit parking, including reserved parking be increased by 8% per annum AFTER university parking on local streets has been removed/prevented. The 8% increase should continue for five years and then be reviewed after this period.

Item 4.4 (third item) (amended):

On completion of the residential parking scheme accommodating all residential and short term parking:

- *Parking fees be increased by 8% per annum or more as required to reduce car travel to the university by 3% (fees to be agreed at the annual transport meeting).*

Item 4.8.2 (amended):

Parking demands for the new student accommodation be based on the following rates:

- *1 parking space/10 students for off-campus accommodation greater than 800m from the university campus; and*
- *1 parking space/15 students for on-campus and off-campus accommodation within 800mm of the university campus; and*

Parking generation rates for student accommodation may be reduced through sustainable transport initiatives such car pool/car club arrangements.

Residents in university accommodation will be excluded from Council's Resident Parking Permit Scheme.

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

10.16 DIRECTOR, CITY PLANNING REPORT 106/2005 – 212 ARDEN STREET, COOGEE. (DA/423/2005)

546 **RESOLUTION: (Andrews/Daley) that:**

- A. *Council as the responsible authority grant its development consent under Section 80 and 80A of the Environmental Planning and Assessment Act 1979 (as amended) to Development Application No 423/05 for Alterations and refurbishment to the existing gaming room, sports bar and bottle shop to the Coogee Bay Hotel, including new openings (Heritage Item). at 212 Arden Street, Coogee subject to the following conditions:-*

REFERENCED PLANS

1. *The development must be implemented substantially in accordance with the plans numbered DA004A, plan number 05017, undated and received by Council on 26 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.*
2. *The colours, materials and finishes of the external surfaces to the building, including window and door frames, are to be compatible with the existing building. 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 of Planning and Community Development, in accordance with Section 80A (2) of the Environmental Planning and Assessment Act 1979 prior to a construction certificate being issued for the development.*
3. *Details of the proposed paint scheme are to be submitted to and approved by Council's Director of Planning and Community Development, in accordance with Section 80A (2) of the Environmental Planning and Assessment Act 1979 prior to a construction certificate being issued for the development. Unpainted surfaces, eg-brickwork/stonework are to remain unpainted.*
4. *This development consent modifies development consent number 36/04 insofar as the gaming room approved within the existing reception and administrative areas behind the sports bar shall be deleted and the reception and administrative areas shall remain*

in their current location.

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:

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

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

6. *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.*
7. *The L_{A10} noise level emitted from the licensed premises shall not exceed the background noise level L_{A90} in any Octave Band Centre Frequency (31.5Hz – 8kHz inclusive) by more than 5dB between 7.00am and 12.00 midnight at the boundary of any affected residence. The background noise level shall be measured in the absence of noise emitted from the licensed premises.*

The L_{A10} noise level emitted from the licensed premises shall not exceed the background noise level L_{A90} in any Octave Band Centre Frequency (31.5Hz – 8kHz inclusive) between 12.00 midnight and 7.00am at the boundary of any affected residence. The background noise level shall be measured in the absence of noise emitted from the licensed premises.

Notwithstanding compliance with the above, noise from the licensed premises shall not be audible within any habitable room in any residential premises between the hours of 12.00 midnight and 7.00am.

8. *Security guards or a specially appointed members of staff must be provided at all times, identified as such by uniform (or the like), to take all reasonable steps to prevent noisy and unruly behaviour of patrons attending or departing the premises. The security guards are to patrol the locality until half an hour after close or until the last patron leaves the vicinity of the hotel, which ever is the later. The number of security guards and patrol locations must be in accordance with the current Liquor License.*
9. *The licensee must establish and maintain a formal and documented system for the recording and resolution of complaints made to the licensed premises by residents. All complaints are to be attended to in a courteous and efficient manner and referred promptly to the licensee or duty manager. The appropriate remedial action, where possible, is to be implemented immediately and the licensee or duty Manager is to contact the complainant within 48 hours to confirm details of action taken.*

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:

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

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

12. *The premises is to be designed, constructed and operated in accordance with the Food Act 2003, Food Regulation 2004 and Food Standards Code and details of compliance are to be included in the documentation for the **construction certificate** to the satisfaction of the certifying authority.*
13. *Food safety practices and operation of the food premises must be in accordance with the Food Act 2003, Food Regulation 2004, Food Standards Code and Food Safety Standards at all times, including the requirements and provisions relating to:*
 - *Food handling – skills, knowledge and controls.*
 - *Health and hygiene requirements.*
 - *Requirements for food handlers and businesses.*
 - *Cleaning, sanitising and maintenance.*
 - *Design and construction of food premises, fixtures, fitting and equipment.*

A failure to comply with the relevant food safety requirements is an offence and may result in legal proceedings, service of notices and/or the issuing of on-the-spot penalty infringement notices.

14. *The premises must be registered with Council's Environmental Health section and the NSW Food Authority must also be notified of the food business in accordance with the Food Safety Standards, **prior to commencement of food business operations.***
15. *Upon completion of the work and **prior to the issuing of an occupation certificate**, the premises must be inspected by Council's Environmental Health Officer to ascertain compliance with relevant Food Safety Standards and the written approval of Council (being the relevant Food Authority for this food business) must be obtained prior to the operation of the food business.*
16. *The Proprietor of the business and all staff carrying out food handling and food storage activities must have appropriate skills and knowledge in food safety and food hygiene matters, as required by the Food Safety Standards.*
17. *The design and construction of bar areas, storage areas and the like must comply with the following requirements, as applicable:-*
 - *The floors of bar areas, storage areas and the like are to be constructed of materials which are impervious, non slip and non abrasive. The floor is to be*

finished to a smooth even surface, graded and drained to a floor waste connected to the sewer.

- *The intersection of walls with floor and plinths is to be coved, to facilitate cleaning.*
- *Walls of the bar areas, storage areas and the like are to be of suitable construction finished in a light colour with glazed tiles, stainless steel, laminated plastics or similar approved material adhered directly to the wall adjacent to cooking and food preparation facilities or areas, to provide a smooth even surface.*

The glazed tiling or other approved material is to extend up to the underside of any mechanical exhaust ventilation hoods and a minimum of 450mm above bench tops or other facilities and equipment.

- *Walls where not tiled are to be cement rendered or be of rigid smooth faced non-absorbent material (i.e. fibrous cement sheeting, plasterboard or other approved material) and finished to a smooth even surface, painted with a washable paint of a light colour or sealed with other approved materials.*
- *The ceilings of bar areas, storage areas and the like are to be of rigid smooth-faced, non absorbent material i.e., fibrous plaster, plasterboard, fibre cement sheet, cement render or other approved material.*
- *All stoves, refrigerators, bain-maries, stock pots, washing machines, hot water heaters, large scales, food mixers, food warmers, cupboards, counters, bars etc.... to be supported on wheels, concrete plinths a minimum 75mm in height, metal legs minimum 150mm in height, brackets or approved metal framework of the like.*
- *Cupboards, cabinets, benches and shelving may be glass, metal, plastic, timber sheeting or other approved material. The use of particleboard or similar material is not permitted unless laminated on all surfaces.*
- *Garbage storage enclosures are to be fitted with a hose cock and the floor is to be graded and drained to an approved floor waste connected to the sewer.*
- *A mechanical ventilation exhaust system hood is to be installed where cooking or heating processes are carried out in the kitchen or in food preparation areas, in accordance with the relevant requirements of Clause F4.12 of the BCA and Australian Standard AS 1668 Parts 1 & 2.*
- *Wash hand basins must be provided in each bar area in convenient positions, with hot and cold water, together with a sufficient supply of soap and clean towels. Such hot and cold water shall be supplied to the wash hand basins through an approved mixing device.*
- *Ceramic tiles being provided to a height of 450mm above bench tops, wash hand basins and similar fittings.*

- *A numerically scaled indicating thermometer or recording thermometer, accurate to the nearest degree Celsius being provided to refrigerators, cool rooms, other cooling appliances and bain-maries or other heated food storage/display appliances. The thermometer is to be located so as to be read easily from the outside of the appliance.*
 - *All food that is to be kept hot should be heated within one (1) hour from the time when it was prepared or was last kept cold, to a temperature of not less than 60°C and keep this food hot at or above the temperature. Food that is to be kept cold should be cooled, within four (4) hours from the time when it was prepared or was last kept hot, to a temperature of not more than 5°C and keep this food cold at or below that temperature.*
18. *Liquid trade waste materials are to be disposed of in accordance with the requirements of the Sydney Water, Trade Waste Department and details of compliance are to be submitted to the certifying authority **prior to the commencement of works.***
 19. *Trade/commercial waste materials must not be disposed via council's domestic garbage service. All trade/commercial waste materials must be collected by Council's Trade Waste Service or a waste contractor authorised by the Waste Service of New South Wales and details of the proposed waste collection and disposal service are to be submitted to Council prior to occupation of the building.*
 20. *Adequate provisions are to be made within the premises for the storage, collection and disposal of trade/commercial waste and recyclable materials, to the satisfaction of Council.*

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

21. *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.

22. *All new building work must be carried out in accordance with the provisions of the Building Code of Australia (BCA), in accordance with Clause 98 of the Environmental Planning and Assessment Regulation 2000.*
23. ***Prior to the commencement of any building works, a construction certificate must be obtained from the Council or an accredited certifier, in accordance with the provisions of the Environmental Planning & Assessment Act 1979 and Environmental Planning & Assessment Regulation 2000.***
24. ***Prior to the commencement of any building works, the person having the benefit of the development consent must:-***
 - i) *appoint a Principal Certifying Authority for the building work, and*

- ii) *appoint a principal contractor for the building work, or in relation to residential building work, obtain an owner-builder permit in accordance with the requirements of the Home Building Act 1989, and notify the Principal Certifying Authority and Council accordingly in writing, and*
 - iii) *unless the person having the benefit of the consent is the principal contractor (i.e. owner-builder), notify the principal contractor of the required critical stage inspections and other inspections to be carried out, as specified by the Principal Certifying Authority, and*
 - iv) *give at least two days notice to the Council, in writing, of the persons intention to commence building works.*
25. *The building works must be inspected by the Principal Certifying Authority (or another certifying authority if the Principal Certifying Authority agrees), in accordance with sections 109 E (3) of the Environmental Planning & Assessment Act 1979 and clause 162A of the Environmental Planning & Assessment Regulation 2000, to monitor compliance with the relevant standards of construction, Council's development consent and the construction certificate.*
26. *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).*
27. *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.

28. *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".*
29. *An Occupation Certificate must be obtained from the Principal Certifying Authority prior to any occupation of the building work encompassed in this development consent (including alterations and additions to existing buildings), in accordance with the relevant provisions of the Environmental Planning & Assessment Act 1979.*

30. *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.*
31. *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 must also be provided to Council with the occupation certificate.

32. *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:

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 demolition works involving asbestos products are to be carried out in accordance with relevant 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 building, demolition and associated site works must only be carried out between the hours of 7.00am to 5.00pm on Monday to Friday inclusive, between 8.00am to 5.00pm on Saturdays and all building activities are strictly prohibited on Sundays and public holidays, except with the specific written authorisation of Council's Manager of Environmental Health and Building Services.*
37. *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.*
38. *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.

39. *Public safety and convenience must be maintained at all times during demolition, excavation and construction works.*
40. *The roadway and footpath 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 or footway must be repaired immediately, to the satisfaction of Council.*
41. *A Road Opening Permit must be obtained from the Council and other relevant Authorities prior to excavating or opening-up the road or footway for services or the like.*
42. *Building materials, sand, soil, waste materials or construction equipment must not be placed upon the footpath, roadway or nature strip at any time and the footpath, nature strip and road must be maintained in a clean condition and free from any obstructions, soil and debris at all times.*
43. *Bulk bins/waste containers must not be located upon the footpath, roadway or nature strip at any time without the prior written approval of the Council, unless the waste container is located upon the road in accordance with the Roads & Traffic Authority Guidelines and Requirements, and the container is exempt from an approval under Development Control Plan for Exempt & Complying Development and Council's Local Approvals Policy. Applications to place a waste container in a public place can be made to Council's Building Services section.*
44. *A Construction Site Management Plan is to be submitted to and approved by the principal certifying authority prior to the commencement of demolition, excavation or building works. The site management plan must include the following measures, as applicable to the type of development:*
 - *location and construction of protective fencing / hoardings to the perimeter of the site;*
 - *location of site storage areas/sheds/equipment;*
 - *location of building materials for construction;*
 - *provisions for public safety;*
 - *dust control measures;*
 - *site access location and construction*
 - *details of methods of disposal of demolition materials;*
 - *protective measures for tree preservation;*
 - *provisions for temporary sanitary facilities;*
 - *location and size of waste containers/bulk bins;*
 - *details of proposed sediment and erosion control measures;*
 - *construction noise and vibration management.*

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

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

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

Dust control measures and practices may include:-

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

*Details of the proposed sediment control measures are to be detailed in a site water management plan and must be submitted to and approved by the principal certifying authority **prior to the commencement of any site works**. The sediment and erosion control measures must be implemented prior to the commencement of any site works and be maintained throughout construction. A copy of the approved details must be forwarded to the Council and a copy is to be maintained on-site and be made available to Council officers upon request.*

Details of proposed sediment and erosion control measures shall include; a site plan; indicating the slope of land, access points & access control measures, location and type of sediment & erosion controls, location of existing vegetation to be retained, location of material stockpiles and storage areas, location of building operations and equipment, methods of sediment control, details of drainage systems and details of existing and proposed vegetation.

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.

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.

48. *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.*
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.*

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

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

Temporary fences and hoardings 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 or 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 access and facilities for people with disabilities:

51. *Access and facilities for people with disabilities must be provided to and within the building in accordance with the relevant provisions of the Building Code of Australia and AS1428.1, to the satisfaction of the Certifying Authority. Details of the proposed access and facilities for people with disabilities are to be included in the plans / specifications for the **construction certificate**.*

The following condition has been applied to ensure compliance with Local Government Legislation and Policies of Council:

This is Page No. 127 of the Minutes of the Ordinary Council Meeting held on Tuesday, 13th December, 2005.

52. *A separate application must be submitted to and approved by Council for the Place of Public Entertainment, in accordance with section 68 of the Local Government Act 1993, prior to commencing any public entertainment in the reconfigured ground floor bar area and gaming areas.*
53. *It is a condition of approval to use or permit the use of a building or temporary structure as a Place of Public Entertainment that the provisions of Schedule 1 of the Local Government (Approvals) Regulation 1999 are complied with.*
54. *The Place of Public Entertainment must be registered with the Council prior to occupation and on an annual basis. Council's registration/inspection form is to be completed by the proprietor and together with the appropriate fee, is to be forwarded to the Council, **prior to the issuing of any occupation certificate.***

Security Deposit Conditions

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

55. *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) \$4000.00 - *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*
- *Completion of the civil works as conditioned in this development consent by Council.*

The applicant is to advise Council, in writing, of the completion of all building works and/or obtaining an occupation certificate, if required.

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

Traffic conditions/Civil Works Conditions

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

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

- a. *Reconstruct the footpath along the Coogee Bay Road frontage (of the redeveloped portion of the site) in accordance with Council's Urban Design guidelines for Coogee. This shall include pavements, seat installations, bins and tree grates as required by Council's Landscape Architect – 9399 0786.*

*It is noted that whilst the applicant is only required to reconstruct the section of footpath that fronts the northern section of the site (i.e. the section of the site being redeveloped), the applicant shall purchase sufficient pavers (if not already purchased in conjunction with DA 36/2004) to complete footpath reconstruction works along the full site frontage. **This requirement is included to ensure that when the remainder of the site is redeveloped/modified (in accordance with the master plan), there will be sufficient pavers of the same colour and style available to complete the footpath works along the full site frontage.***

The pavers that are not used to complete the section of footpath in front of northern section of the site shall be stored at the Council Depot until they are required. The applicant is advised to contact Council's Landscape Technician on 9399 0613 regarding this matter.

57. *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.*
58. *The applicant shall note that all external work, carried out on Council property, shall be in accordance with Council's Policy for "Vehicular Access and Road and Drainage Works". An application for the cost of the Council civil works is to be submitted to Council at the completion of the internal building works. An application fee shall be payable to Council for the quotation of the required works. The applicant may elect to use his contractor for the required works, subject to Council approval, however a design and supervision fee based on the lowest quotation from Council's nominated contractor will be required to be paid prior to the commencement of any works.*

Alignment Level Conditions

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

59. *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:*
 - ***90mm above the top of the kerb at all points opposite the kerb, along the full site frontage.***

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

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

60. *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.

61. *The above alignment levels and the site inspection by Council's Department of Asset & Infrastructure Services have been issued at a prescribed fee of \$1650 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:

62. *The applicant will be required to meet the full cost for all overhead cables located along the Coogee Bay Road site frontage to be relocated underground. The applicant shall liaise directly with the relevant service authorities regarding this matter.*
63. *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.*
64. *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.*
65. *Documentary evidence from the relevant public utility authorities confirming that their requirements have been satisfied, must be submitted to the certifying authority prior to a construction certificate being issued for the development.*
66. *A Section 73 Compliance Certificate under the Sydney water Act 1994 must be obtained. Application must be made through an authorised Water Servicing Coordinator. Please refer to "Your Business" section of Sydney Water's web site at www.sydneywater.com.au then the "e-developer" icon or telephone 13 20 92.*

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

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

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

Waste Management Conditions

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

67. *Prior to the issuing of a construction certificate for the proposed development the*

applicant is to submit to Council and have approved by Council's Manager of Waste a Waste Management Plan detailing waste and recycling storage and disposal for the redeveloped portion of the site, post construction.

Landscape Conditions

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

68. *The applicant shall submit a landscape design for the Coogee Bay Road frontage of the development in accordance with Council's Urban Design Guidelines for Coogee. The landscape design shall include pavements, seat installations, bins and tree grates as required by Council's Landscape Architect – 9399 0786.*

The Landscape Design plans shall be submitted to and approved by Council's Director of Asset and Infrastructure Services in accordance with Section 80A(2) of the Environmental Planning and Assessment Act 1979, prior to the certifying authority issuing a construction certificate for the development.

All street furniture is required to be purchased through Council. Due to supply constraints, the applicant is required to place an order and pay for the required furniture three months prior to the estimated date for the completion of street frontage works.

ADVISORY MATTERS

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

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

- a) *Part B1 - Structural provisions*
 - b) *Part C1 - Fire resistance and stability*
 - c) *Part E1 - Fire fighting equipment*
 - d) *Part E2 - Smoke Hazard Management*
 - e) *Part E4 - Emergency lighting, exit signs & warning systems*
- Details of compliance with the relevant provisions of the Building Code of Australia and conditions of development consent are to be provided in the plans and specifications for the construction certificate.*

You are advised to ensure that the development is not inconsistent with Council's consent and if necessary consult with Council's Building Certification Services or your accredited certifier prior to submitting your construction certificate application to enable these matters to be addressed accordingly.

- A2. *The applicant/owner is advised that this approval does not guarantee compliance with the provisions of the Disability Discrimination Act 1992 and the applicant should therefore consider their liability under the Act. In this regard, the applicant is advised that compliance with the requirements of the Building Code of Australia and Australian Standard 1428.1 - Design for Access and Mobility does not necessarily satisfy the objectives of the Disability Discrimination Act 1992.*

The applicant/owner is requested to give consideration to providing access and facilities for people with disabilities in accordance with Australian Standard 1428 Parts 1, 2, 3 and 4 - Design for Access and Mobility, which may be necessary to satisfy the objectives of the Disability Discrimination Act 1992.

- A3. *The applicant is to advise Council in writing and/or photographs of any signs of existing damage to the Council roadway, footway, or verge prior to the commencement of any building/demolition works.*

PROCEDURAL MOTION: (Nash/Belleli) that the meeting be adjourned at 11.00pm for five minutes and the closing time for the meeting be extended by 30 minutes. **CARRIED**

The meeting was resumed at 11.05pm.

MOTION: (Matson/Woodsmith) that the application be refused on the grounds that it is not in the public interest. **LOST**

MOTION: (Notley-Smith/Woodsmith) that the application be deferred to the next Ordinary Council Meeting to allow further community discussion on the issue. **LOST**

MOTION: (Andrews/Daley) CARRIED – SEE RESOLUTION.

10.17 DIRECTOR, CITY PLANNING REPORT 107/2005 – 5 LITTLE STREET, MAROUBRA. (DA/0007/2005)

- 547 **RESOLUTION: (Matson/Bastic)** that this application be deferred to the next Committee Meeting.

MOTION: (Matson/Bastic) CARRIED – SEE RESOLUTION.

10.18 DIRECTOR, CITY PLANNING REPORT 108/2005 – 80 MIDDLE STREET & 133 BOTANY STREET, RANDWICK. (DA/568/2005)

- 548 **RESOLUTION: (Tracey/Andrews)** that:

A. *Council as the responsible authority refuse development consent under Section 80 of the Environmental Planning and Assessment Act 1979 (as amended) to Development Application No. 568/2005 for Demolition of the existing structures on the site, excavate and construct a multi unit housing development comprised of 21 two and three storey attached townhouses in 5 separate buildings over basement level parking for 31 vehicles, and strata subdivision into 21 lots at 80 Middle Street and 133 Botany Street, Randwick for the following reasons:-*

1. *The proposed development of the site for multi-unit housing is prohibited within the 2(a) zone of RLEP 1998, and 'existing-use-rights' have not been established.*
2. *The proposed development has not minimised its impact in terms of overlooking of adjoining properties and dwellings within the development. In particular, the north facing balcony to Unit A.03 and the south facing balconies at first floor level of Building E and design of the southern elevation to the first floor of Building E. These impacts could be addressed by conditions of consent deleting balconies and providing obscure glazing.*

3. *The scale of the proposed building fronting Botany Street is incompatible with directly adjoining buildings and should be reduced to minimise its streetscape dominance. This impact could be satisfactorily addressed by redesign and a reduced roof height for the front section of the building, to give the building a one and a half storey scale to the street with the upper level contained in the roof form; or for the upper level to be stepped back from the street so that the scale of the building was compatible with its single storey neighbours. A skillion roof form may also be considered over the basement parking and driveway on the southern side of this building to be more compatible with the surrounding residential forms.*
4. *The proposed colours, materials and finishes of the external surfaces to the building are incompatible with the predominately light coloured finishes of traditional stone or weatherboard buildings in the heritage conservation area. Details of the finishes could be resubmitted to satisfactorily address this issue.*
5. *The flood study submitted does not adequately demonstrate that the proposed floor levels provide minimum 300mm clearance above the 100 year ARI flood levels and it has not been demonstrated that the proposed driveway high points provided provide a minimum of 150mm clearance above the 100 year ARI flood levels. An addendum to the flood study should be provided to address this concern.*
6. *The plans do not demonstrate that the access driveways provide satisfactory ramp grades and transitions in accordance with the requirements of AS 2890.1 (2004).*
7. *The proposed Floor Space Ratio is considered to be excessive.*

MOTION: (Bastic/Procopiadis) that Council as the responsible authority grants delegated authority to the Mayor and the General Manager to determine the application following receipt of legal advice from Council's solicitor regarding existing use rights. **LOST**

MOTION: (Tracey/Andrews) CARRIED – SEE RESOLUTION.

10.19 DIRECTOR, CITY PLANNING REPORT 109/2005 – HERITAGE REVIEW AND DRAFT HERITAGE LEP AND HERITAGE DCP AND INPUT TO THE RANDWICK CITY PLAN. (F2004/08196 xr F2005/00217)

549 **RESOLUTION: (Sullivan/Andrews)** that Council resolve that the draft LEP not be approved and not to proceed with the draft DCP.

MOTION: (Sullivan/Andrews). CARRIED – SEE RESOLUTION

Crs Andrews and Sullivan then called for a DIVISION. The division was taken and the voting was as follows:

FOR	AGAINST
Andrews	Hughes
Bastic	Matson
Belleli	Woodsmith
Nash	-
Notley-Smith	-
Procopiadis	-

His Worship the Mayor, Cr T. Seng	-
Sullivan	-
Tracey	-

11. PETITIONS.

11.1 PETITION SUBMITTED BY HIS WORSHIP THE MAYOR, CR SENG IN RELATION TO CHANGING THE LEGISLATION WHICH WOULD LEGALISE NUDE BATHING AT LITTLE CONWONG BEACH, LA PEROUSE. (F2005/00172 xr F2005/00881)

11.2 PETITION SUBMITTED BY HIS WORSHIP THE MAYOR, CR SENG IN RELATION TO RESIDENTS RESIDING ON BUNNERONG ROAD (BETWEEN SHIRLEY & KEMP AVENUE) FORMALLY PETITION TO CONSTRUCT A NEW SERVICABLE ROAD IN FRONT OF OUR RESIDENCES BUNNERONG ROAD, MATRAVILLE. (F2005/00172 xr F2005/00755)

550 **RESOLUTION:** *(Notley-Smith/Belleli) that the tabled petitions be received and noted.*

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

12. MOTIONS PURSUANT TO NOTICE.

12.1 NOTICE OF RESCISSION MOTION BY COUNCILLORS BELLELI, MATSON AND NOTLEY-SMITH –ORDINARY COUNCIL MEETING, TUESDAY, 22ND NOVEMBER, 2005 – ITEM 6.5, MAYOR'S MINUTE 144/2005 - OPTIONS FOR REDUCING THE TRADING HOURS OF THE COOGEE BAY HOTEL AND BEACH PALACE HOTEL. (F2004/07767)

551 **RESOLUTION:** *(Matson/Belleli) that:*

That the resolution passed at the Ordinary Council Meeting held on Tuesday, 22nd November, 2005, reading as follows:

that:

- 1. a Social Impact Assessment (in accordance with the methodology prescribed in the Liquor Act 1982) be undertaken by a suitably qualified and experienced consultant nominated by the General Manager.*
- 2. any further actions contained within Council's resolution Number 403, be held in abeyance pending the completion of the Social Impact Assessment and consideration of a subsequent report to Council.*

BE AND IS HEREBY RESCINDED.

MOTION: *(Matson/Belleli) CARRIED – SEE RESOLUTION.*

552 **RESOLUTION:** *(Matson/Notley-Smith) That the recommendation contained in Mayor's Minute 144/2005 (Options for reducing the trading hours of the Coogee Bay Hotel and Beach Palace Hotel) be considered at the next Council meeting. CARRIED*

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

12.2 MOTION BY COUNCILLOR BELLELI – 2006 NATIONAL TREE DAY – WOOMERA RESERVE. (F2004/06494 xr F2005/00171)

553 *RESOLUTION: (Belleli/Andrews) that Woomera Reserve be chosen for Randwick City Council's 2006 National Tree Day and Council consider planing approx 300 native trees around the perimeter of the reserve. No plantings are to interfere with sporting fields.*

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

12.3 MOTION BY COUNCILLOR BELLELI – FEASIBILITY OF SKATE PARK AT OR NEAR LA PEROUSE OR YARRA BAY. (F2004/08044 XR F2005/00171)

554 *RESOLUTION: (Belleli/Woodsmith) that a report for Council be prepared that addresses the feasibility of a skate park at or near La Perouse or Yarra Bay. The report is to consider location, costing and funding sources and type of construction (i.e. steel or concrete).*

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

12.4 MOTION BY COUNCILLOR BELLELI – PLANTING OF NATIVE TREES. (F2004/08288 XR F2005/00171)

555 *RESOLUTION: (Belleli/Andrews) that Council provide funding in the 2006/07 budget for 50-100 native trees in Coral Sea Park, 30 native trees in Ella Reserve and 20 native trees in Rubie Reserve.*

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

12.5 MOTION BY COUNCILLOR MATSON – MAROUBRA BEACH PAVILION – CAFÉ & KIOSK – LEASE TENDER EVALUATION. (F2004/06336 XR F2005/00171)

556 *RESOLUTION: (Matson/Notley-Smith) that this matter and the confidential reports considered by Council and resolutions made be referred to the Director-General of the Department of Local Government for review and advice.*

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

12.6 MOTION BY COUNCILLOR MATSON – BEACH PALACE APPLICATION TO LIQUOR ADMINISTRATION BOARD TO VARY LICENSE CONDITIONS. (F2004/07767 XR F2005/00171)

557 *RESOLUTION: (Matson/Hughes) that Council consider its recent submission to the Liquor Administration Board concerning an application by the Beach Palace to either revoke or vary conditions 1,2,3,4,7,8,9,10 and 16 of its liquor license and then resolve to amend that submission to remove support for increasing the maximum number of patrons by insisting upon the retention of condition 3.*

MOTION: (Daley/Andrews) that the matter be deferred to next Ordinary Council Meeting.
LOST

MOTION: (Matson/Hughes) CARRIED – SEE RESOLUTION.

12.7 MOTION BY COUNCILLOR WOODSMITH – WYLIES BATHS SUB-LEASING. (F2004/06336 XR F2005/00171)

Cr Bastic declared an interest in this Item as he has his Christmas parties there every year. Having declared an interest in the matter, Cr Bastic left the meeting and did not take part in the debate or the vote on the matter.

558 **RESOLUTION: (Woodsmith/Matson)** that Council resolves to:

- (a) *Investigate the discontinuing of the sub-leasing of Wylies Baths to the Wylies Bath Trust Inc;*
- (b) *Bring a report before a Council Meeting outlining the appropriate steps to be taken to achieve this.*

MOTION: (Woodsmith/Matson) CARRIED - SEE RESOLUTION.

12.8 MOTION BY COUNCILLORS MATSON AND NOTLEY-SMITH – CONDUCT OF COUNCILLOR BASTIC DURING THE MAROUBRA BY-ELECTION PRE-SELECTION PROCESS. (F2004/06569 XR F2005/00171)

559 **RESOLUTION: (Matson/Notley-Smith)** that the General Manager convene a meeting of the Conduct Committee and bring before it all details of Cr Bastic's alleged actions in regards to the production of "How to Vote" cards for him.

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

12.9 MOTION BY COUNCILLORS NOTLEY-SMITH & NASH – DISQUALIFICATION FROM CIVIC OFFICE. (F2004/06569 XR F2005/00171)

560 **RESOLUTION: (Notley-Smith/Nash)** that a report be brought before Council with the view to Council making representations to the Minister for Local Government calling for amendments to be made to the Local Government Act 1993 concerning the circumstances in which a Councillor ought to be prevented from continuing in their role as a Councillor and their civic office therefore being declared vacant. Specifically, the report shall address the circumstance in which a Councillor is convicted of a criminal offence during their term of office, the position taken in other Australian states with respect to the disqualification of Councillors convicted of criminal offences during their term in office, the offences which ought to preclude a Councillor found guilty of any of those offences from remaining in civic office (particularly serious indictable offences), as well as previous instances/cases where such situations have occurred whether in New South Wales or elsewhere throughout Australia.

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

13. URGENT BUSINESS.

Nil.

14. CONFIDENTIAL REPORTS.

14.1 CONFIDENTIAL GENERAL MANAGER'S REPORT 62/2005 - BURNETT vs RANDWICK CITY COUNCIL. (F2004/07755)

561 **RESOLUTION:** *(Notley-Smith/Matson)* that the report be received and noted.

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

14.2 CONFIDENTIAL GENERAL MANAGER'S REPORT 66/2005 - REVIEW - DES RENFORD AQUATIC CENTRE - PERSONNEL MATTERS. (F2005/00920)

562 **RESOLUTION:** *(Notley-Smith/Matson)* that:

- a) *The report on the operations of the Des Renford Aquatic Centre in relation to the operational and organisational structure is accepted and the recommendations are implemented;*
- b) *That the structure, as described in the attachment to the report, be adopted.*

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

14.3 CONFIDENTIAL GENERAL MANAGER'S REPORT 67/2005 - ORGANISATIONAL STRUCTURE. (F2005/00524)

563 **RESOLUTION:** *(Notley-Smith/Matson)* that:

- a) *The structure within Governance and Financial Services be altered to create the positions of Manager, Risk Services, Coordinator OH&S and OH&S Administrative Systems Support;*
- b) *The temporary position of Senior Coordinator Risk Services and the permanent part-time position of Safety Advisor be removed from the current structure; and*
- c) *The positions of Manager, Risk Services, Coordinator OH&S and OH&S Administrative Systems Support be advertised internally and externally.*

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

15. COMMITTEE-OF-THE-WHOLE.

Nil.

16. REPORT OF COMMITTEE-OF-THE-WHOLE.

Nil.

17. NOTICE OF RESCISSION MOTIONS.

The Mayor indicated that a Rescission Motion had been submitted in relation to Item 7.2 (General Manager's Report 64/2005 - Review Des Renford Aquatic Centre).

There being no further business, His Worship the Mayor, Cr T. Seng, declared the meeting closed at 12.29am.

THE MINUTES OF THIS MEETING WERE CONFIRMED AT THE ORDINARY MEETING OF THE COUNCIL OF THE CITY OF RANDWICK HELD ON TUESDAY, 28TH FEBRUARY, 2005.

.....
CHAIRPERSON